

AGENDA REQUEST



Sponsor:

Brian E. & Clare R. Ferrell (Owners)/Beth Ann Slater (Applicant)

Meeting Date:

August 11, 2011

Staff Lead:

Melissa Dargis, Assistant Chief of Planning

Department:

Community Development

Topic:

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

Topic Description:

Applications for a Category 5 Special Exception and Special Permit to expand the current preschool; add primary school aged students; and construct an addition to the existing building. On July 28, 2011, the Planning Commission unanimously recommended approval of these applications.

Requested Action of the Board of Supervisors:

Conduct the Public Hearing and consider adoption of the attached Resolution.

Financial Impact Analysis:

None required.

Identify any other Departments, Organizations or Individuals that would be affected by this request:

Virginia Department of Health

ATTACHMENTS:

- ▢ [Staff Report](#)
- ▢ [Statement of Justification](#)
- ▢ [Photos](#)
- ▢ [Extract from Restrictive Covenants](#)
- ▢ [Special Exception/Special Permit Plat](#)
- ▢ [Resolution Amended 08/11/11](#)

Department of Community Development Staff Report

Subject: Middleburg Montessori School (SPEX11-SC-010 and SPPT11-SC-029)

Date: August 11, 2011

Topic Description:

The Middleburg Montessori School is seeking approval of a Category 5 Special Exception to add primary aged students (ages 7 to 14) to the existing preschool. The applicant is also requesting modifications to its previously approved Special Permit in order to accommodate a greater number of preschool children (children under the age of seven).

The proposal includes the construction of an addition to the existing building. The addition would be similar to the current architecture and would meet the restrictive covenants set forth in the Deed of Easement (Attached). The proposed expansion would occur in two phases: Phase I – up to ten primary age students and up to 35 preschool students in the existing building; and Phase II – construction of a building addition no larger than 5,000 square feet to accommodate up to 84 students (20 primary age students and 64 preschool students). If the Special Exception and Special Permit are approved, the school anticipates being able to raise adequate funds to begin construction of the addition within five years.

Although the overall number of students on the site will increase from the currently allowed 35 to 84 in Phase II, the majority of the students on-site will remain preschool age. The Phase II request seeks a toddler program (ages 18 months to 2½ years, classified by the Zoning Ordinance as a preschool) up to ten students, two preschool classrooms with up to 27 students each, and one primary classroom with up to 20 students.

The applicant estimates the current trip generation of the school (up to 35 students) is approximately 21 trips between 8:00 a.m. and 9:00 a.m.; 3 trips at noon, 18 trips between 2:45 p.m. and 3:15 p.m. Children arrive and leave in a staggered manner and may attend either a half day or full day, and then they leave school from 11:30 a.m. to 12:00 p.m. or from 2:45 p.m. to 3:15 p.m. The applicant has suggested a Phase II traffic control measure to implement different school hours for the preschool and primary grades, to offset the peak drop-off and pick-up times.

Background:

Middleburg Montessori School is an Association Montessori International (AMI) accredited Montessori School for children 2½ to 6 years old operating under a Commonwealth of Virginia, Department of Social Services, Child Day Center License. The school has been operating on the site, with a Special Permit, in the Village of Atoka, since 2001. The school has served the surrounding area since it was founded in 1980. The school is one of six 501(c)(3) not-for-profit organizations located in the Historic District of the Village of Atoka: The Atoka Preservation Society, The Goose Creek Association, The Upperville Colt and Horse Show, The Land Trust of Virginia, and The Mosby Heritage Area Association.

On June 9, 2011, a Zoning Ordinance text amendment was approved which allows the Board of Supervisors to waive the 5 acre minimum lot size requirement for primary schools in the Residential-Village (V) District, when such a use serves less than 50 primary school students. The proposed primary school would serve up to 20 primary school students. (It is noted that the primary school use is separate from the preschool use, which is only limited in numbers by the required amount of outdoor recreation area the property can accommodate.)

Location, Zoning and Current Land Use:

The 1.643-acre property is located at 7274 Rectors Lane in the Village of Atoka. It is bound by Route 50 to the north and Rectors Lane to the south. It is zoned Residential-Village (V). A map of the property is shown below.

Location Map



Surrounding Zoning and Current Land Use:

Surrounding properties are zoned Village-Residential (V) to the east and west, and Rural Agriculture (RA) to the north and south.

