



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

<b>Project Name:</b> SP201900008 The Miller School of Albemarle	<b>Staff:</b> Tim Padalino, AICP, Senior Planner
<b>Planning Commission Hearing:</b> December 3, 2019	<b>Board of Supervisors Hearing:</b> (TBD)
<b>Owner:</b> The Miller School of Albemarle	<b>Applicant:</b> The Miller School of Albemarle
<b>Location:</b> 1000 Samuel Miller Loop, Charlottesville, VA 22903 <b>Tax Map Parcels (TMP):</b> 07200000003200, 072000000032D0, 072000000032E0 <b>Acreage:</b> 1,047 acres (GIS) <i>(Note: the "Composite Survey of The Miller School of Albemarle," prepared by Kirk Hughes, LS and dated 2/15/1999, identifies TMP #72-32 as 1,066.46 acres)</i>	<b>Special Use Permit for:</b> "Private School" (Z.O. 10.2.2.5) <b>Conditions:</b> Yes <b>Zoning/by-right use:</b> RA Rural Areas / agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots) <b>Zoning Overlay Districts:</b> Critical Slopes; Flood Hazard <b>Requested # of Dwelling Units/Lots:</b> Zero (N/A)
<b>Magisterial District:</b> Samuel Miller	<b>School Districts:</b> Brownsville ES; Henley MS; Western Albemarle HS
<b>Proposal:</b> SP application to authorize the continuation and extension of the historic private school use, which is currently a non-conforming use. Proposal includes the renovation and expansion of an existing dormitory structure, as well as an increased maximum student enrollment of 225 students and future construction of additional structures and improvements.	<b>Comp. Plan Area:</b> Rural Area 3 <b>Comp. Plan Designation:</b> <u>Rural Areas</u> – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential uses (0.5 unit/acre in development lots).
<b>Character of Property:</b> The historic private school campus has existed since 1878; the majority of the approximately 1,047-acre subject property, which contains a portion of the Mechums River as well as the Miller Branch and other tributary streams, is undeveloped and under conservation easement.	<b>Use of Surrounding Properties:</b> Agricultural lands, undeveloped forest, and low-density residential uses; a number of conservation easements exist in the vicinity of the subject property.
<b>Factors Favorable:</b> <i>(see pp. 8-9 for details)</i> <ol style="list-style-type: none"> <li>1. The SP would bring an existing non-conforming use into permitted compliance with the Zoning Ordinance.</li> <li>2. The Concept Plan and Application would limit future development associated with the private school use to four "envelope" areas that are situated within an existing conservation easement.</li> <li>3. The continuation and limited expansion of the historic private school use is consistent with numerous recommendations in the Rural Area chapter of the Comprehensive Plan.</li> </ol>	<b>Factors Unfavorable:</b> <i>(see pp. 8-9 for details)</i> <ol style="list-style-type: none"> <li>1. New private school uses in the Rural Area are generally not compatible with the intent of the Rural Areas zoning district or the Rural Area chapter of the Comp Plan; however, this proposal is for the continuation and limited expansion of an existing use that has been in continuous operation for over 140 years.</li> <li>2. The proposal would generate additional vehicle trips on roads in the Rural Area surrounding The Miller School of Albemarle; however, the additional vehicle trips associated with the proposed increase in student enrollment are not anticipated to create any significant impacts to public road safety or level of service.</li> </ol>
<b>Recommendation:</b> Staff recommends approval of SP201900008 with conditions.	

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

Tim Padalino, AICP, Senior Planner  
December 3, 2019  
(TBD)

**SP201900008 The Miller School of Albemarle**

**PETITION:**

PROJECT: SP201900008 – The Miller School of Albemarle

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL(S): 07200000003200, 072000000032D0, 072000000032E0

LOCATION: 1000 Samuel Miller Loop, Charlottesville, VA 22903

PROPOSAL: Special Use Permit application to authorize the continuation and extension of the historic private school use, which is currently a non-conforming use. Proposal includes the renovation and expansion of an existing dormitory structure, as well as an increased maximum student enrollment of 225 students and future construction of additional structures and improvements.

PETITION: "Private school" per Section 10.2.2.5 of the Zoning Ordinance.

ZONING: RA Rural Areas – agricultural, forestal, and fishery uses; residential uses at a density of 0.5 dwelling units/acre in development lots.

ENTRANCE CORRIDOR (EC): No.

