

# COUNTY OF YORK

## MEMORANDUM

**DATE:** August 19, 2016 (BOS Mtg. 9/20/16)  
**TO:** York County Board of Supervisors  
**FROM:** Neil A. Morgan, County Administrator   
**SUBJECT:** Application No. UP-876-16, Millwood, LLC

### ISSUE

This application requests a Special Use Permit, pursuant to Section 24.1-306 (Category 6, No. 2b) of the Zoning Ordinance, to authorize the establishment of a private school serving grades K through 12 on a 1.95-acre parcel of land located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11.

### DESCRIPTION

- Property Owner: Hugh A. West
- Location: 116 Palace Lane (Route 690)
- Area: Approximately 1.95 acres
- Frontage: Approximately 194 feet on Palace Lane
- Utilities: Public water and sewer
- Topography: Flat
- 2035 Land Use Map Designation: General Business
- Zoning Classification: LB – Limited Business
- Existing Development: Vacant building previously used as a private school
- Surrounding Development:
  - North: Single-family detached homes (Greensprings subdivision)
  - East: Small office building and Palace Plaza Shops
  - South: Ascension of Our Lord Byzantine Catholic Church and a Best Western Hotel (across a 40' right-of-way parcel)
  - West: Four-story office building
- Proposed Development: Private school serving grades K through 12

## **BACKGROUND**

According to County Assessor's records, the existing building on the property was constructed in 1960. This property was included in a 3.84-acre conditional rezoning application in 1987 (Application No. 87-23C), when the zoning was changed from R-12 (Single-family residential) to OPR (Office/Professional/Research) subject to voluntarily proffered conditions restricting use of the property to a funeral home (Ordinance No. O87-37). The zoning of the property was changed to LB (Limited Business) as part of a County-wide zoning update in 1995.

In 2002, the Board approved concurrent rezoning and Special Use Permit (SUP) applications (Application Nos. ZM-64-02 and UP-591-02) to amend the previous proffers by expanding the range of allowable LB uses on the property to include, among other uses, private schools (Ordinance No 02-2) and approving the establishment of a private school on the site [Resolution No. R02-14(R)]. A SUP approval condition limited school enrollment to 111 students. A site plan addressing needed access improvements was approved and implemented following the rezoning and SUP approvals.

In 2005, the Board approved a SUP (UP-667-05) to allow an increase in maximum school enrollment from 111 to 140 students (Resolution No. R05-113). The school eventually outgrew the site and moved to another location in 2009. Since the property has been vacant for more than two years, the previous use permit approval has expired.

According to the current applicant's narrative, the applicant, Millwood, LLC is the contract purchaser of the property and will be leasing the property to the Covenant Christian School. The school previously operated at a site in the City of Williamsburg.

## **CONSIDERATIONS/CONCLUSIONS**

1. The subject property is surrounded by a mix of commercial and residential uses, including an office building to the west, the Greensprings residential subdivision to the north, a church and hotel to the south, and a small office building (converted single-family detached home) and shopping center across Palace Lane. Areas to the rear of the building previously used as playgrounds are surrounded by fencing, and opaque wooden fencing and mature evergreen trees exist along the property line adjoining the residential subdivision.
2. The school does not provide transportation; students are driven to and from school by their parents. According to the applicant's narrative, students would be dropped off between 8:00 and 8:10 in the morning and picked up between 3:15 and 3:30 in the afternoon. The school has two access points – a one-way entrance and a one-way exit on Palace Lane, which runs between Bypass Road (Route 60) and Caran Road. During the review of the 2002 use permit application for a private school, concerns were expressed about the possible use of Caran Road, which is a local subdivision street, by non-residential traffic. In response, the school established a policy requiring all student drop-off and pick-up trips to be made via Palace Lane from Bypass Road. The approving resolution for the use permit included a condition requiring the school to adopt and enforce this policy as well as an additional

condition requiring the school to establish appropriate circulation controls – such as turn restrictions and/or one-way limitations – at the two entrances to minimize the potential for school-related traffic to use Caran Road. The current applicant has indicated that the proposed school will adopt a similar policy. A proposed approval condition addresses this issue.

