



**COUNTY OF ALBEMARLE PLANNING**  
**STAFF REPORT SUMMARY**

<b>Proposal:</b> SP202100017 Foster Forge Farm School	<b>Staff:</b> Scott Clark, Senior Planner II
<b>Planning Commission Public Hearing:</b> May 24, 2022	<b>Board of Supervisors Hearing:</b> To be scheduled
<b>Owner:</b> Aguilera LLC	<b>Applicant:</b> Anne Wachtmeister
<b>Acreage:</b> 6.44 acres	<b>Special Use Permit/Zoning Map Amendment for:</b> Private schools under Section 10.2.2(5) of the Zoning Ordinance.
<b>TMPs:</b> 06000-00-00-068E0 <b>Location:</b> South side of Barracks Road, approximately 400 feet northwest of the intersection with Montvue Drive	<b>Zoning/by-right use:</b> RA Rural Area - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> Jack Jouett	<b>Conditions:</b> Yes <b>EC:</b> Yes (non-arterial)
<b>School Districts:</b> Greer Elementary – Jouett Middle – Albemarle High School	
<b>Proposal:</b> New private middle school on a 6.44-acre parcel, with up to 60 students.	<b>Requested # of Dwelling Units:</b> n/a
<b>DA:</b> <b>RA: X</b>	<b>Comp. Plan Designation:</b> Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
<b>Character of Property:</b> Open land with an existed wooded area along the southern property boundary.	<b>Use of Surrounding Properties:</b> Suburban residential lots with some larger open-space parcels
<b>Factors Favorable:</b> <ol style="list-style-type: none"> <li>1. The scale of the proposed infrastructure for the school use limits physical impacts on the site.</li> <li>2. The placement and proposed screening of the parking area limits visual impacts of the use.</li> <li>3. The site offers adequate infrastructure for the proposed use including access to public water.</li> <li>4. The site is located on a Major Collector road in a location that would limit trip duration on the County's rural roadways.</li> <li>5. The proposal would provide an additional school option for residents of the County, and would provide natural-resource-based education that benefits from a rural location.</li> </ol>	<b>Factors Unfavorable:</b> <ol style="list-style-type: none"> <li>1. The use is more intense than most Rural Area uses and would generate more traffic than the by right uses permitted on the property. However, the site is located on a road designated as a Major Collector, and the use would generate a small proportion of the total traffic on that road.</li> <li>2. The use is proposed for a location with high travel volumes during peak travel hours, and with speeds reportedly exceeding the posted speed limits. Also, sight distance for westbound traffic approaching the site is constrained. Staff recommends that right and left turn lanes be required in order to increase safety at the entrance to the site.</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of SP202100017 with conditions.	

**STAFF CONTACT:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

Scott Clark, Senior Planner II  
May 24, 2022  
To be scheduled

## **PETITION**

PROJECT: SP202100017 Foster Forge Farm School

MAGISTERIAL DISTRICT: Jack Jouett

TAX MAP/PARCEL: 06000-00-00-068E0

LOCATION: South side of Barracks Road, approximately 400 feet northwest of the intersection with Montvue Drive

PROPOSAL: New private middle school on a 6.44-acre parcel, with up to 60 students.

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)

ENTRANCE CORRIDOR: Yes

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**

The area surrounding the site is a suburbanized rural area developed with significant areas of large-lot residential development. The site lies between the Colthurst subdivision to the southwest and the Montvue subdivision to the northeast. Adjacent to the northwest is a 21-acre property (Parcel 60-68), the site of the recently-approved special use permit request for the Field School, a private school for up to 150 students. Most adjacent properties are zoned RA Rural Areas, with property to the southeast zoned PRD Planned Residential. The Development Area boundary (Neighborhood 7) lies approximately 1,800 feet to the southeast. (Attachment 1- Location Map)

## **PLANNING AND ZONING HISTORY**

Portions of this parcel and the Field School parcel were formerly used as fill sites. A former landowner was found to be in violation of the Zoning Ordinance due to the property being used as a junkyard containing metal, wire, trash, and debris. That violation was abated in 2009 after appropriate Water Protection Ordinance plan approvals and compliance.

