



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202200032 The Miller School	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: June 13, 2023	Board of Supervisors Hearing: TBD
Owner(s): The Miller School of Albemarle	Applicant(s): The Miller School of Albemarle, Daniel Hyer, PE Line+Grade
Acreage: approximately 1,047	Special Use Permit for: Private School Section 10.2.2.5 of the Zoning Ordinance.
TMP: 07200000003200, 072000000032D0, 072000000032E0	Location: 1000 Samuel Miller Loop Magisterial District: Samuel Miller
School District: Brownsville Elementary, Henley Middle, Western Albemarle High	By-right use: RA- Agricultural, forestal and fishery uses; residential density (0.5 unit/acre in development lots)
Proposal: Request for continuation and expansion of private school up to 500 students.	Comp. Plan Designation: Rural Area
Character of Property: Historic private school campus established in 1878; majority of the parcel is undeveloped and under conservation easement.	Use of Surrounding Properties: Agricultural uses, forest, and low density residential; a number of properties under conservation easements.
Positive Aspects: <ol style="list-style-type: none"> 1. Approval of the special use permit would bring an existing, non-conforming use into compliance with applicable Zoning Ordinance regulations. 2. The concept plan limits future development associated with the private school use to areas that are situated outside 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. 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. 	Concerns: <ol style="list-style-type: none"> 1. New private school uses in the Rural Area are generally not compatible with 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. An increase in student enrollment would generate some additional vehicle trips on surrounding roads. 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.
Recommendation: Staff recommends approval of the special use permit with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Rebecca Ragsdale, Planning Manager
June 13, 2023
To be scheduled

PETITIONS

PROJECT: SP202200032 – 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 expansion 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 a phased approach to increasing maximum student enrollment to 300 students then ultimately to 500 students, along with 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

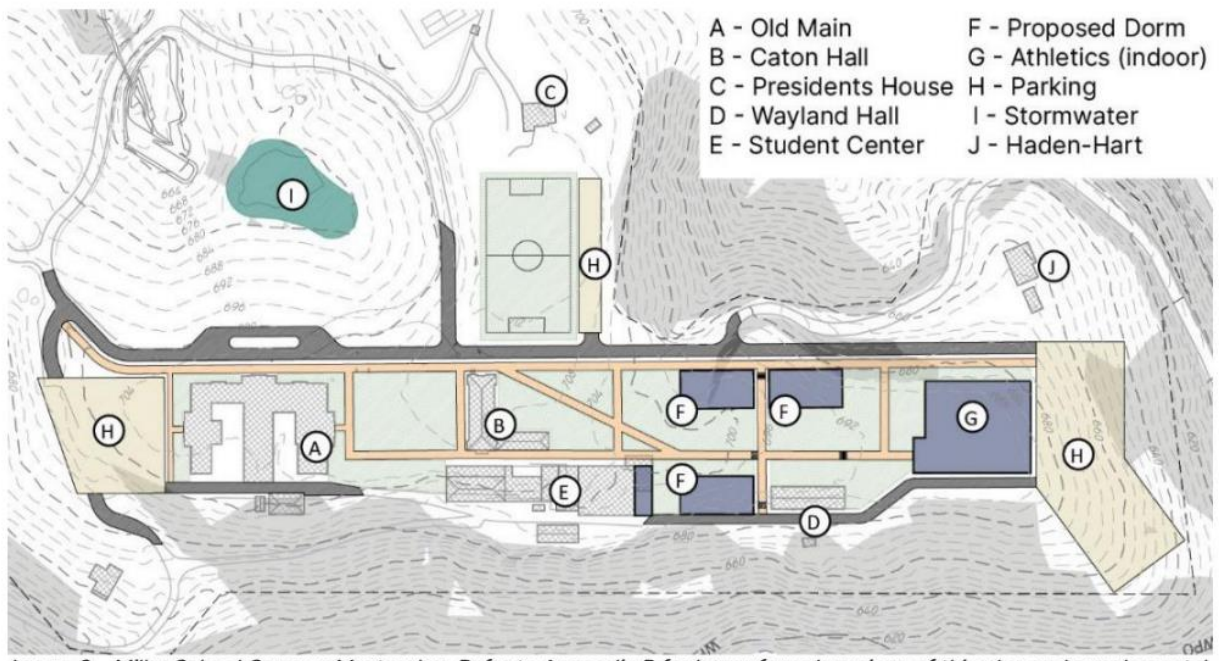
The school site is comprised of several properties which total approximately 1,047 acres. The subject property is located with frontage on Miller School Road, Dick Woods Road, and Pounding Creek Road. The property contains a portion of the Mechums River, as well as the Miller Branch and other tributary streams. It 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. (Attachment 1-Location Map)

