

**Albemarle County Planning Commission
Regular Meeting
FINAL Minutes October 25, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, October 25, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Julian Bivins; Fred Missel; Luis Carrazana; and Lonnie Murray

Members absent: Corey Clayborne

Other officials present were: Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Scott Clark; Kevin McCullum; Rebecca Ragsdale; Alberic Karina-Plun and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Ms. Firehock said opportunities for the public to access and participate in the hybrid meeting were posted on the County's website, on Planning Commission's homepage, and on the County Calendar when available. She said participation would include the opportunity to comment on those matters from which comments from the public would be received.

Ms. Shaffer called the roll.

Ms. Firehock established a quorum.

Other Matters Not Listed on the Agenda from the Public

There were none.

Consent Agenda

No items from the Consent Agenda were commented on nor pulled.

Mr. Bivins moved to adopt the Consent Agenda. Mr. Missel seconded the motion. The motion carried unanimously (5-0).

Public Hearings

SP202200019 Keswick School

Mr. Kevin McCollum, Senior Planner, said that the proposed special use permit amendment was for a private boarding school in Keswick, Virginia. He stated that the subject property was located at 4075 Keswick Road, near the intersection of Keswick Road and Route 22. He said that the property was nearly 22 acres and zoned rural areas (RA).

Mr. McCollum said the property had been home to a private boarding school, known as the Keswick School, since the 1960s. He noted that the property had several buildings and structures associated with the school, including dormitories, classrooms, a gym, a pond, a playfield, offices,

and associated parking. He said the character of the surrounding area includes RA uses, such as low-density residential uses, agricultural uses, farmlands, a blacksmith, and nearby churches.

Mr. McCollum explained that the most recent special use permit for the school was approved in 2007 and that the school had an approved site plan. He said that the maximum enrollment for the school was set at 35 students. He stated that the applicant had requested an amendment to the Keswick School's existing special use permit to modify the conceptual plan to include a new arts center, a storage building, and a horse barn. He noted no increase in student enrollment was proposed.

Mr. McCollum said that the applicant had indicated a need for the new structures as a result of a recent fire that destroyed one of the school's multi-purpose buildings and to meet the needs of the student population.

Mr. McCollum said that the conceptual plan provided an overview of the entire campus, including existing buildings and what was proposed to be built. He said that the special use permit application was reviewed under the factors for consideration as outlined in the zoning ordinance. He said staff believed the proposed new buildings would not be detrimental to adjacent parcels nor would they change the character of the nearby area. He said that the school would be kept in harmony with the rural area zoning district and that the proposal was consistent with the Comprehensive Plan.

Mr. McCollum said that staff found the positive aspects of the application included that the use was consistent with the Comprehensive Plan and Rural Area plan, the proposal had no increase in student enrollment, and there were no anticipated detrimental impacts to adjoining properties. He said that staff did not identify any concerns associated with the application and that staff recommended approval with the conditions as recommended in the staff report.

Mr. Bivins asked why the applicant had to come before the Commission if they were only requesting to replace buildings from a fire in 2021. He asked why applicants had to go through the process to replace buildings that had burned down if there was no change of use.

Mr. McCollum said that there were two parts—what was shown on the conceptual plan and what was shown on the approved site plan. He said one of the conditions of the previous special use permit was that the site had to be in accordance with the conceptual plan. He said that the applicant was amending the special use permit conceptual plan and that they would have to come forward with a site plan amendment to develop the buildings.

Mr. Murray noted that he had emailed comments to staff. He mentioned that the conceptual plan indicated several sewage disposal areas within the stream buffer and within 100 feet of the stream. He said that currently, the stream was not vegetated to the 100-foot buffer the County would normally require. He noted that the size of the barn would be increased. He asked what mitigating factors were included and what the stocking size of the horses would be. He asked how the impacts to the stream would be mitigated.

Mr. McCollum said that the comments had been shared with the applicant and with engineering. He stated that engineering had responded that animal waste associated with agricultural uses was exempt from the water protection ordinances.

Mr. Rapp responded that that was accurate. He said that the water protection ordinance would apply to any of the new areas on the conceptual plan, but it would not be applied retroactively to previously existing structures on the site. He said it was a measure the applicant could offer, but it was not required as part of the process.

Mr. Murray said in 2014, the water protection ordinance would have applied. He said that the Bay Act required that if the buffer did not exist, then it would have to be restored.

Ms. Firehock explained the rules for the applicant's presentation.