OVERLAY DISTRICT(S): Critical Slopes; Flood Hazard.

COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential uses (0.5 unit/acre in development lots).

**CHARACTER OF THE AREA:**

The subject property is comprised of one large parcel of record (TMP #72-32) and two small co-owned inheld parcels of record (TMPs #72-32D and #72-32E) which total approximately 1,047 acres. The subject property is located in "Rural Area 3" in western Albemarle County in the Samuel Miller Magisterial District, and has frontage on Miller School Road, Dick Woods Road, and Pounding Creek Road. The subject property also contains a portion of the Mechums River, as well as the Miller Branch and other tributary streams. Location Maps are provided as Attach. 1.

The subject property is zoned RA Rural Areas, and adjacent and nearby parcels are also zoned RA. This area is largely characteristic of the Rural Areas, with agricultural lands, undeveloped forest, and riparian corridors with intact, mature forest; residential development at a very low density; and narrow, winding roads. A significant number of conservation easements exist in the vicinity of the subject property.

The Miller School of Albemarle's historic school campus, dating to 1878, is the most notable feature on the subject property. There are 43 identified structures on the subject property, including three which are listed on the National Register of Historic Places: Old Main (Main Building); the Headmaster's House (Superintendent's House); and Caton Hall (Mechanical Arts Building). The majority of the subject property is undeveloped, and 637 acres are under conservation easement with the Land Trust of Virginia. The existing structures, roads, and other improvements are shown on Sheet C1.0 ("Existing Conditions Plan") and Sheet C1.4 ("Building Location Map per Conservation Easement") found on page 20 and 27, respectively, of the "Application for Special Use Permit" (dated August 19, 2019 and updated October 21, 2019) (Attach. 2).

**PLANNING AND ZONING HISTORY:**

The parcels of record included in this special use permit application have not been subject to prior legislative zoning permit actions. Accordingly, the existing private school use is a non-conforming use.

## **DETAILS OF THE PROPOSAL:**

The applicant is requesting a special use permit to authorize the continuation and extension of the historic private school use, which is currently a non-conforming use. The proposal includes the renovation and expansion of an existing dormitory structure (the Haden Hart Dorm), as well as an increase to the maximum student enrollment from 195 to 225 students and future construction of additional structures and improvements. The applicants have provided a detailed description of the existing and proposed private school use, as articulated in the "Application for Special Use Permit" (Attach. 2) dated August 19, 2019 and updated October 21, 2019.

### ***Proposed School Operations:***

The applicant's proposal includes a maximum student enrollment of 225 students. The applicant also proposes to control the proportion of commuting students and residential students housed on campus: a minimum of 60% of enrolled students would need to be residential students, and commuting students would be limited to a maximum of 40% of enrolled students.

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

The applicant's proposed uses and improvements are shown and described in the Concept Plan (Attach. 3), which is Sheet C1.1 on page 22 of the Application/Attach. 2. The Concept Plan, which shows the central portion of the subject property, depicts the existing historic school campus as well as the location of potential future structures and improvements, such as: four new school buildings located to the north of, and in general alignment with, the existing structures; new and reconfigured parking areas; new and reconfigured travelways; and new amenity spaces such as courtyards, lawn terraces, and an outdoor amphitheater. The Haden Hart Dorm, which is the site of the proposed renovation and addition, is identified on the Concept Plan as feature "Z" at the northern end of the historic school campus.

Additionally, Sheets C1.0 and C1.4 (pages 20 and 27 of the Application/Attach. 2, respectively) show the locations of four "envelopes" within the subject property that are designated for future development, as previously established through The Miller School of Albemarle's deed of gift of conservation easement with the Land Trust of Virginia. These four development envelopes include:

1. Campus Area Building Envelope (approximately 98 acres)
2. Farm Building Envelope #1 (approximately 10 acres)
3. Farm Building Envelope #2 (approximately 38.5 acres)
4. Dwelling Envelope (approximately 8.5 acres)

The aggregate total size of these four development envelopes is approximately 155 acres. This represents approximately 15% of the overall subject property, which is approximately 1,047 acres. All future development would be limited to the areas within those four envelopes; the remaining portions of the subject property would be bound by the terms of the conservation easement with the Land Trust of Virginia, as identified in the "Easement Restrictions Designed to Protect Conservation Values" contained on pages 8 – 16 of the "Miller School Baseline Documentation Report for the Deed of Gift of Conservation Easement donated to the Land Trust of Virginia." A copy of the conservation easement can be found on pages 37-126 of the file named "SP201900008 Application 2019-08-19 (5)" which is available for viewing and download [HERE](#).