Comprehensive Plan/Land Use:

The project parcel is within the Village of Atoka in an area planned for residential uses. The Comprehensive Plan (Plan) includes goals aimed at enhancing and preserving the character of the rural villages in the County. The Plan does not prohibit uses other than residential in villages. Residential uses are anticipated along with some appropriately scaled business and service uses as well as institutional and educational uses, including schools. The existing preschool was previously determined to be in an appropriate location for school uses. However, the fact that a school use is a Special Permit (approved) or Special Exception (this request)

acknowledges that not every school or every location is suitable in the Village District.

Analysis:

The current preschool met the Zoning Ordinance general standards set forth in Section 5-006 and the standards set forth in Category 5-500 (Educational Uses) with its original Special Permit approval. The current Middleburg Montessori School was deemed to be an acceptable location for a standalone preschool for up to 35 students. The Board will have to make a finding as to whether an enlarged preschool together with the proposed primary school would be similarly acceptable.

Typically a primary school has larger facilities than a preschool and a wider range of activities. Its effect can be more pronounced on neighboring properties. This is perhaps less so for a Montessori School that does not construct the amenities typically associated with primary schools such as ball fields or other large outdoor sports amenities. The primary students could use the recreation area in the existing fenced area on-site.

The applicant is requesting that the Board of Supervisors waive Section 5-504.2 of the Zoning Ordinance that states “All outdoor recreation areas for primary schools shall be fully fenced, unless waived by the Board with approval of a Special Exception.” The Planning Commission supported the waiver request for Phase I (up to 10 primary students), but drafted a condition to require fencing of most of the property for Phase II (up to 20 primary school students).

The proposed preschool and primary school are permitted in the V zoning district subject to the general standards for special exceptions set forth in Section 5-006, as well as the further standards for Educational Uses 5-500. Below is an analysis of these standards:

General Standard 5-006.1

The proposed use shall not adversely affect surrounding properties, shall be consistent with the County’s comprehensive plan and shall not discourage appropriate development of adjoining properties.

The proposed use will not impact the ability of the adjoining property owners to use their land. Further, the site is subject to restrictive covenants that limit the building expansion, require preservation of the structure and limit the uses on the site.

General Standard 5-006.2

The proposed use shall not generate pedestrian or traffic hazards.

The proposed use will not be a hazard to pedestrian or vehicular traffic. The site can accommodate the proposed peak traffic trips per day.

General Standard 5-006.3

The Board may require additional landscaping/screening.

The existing trees and vegetation will provide a portion of the required buffer. Additional landscaping may be required at Site Plan stage to meet the Ordinance requirements. The Board

may want to consider additional landscaping to further screen the adjacent residential structures and properties from the use.

General Standard 5-006.4

Open space shall be provided in an amount at least equal to that specified for the zoning district in which the use is proposed.

See analysis of Sections 5-503 and 5-504 for outdoor recreation area requirements. These are the only open space requirements.

General Standard 5-006.5

Adequate utility, drainage, parking, loading and other necessary facilities shall be provided.

The parking is sufficient to accommodate staff and other persons who may be on-site. The proposed use is planned to be served by on-site well and septic. The applicant has received Health Department support for this request. A special exception condition has been drafted to accommodate Health Department approval.

General Standard 5-006.6

Signs shall be consistent with the Zoning Ordinance; the Board may apply more stringent requirements.

The applicant's proposal is consistent with the Zoning Ordinance and will be further evaluated during the Site Plan process. The covenants also place additional restrictions that do not allow for lighted signs.

General Standard 5-006.7

The future impact of a proposed use will be considered and addressed establishing a time limit for use.

The Special Permit was not subject to a time limit. Thus, the applicant has not specifically requested a time limit for the application. The Planning Commission suggested an initial 5-year time limit, with two 5-year administrative extensions. It is noted that two Planning Commissioners supported 5-year administrative renewals in perpetuity.

General Standard 5-006.8

The proposed use shall not degrade or deplete air quality, surface and groundwater.

The proposed use will not deplete surface or groundwater. No air quality impacts are anticipated.

General Standard 5-006.9

All uses shall comply with lot size, bulk regulations, and performance standards of the zoning district in which it is located.

The proposed use meets the lot size, bulk regulations and performance standards of the V zoning district.