3. The applicant is requesting approval for a maximum enrollment of 100 students. A traffic impact analysis is typically required for any proposed development that would generate over 1,000 trips per day or over 100 trips in either the AM or PM peak hour. Since the school closes at 3:30 PM, there would be no PM peak-hour trips. According to the Institute of Transportation Engineers (ITE) *Trip Generation* manual (8<sup>th</sup> edition), a school with a maximum enrollment of 100 students would generate an average of 81 AM peak-hour trips; therefore, no traffic study is required. The warrant for a traffic study would be met if enrollment were to reach 124. A proposed approval condition would limit the maximum enrollment to 100 students.
4. The applicant's agent has indicated that no exterior changes to the existing vacant school building are proposed, and property improvements would be limited to parking lot repairs and some landscaping improvements. A proposed approval condition addresses needed parking lot repairs.

### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its August 10 meeting and, subsequent to conducting a public hearing at which only the applicant's agent spoke, voted 6:0 (Mr. Peterman absent) to recommend approval.

### **COUNTY ADMINISTRATOR RECOMMENDATION**

Notwithstanding concerns expressed by staff in 2002 about the location of the playground across the street from a residential area, Providence Classical School operated at this location for several years with no complaints from neighbors or reports of any adverse impacts on neighboring residential properties. Opening a private school on the property would re-establish a use that has already proven to be compatible with the surrounding area. The proposed enrollment limitation would represent a decrease of 40 students compared to the previous school, which would result in less traffic generation from the site. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve the application subject to the conditions contained in proposed Resolution R16-104.

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Attachments:

- Planning Commission minutes excerpts, August 10, 2016
- Zoning Map

York County Board of Supervisors

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- Vicinity Map
- Applicant's narrative
- Approved site plan dated July 11, 2002
- Proposed Resolution R16-104

## Excerpts

### York County Planning Commission Minutes

August 10, 2016

**Application No. UP-876-16, Millwood LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 5, No. 2b) of the York County Zoning Ordinance, to authorize the establishment of a private school serving grades K - 12 on a 1.9-acre parcel of land located at 116 Palace Lane (Route 690). The property, located approximately 750 feet north of the intersection of Palace Lane and Bypass Road (Route 60) and further identified as Assessor's Parcel 9-11, is zoned LB (Limited Business) and designated for Limited Business development in the Comprehensive Plan.

**Amy Parker, Senior Planner,** summarized the staff report for Application No. UP-876-16, dated July 29, 2016, stating that staff recommends the Commission forward the application to the Board of Supervisors with a recommendation of approval subject to the conditions set forth in proposed Resolution No. PC16-15.

**Mr. Myer** asked about Condition No. 4 in the proposed resolution pertaining to the school's policies for dropping off and picking up students. He asked if this was one of the Special Use Permit conditions for the school that previously operated in this building.

**Ms. Parker** responded that it is and that the school indicated in its narrative that it planned to implement the same policy.

**Chair Brazelton** asked if there are any proposed conditions related to signage.

**Ms. Parker** responded that the applicant would have to follow the standard signage requirements for the Limited Business zoning district.

**Chair Brazelton** asked if the applicants have given any indication as to what type of sign will be built.

**Ms. Parker** responded that they have not.

**Chair Brazelton** opened the public hearing.

**Vernon Geddy**, 1117 Jamestown Road, spoke as the applicant's representative, stating that he is the attorney for Covenant Christian School. He introduced the property owner, Hugh West, and representatives from Covenant Christian School. He thanked Ms. Parker for her work on the application and stated that he supports the staff's recommendation. He stated that the school is an excellent use for this location, serving as a transitional use between adjacent commercial and residential uses. Mr. Geddy added that the school is committed to being a good neighbor and recently held an open house for local residents that was attended by two neighbors, both of whom seemed supportive of the project.

**Mr. King** asked if older students would be driving to school and parking there.

**Ms. Erika Jordan**, Head of School for Covenant Christian School, responded that the school has three seniors this year who might be driving to school. She stated that there is parking both in front of and behind the building that is adequate to accommodate their cars as well as those of the employees, and she added that seniors would be leaving the school at noon.

**Excerpts**  
**York County Planning Commission Minutes**  
**August 10, 2016**

**Chair Brazelton** stated that it appears there could be congestion during times when students are being dropped off and picked up.

**Ms. Jordan** responded that the school currently has 41 families, some of which carpool, and she added that parents would be able to drive down the driveway to the rear parking lot, turn around, and come back to the front to pick up and drop off students, which will prevent any congestion from occurring.