Note: Staff analysis of the proposed Concept Plan / site layout and proposed private school use is contained in the "ANALYSIS OF THE SPECIAL USE PERMIT REQUEST" section of this report, beginning on page 4.

## **COMMUNITY MEETING:**

The required Community Meeting was conducted by the applicants in the Canteen at The Miller School on Wednesday, September 25, 2019. Commissioner Karen Firehock and the author of this report attended this meeting. The proposal and application materials were presented by Mr. J. Michael Drude, Head of School for The Miller School of Albemarle and Mr. Daniel C. Hyer, P.E., Engineer of Record with Line + Grade Civil Engineering. Two members of the public attended the community meeting. Although the applicant team, County representatives, and members of the public engaged in detailed conversation about the school, the property, the proposal, and the application review process, no significant issues or concerns were identified by members of the public during the community meeting.

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

***Section 33.39.(B) states that the Commission, in making its recommendation, shall consider the same factors considered by the Board of Supervisors as specified in Section 33.40.(B):***

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

The proposal will create no substantial detriment to adjacent parcels. The private school use is an existing non-conforming use, and the location and scale of the proposed expansions (both physically and operationally) are relatively minor compared to the existing private school use. Additionally, the school campus and proposed improvements are located almost exclusively in “interior” portions of the subject property and away from public roads, and therefore future development would not be expected to negatively impact or otherwise be a substantial detriment to adjacent parcels.

***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 will not change the character of adjacent parcels or the nearby area. The private school use is an existing non-conforming use, and the majority of the school campus and improvements have already been constructed during The Miller School’s previous fourteen decades of operation. Additionally, the existing conservation easement limits potential future development to areas or “envelopes” that are located almost exclusively in the “interior” of the subject property; this helps to ensure that the majority of this very large property will remain undeveloped and will continue to contribute to the scenic rural character of this area as viewed from public roads, adjacent parcels, and the nearby area.

***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 ... lands of significance for the protection of the natural environment” – As articulated throughout this report, the subject property is currently under conservation easement, which limits future development and ensures the protection of the majority of the subject property’s 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 the Application) would support and advance elements of the Comprehensive Plan. Please see page 6 of this report for a detailed staff evaluation of the proposal's consistency with the Comprehensive Plan.

Per Z.O. Section 10.1 ("RA – Rural Areas / Intent, Where Permitted"), the "Intent" of the "RA – Rural Areas district" is as follows: *"This district (hereafter referred to as RA) is hereby created and may hereafter be established by amendment of the zoning map for the following purposes:*

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

The proposal is harmonious with the intent of the Rural Areas zoning district. As articulated throughout this report, the subject property is currently under conservation easement, which limits future development and ensures the protection of the majority of the subject property's agricultural, forestal, and natural lands and scenic resources. The hundreds of acres of forest and meadows under conservation easement help to protect water quality within the Upper Mechums Water Supply Watershed. Additionally, the infrastructure and utility requirements will continue to be provided through the existing private water supply system and on-site private sewage treatment system.

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

The private school use is partially harmonious with the uses permitted by right in the RA Rural Areas zoning district. The planned improvements and expansions for the private school use, as shown in the application materials, represent a relatively small portion of The Miller School's overall development. Most of the structures and improvements have previously been established; and future development and expansion would be limited to locations within the "envelopes" identified in the Application, which helps ensure that the remaining forests, meadows, and agricultural landscapes will remain protected in an existing conservation easement.

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

There are no applicable "Supplementary Regulations" for the proposed use, per Zoning Ordinance Section 10.2.2.5.

