

Albemarle County Planning Commission
April 21, 2015

The Albemarle County Planning Commission held a public hearing on Tuesday, April 21, 2015, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Cal Morris, Chair; Karen Firehock, Richard Randolph, Thomas Loach, Bruce Dotson and Tim Keller. Absent was Mac Lafferty, Vice Chair. Julia Monteith, AICP, Senior Land Use Planner for the University of Virginia was present.

Other officials present were Scott Clark, Senior Planner; David Benish, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Morris, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

b. SP-2014-00015 Heartrock – Day Camp

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 00600-00-00-028B0

LOCATION: 6600 Blackwells Hollow Road

PROPOSAL: Day camp

PETITION: Day camp with outdoor play areas and environmental education as permitted under Section 10.2.2.20 of zoning ordinance. No dwelling units proposed.

ZONING: RA Rural Areas – agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots). Day camp, boarding camp (reference 5.1.05) – (10.2.2.20).

COMPREHENSIVE PLAN: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
(Scott Clark)

Scott Clark presented a PowerPoint presentation regarding SP-2014-000015 Heartrock – Day Camp.

This is a special use permit request for a day camp. It is located on Blackwells Hollow Road in the northwest part of the county adjacent to Byrom Forest Preserve Park.

The applicants can provide a lot more detail on the interesting design they have come up with. However, in simple terms the proposed use would include:

- An existing barn, to be used for shelter, programs, and restroom facilities
- A play area with “natural playscapes” incorporating trees, rocks, water, and other natural features
- Recreational features such as trails and a labyrinth
- A primitive tent-camping area with six sites
- The conceptual plan shows 28 parking spaces. Typically a four-person vehicles would allow a maximum of 112 attendees.
- Landscaping features such as edible gardens and native-plant areas

He reviewed the conceptual plan for the use on the 28 acre site. The current fenced area will essentially be the location of the play areas where children and families will be able to run around in and use the play facilities. The entrance road will be moved slightly to match up with the VDOT entrance requirements. The parking is essentially in the back where the farm road ends behind the barn. The six tent sites will be located in the green area. In the less developed area in the rear there will be trails going around the back. There are a couple of open areas; however, the site is mostly wooded.

There would be no amplified sound systems. The only new infrastructure needed would be:

- relocated access road which is just moving slightly from the location of the existing farm road,
- the parking area, and
- improvements to the existing barn.

Safety improvements, as recommended, would include:

- fencing for the play area (which is adjacent to the state road),
- VDOT approval of the entrance design, and
- staffing requirement for the site. (Staff recommends the site be staffed by someone working for the organization at any time even if it has been reserved for a private group. Because they have the limited parking areas there should be someone on site to work with the customers and manage the people who arrive and provide safety backup.)

This use falls under the section of the Rural Areas Plan. The Rural Areas Plan includes a goal calling for the County to “Encourage creative and diverse forms of rural production and support rural land uses that provide rural landowners with economic viability.” This property could be developed with up to four residences by right. The proposed use would be an alternative to residential development, and could be more easily converted back to agricultural and silvicultural use.

The plan states that such alternative uses should be: ***Reversible (so that the land can easily return to farming, forestry, conservation, or other preferred rural uses)***. Other than the driveway and parking area, the use would not create areas that could not revert to preferred rural uses. Staff thinks this use matched this criterion pretty well.

Scaled and sited to cause minimal impacts on their rural surroundings;

The majority of the impacts of the use would occur in already-disturbed areas of the property. Given that they have limited the scale of the use by the parking area, which is 28 cars at a maximum and no overflow parking outside, it keeps the use from getting too large or becoming a large intense use. The potential main impacts on the intermediate surroundings other than that traffic would be noise. There is no amplified sound, but there will be people outdoors.

Minimal in their public health and environmental impacts; and

The small amount of construction on the site would limit impacts on the natural resources of the site and the surrounding parcels. There is very little change to the vegetation on the site. There is not much being actually developed since they are mainly using what is there. Actually quite a bit of planting will go on in addition to what is required.

Viable with no increase in public infrastructure or services, either at time of approval or later.

The use would be supported by on-site water and septic capacity, and no increase in public infrastructure has been requested or recommended. The owners are not requesting any increase in public infrastructure.