**Chair Brazelton** asked if the planned paving repairs would be to the front, side, and rear parking lots.

**Ms. Jordan** said that is correct.

**Mr. King** asked about the condition of the fence adjacent to the residential neighborhood.

**Mr. Geddy** responded that the fence needs a few minor repairs but is in good condition.

**Mr. Jons** asked if the school would operate year-round.

**Ms. Jordan** responded that the school year runs from September through the end of May, although faculty and staff will work in the summer months as well.

There being no one else present wishing to address the Commission on this application, **Chair Brazelton** closed the public hearing.

**Ms. Magowan** stated that the school seems to be a good use of the property. She noted that a school with more students previously operated on the site.

**Mr. Jons** stated that he likes the traffic circulation plan and that the use seems to be an appropriate one for this location.

**Dr. Phillips** commented that the application essentially amounts to a renewal of the previous use and that he has no objection to it.

**Mr. King** stated that he was satisfied with the applicant's responses to his questions and the conditions proposed by staff and that he supports the application.

**Mr. Myer** noted that a private school previously operated in this location with no reported problem and that he has no concerns.

**Mr. Myer** moved the approval of Resolution No. PC16-15.

**A RESOLUTION TO RECOMMEND APPROVAL OF AN APPLICATION TO  
AUTHORIZE A PRIVATE SCHOOL ON PROPERTY LOCATED AT 116  
PALACE LANE**

WHEREAS, Millwood, LLC, has submitted Application No. UP-876-16 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 5, No. 2b) of the York County Zoning Ordinance, to authorize the establishment of a private school on a parcel located at 116

**Excerpts**  
**York County Planning Commission Minutes**  
**August 10, 2016**

Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11 (GPIN D15a-2127-3079); and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 10 day of August, 2016, that Application No. UP-876-16 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a Special Use Permit, pursuant to Section 24.1-306 (Category 5, No. 2b) of the York County Zoning Ordinance, for the establishment of a private school on a parcel located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11 (GPIN D15a-2127-3079), subject to the following conditions:

1. This Special Use Permit shall authorize the establishment of a private school on a parcel located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11 (GPIN D15a-2127-3079).
2. The private school shall be operated in accordance with the standards set forth in Section 24.1-427, Standards for all educational uses, of the York County Zoning Ordinance.
3. School enrollment shall be limited to a maximum of 100 students.
4. The private school shall be responsible for developing, implementing and enforcing a policy for student drop-off and pick-up consistent with that described in the "Covenant Christian School Narrative Description," received by the Planning Division on July 1, 2016, a copy of which shall be kept on file in the office of the York County Planning Division. The policy shall include an identification sticker system for parent, faculty, and school staff vehicles and shall clearly state that parent and other school-related traffic (e.g., staff, faculty, etc.) shall not use Caran Road as an access route to the school. In addition, the policy shall contain a provision that documented repeat violators (i.e., second documented violation) will lose their school attendance privileges. The policy shall be submitted for review and approval by the Zoning Administrator prior to the opening of the school.
5. Prior to the opening of the school, all parking and access area surfaces, surrounding curbing, and parking space, access aisle, and directional markings shall be in compliance with standards set forth in Section 24.1-607, Off-street parking design standards, of the York County Zoning Ordinance.
6. In accordance with York County Zoning Ordinance Section 24.1-115(b)(7), a certified copy of the resolution authorizing this Special Use shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to issuance of a Certificate of Occupancy for the use.

**Excerpts**  
**York County Planning Commission Minutes**  
**August 10, 2016**

BE IT FURTHER RESOLVED that this approval is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.

On roll call the vote was:

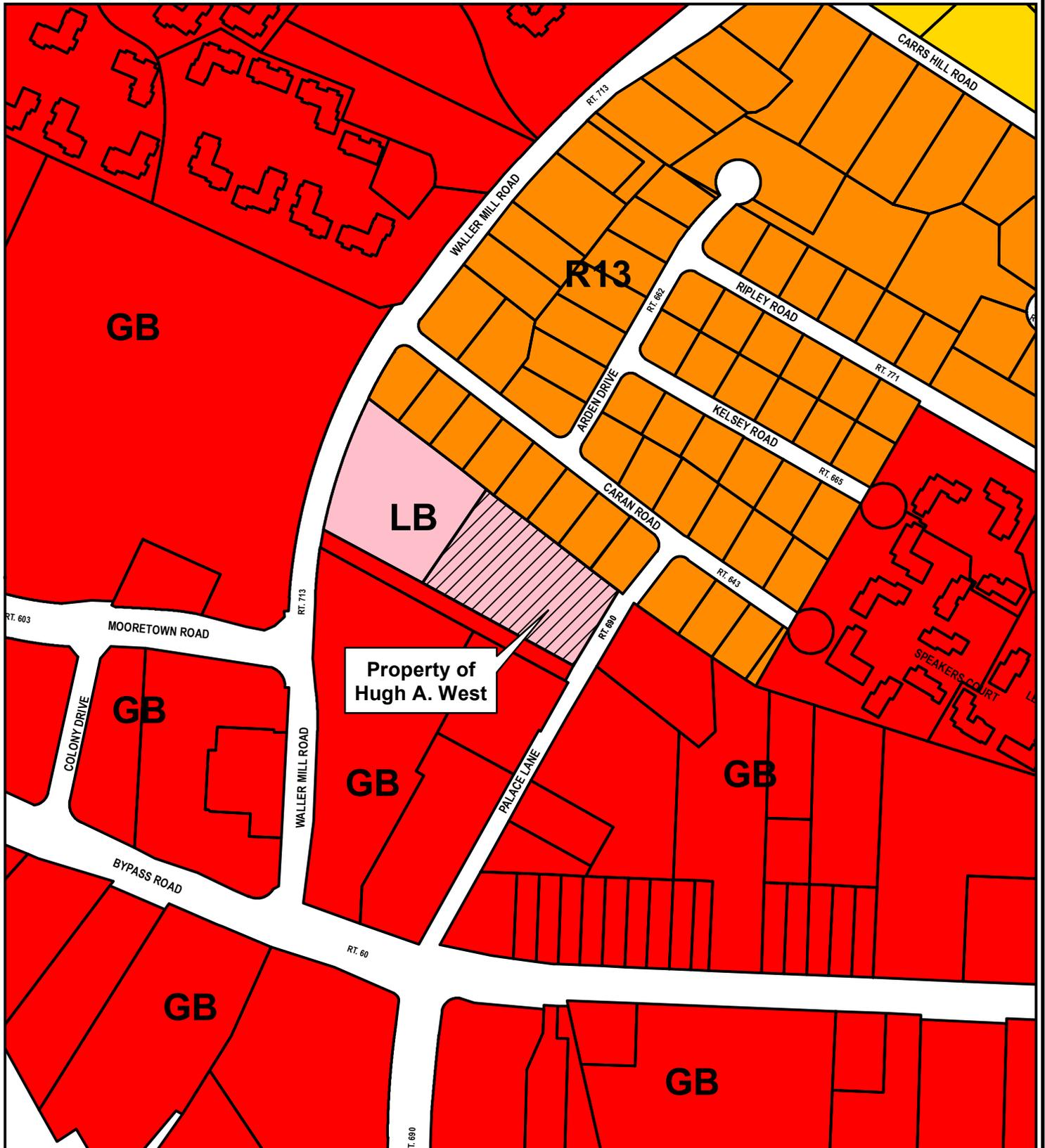
Yea: (6) Phillips, King, Myer, Magowan, Jons, Brazelton  
Nay: (0)