## **DETAILS OF THE PROPOSAL**

The proposal is for a private middle school of up to 60 students, focusing on outdoor and nature-based education. While most educational activities would occur outdoors, the school would include:

- A main cluster of small educational buildings with four 14'x18' classroom buildings, a 10'x24' assembly/administrative building, and a 10'x24' bathroom/storage building
- An 11-space parking area, plus one proposed handicapped parking space
- A grass overflow parking area of approximately 20 spaces to be used occasionally for school events
- An activity area at the rear of the property with a 20'x40' open-air pavilion

Classroom instruction would occur from 8:30 a.m. to 3:30 p.m, and after-school programs for students needing later pickup would continue to 5:30 p.m.

The property is designated for public water service, and the proposed use would connect to the existing water line that runs on the opposite side of Barracks Road. The Albemarle County Service Authority has reviewed the proposed use and has expressed no concerns.

The applicants are proposing to install an alternative septic system, such as incinerator toilets, in order to reduce septic outputs from the use and to avoid potential problems for conventional septic systems caused by the property's previous use as a fill site. However, the applicant has stated that sufficient non-fill areas have been located on the site to accommodate conventional septic systems if for some reason their preferred alternative systems would not work on the site. Any septic system for the use would be subject to review and approval by the Virginia Department of Health. This will be confirmed with site development plan review.

An existing earthen dam and basin on the site would be used to accommodate stormwater management facilities for the use. Those facilities would be designed in more detail during the site development plan review for the use.

Two special exception requests associated with the special permit for the private school were recently submitted (below).

- SE202200027: A special-exception request to permit installation of a walking trail across a portion of the property that includes critical slopes.
- SE202200028: A special-exception request to waive the curb-and-gutter requirements for the driveways and parking area within the site

These special exception requests should be reviewed as part of the site development plan for this use, should the Board of Supervisors approve this special use permit. Staff generally does not have concerns with minor critical slopes disturbance for the walking trail or with considering a waiver of curb and gutter requirements. However, the details for each waiver should be reviewed with the site development plan.

### **COMMUNITY MEETING**

A virtual community meeting for this proposed use was held on February 22, 2022. Several members of the public attended the meeting. Most comments focused on traffic impacts and road safety (including cumulative impacts with the recently-approved Field School on the adjacent parcel to the northwest). Other topics raised included the proposed buildings for the site and the history of the property as a fill site. [LINK TO MEETING](#)

A comment letter from a nearby landowner is provided as Attachment 5.

### **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. The proposed special use will not be a substantial detriment to adjacent lots.**

From the property boundary, the nearest dwellings to the site are located approximately 310 feet to the north (across Barracks Road, in the Montvue subdivision); 110 feet to the southeast (parcel 60-68C); and 310 feet to the southwest (in the Colthurst subdivision). The applicant is proposing to retain existing tree buffers to the southeast and southwest to help screen the site and limit noise and visual impacts.

School uses often generate concerns about noise impacts on adjacent properties. Since the proposed conditions of approval would prohibit lighting of sports fields and amplified sounds, and since no after-school sports activities are proposed, staff expects noise impacts to be limited and confined to daytime use only.

Nearby residents may be impacted by increased traffic on Barracks Road, but given the scale of the proposed use, overall impacts to traffic on Barracks Road are expected to be minimal. See below for an assessment of traffic impacts.

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

The Rural Areas zoning district in this area is characterized by mostly small and large lot residential uses and a few parcels that appear to be dedicated to agricultural and or open space uses. The proposed school use will be more intense than the neighboring residential uses, but of a smaller scale than the approved Field School use on the adjacent property. The proposed use is not expected to impact the other Rural Area uses in a significant way since the applicant is proposing to buffer and screen the use from all adjacent properties using existing vegetation and supplemental landscaping where needed.