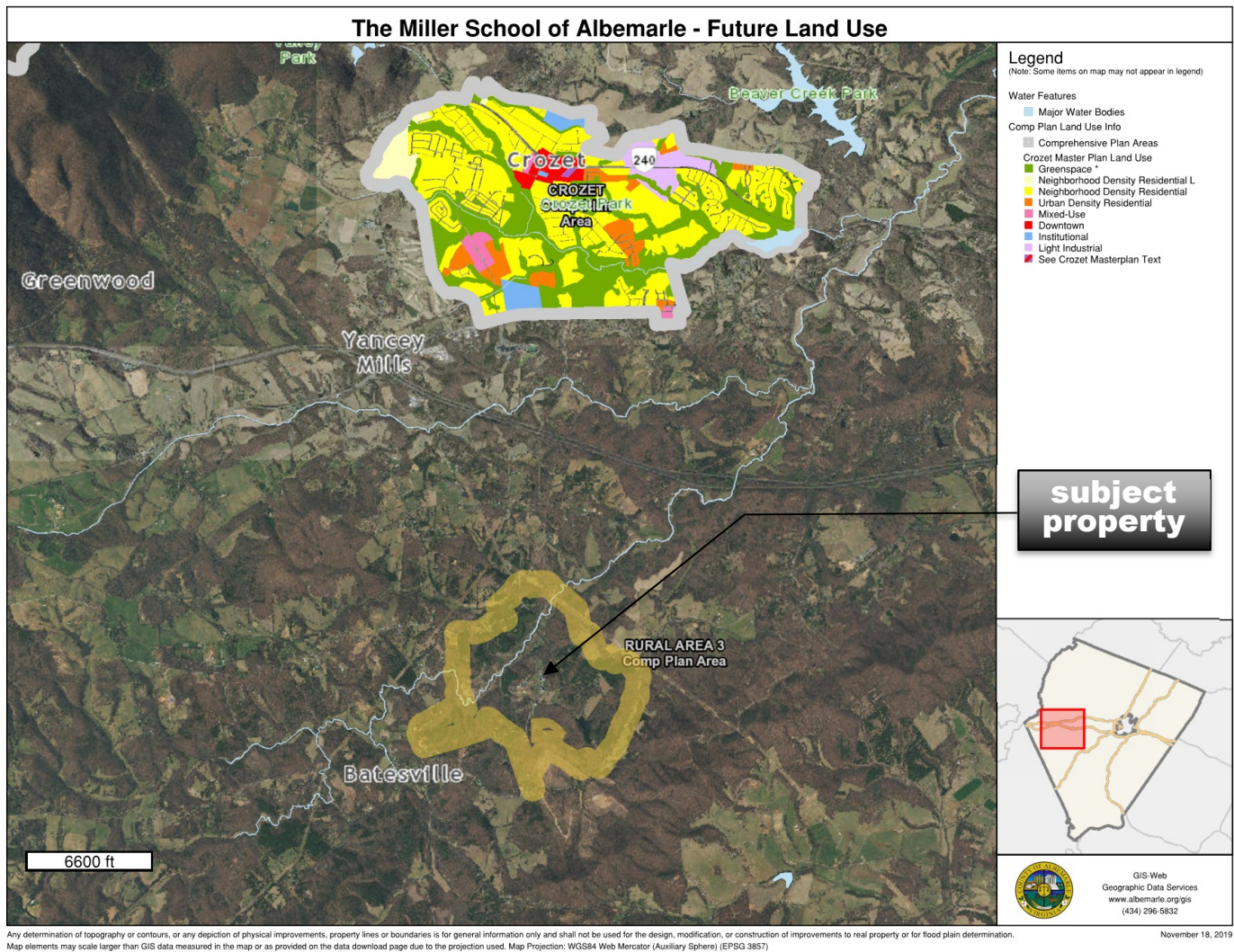
***and with the public health, safety, and general welfare.***

The proposal is harmonious with public health, safety, and welfare. Staff has identified no notable concerns related to on-site issues. The existing conservation easement guarantees perpetual stewardship of environmental resources and wildlife habitat on the majority of the subject property, and helps to ensure that public benefits will continue to be generated through the large property's naturally-occurring ecosystem services (including carbon sequestration and water resource protection). Additionally, the subject property includes running trails that are accessible to the public, which further supports public health.

Separately, staff has identified no notable concerns related to off-site issues. Regarding transportation issues, VDOT staff provided a review comment letter dated October 17, 2019 which indicates that the proposed student enrollment increase from 195 students to 225 students (with a minimum of 60% of enrolled students being residential students housed on-site) would represent approximately 35 additional vehicle trips per day, which would be a 16% increase above the existing number of vehicle trips. This increase would be expected to include 6 additional vehicle trips during the AM peak hour and another 6 additional vehicle trips during the PM peak hour. VDOT's review comments included the conclusion that "This impact will be distributed across nearby roads and intersections proportional to existing traffic volumes."