**APPLICANT: Millwood, LLC**

Special Use Permit for private school  
116 Palace Lane

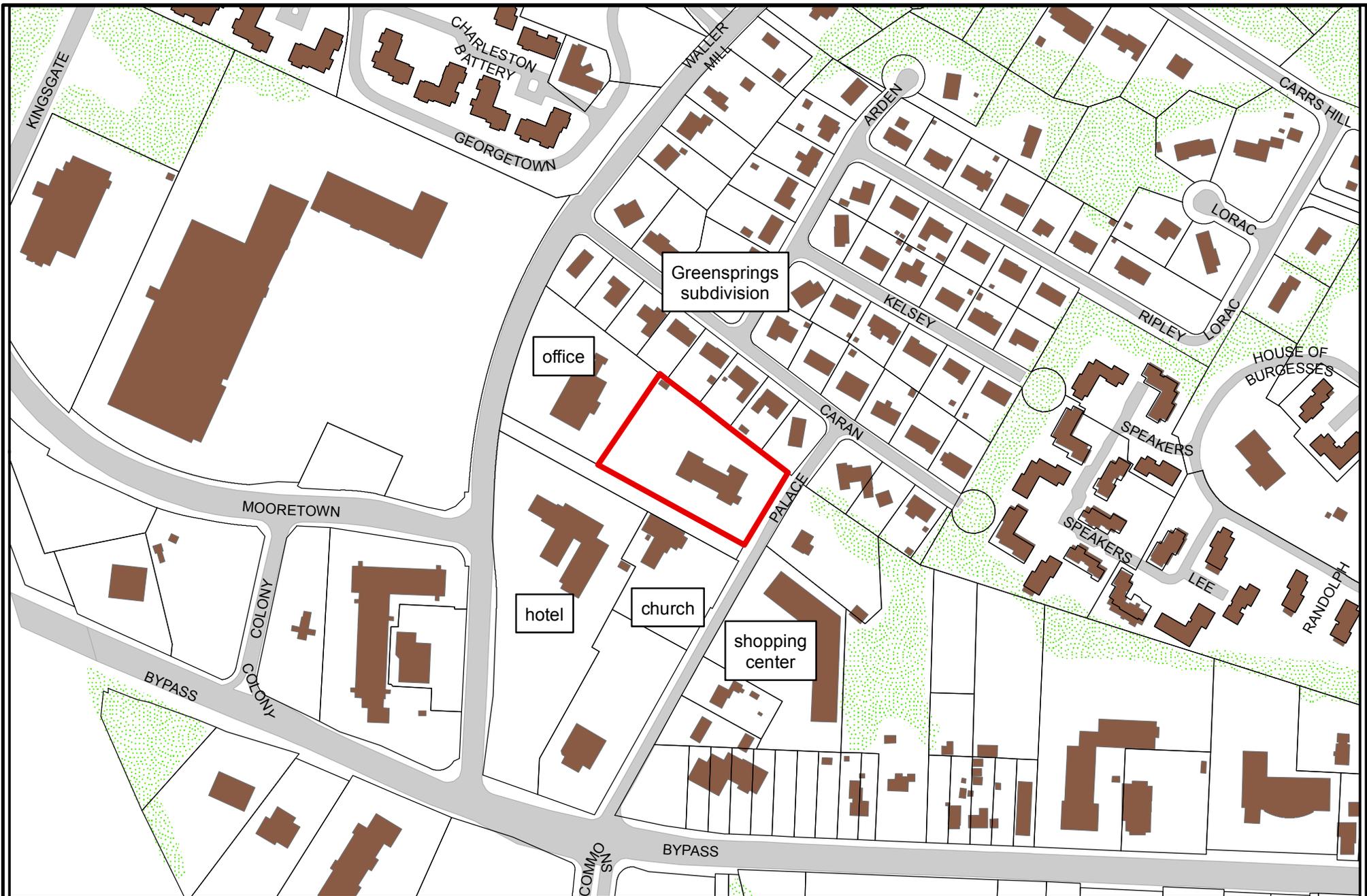
# ZONING MAP

**APPLICATION NUMBER: UP-876-16**



SOURCE: YORK COUNTY  
GIS PARCEL DATA and  
ZONING COVERAGE

THIS IS NOT A LEGAL PLAT.  
This map should be used for  
information purposes only. It is  
not suitable for detailed site planning.



Greensprings subdivision

office

hotel

church

shopping center

116 Palace Lane



JUL 1 2016

COVENANT CHRISTIAN SCHOOL

NARRATIVE DESCRIPTION

Planning Division

The applicant, Millwood, LLC, is the contract purchaser of the property located at 116 Palace Lane. This property is now vacant and is the former home of Providence Classical School. The applicant will lease the property to Foundation for Excellence at Ambleside School of Williamsburg, trading as Covenant Christian School, a Virginia nonstock corporation exempt from federal income taxation under Section 501(C)(3) of the Internal Revenue Code.

Covenant Christian School opened its doors last fall to 36 students from Kindergarten to 10<sup>th</sup> grade. The first year was wonderful and there are enrollments for 58 students (including 3 in a new 12<sup>th</sup> grade) for this upcoming school year. The maximum number of students the applicant seeks approval for is 100.

A typical school date begins with parent drop off between 8:00 and 8:10 a.m. A faculty member is always at the door to supervise drop off and greet the students. Parents typically pick up their children between 3:15 and 3:30 p.m. and the pick up is supervised by at least one faculty member. The school year normally runs from the day after Labor Day to just before Memorial Day weekend.