PLANNING AND ZONING HISTORY:

The existing private school is a non-conforming use. The school previously applied for a special use permit (SP201900008) request of up to 225 students. Public hearings were held at the Planning Commission and Board of Supervisors. The applicants deferred that application and it was eventually withdrawn, prior to action by the Board. Since that time, the school has completed a detailed master planning process that resulted in the new special use permit currently under review.

APPLICANT’S REQUEST:

The applicant is requesting a special use permit to authorize the continuation and expansion of the historic private school use, which is currently a non-conforming use. Expansion is expected to occur in two phases, with initial growth of the school to 300 students, including the addition of K-7th grade students. Of those students, the applicant estimates an average of 200 day students, with 100 boarding students. The first phase is expected to involve renovation of existing facilities and construction of one new dormitory. In the long term, the school proposes growth of up to 500 students, including several additional new buildings and supporting parking. Of those students, the applicant estimates 300 day students and 200 boarding students. New buildings and parking would occur in the existing campus envelope and the majority of the property will remain under conservation easement. The proposed location and arrangement of improvements is shown on the inset below. A detailed project description is provided as Attachment 2 and a concept plan is provided as Attachment 3.



COMMUNITY MEETING:

A community meeting on the project was held February 20, 2023 at The Miller School. It was attended by approximately 8 community members, in addition to the applicant’s representative, school staff, and county staff. Generally, those in attendance did not have objections to the request. However, questions and concerns expressed were primarily related to additional traffic and if a turn-lane would be necessary with the proposed future increase in enrollment.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

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

No substantial detriment. There will be no substantial detriment to adjacent parcels.

The private school use is an existing non-conforming use, and the location and scale of the proposed expansion (both physically and operationally) will be similar to the existing buildings. The school campus and proposed improvements are located almost exclusively in "interior" portions of the 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.

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

The proposal will not change the character of adjacent parcels or the nearby area. 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.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter.

Section 18, Chapter 10 of the Zoning Ordinance outlines the purpose of Rural Areas zoning district 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 resource***

The proposal is harmonious with the intent of the Rural Areas zoning district. As mentioned 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 planned improvements and expansions for the private school, 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 regulations in Section 5 for private schools.

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

Traffic

There are four existing entrances to the property. The primary entrance was improved in 2012 and receives all student drop-off traffic. The applicant has provided traffic generation estimates along with turn lane analysis. VDOT has not indicated any concerns with additional traffic. The analysis indicates no left turn lanes would be warranted.

Water and Sewer

As a growth management tool, public water and sewer is not provided in the Rural Area and an expectation exists that new uses should not create a need for either public water and sewer nor a central water or sewer system. This policy exists to help prevent the Rural Area from massive residential development and commercial development. There are exceptions to the rule concerning central water and sewer systems. In some cases, a central water or sewer system is necessary, such as with existing public schools in the Rural Area. All new structures would be served by private water and sewer. Based on the number of structures proposed at the Miller School, a central system would need to be approved by the Board of Supervisors. That request has not been made at this time and well and septic are not fully designed. If the special use permit is approved, that request could be processed with the site plan.

Reviewers from Zoning, Engineering, Fire-Rescue, Health Department, and VDOT have all reviewed the request and have no objections to the proposed use and site layout. This use is not expected to cause harm to the public health, safety, and general welfare. Engineering has provided comments including labeling updates to the concept plan and comments that can be addressed when Water Protection Ordinance and site plans are under review. No critical slopes disturbance is proposed, as indicated by a note on the application plan. If any disturbance is proposed at the time of site plan review, that would require approval of a special exception by the Board of Supervisors.

