



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Proposal: SP202100012 Education Transformation Centre	Staff: Mariah Gleason, Senior Planner II
Planning Commission Public Hearing: November 9, 2021	Board of Supervisors Hearing: December 15, 2021
Owner: Community Bridge LLC	Applicant: Dr. Dolores Carr, Education Transformation Centre
Acreage: 3.28 acres	Special Use Permit for: Private schools use under Zoning Ordinance 18-10.2.2(5)
TMP: 04500-00-00-031D0 Location: 2001 Earlysville Rd, Earlysville, VA 22936	By-right use: RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Rio	Conditions: Yes EC: No
Proposal: Request for private school use in an existing building on a 3.28-acre parcel.	Requested # of Dwelling Units: None
DA: RA: X	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
Character of Property: The property consists of a 9,956 square foot, two-story brick building that is used for religious assembly. The parcel slopes gently downwards to abut the South Fork Rivanna River Reservoir along its southern and eastern property edges. In addition to the building, the parcel contains parking and clear, mowed areas in its center with the tree-lined and wooded areas along the property edges. Wooded areas contain a mix of evergreen and deciduous species and are most dense along the reservoir and the northern property line.	Use of Surrounding Properties: Surrounding properties are zoned for Rural Area uses. Abutting properties to the north and west are developed as rural area residences which are generally set back from Earlysville Road and separated from the road by wooded areas. The South Fork Rivanna River Reservoir abuts the property to the south and east.
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed use will support education systems and students in and around Albemarle County. 2. The proposed use will not create substantial detriment to adjacent properties. 3. The proposed use is consistent with the character of the nearby area. 4. The proposed use is consistent with the purpose and intent of the Rural Area zoning district. 5. The proposed use is consistent with the recommendations of the Comprehensive Plan. 	Factors Unfavorable: None Identified
Recommendation: Staff recommend approval of SP202100012 Education Transformation Centre with conditions.	

STAFF PERSON: Mariah Gleason, Senior Planner II
PLANNING COMMISSION: November 9, 2021
BOARD OF SUPERVISORS: December 15, 2021

PETITION:

PROJECT: SP202100012 Education Transformation Centre

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000031D0

LOCATION: 2001 Earlysville Rd, Earlysville, VA 22936

PROPOSAL: Request approval for private school uses in an existing building on a 3.28-acre parcel.

PETITION: Private schools are allowed by special use permit under Section 10.2.2(5) of the Zoning Ordinance. No dwelling units proposed.

ZONING: RA, Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICT: AIA - Airport Impact Area; FH - Flood Hazard Overlay District

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots) within Rural Area 1 of the Comprehensive Plan.

CHARACTER OF SURROUNDING AREA:

Surrounding properties are zoned for Rural Area uses. Properties north and west of the subject property are developed as rural area residences which are generally set back from Earlysville Road and separated from the road by dense wooded areas. Only one residence, located directly across Earlysville Road, seems to be clearly visible from the subject property. The South Fork Rivanna River Reservoir abuts the property to the south and east.

Attachment 1 provides an aerial map of the subject property and surrounding areas.

PLANNING AND ZONING HISTORY:

- SDP198000027 Monticello Wesleyan Church
 - On May 27, 1980, the Planning Commission approved a site plan for the phased development of a church building and associated parking.
- VA198300075 – On November 15, 1983, the Board of Zoning Appeals approved a variance to allow a sign within 50 feet of the property line (a variance of 25 feet).
- VA198400033 – On June 12, 1984, the Board of Zoning Appeals denied a variance to allow a sign within 3 feet of the property line (a variance of 72 feet).
- SDP198800069 Monticello Wesleyan Church Site Plan Amendment
 - On October 27, 1988, a site plan amendment approved a two-story, 4,408 square feet addition to the existing church building. The resulting building area was total of 9,956 square feet. No additional parking was needed.
- SP199700023 Rivanna Rowing, Inc.
 - On August 13, 1997, the Albemarle County Board of Supervisors denied a special use permit request for a private rowing club on the Rivanna Reservoir and a floating dock on the subject property. Denial was based on the Board’s determination that the reservoir’s use as a public water supply could be negatively affected by this level of recreational use.
- SP201600020 Cornerstone Community Church Addition
 - On October 12, 2016 the Albemarle County Board of Supervisors approved a special use permit to expand the existing church building from 180 to 250 seats, by adding 8,800 square feet of internal space, increasing the external footprint by

4,250 square feet, and adding additional parking. The approval included a condition whereby the approved use would expire if the use, structure, or activity approved by this special use permit did not commence by October 12, 2019. Zoning staff have confirmed that the approved use did not commence; thus, the permit is abandoned.