The applicants have laid out the proposed use to use existing terrain and proposed new landscaping to limit visibility of the proposed parking area.

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

One of the stated purposes of the Zoning Ordinance is to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements. Even though the proposed school is a private facility, it would provide an additional school option for County residents.

The purposes of the RA Rural Areas zoning district are: 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.

While this use does not directly support these purposes, it is consistent with other uses that have previously been approved in this zoning district, including the adjacent SP201500024 Field School (with later amendments), which permits 150 students; and SP199900020 Free Union Country School (90 students, later amended to 120).

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

The property has a single development right and cannot be subdivided. The uses permitted by right in the RA zoning district support agriculture, forestry, and land conservation, and permit residential uses. The school use would be more intense than most by right uses permitted in the

RA district because of traffic and the activities associated with the 60-student middle school. However, the physical infrastructure for this proposed school would leave the majority of the site as open space and wooded areas. Preserving environmental features on the property is in harmony with by-right uses in the district and would limit overall land disturbance to only the portion of the site most suited to development.

**...with the regulations provided in section 5 as applicable.**

There are no supplemental regulations in section 5 applicable to this use.

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

The concept plan for this proposed use has been reviewed by the Virginia Department of Transportation (VDOT), which found the plan to be “generally acceptable,” provided that the site included a commercial entrance built to current VDOT standards. The applicant has shown such an entrance on the conceptual plan.

Barracks Road, between Old Garth Road and Georgetown Road, is classified by VDOT as Major Collector with an average daily trip count of about 6,000 vehicle trips per day. When built, it is expected that the adjacent Field School would generate an additional 372 daily trips based on a maximum enrollment of 160 students.

The applicants recently provided a Turn Lane Analysis and Study Report to address traffic concerns and determine whether right or left turn lanes would be required by VDOT. County staff have done a preliminary review of this report and have comments and questions on the report that we would like addressed before we can confidently state that there are no transportation impacts expected from the proposed development. These questions relate to how the applicant determined the daily and peak hour volumes that are expected to be generated by this proposal.

Barracks Road in the area of this development is characterized by high speeds and high volumes of commuter traffic heading eastbound in the AM and westbound in the PM. The posted speed limit in this area is 45 to 50 miles/hour. However, the County is aware of frequent reports that the speed limit is consistently exceeded. Westbound traffic approaches the proposed entrance to the school with a sight distance constrained curve approximately 500' to the east.

Data provided by the Police Department shows that in the five-year period from 2017 to 2021, the portion of Barracks Road (between Colthurst Drive to the west and Burgoyne Road to the east) had a total of 18 reported traffic accidents. In all cases, the accidents resulted in either minor injuries or no injuries. Most of these accidents are related to intersections and other access points.

To mitigate traffic, the proposed starting and ending times for this school use are a half-hour later than those approved for the adjacent Field School, allowing for some offset of peak trip generation for the two uses. However, the proposed times still fall within the peak hours of travel on Barracks Road.

Based on the findings explained above, staff recommends that the construction of left and right turn lanes at the proposed entrance be a condition of approval for this application.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Comprehensive Plan designates the property as Rural Areas which calls for the preservation and protection of agricultural, forestal, open space and natural, historic and scenic resources and allows for a density of 0.5 units per acre on development lots.

Although its educational program would include natural-resource-based learning and animal husbandry, the proposed school does not actively support agricultural or forestal uses, and would result in some impacts on natural and scenic resources. The limited scale of infrastructure needed for this school could allow for future use of the site for agricultural uses. However, the small size of the site limits its potential for some forms of agriculture.