PART 5 5-500 CATEGORY 5 EDUCATIONAL USES

In addition to the general standards set forth in Section 006 above, the following standards shall apply:

5-501 Standards for All Category 5 Uses

1. All off-street parking and loading areas, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard in all Residential and Rural District.

The applicant will comply with this standard.

5-502 Additional Standards for All Category 5 Uses Other than Pre-School/Day Care Center/Nursery School

1. No structure used for or in conjunction with the use shall be located within 100 feet of any adjoining property which is in a Residential or Rural District, except where such use proposes to utilize an existing structure and the Board of Supervisors or the Board of Zoning Appeals find that the lesser setback will not cause an undue impact on adjoining properties because of the specific characteristics of the proposed school or adjoining property.

The applicant uses an existing structure for the school. The new addition must be located outside of the 100 foot setback from each property line.

2. The site shall have minimum road frontage, as required for the site's zoning district, on a road designated as a major collector in the Comprehensive Plan, unless the Board of Supervisors or the Board of Zoning Appeals find 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.

The Comprehensive Plan does not designate Rectors Lane as a Rural Major Collector; however, the type and amount of traffic associated with the use is not anticipated to cause undue impact. The school anticipates offsetting the arrival times for preschool and primary school students as the school grows (Phase II). Currently a staff member directs cars on-site to keep them from queuing on the road.

3. All off-street parking and loading spaces, swimming pools and tennis courts and similar facilities shall be effectively screened and shall not be located in any required yard in all Residential and Rural Districts.

Information for the applicant for the site plan phase.

5-503 Additional Standards for Pre-School/Day Care Center/Nursery School

1. In addition to complying with the minimum lot size requirements of the zoning district in

which located, the minimum lot area shall be of such size that 100 square feet of usable outdoor recreation area shall be provided for each child that may use the space at any one time. Such area shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited to:

- A. That area not covered by buildings or required off-street parking spaces.
- B. That area outside the limits of the required front yard.
- C. Only that area which is developable for active outdoor recreation purposes.

Information for the applicant. Shown on the plat.

- 2. All outdoor recreation area shall be fully fenced.

Information for the applicant; this is a requirement for the preschool area and exists on-site. A small expansion is needed to accommodate 64 preschool students in Phase II (see Special Exception and Special Permit Plat.)

5-504 Additional Standards for Primary School, Secondary/Advanced Schools and Technical Schools (Indoor)

- 1. In addition to complying with the minimum lot size requirements of the zoning district in which located, the minimum lot area for a private school of general education shall be of such size that:
 - A. 200 square feet of usable outdoor recreation area shall be provided for each child in grades kindergarten through three (3) that may use the space at any one time, and
 - B. 430 square feet of usable outdoor recreation area shall be provided for each child in grades four (4) through twelve (12) that may use the space at any one time. Such usable outdoor recreation shall be delineated on a plat submitted at the time the application is filed. For the purpose of this provision, usable outdoor recreation area shall be limited in the same manner as paragraph 503.1.

Recreation space is identified on the Special Exception and Special Permit plat. However, the school will have to rotate students using the area so as to meet the aforementioned standard.

- 2. All outdoor recreation areas for primary schools shall be fully fenced, unless waived by the Board with approval of a Special Exception.

The applicant is requesting a waiver of this requirement. The Planning Commission supported the waiver for Phase I, up to 10 primary students, but recommended fencing a larger area for Phase II, up to 20 primary students.

Staff and Review Agency Comments:

Staff and appropriate referral agencies have reviewed this request for conformance with the Comprehensive Plan, the Zoning Ordinance, and other relevant policies and regulations.

Findings, comments, and recommendations are summarized below. Following each comment is a staff note in italics stating how the comment has been addressed.

Environmental

No comment on the application.

Virginia Department of Transportation (VDOT)

VDOT reviewed the submittal from Middleburg Montessori School seeking a Special Exception and Special Permit from the County. The VDOT jurisdiction is limited to the access to the public highway. Our investigation and evaluation reveals that this installation has an entrance in conformance with VDOT Standards so we have no concerns in regard to this application.