The School will adopt a drop off/pick up policy that instructs parents, students and faculty not to use Caran Lane as an access route to or from the School and provides for a identification sticker system for parent, student and faculty vehicles and provides that repeat offenders of the restriction on the use of Caran Lane will lose their School attendance privileges or employment.

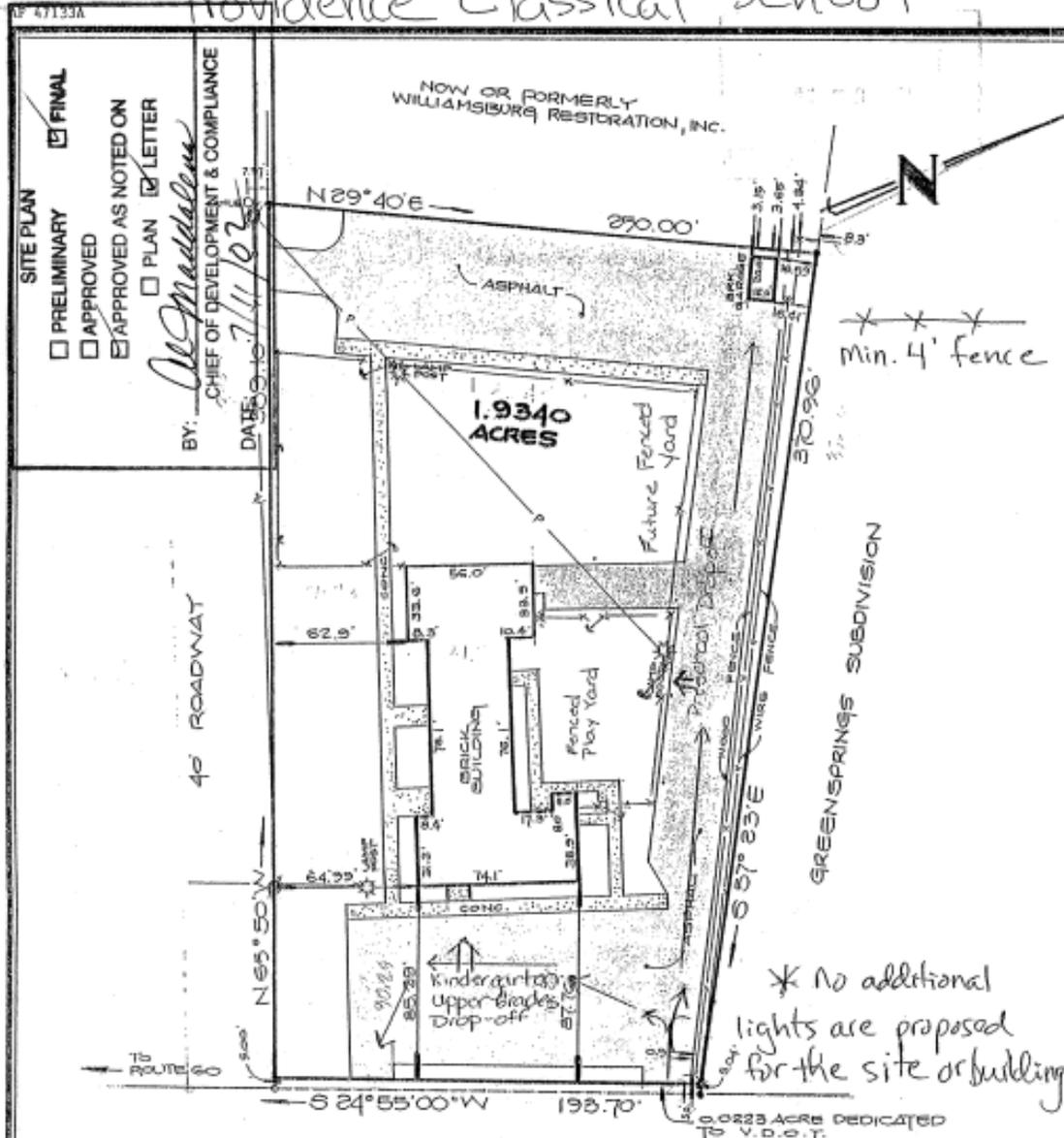
Kindergarten through 12<sup>th</sup> grades are grouped into 7 “forms” and class sizes are intentionally small with no more than 12 to 14 students per form. There are 13 full and part-time faculty and staff members. Most of Covenant Christian School’s classrooms are more of a home setting than a traditional classroom and follow the Charlotte Mason method of learning. Please refer to the website [www.ccswilliamsburg.org](http://www.ccswilliamsburg.org) for a more in depth look at the Charlotte Mason method and for more information on Covenant Christian School.