Mr. Mark Columbus, Head of Keswick School, stated that he had been Head of School for 30 years. He introduced Ms. Donna Stewart from Abrahams and Company. He stated Abrahams and Company had helped with the restoration of the Keswick Depot. He said the company was the applicant's preferred contractor for the arts building.

Mr. Columbus said that Keswick School was known as a therapeutic special education boarding school. He said it would be their 60th year of operation. He said that boys came from all over the United States and from abroad—Hong Kong, Norway, Sweden, Egypt, and Peru. He noted that they were nationally recognized for their work as a therapeutic special education boarding school.

Mr. Columbus explained boys were enrolled at the school between the ages of 9 to 15. He said that they did not usually graduate, and that the usual length of stay was two years. He said that they had a strong clinical program. He noted the students may have diagnoses of ADHD, anxiety, learning difficulties, or neurodivergence. He noted a former student recently graduated from the UVA School of Engineering.

Mr. Columbus said that the special use permit focused on the replacement of a building that burned down in March 2021. He explained that the replacement would be a one-story building. He explained that the building that burned down housed the art center, the woodshop, the ceramic studio, the drama center, a therapist's office, and storage.

Mr. Columbus said many of the boys' first successes came from within the arts studio or the drama program. He said that the County helped renovate a garage with an expansion of about 15 feet. He said a temporary shop was housed in the garage, and art classes were held in the library. He noted that the proposal was a replacement project, and that the enrollment would not increase.

Mr. Columbus explained the school staff received a call about the fire at 3 a.m., and they worked with the County to respond. He stated that they could not find the cause of the fire and noted that the building was old.

Mr. Columbus said that the new building would not be located in the same location as the building that burned down because it would be located in the floodplain. He noted that 10 feet of the prior building had been in the floodplain, so they were paying about \$20K a year for flood insurance. He said that the site was moved and that it was outside of the water protection ordinance buffer.

Mr. Columbus said that there would be an arts center, a ceramics studio, a multi-purpose STEM room, and a drama and assembly room in the new building. He said that when they lost the barn, they lost storage space. He said that they were creating storage for residential equipment

because they did a lot of biking and canoeing. He stated that they did not plan to increase enrollment and that it would remain at 35 students.

Mr. Columbus said the footprint of the proposed barn had increased by a few square feet from the previous structure. He said that the special use permit was done out of necessity because the footprints of the proposed buildings were different from those of the previously constructed buildings that burned down. He said that the school only had seven horses. He noted that they leased two fields, and the only time the horses were brought into the site was when it was time to ride.

Mr. Columbus said the barn was not a place for the horses to stay and that they instead stayed in the field. He said that horse manure would be mitigated because the horses would not be kept in a large, stalled area. He said that the construction of the depot was started when prices tripled.

Mr. Columbus said that the new building would include a wood shop, a multi-purpose STEM room in the center, and an arts center. He noted that many of the students played violin, cello, guitar, and other instruments. He said that they would restart the ceramics program and also have a drama facility. He said that they were just replacing buildings and not increasing enrollment.

Mr. Missel asked what the depot was used for.

Mr. Columbus responded that in 1992, the East Rivanna Volunteer Fire Department owned Stokes of England and the Depot. He continued that the fire department sold it to Bob and Libby Wilson who owned the school privately. He said that they had been a nonprofit for six years. He said that the depot was used by the school as a dining facility and meeting place. He said that a donor helped with the repairs.

Mr. Murray said that his concerns were addressed. He encouraged the applicant to work with their extension agents and the local conservation district on best management practices for the horse.

Mr. Columbus responded that a few years ago, they had a 4H club to help the students. He said that Southern States had an extension agent that was helping the school.

Mr. Murray noted that there were great programs.

Mr. Bivins suggested the applicant correct the date of the fire in the documents before going before the Board. He noted that in the applicant's letter, it stated the fire occurred in 2020—when it actually occurred in 2021.

Mr. Columbus said that was correct.

Ms. Firehock noted there were no comments from the public. She closed the public hearing and brought the item back before the Commission.

Mr. Missel noted that the conditions mentioned planting Leyland cypress, but those trees were notoriously disease-ridden. He recommended a more native species, such as cedar, that would be more likely to survive.

Ms. Firehock said that Mr. Missel was correct. She said that adapting the recommended tree planting list would be part of the ordinance update.

Mr. Missel moved to recommend approval of SP202200019 Keswick School with conditions as stated in the staff report. Mr. Carrazana seconded the motion. The motion carried unanimously (5-0).

Adjournment

At 8:15 p.m., the Commission adjourned to November 22, 2022, Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards; transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 11/22/2022
Initials: CSS