Zoning

1. The following Zoning Ordinance standards are applicable:
 - A. Section 5-006, *General Standards for Special Permit and Special Exception Uses*
 - B. Section 5-501 and 5-503, *For Special Permits*
 - C. Section 5-501, 5-502, and 5-504, *For Special Exceptions*
2. A Zoning Ordinance Text Amendment was approved on June 9, 2011, which allows the Board of Supervisors to waive the 5 acre minimum lot size requirement for primary schools in the Residential-Village (V) District, when such serves less than 50 students. It is strongly noted that this use is distinctly separate from the preschool use, which is only limited in the number of students inasmuch as the subject property can accommodate the corresponding amount of outdoor recreation area. For this reason, the number of students on-site will exceed 50 and this appears to be the case based on the information contained on Pages 2 and 3 of the Statement of Justification. On Page 3 in particular, the Phase II plan anticipates a maximum of 64 preschool age children (6 years or less) in 3 separate classes and a maximum of 20 primary school age children (7 to 15 years), which results in a maximum potential of 84 students on site during the specified times.

While the applicant will be limited by the Ordinance with respect to the number of primary school students, zoning staff recommends that the actual number, whatever it may ultimately be, be memorialized as a development condition. Likewise, the final number of preschool age children should also be limited as a development condition.

Proposed conditions limit the number of students.

3. In reviewing the Special Exception plat, it appears that a portion of the proposed Phase II addition encroaches into the required 100 foot side yard setback area along the eastern property line. The location of this structure should be adjusted to ensure that it can be constructed in a manner that fulfills all setback requirements.

The applicant will ensure the setback is met during the Site Plan process.

4. Appropriate screening of the parking area along Rectors Lane and along the eastern and western sides of the parking lot will be required in order to fulfill the special standard set forth in Section 5-502.3 for primary schools.

Information for the Site Plan phase. The applicant is willing to include additional plantings.

5. In looking at the required outdoor recreational area for both uses, staff has identified the following:
 - a. Based on the maximum number of preschool students identified in the statement of justification, a total of 6,400 square feet of outdoor recreational area will be required.
 - b. The outdoor recreational area required for the primary school is more challenging to determine given that the Ordinance requires 200 square feet per child in grades K-3 and 430 square feet per child in grades 4-12. The applicant has not specified the actual breakdown of primary school age children anticipated for each grade level. The minimum amount required if all children were K-3 is 4,000 square feet, and the maximum if all children were in grades 5-12 is 8,600 square feet. If the number is split, with half K-3 and half 5-12, the required amount will be 6,300 square feet.

The applicant has submitted a proposal to rotate any outdoor recreational area on-site, which zoning staff agrees is suitable, and has demonstrated that the existing 3,800 square foot, fenced outdoor play area on-site can accommodate the anticipated enrollment for Phase I. However, the applicant must identify on the Special Exception plat the additional outdoor recreation area that will fulfill the requirements for the expanded Phase II. Although this area may fluctuate in size and location depending on any conditions imposed by the Board, its general location needs to be identified on the plat at this time to ensure it is *outside of the front yard areas* and is properly fenced.

The SE/SP Plat shows the required 6,400 square foot outdoor recreation area for the preschool. The applicant is requesting a waiver of the requirement to fence the primary school recreation area. See earlier analysis.

6. The existing parking appears to be sufficient to accommodate the maximum number of employees plus 4 additional visitor spaces.

Health Department

We support the plan to expand the current preschool size to include a primary school. The Fauquier County Health Department will require an application for remodeling to be filed and a plan for the continuing monitoring of the water usage. The Health Department will also require an OSE review of the current septic system and mandate the 200% required drainfield reserve area. This would bring the total school enrollment to 85.

Planning Commission Summary and Action of July 28, 2011:

The Planning Commission discussed this item at its work session and held a public hearing on this item. The Planning Commission unanimously recommended approval with proposed

conditions.

Summary and Recommendations:

A resolution of approval with the Planning Commission's recommended conditions has been provided.

MIDDLEBURG MONTESSORI SCHOOL
SPECIAL EXCEPTION APPLICATION
STATEMENT OF JUSTIFICATION

1. **Type of Operation.** Currently, Middleburg Montessori School is an AMI accredited Montessori School for children 2 ½ to 6 years old operating under a Commonwealth of Virginia, Department of Social Services, Child Day Center License. (*See Exhibit A: Child Day Center License and AMI Accreditation.*) The school has been operating with a Special Permit in the Village of Atoka, since 2000. (*See Exhibit B – Approved Special Permit Conditions, 03/06/2008.*) The school has served the surrounding area since it was founded in 1980. The school is one of six 501(c) 3 not-for-profit organizations located in the Historic District of the Village of Atoka.