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



***Future Land Use Plan: Rural Area 3 and Crozet Development Area (GIS-Web)***

**Consistency with the Future Land Use Plan:**

The “Rural Areas” future land use designation recommends the preservation and protection of agricultural, forestal, and open space lands and natural, historic, and scenic resources, as well as residential uses at a density of 0.5 unit/acre in development lots.

This proposal is partially consistent with these recommendations, as follows: the subject property is subject to an existing conservation easement which helps to ensure that the majority of the subject property’s natural and scenic resources will be protected in perpetuity; hundreds of acres in the Samuel Miller Magisterial District will remain as open space with agricultural and forestal qualities and uses; and future development will be limited to areas or “envelopes” that are located almost exclusively in the “interior” of the subject property. Additionally, staff emphasizes the fact that this proposal relates to the continuation and expansion of an historic non-conforming use in the Rural Area, which is more consistent with applicable Future Land Use recommendations for the Rural Area than if it were a proposal to establish a new private school use on an undeveloped site in the Rural Area.

Other Comprehensive Plan Recommendations, Objectives, and Strategies:

[Comprehensive Plan – Chapter 7 (“Rural Area”)] – Staff finds that the proposal is consistent or partially consistent with the following recommendations:

“Features Expected in the Rural Area” (Page 7.3):

2. Protected natural resources, which include mountains, hills, and valleys, healthy streams and sustainable supplies of clean groundwater, and diverse, interconnected areas of viable habitat for native wildlife
3. Protected historic structures, archaeological sites, and other cultural resources
4. Rural and historic landscapes that enhance the visitor’s experience

“Criteria for Review of New Uses” (Page 7.5):

- be compatible with, and have a negligible impact, on natural, cultural, and historic resources
- not conflict with nearby agricultural and forestal uses
- be suitable for existing rural roads and result in little discernible difference in traffic patterns
- be able to operate without the need for public water and sewer
- be sustainable with available groundwater

“Objective 2: Protect and preserve natural resources, which include mountains, hills, valleys, rivers, streams, groundwater, and retain continuous and unfragmented land for agriculture, forestry, biodiversity, and natural resource protection.” (Page 7.16)

“Strategy 2d: Continue to promote conservation easements to provide a financially attractive way for landowners to protect family farms in Albemarle County and their unique open space resources, to provide an opportunity for landowners to voluntarily sell a conservation easement to a public agency to be held in trust for perpetuity, and to preserve important features of the Rural Area for all.” (Page 7.20)

“Objective 3: Protect the County’s historic, archeological, and cultural resources.” (Page 7.28)

“Objective 4: Promote rural and historic landscapes that enhance visitors’ experience and give historic sites as authentic a setting as possible. ... Agriculture, historic and scenic preservation, and the maintenance of rural character help to create authentic rural places.” (Page 7.29)

[Comprehensive Plan – Chapter 5 (“Historic, Cultural, and Scenic Resources”)] –

However, Margaret Maliszewski, Chief of Planning / Resource Management for the Community Development Department, has identified the following concerns regarding historic resources:

*“Old Main (Main Building), the Headmaster’s House (Superintendent’s House), and Caton Hall (Mechanical Arts Building) are the three buildings specifically identified in the National Register nomination. However, there appear to be additional buildings on site that contribute to the architectural and historical significance of the property, including the Haden Hart building, to which an addition is planned. Re-evaluating the site to identify additional resources that are eligible for listing and that contribute to the architectural and historical significance of the property should be done at this time, and the National Register Nomination updated. The findings of this work can help guide future decisions on use, additions and alterations. New buildings and additions and alterations to structures that are listed in and/or potentially eligible for listing in the Registers should be consistent with the organization and layout of the historic campus and its setting. Also, the design of additions, alterations and renovations to structures that are listed in and/or potentially*

*eligible for listing in the Registers should be consistent with the Secretary of the Interior's Standards."*

These recommendations for an updated National Register nomination and consistency with the Secretary of the Interior's Standards would support and advance the following recommendations in Chapter 5 ("Historic, Cultural, and Scenic Resources") of the Comprehensive Plan:

- "Objective 1: Continue to identify and recognize the value of buildings, structures, landscapes, sites, and districts that have historical, architectural, archaeological, or cultural significance." (Page 5.7)
- "Objective 2: Pursue additional protection measures and incentives to preserve Albemarle's historic and archaeological resources in order to foster pride in the County and maintain the County's character. ...a combination of strategies is necessary, including...regulation." (Page 5.8)

### **SUMMARY:**

The interdivisional review of this proposal has resulted in staff identifying the following favorable and unfavorable factors (below).