Staff is of the opinion that due to the location of the property, nearby uses, proximity to the Development area, and the available infrastructure, the location is more suitable than most Rural Area sites for the proposed private school use. The surrounding area has developed into a suburban pattern of development consisting of small lot subdivisions of Colthurst Farm and Montvue. The natural features of the site have already been partially disturbed and cleared for the previous fill activity, and due to the impacts caused by this fill, it is unlikely that the property will be used in the near future for agricultural or forestry uses. The site is approximately 1,800 feet from the Development Area boundary, thus limiting the distance that users would have to drive on Rural Area roadways to access the site and the property is located on a major rural street that is designed to safely handle the anticipated traffic impacts. Additionally, this site is located in the Albemarle County Service Authority jurisdictional area for public water allowing for a connection to public water rather than relying on well water and impacting groundwater resources in the area.

While the proposed school is not directly supportive of Comprehensive Plan goals, it is no less supportive than some by right uses within the Rural Areas such as small lot subdivisions, which are a common development pattern in the vicinity of the proposed school. The character of this particular school would support Objective 7 of the Rural Areas chapter of the Comprehensive Plan, which states that the County should “provide information to citizens so they are well informed and understand the cultural, economic, and ecological aspects of the Rural Area.”

## **SUMMARY**

### **Staff finds the following factors favorable to this request:**

1. The scale of the proposed infrastructure for the school use limits physical impacts on the site.
2. The placement and proposed screening of the parking area limits visual impacts of the use.
3. The site offers adequate infrastructure for the proposed use including access to public water.
4. The site is located on a Major Collector road in a location that would limit trip duration on the County’s rural roadways.
5. The proposal would provide an additional school option for residents of the County, and would provide natural-resource-based education that benefits from a rural location.

### **Staff finds the following factor unfavorable to this request:**

1. The use is more intense than most Rural Area uses and would generate more traffic than the by right uses permitted on the property. However, the site is located on a road designated as a Major Collector, and the use would generate a small proportion of the total traffic on that road.

2. The use is proposed for a location with high travel volumes during peak travel hours, and with speeds reportedly exceeding the posted speed limits. Also, sight distance for westbound traffic approaching the site is constrained. Staff recommends that right and left turn lanes be required in order to increase safety at the entrance to the site.

### **RECOMMENDED ACTION**

Based on the findings described in this staff report and factors identified as favorable, staff recommends approval of this request, SP 2021-17 Foster Forge Farm School, with the following conditions:

1. Development of the use shall be in general accord with the concept plan entitled "Foster Forge Farm School Special Use Permit Concept Plan" prepared by Terra Engineering and Land Solutions, P.C., revision #3, dated 5/4/022, as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the concept plan, the development and use shall reflect the following major elements as shown on the concept plan:
  - a. Location of buildings
  - b. Location of parking and screening vegetation
  - c. Preservation of wooded areas marked "Trees (to remain)"

Minor modifications to the plan which are in general accord with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications are to be considered in terms of minimizing or improving impacts on adjoining properties and roadways. Buildings and parking may be developed in phases.

2. The maximum enrollment shall be 60 students.
3. Classroom instruction shall not begin before 8:30 a.m. and neither classroom instruction nor after-school programs shall continue later than 5:30 p.m. Classes shall not be held on Saturday or Sunday.
4. Non-sporting, school-related events with more than 50 attendees shall not occur on site more than 5 times per calendar year and attendance shall not exceed 200 persons. The facility shall not be used for school athletic events or for events not related to the school use.
5. Left and right-turn lanes that meet VDOT standards are constructed at the proposed entrance to the site.
6. No outdoor lighting of sports fields shall be installed for this use.
7. There shall be no outdoor amplified sound associated with this use.
8. Any new outdoor lighting shall be only full cut-off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at the property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.
9. If the construction of the private school for which this Special Use Permit is issued is not commenced by [date three years from Board of Supervisors approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

## **ATTACHMENTS**

1. [Location Map](#)
2. [Application Narrative](#)
3. [Conceptual Plan](#)
4. [Turn Lane Analysis](#)
5. [Public Comment](#)