Covenant Christian School has religious affiliations. The “covenant” in the name correlates to an agreement and commitment of the faculty, staff, and parents to the school’s mission: “To glorify God by creating a Christ-centered learning community of covenant families in which education is an atmosphere, a discipline, and a life.” The parents are very involved and very cooperative. If instructed not to drive through any neighborhood they will abide by the regulations.

The school’s goal is to be both good neighbors and good stewards of the property.



# Providence Classical School



116 PALACE LANE (Rte 690)

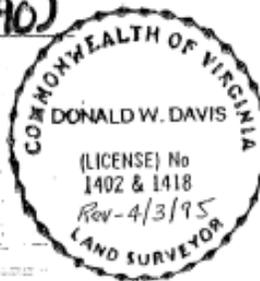
NOTE: UTILITIES UNDERGROUND

**SYMBOLS:**

- PIPE FOUND
- PIPE SET
- ROD FOUND
- CONC. MONUMENT

**NOTE:**

PROPERTY SHOWN HEREON IS LOCATED IN ZONE X AS SHOWN ON FLOOD INSURANCE RATE MAP COMMUNITY PANEL NUMBER 510102 0025B. EFFECTIVE DATE DEC. 16, 1988.



I, *Donald W. Davis* JOB LOCATION # 116 PALACE LANE  
 HEREBY CERTIFY THAT THE SURVEY REPRESENTED BY THIS PLAT WAS MADE BY ME ON THIS DATE AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF THERE ARE NO ENCROACHMENTS OF BUILDINGS UNLESS SHOWN HEREON.

DAVIS & ASSOCIATES  
 SURVEYORS & PLANNERS  
 YORK COUNTY, VIRGINIA

PLAT OF THE PROPERTY OF: Hugh A. West

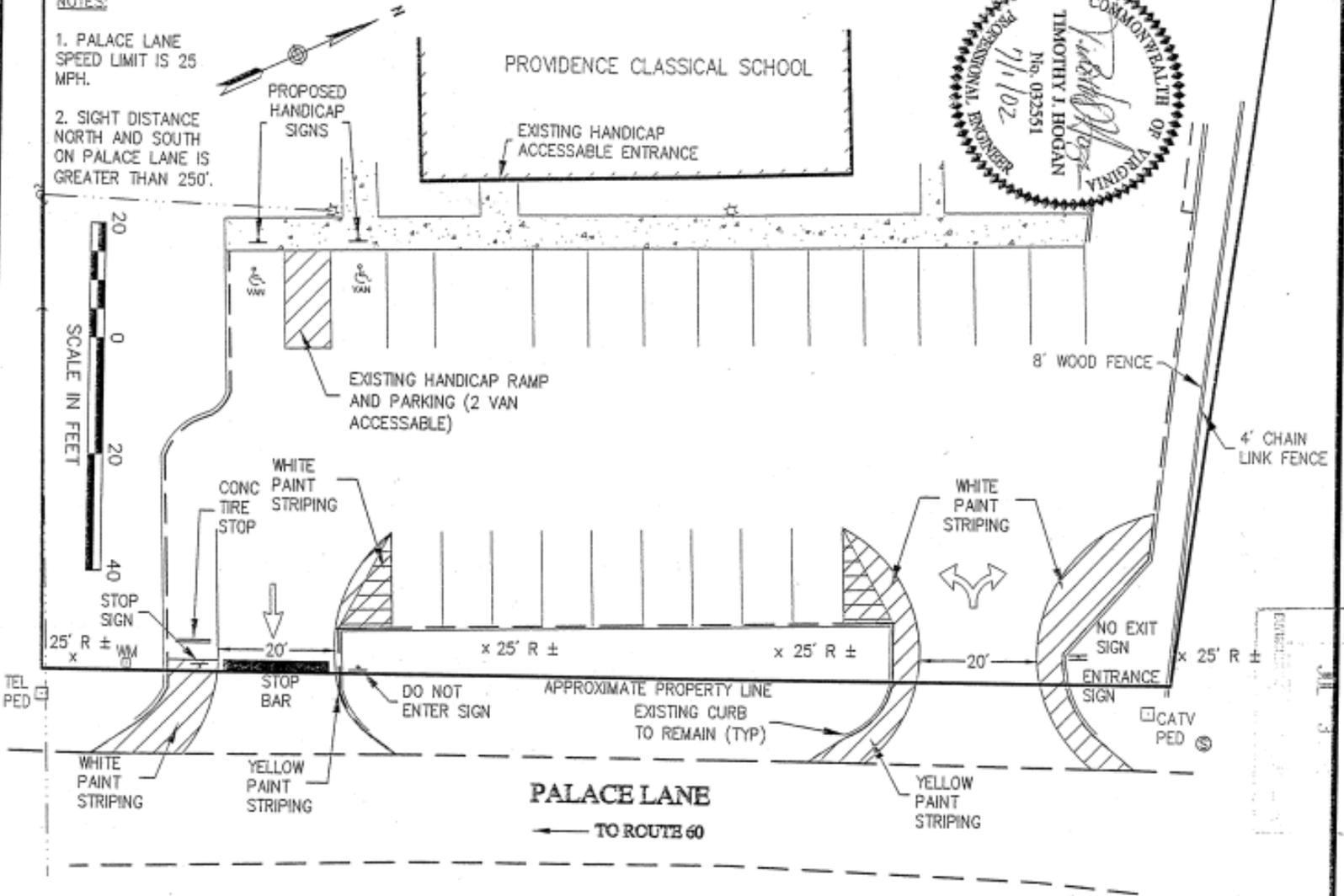
Parcel of land containing 1.9340 acres. As shown on plat showing survey of a parcel of land for conveyance by - C.H. Lawson & Pauline S. Lawson to Virginia Stake of the Church of Jesus Christ of Latter Day Saints. BRUTON DISTRICT, COUNTY OF YORK, VA