Proposed Expansion. The purpose of this application is to expand the use of the school to include toddlers, ages 18 months to 2 ½ and primary age students, ages 7-14 years of age.

During **Phase I** of our expansion we will add primary age students using the existing building.

During **Phase II** we will construct an addition to the current building. Phase II is contingent upon adequate funding for the expansion. A capital campaign to expand the school was launched in December 2010. Construction would begin within the next 1-5 years.

This special exception application depends on the passage of a pending text amendment that will allow a primary school in a Residential - Village District on less than 5 acres.

Montessori Philosophy. Middleburg Montessori School is founded on and operates within the educational philosophy developed by Dr. Maria Montessori (1870-1952), who recognized and respected the natural interests and sensitive periods of learning present in children. The Montessori approach is centered on this respect for the child, on the development of the intrinsic curiosity, and on fostering independence, concentration, coordination, self-confidence, and sense of order. The children work in various areas of the total curriculum, which includes practical life, sensorial, mathematics, language, geography, science, culture and movement.

Dr. Montessori developed what she called the “Prepared Environment”, which possesses a certain order and allows children to learn at their own speed, according to their own capacities and in a non-competitive atmosphere. “Never let a child risk failure until they have a reasonable chance of success.”

Dr. Montessori recognized that children move themselves toward learning. The teacher prepares the environment, directs the activity, and *offers* the child stimulation, but it is the *child* who learns, who is motivated through work itself to persist in a given task. This is

the core of Dr. Montessori's philosophy. Patterns of concentration, "stick-to-itiveness" and thoroughness, established in early childhood, produce a confident, competent learner in later years.

Montessori teaches children to observe, to think, to judge. It introduces children to the joy of learning at an early age and provides a framework in which intellectual and social discipline go hand-in-hand.

Montessori Toddler. The toddler program consists of one classroom for children age 18 months to 2 ½ years old. This environment will operate for three hours each day, five days a week as the first extension of the child's home.

Montessori Preschool. The preschool consists of a mixed-age classroom of children age 2 ½ through 6. The multi-age classroom fosters learning, compassion and generosity among students.

Montessori Primary. The primary consists of one, mixed-age classroom of children age 7-14. The single, multi-age classroom is in effect a one-room schoolhouse that allows for the individual development of each child at his or her own pace.

Use of Outdoor Space. Montessori considers the whole community part of its exterior space. In the *preschool grade*, there is an indoor-outdoor connection with children moving easily and independently to work outdoors sweeping, raking, watering and feeding birds within a fenced outdoor environment.

Primary Age Students also use the outdoors as part of the classroom, engaging in individual and small group gardening and self-initiated free play. Their "outdoors" extends into the greater community when they plan "outings," student conceived, organized and executed field trips. Weekly trips to the Middleburg Library, Middleburg Community Center playground, and the Levis Hill House senior residence for lunch are planned for the primary students.

There will be no *on-site* organized sports teams or large group sport activities.

A fenced area designates the preschool yard. In **Phase I**, the primary students will share the fenced play yard. In Phase II, we will fence the Route 50 property boundary securely.

5-504 Additional Standards for Primary School

Section 5-504.1 A & B and 5-504.2 The current outdoor recreation area is fenced (3,800 sq ft.) The area is approved for the current use for preschool children. The area has adequate square footage to accommodate up to 19 primary children grades K-3 or 8 primary children grades 4-8 in **Phase I**. (*See Exhibit C - Rotating Schedule for Play Yard Use.*)

In **Phase II**, a larger area will be designated for recreation to maintain requirement for 200 sq feet of recreational area per child in grade K-3 and 430 square feet per child of recreational area per child in grade 4-8.

- Hours of Operation.** The Middleburg Montessori School will continue to operate Monday through Friday. School hours for the 2011-2012 school year will be from 8:00 am until 3:00 pm, September through May. Staff hours will be from 7:00 am to 5:30 pm. Summer camps are held the months of June through August. Before and after care may be offered, extending the school day from 7:30 am to 5:30 pm.
- Estimated Number of Students.** Currently the school has 28 enrolled students. Current building capacity based on square footage requirements for schools is 50 children.

Phase 1 will utilize the existing building and redefine the classroom areas. Student body will consist of a mix of preschool and primary students. The first year we expect to add 6 to 10 students to the current 28.