DETAILS OF THE PROPOSAL:

The applicant, Education Transformation Centre (ETC), is requesting a special use permit to allow private school uses in an existing building on a 3.28-acre Rural Area property. The existing building on the parcel has been used for religious assemblies since the early 1980s and is currently in use by Evergreen Ministries.

As stated in the applicant's Project Narrative, contained in Attachment 2, ETC is a non-profit alternative education/tutoring program. The program offers an alternative, supplemental education program to high-school, and occasionally middle-school, students that have been suspended for behavioral issues, and are facing the prospect of long-term expulsion. Individual students are enrolled for six weeks.

To accommodate the program, the applicant is proposing to use a portion of the existing building to serve up to 24 students at a time, Monday through Friday from 8:00am-3:30pm. The proposed private school use will be staffed by a maximum of seven staff members. Staff's hours will be 7:30am-4:00pm.

While the proposed private school use will primarily take place indoors, the program hopes to use outdoor areas for outdoor classes, social events, counseling, and recreation. These activities will utilize existing spaces and equipment. In which case, no site plan amendment will be necessary to accommodate these proposed activities.

COMMUNITY MEETING:

In light of COVID-19, community input on this project was solicited through several means including phone, email, and a virtual community meeting held via Zoom. The virtual community meeting was held at 6:00pm on Thursday, August 26, 2021 as part of a Places29 Rio Community Advisory Committee meeting. Mailed letters were sent to twenty-nine (29) surrounding property owners inviting them to participate in the meeting and share comments, concerns, and questions. A recording of the virtual community meeting is available via the County calendar and Albemarle County's YouTube account.

Comments and questions from community members covered a range of topics including the number of students in the program, their range of grade levels served, participating school districts, how students will be transported to the program, program hours, outdoor facilities, the potential for program expansion, and others.

Overall, no concerns were identified with the proposal and comments were generally supportive. No comments or concerns from the public were received by staff outside of the community meeting.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:

Special Use Permits are evaluated under reasonable standards, based on zoning principles which includes the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions and those conditions must be reasonably related and roughly proportional to the impacts.

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.

Traffic

A study submitted by the applicant, contained in Attachment 3, demonstrates a need for a left-turn lane at the existing entrance to the subject property on the southbound approach of Earlysville Road. While the report concludes that a left turn-lane is warranted, it includes several reasons why a turn-lane should not be required in this location, among them being:

- The left turn-lane is warranted by the existing mainline Earlysville Road approaching and opposing traffic volumes, not the southbound left turning volumes. Specifically, the report notes that the proposed use is anticipated to generate four (4) left turns during morning peak hours of traffic and three (3) left turns during the evening peak traffic hours, which are both minimal in volume.
- An operational analysis found that site-generated traffic would have minimal impact on mainline delay and no queuing impacts.
- A review of crash data indicated a limited number of crashes associated with the current site intersection/entrance and no obvious pattern of crash history that would suggest certain improvements are needed in this location.
- The left turn-lane is only warranted based on traffic levels during peak evening hours of travel, not morning or daily hours of travel.

This study was reviewed by VDOT and Transportation Planning staff. No concerns were identified with the report's conclusions or justifications listed above. In addition, VDOT reviewed and approved a design waiver relieving the applicant of the otherwise required construction of a southbound left turn-lane. VDOT's approval was based on the low volume of left turns expected by the addition of the proposed private school use. Based on the review of County staff and partner agencies, specifically VDOT, staff does not find a left turn-lane necessary to support the addition of the proposed use on the subject property.

Regarding daily operation of the proposed use, students participating in the program will be transported to and from the proposed private school by their home school and school districts. In conversations with the applicant, full-length buses have not been, nor are expected to be, used for transporting students. Instead, home schools will most likely continue to use cars and vans, including 8-person passenger vehicles, to drop off and pick up the limited number of students.

The program does not allow students to transport themselves or use personal vehicles for transportation. County staff support this aspect of the program as it will reduce individual vehicular trips, in favor of group travel, limit the total volume of traffic created by the proposed use, reduce the number of new and inexperienced drivers turning in and out of the subject property, and also reduce parking needs on the subject property.