Tax map and parcel number: 09-00-00-011  
 GPIN: D15A-2127-3079  
 Zoned: LB Adjacent parcels: LB, R13, and GB



**NOTES:**

1. PALACE LANE SPEED LIMIT IS 25 MPH.
2. SIGHT DISTANCE NORTH AND SOUTH ON PALACE LANE IS GREATER THAN 250'.



**WHB** Vanasse  
 Hangen  
 Brustlin  
 Inc.  
 Transportation, Land Development  
 and Environmental Services  
 477 Adena Circle Suite 100 Williamsburg  
 Virginia 23185 757/220-0900 • Fax 757/220-8544

**Signage and  
 Paint Striping Plan**  
 Providence Classical School  
 116 Palace Lane  
 York County, Virginia

Date: 7/1/02  
 Scale: 1" = 20'  
 VERTICAL FILE NAME: school.dwg  
 Project Number: 31325

BOARD OF SUPERVISORS  
COUNTY OF YORK  
YORKTOWN, VIRGINIA

Resolution

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the \_\_\_\_ day of \_\_\_\_\_, 2016:

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Present

Vote

Jeffrey D. Wassmer, Chairman  
Sheila S. Noll, Vice Chairman  
Walter C. Zaremba  
W. Chad Green  
Thomas G. Shepperd, Jr.

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On motion of \_\_\_\_\_, which carried \_\_\_\_, the following resolution was adopted:

**A RESOLUTION TO APPROVE A SPECIAL USE PERMIT APPLICATION TO AUTHORIZE THE ESTABLISHMENT OF A PRIVATE SCHOOL AT 116 PALACE LANE**

WHEREAS, Millwood, LLC, has submitted Application No. UP-876-16 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 5, No. 2b) of the York County Zoning Ordinance, to authorize the establishment of a private school on a parcel located at 116 Palace Lane (Route 690) and further identified as Assessor’s Parcel No. 9-11 (GPIN D15a-2127-3079); and

WHEREAS, said application has been transmitted to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the \_\_\_\_ day of \_\_\_\_\_, 2016, that Application No. UP-876-16 be, and it is hereby, approved to authorize a Special Use Permit, pursuant to Section 24.1-306 (Category

5, No. 2b) of the York County Zoning Ordinance, to authorize the establishment of a private school on a parcel located at 116 Palace Lane (Route 690) and further identified as Assessor's Parcel No. 9-11 (GPIN D15a-2127-3079), subject to the following conditions:

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6. In accordance with York County Zoning Ordinance Section 24.1-115(b)(7), a certified copy of the resolution authorizing this Special Use shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court prior to the opening of the school.

BE IT FURTHER RESOLVED that this approval is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.