

## RESOLUTION

### A RESOLUTION TO APPROVE SPEX11-SC-010 AND SPPT11-SC-029 - BRIAN E. & CLARE R. FERRELL (OWNERS)/BETH ANN SLATER (APPLICANT) - MIDDLEBURG MONTESSORI SCHOOL (PIN #6073-89-9285-000), SCOTT DISTRICT

WHEREAS, Brian E. & Clare R. Ferrell, owners, and Beth Ann Slater, applicant, are seeking a Category 5 Special Exception to add primary school students and a Special Permit to expand the current preschool and construct an addition to the existing building at 7274 Rectors Lane, Scott District, PIN #6073-89-9285-000; and

WHEREAS, on July 28, 2011 the Fauquier County Planning Commission held a public hearing on the Special Exception and Special Permit and recommended that the applications be approved, subject to conditions; and

WHEREAS, on August 11, 2011, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors finds that the type and amount of traffic generated by the facility is such that it will not cause an undue impact on the neighbors or adversely affect safety of road usage; and

WHEREAS, the Board of Supervisors waives the 5-acre minimum lot requirement for primary schools in the Residential-Village (V) District, and finds that the 1.643 acre Residential-Village (V) zoned property is adequate to accommodate the limited primary school per Fauquier County Zoning Ordinance Section 5-504.3.A; and

WHEREAS, the Board of Supervisors waives the fencing requirement for the primary school outdoor recreation area for Phase I (up to 10 primary school students) per Fauquier County Zoning Ordinance Section 5-504.2; and

WHEREAS, the Board of Supervisors finds that the application satisfies the standards of Zoning Ordinance Sections 5-006 and 5-500; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11<sup>th</sup> day of August 2011, That SPEX11-SC-010 and SPPT11-SC-029 be, and are hereby, approved, subject to the following conditions:

#### SPEX11-SC-010

1. The approved Special Exception shall be granted for and run with the land indicated in this application and shall not be transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated, and shall be in general conformance with the Special Exception Plat, "Middleburg Montessori School" approved with the applications, as qualified by these development conditions.

3. The term of this Special Exception shall be valid for five years with three 5-year administrative extensions.
4. The applicant shall have the ability to conduct the following use on the site:
  - Upon completion of the proposed building addition, a primary school for a maximum of 35 children, ages seven years old to fourteen years old at the beginning of the school year.
  - While using only the facilities on-site in 2011, a primary school for a maximum of 15 children, ages seven years old to fourteen years old at the beginning of the school year.
5. The total school use on the site, upon completion of the proposed building addition, shall be limited to a maximum enrollment of eighty-four (84) students including the preschool and primary school.
6. The applicant shall comply with Virginia Department of Health requirements and the septic permit (for the increased number of students) shall be approved prior to construction of the addition to expand the school.
7. The building addition shall not exceed 5,000 square feet; the addition shall be constructed in a manner that maintains the residential and historic character of the building.
8. The majority of the site shall be fenced before occupancy of the building addition. The fenced area shall begin 25 feet from the property line along Rectors Lane, extend to the property line on the east and west sides, and be located 40 feet from the property line along John Mosby Highway (Route 50), although this 40 feet could vary in the area of the drainfield as needed.
9. The entrance shall meet VDOT standards.

SPPT11-SC-029

1. The use shall be generally consistent with the materials submitted with the application for this Special Permit, except as modified below by a specific condition.
2. The ultimate enrollment shall be limited to sixty four (64) children aged 18 months to 6 years old; Phase I, using only the facilities on-site in 2011, would accommodate a maximum of 45 total students on site, the mix of students shall not exceed a maximum of 15 primary students, but the 45 students could all be preschoolers and Phase II, completion of the proposed building addition, would accommodate a maximum of 64 preschoolers. With the approved plat, should the preschool wish to go beyond 64 preschoolers, up to a maximum of 84 preschoolers, an administrative amendment to the special exception plat would be required to demonstrate compliance.

3. The total school use on the site, upon completion of the proposed building addition, shall be limited to a maximum enrollment of eighty-four (84) students including the preschool and primary school.
4. The use will be compatible with the neighborhood in which it is located.
5. The preschool may include an office with a maximum of six (6) employees.

*A Copy Teste*

*Paul S. McCulla  
Clerk to the Board of Supervisors*