Consistency with the Comprehensive Plan.

The Comp Plan shows this area as Rural Area. The designation includes as primary uses: preserve and protect agricultural, forestall, open space, and natural, historic and scenic resources, along with specific strategies and objectives discussed below.

Objective 6: Retain and improve land cover near rivers and streams and protect wetlands.

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.

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."

The property is subject to an existing conservation easement which helps to ensure that the majority of the property' s natural and scenic resources will be protected in perpetuity. Hundreds

of acres 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. The proposal would continue and expand a non-conforming use in the Rural Area. Continuing an existing use is more consistent with the Rural Area objectives than establishing a new private school use on an undeveloped site in the Rural Area.

Objective 1: Continue to identify and recognize the value of buildings, structures, landscapes, sites, and districts and the historical, architectural, archaeological, or cultural significance.

Strategy 2b: Continue to find ways for preservation of historic structures and sites to be financially viable for property owners. Rehabilitation, restoration, and maintenance of historic structures can be costly. These high costs combined with limited options for using historic properties, particularly in the Rural Areas where the majority of the County's historic buildings are located, threaten these valuable resources. A greater variety of allowable uses for historic buildings and sites could encourage historic property owners to spend the money required to maintain, rehabilitate and restore these buildings. Objective 5 in the Rural Area Chapter provides guidance for use of restaurants and artist residencies in the Rural Area. Additional uses that can be accommodated in older buildings and sites while maintaining conformity with Rural Area goals, objectives, and strategies should be considered.

Objective 3: Protect the County's historic, archeological, and cultural resources."

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.

Virginia Department of Historic Resources staff have commented that the Miller School is one of the finest private school designs in Virginia. The Miller School was voluntarily listed in the Virginia Landmarks Register and the National Register of Historic Places in 1973-74, and the school has voluntarily retained and maintained Old Main, Caton Hall and the Headmaster's House, as well as many other buildings on campus that are 50 years old or older. Listing in the registers is honorary. Listing provides no protection for the resources. The applicant's proposal indicates that additions to existing buildings are not currently planned. Not constructing additions on historic buildings can help maintain the integrity of the historic resource. The proposed concept of harmonizing the size and orientation of new buildings with the linear arrangement of the existing campus is appropriate. A condition of approval is recommended so that the property must be developed in general accord with the concept plan, including the size and orientation of new buildings.

Although encouraged, but not recommended as a condition of approval, staff believes an update to the National Register nomination would establish a more inclusive history for the school and clarify which buildings are considered contributing/non-contributing. That information, in turn, could assist with school planning and determinations regarding appropriate treatments of existing buildings.

The proposal was informally reviewed by VDHR staff who indicated:

The proposed concepts appear to respect the historic contributing buildings and the overall concept is a thoughtful evolution that will support the longevity of the Miller School and its educational mission. I do not think the current concepts will have a negative impact on the historic listing. All three contributing buildings will remain contributing if the work follows these concepts.

SUMMARY:

Staff has identified several positive aspects of the proposal and recommends approval.

Positive aspects of this request include:

1. Approval of the special use permit would bring an existing, non-conforming use into compliance with applicable Zoning Ordinance regulations.
2. The concept plan limits future development associated with the private school use to areas that are situated outside 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. 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.

Concerns associated with this request include:

1. New private school uses in the Rural Area are generally not compatible with 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. An increase in student enrollment would generate some additional vehicle trips on surrounding roads. 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:

Staff recommends approval of the special use permit with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Concept Plan" prepared by Line+Grade and dated May 1, 2023, as determined by the Director of Planning and the 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 and described in the Narrative:
 - a. location of buildings and structures, including their arrangement
 - b. location of parking areas
 - c. Limits of disturbance
 - d. Location of roads and travelways
2. Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

3. Maximum enrollment is limited to 500 students.
4. A minimum of 40% of enrollment in any academic year must be residential students.

ATTACHMENTS

1. [Location Map](#)
2. [Application Narrative](#)
3. [Concept Plan](#)