#### **Factors favorable to this request include:**

1. **(Zoning Compliance):** The SP would bring an existing, non-conforming use into permitted compliance with applicable Zoning Ordinance regulations.
2. **(Continuation and Expansion Limited by Conservation Easement):** The Concept Plan and Application would limit future development associated with the private school use to four "envelope" areas that are situated within an existing conservation easement held by the Land Trust of Virginia, which ensures the perpetual stewardship of natural and scenic resources on the majority of the large subject property.
3. **(Consistency with Comprehensive Plan):** The proposed continuation and limited expansion of the historic private school use is consistent with multiple recommendations in the Rural Area chapter of the Comprehensive Plan, as described in this report.

#### **Factors unfavorable to this request include:**

1. **(Development in Rural Areas):** New private school uses in the Rural Area are generally not compatible with the intent of the Rural Areas zoning district or with the recommendations contained in the Rural Area chapter of the Comprehensive Plan.  
  
However, this request relates to the proposed continuation and limited expansion of an existing use that has been in continuous operation for over 140 years.
2. **(Transportation Impacts):** An increase in student enrollment would generate additional vehicle trips on Miller School Road, Dick Woods Road, and other roads in the Rural Area surrounding The Miller School of Albemarle.  
  
However, the additional vehicle trips associated with the proposed increase in student enrollment are not anticipated to create any significant impacts to public road safety or level of service.

### **RECOMMENDED ACTION – SP201900008:**

Based on the findings described in this report and factors identified as favorable, **staff recommends approval of the special use permit SP201900008 with the following conditions** (below).



**Recommended Conditions of Approval for SP201900008:**

1. Development and use of the subject property for the private school special use shall be in general accord with the conceptual plan titled "Concept Plan" (Sheet C1.1 / page 22 of the Application) prepared by Line + Grade Civil Engineering and dated October 21, 2019 (hereafter "Concept Plan"), as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Concept Plan, development and use of the subject property for the private school special use shall generally reflect the following major elements within the development essential to the design of the development, as shown on the Concept Plan:
  - a. location of buildings and structures, including but not limited to the proposed sequence and arrangement of new structures (labeled as "U") and new courtyards (labeled as "M") within the existing historic school campus
  - b. location of parking areas
  - c. location of roads and travelways

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

2. Subject to review and approval by the Director of Community Development or his/her designee(s), one or more additional permanent accessory structures not shown on the Concept Plan are permissible, provided that they are determined to not be in conflict with conditions 1, 5, or 6, and provided that each such accessory structure and associated land disturbance is located entirely within the Campus Area Building Envelope, Farm Building Envelope #1, Farm Building Envelope #2, or Dwelling Envelope as shown on the Application exhibits titled "Existing Conditions Plan" (Sheet C1.0 / Page 20 of the Application) and "Building Location Map Per Conservation Easement" (Sheet C1.4 / Page 27 of the Application).

However, this condition shall not prohibit or limit development or land disturbance for uses permissible by right anywhere on the subject property.

3. Maximum student enrollment is 225 students.
4. A minimum of 60% of the total student enrollment in any academic year shall be residential students, and a maximum of 40% of the total student enrollment in any academic year may be commuting students.
5. The National Register of Historic Places nomination must be updated to address the entire subject property. Virginia Board of Historic Resources and State Review Board approval of the updated nomination must be received prior to the next building permit approval following the Haden Hart addition.
6. All additions, alterations, or renovations to existing structures that are listed or eligible to be listed on the National Register of Historic Places, and to the Haden Hart building, shall meet the Secretary of the Interior's Standards as determined by the Virginia Department of Historic Resources or the Director of Planning or his/her designee.

**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 SP201900008 for "The Miller School of Albemarle" with the conditions outlined in the staff report.

- B. Should the Planning Commission **choose to recommend denial** of this special use permit:  
I move to recommend denial of SP201900008 for “The Miller School of Albemarle” for (state reasons for denial).

**ATTACHMENTS:**

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- 1 – Location Maps
- 2 – Application for Special Use Permit (“Application”) (*dated 8/19/2019; updated 10/21/2019*)
- 3 – Concept Plan (*Sheet C1.1 / page 22 of the Application*)