Private school staff are anticipated to transport themselves to and from the subject property. Based on the number of staff members proposed (e.g. seven), existing parking areas on the property are sufficient to accommodate staff parking needs as well as any field trip vehicles that the private school may have occasion to use.

As such, staff find that traffic associated with the proposed private school use will not create substantial detriment to adjacent parcels.

Sound/Visual

The proposed private school use will primarily take place indoors, with the exception of associated outdoor activities, including outdoor classes, counseling, social events, and recreation. As mentioned above in the description of the proposal, outdoor activities will utilize existing facilities and do not propose any permanent additions or changes to the site. Proposed outdoor activity areas are located away from abutting residential properties, in existing lawn and parking areas east and south of the existing building.

The applicant has indicated that outdoor amplification systems and devices will not be used as part of the private school use. In any case, the proposed use will be required to abide by Section 4.18 of the zoning ordinance which regulates maximum sound levels for "Rural Areas and Residential". Should sound generated by this use exceed the maximum noise levels permitted on the property, adjacent property owners would be protected by this ordinance provision. Therefore, staff find that sound associated with the proposed private school use will not create substantial detriment to adjacent parcels.

Also, as proposed outdoor activity areas are not highly visible from abutting properties, due to landscaping and area topography, and no external changes are proposed, staff find that visual impacts associated with the proposed use will not create substantial detriment to adjacent parcels.

To preserve the findings contained in the evaluation of this Factor, staff recommend Conditions #1, #2, and #3, regarding the extent, size, and transportation aspects of the proposed private school use, to ensure that no substantial detriment to adjacent parcels is created by the proposed use.

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.*

In addition to the findings contained in Factor #1 above and in order to maintain quiet and serene evening hours that are commonly associated with rural areas, staff recommend Condition #4, to limit the normal hours of operation of the private school use to 7:30am to 4:00pm, Monday through Friday.

With this condition, staff find that the character of the adjacent parcels and nearby area will not be changed by the proposed private school use.

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

Albemarle County Code states that the purpose and intent of the Rural Area (RA) zoning district is the 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 proposed private school use is consistent with the purpose and intent of the Rural Area and the applicant's proposal to utilize an existing building complements the purpose and intent of this chapter by offering an additional, but limited, amenity to the County without conflicting with or negatively impacting natural resources.

Staff recommend Conditions #1 and #2 to preserve the extent and size of the proposed use to ensure the private school use remains in harmony with the purpose and intent of the RA zoning district.

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

The subject property and surrounding properties are zoned Rural Areas. The addition of the proposed private school use will not restrict current or other by-right uses available on surrounding properties.

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

There are no supplementary regulations for private school uses.

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

Based on traffic-related findings discussed in Factor #1 above, staff recommend Conditions #3 and #4, regarding student transportation and hours of operation, to ensure that traffic impacts associated with the proposed use will not be a detriment to public health, safety, or general welfare.

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

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates this parcel, TMP 45-31D, for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also to allow residential uses at a density of up to 0.5 acres per dwelling unit. The Comprehensive Plan does not specifically address schools located in the Rural Areas, however staff find the proposed private school use to be consistent with the intent of Rural Areas in the following ways: supporting education, providing a resource for County residents, neither contributing to nor enabling the suburbanization of land in the Rural Areas, being complimentary of other uses in the Rural Area.

SUMMARY:

Staff find the following factors favorable to this request:

1. The proposed use will support education systems and students in and around Albemarle County.
2. The proposed use will not create substantial detriment to adjacent properties.
3. The proposed use is consistent with the character of the nearby area.
4. The proposed use is consistent with the purpose and intent of the Rural Area zoning district.
5. The proposed use is consistent with the recommendations of the Comprehensive Plan.

Staff find the following factors unfavorable to this request: None identified

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommend approval of SP202100012 with the following conditions:

CONDITIONS:

1. The private school use must primarily take place indoors, except for associated outdoor activities.
2. Maximum student enrollment for the private school use cannot exceed 24 students.

3. Students enrolled in the private school are not permitted to transport themselves in private vehicles.
4. Normal hours of operation for the private school use are limited to 7:30am to 4:00pm, Monday through Friday. No weekend or evening events associated with this use are permitted.

ATTACHMENTS

Attach. 1: [SP2021-12: Education Transformation Center Vicinity Map](#)

Attach. 2: [SP2021-12: Education Transformation Center Project Narrative](#)

Attach. 3: [SP2021-12: Education Transformation Center Turn-Lane Warrant Analysis, dated April 13, 2021](#)