A **Phase II** addition to the existing building will allow for: (i) one toddler program with up to 10 children (ii) two preschool classrooms of up to 27 children each, and (iii) one primary classroom with up to 20 children.

Section 5-006.8 Current permit approves the school for up to 35 students. The Health Department is currently reviewing the water usage data to determine if that number can be increased.

- Proposed Number of Teachers and Staff.** There are currently 2 full-time and 2 part-time staff members. Staffing in Phase I will increase to 3 full-time and 2 part-time staff members. Phase II staffing will increase to 4 full-time teachers. A toddler program would require one additional part-time teacher.
- Qualifications of Applicant.** Ms. BethAnn Slater, owner and directress of Middleburg Montessori School holds an AMI Montessori Certificate as well as a Masters Degree in Early Childhood Development. Ms. Slater has taught for over fifteen years both in public and private settings. Ms. Kim Walton, Assistant Teacher, has a B.S. degree, holds an AMI Assistants Certificate and has worked with children in both public and private settings for twelve years. An additional full-time AMI Montessori Certified Directress will be hired for the primary classroom. A part-time AMI Certified Directress will be hired for the toddler class.
- Traffic Impact.** Cars delivering children do not park at the school. Cars progress in a circle and staff greet children as they unload from the cars. Cars then continue out of the parking area.

Arrival. Children arrive in a staggered manner from 8:00 am to 8:30 am and are picked up in the same way. Some preschool children arrive as late as 9:00am.

Dismissal. Toddlers will attend half day and be dismissed at 11:30. Some preschool children attend a half-day and are dismissed between 11:30 am to 12:00 pm. Other preschool children attend full day and are dismissed from 2:45 pm to 3:15 pm. All primary students will attend full day and be dismissed from 2:45 to 3:15 pm.

One teacher greets or dismisses children at their cars. Current trip generation is approximately 21 trips between 8:00 and 9:00 am; 3 trips at noon, 18 trips between 2:45 and 3:15 pm.

All trips are made in passenger vehicles.

Many staff members have children in attendance and arrive to school with their child. Some families have more than one child in attendance and other families carpool.

In the short term, there will be a minimal increase in the number of trips. A future traffic control measure may be to implement different school hours for the preschool and primary grades. A second staff member may be positioned to direct cars to fully use the traffic circle, keeping school traffic on school property so as to not impact traffic on Rector's Lane. A short-term parking lane may be used during pick up times so as not to impede movement of cars in the circle.

7. **Vicinity Served.** Middleburg Montessori School has an attendance area that extends into both Fauquier and Loudoun Counties in an approximate 25-mile radius.
8. **Description of Proposed Addition.** The proposed addition will meet the restrictive covenants of the Deed of Easement (*Exhibit D – Restrictive Covenants*) as put forth by the Atoka Preservation Society, including:
 - A. *No structure on the Property shall exceed two stories (thirty feet) in height, above the finished grade level.*
 - (1) *The main building on the Property shall not be demolished....or its street facing façade materially altered;*
 - (2) *No single floor of the building shall exceed a 4,000 square foot area;*
 - (3) *No structure not conforming, in architecture and building materials, to those traditionally built in the area shall be built...*

The proposed addition will be similar in style to the current structure and will be positioned at a right angle to the existing structure. The structure will attach at the back, Route 50 side of the current building, somewhat parallel to Route 50. The new structure will add no more than 2,500 square feet to the existing 1,500 square feet in keeping with the covenant restriction that no single floor exceed 4,000 square feet. Adequate funds may allow for a two-story structure. The second story will not exceed 4,000 square feet.

9. Proposed Use.

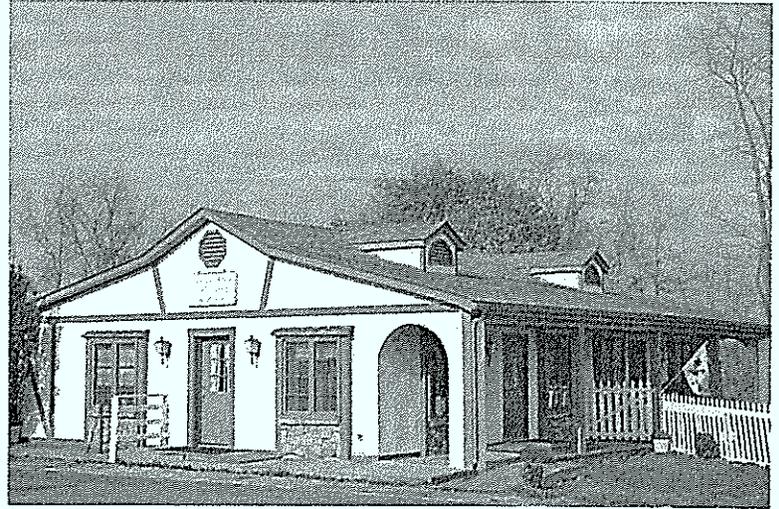
Code 5-006.9 The current use is allowed with a Special Permit in the Village (V) District and is adjoined by other properties in the V District. The property has been used with a Special Permit since 2000 as a preschool for children age 2 ½ to 6. The school is awaiting the passage of a text amendment to allow for use as a primary school in the Village District on less than 5 acres.

Middleburg Montessori School is one of six 501(c) 3 not-for-profit organizations located in the historic Village of Atoka: The Atoka Preservation Society, The Goose Creek Association, The Upperville Colt and Horse Show, The Land Trust of Virginia, and The Mosby Heritage Area Association.

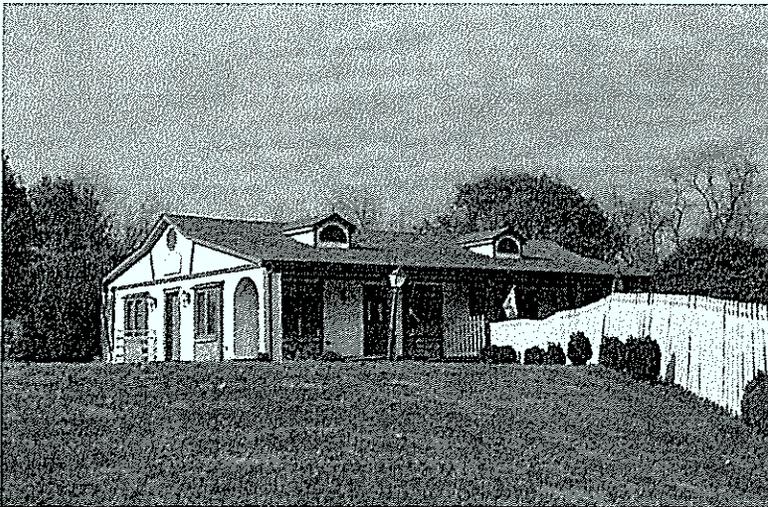
ATTACHMENT 2



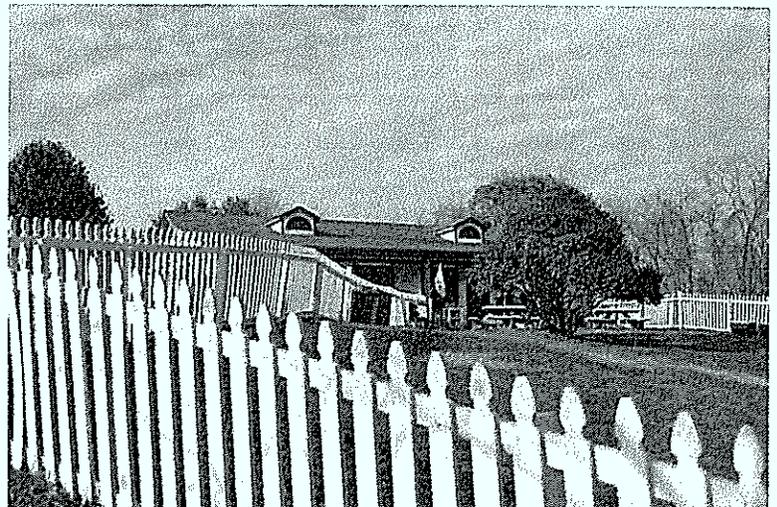
Front Entrance



Side Porch



Front Lawn



Current Play Yard

BK 1066 PG 2159

ALL THAT certain tract or parcel of land with all buildings and improvements thereon and appurtenances thereunto belonging, situated, lying and being in Scott Magisterial District, Fauquier County, Virginia, a tract containing 1.6438 acres, more or less, and more particularly described by plat entitled "House Location and Boundary Survey of the land of Jerry A. Bowie and Joyce H. Bowie", dated August 17, 2000 by Dunn Land Surveys, Inc., recorded in Deed Book 875 at page 542 among the land records of Fauquier County, Virginia.

AND BEING a portion of the same property conveyed to The Atoka Preservation Society, Inc., a Virginia corporation, by Deed dated August 17, 2000 from Jerry A. Bowie and Joyce H. Bowie, husband and wife, recorded in Deed Book 875 at page 542 among the land records of Fauquier County, Virginia.

Reference is hereby made to the aforesaid deed and references therein

contained for a more complete and accurate description of the tract or parcel of land hereby conveyed.

This conveyance is subject to easements, rights-of-way, power and telephone easements, restrictions, restrictive covenants, of record: Deed of Easement recorded in Deed Book 889 at page 1715 (well use, maintenance and access). In addition, the Grantor and Grantees both agree to the following

Restrictive Covenants:

- A. No structure on the Property shall exceed two stories (thirty feet) in height, above the finished grade level;
- B. No businesses or operations that are inconsistent with the rural nature of the area shall be permitted;
- C. No portion of the Property shall ever be used for commercial sex establishments, including but not limited to, obscene, nude or semi-nude modeling, sex clubs, massage parlors, or for the sale of any obscene material or any written or pictorial matter with prurient appeal, or for the

- sale of any object or instrument that is primarily concerned with nude or prurient sexual activity;
- D. No transmitting tower, antennae or any other facility for telecommunication services shall be placed on the property unless prior written approval from Atoka Preservation Society, Inc. or its successor;
- E. No road, path, byway, causeway or other physical access shall be constructed, established, maintained or erected to or from Highway 50 or its equivalent;
- F. Purchasers and their successors, transferees and assigns agree not to undertake significant modifications in the appearance or use of the Property or to engage in activities inconsistent with the conservation and preservation values of the Property, including, but not limited to, any of the following:
- (1) The main building on the Property shall not be demolished, removed, or razed or its street facing facade materially altered;
 - (2) No single floor of the building shall exceed a 4,000 square foot area;
 - (3) No structure not conforming, in architecture and building materials, to those traditionally built in the area shall be built;
 - (4) No building or parking area shall be constructed, placed or maintained nearer than 75 feet from any boundary line of the Property;
 - (5) No parking shall be permitted, allowed or encouraged on Highway 50 and Rectors Lane or its equivalent, or any portion of the area directly on or adjacent to Highway 50 and Rectors lane or its equivalent;
 - (6) No businesses or operations shall be permitted on the Property for the following purposes:
 - (i) the sale of merchandise, goods, property or entertainment of any kind at auction;
 - (ii) a restaurant offering "drive-through" service;
 - (iii) a gas or service station;
 - (iv) a discount store (including, but not limited to, camera, video, outlets, electronic, pawn, hardware or clothing store); or
 - (v) a firearms shop;
- G. No neon, laser or flashing signs, lights, structures or beams shall be placed, erected or constructed on the property;

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- H. No other buildings or structures, including satellite receiving dishes, camping accommodations, or mobile homes, shall be erected or placed on the property, except for temporary structures required for the maintenance or rehabilitation of the property such as construction trailers;
- I. No noise pollution shall be permitted (including, but not limited to, music, equipment or industrial operations), except as required for repairs or maintenance;
- J. No commercial or industrial activities shall be permitted that affect the external appearance of any building on the property or the property itself, except as required for repairs or maintenance;
- K. No dumping of ashes, trash, rubbish, or any other unsightly or offensive materials shall be permitted on the property, except as required for repairs or maintenance and in such cases it shall be removed within a reasonable time;
- L. No operation on the property shall increase or congest automotive traffic on or near the Rectors lane, or its equivalent area;
- M. The property shall not be divided or subdivided in law or in fact and the property shall not be devised or conveyed except as a single unit;
- N. No above-ground utility transmission lines, except those reasonably necessary for the existing building(s), may be placed on the property, subject to utility easements already recorded.
- O. No vehicles or equipment shall be placed on the property for sale or rent.

These Restrictive Covenants are binding upon the Grantor, Grantees, their successors, their assigns, their heirs, their devisees and their personal representatives.

WITNESS the following signature and seal.

THE ATOKA PRESERVATION SOCIETY, INC.,
A Virginia corporation

BY: Guy O. Dove, III (SEAL)
GUY O. DOVE, III, TREASURER
Treasurer