SUMMARY:

Staff has identified the following factors favorable to this application:

1. The proposed use is consistent with the Comprehensive Plan’s standards for “alternative” commercial uses in the Rural Areas, and the site could easily revert to agricultural, silvicultural, and/or conservation uses.
2. The design and scale of the use are consistent with the character of the surrounding rural area.

Staff has identified the following factor unfavorable to this application:

1. The proposed layout of the site would place a play area in close proximity to a public road, raising safety concerns. A condition recommended by staff would address this factor by requiring safety fencing around the play area.

RECOMMENDED ACTION:

Staff recommends approval of SP-2014-00015 Heartrock Day Camp subject to the following conditions:

1. Development of the use shall be in general accord with the conceptual plan titled “Heartrock Farm,” prepared by Sophie Johnston, Landscape Architect, and dated February 17th, 2015 (hereafter, the “Conceptual Plan”) as determined by the Director of Planning and the Zoning

Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:

- Number of parking spaces (maximum of 28)
- Number and location of tent-camping sites
- Size and location of barn

Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Customer parking shall only be permitted in the parking spaces shown on the conceptual plan.
3. The permittee shall obtain written approval of the entrance design from the Virginia Department of Transportation prior to the County's approval of the final site plan for the use.
4. The permittee shall obtain written approval of the water supply and the onsite sewage system from the Virginia Department of Health prior to the County issuing a zoning clearance and the permittee commencing the use.
5. All outdoor lighting at the site that is exclusively for camp use shall either emit 3,000 lumens or less or be a full cutoff luminaire.
6. No amplified sound systems shall be used on the site.
7. The area shown on the conceptual plan as "Mowed Play Yards" shall be within fencing conforming to ASTM standard F2049, except where it abuts a structure. All gates into this area shall be located at least 300 feet from Blackwells Hollow Road.
8. Overnight camping shall be limited to tent camping. Overnight use of recreational vehicles is not permitted.
9. At all times when the facility is open, except when the only active use is overnight camping, at least one staff member shall be on site.

Mr. Morris invited questions for staff.

Mr. Randolph asked staff to identify what kind of fencing he had in mind when he specifies on page 4 safety fencing, which he agreed with. He asked if the fencing would be wood and not metal.

Mr. Clark replied that it could be chain-link fencing. From his discussion with the applicant the fencing probably will be inside the existing rail fence and not be very visible. The ASTM standard gives a few different options for how to construct the fence and chain-link is one of them. There are also some types of slat fencing that could also work. However, any fence type that met that safety standard was fine.

Mr. Randolph explained this section of road is really one of the most beautiful sections of rural road in Albemarle County, which he gets to enjoy frequently in cycling. He would hate to see metal fencing on that road. Therefore, he would urge that whatever fencing is specified that this be as natural looking as possible for the aesthetics of the fencing. Understanding cost he really thinks metal fencing would look totally inappropriate in this location.

Mr. Clark pointed out the two options they talked about earlier today was possibly having the safety fencing inside the rail fence and also having it be a dark color like dark brown or black so it would not be as visible as the typical shiny silver chain-link fence.

Mr. Loach agreed if they can retrofit the fence that would be fine.

Mr. Clark pointed out that he did not think there was any intent to replace the rail fence, but just to augment it.

Mr. Loach asked since staff said there are no RV's does that include pop up tent campers, and Mr. Clark replied yes, that is meant literally to be just for tents.

Mr. Dotson agreed with staff, but would also hope it would be an augmentation of the existing fence and not a solid fence. He pointed out his next question might be more for the County Attorney. In the staff report Mr. Clark points out this use would be instead of developing the property with its potential of four dwelling units. He was curious if there is a special use permit on the property that shows a site plan and

the use of the whole property what is the duration of that. In effect it almost sounds like through the side door easement on the property that because as long as the special use permit is being utilized the dwelling units could not be developed. Therefore, he was curious about that.

Mr. Kamptner replied the special use permit goes with the land and generally the special use permit does not preclude the land owner from making other uses of the property that may be allowed by right. So it is possible that in approving this special use permit that if the land owner can comply with all of the conditions that they could also put dwelling units on the property. He asked if there would be a site plan.

Mr. Clark replied yes, they will have a site plan.

Mr. Kamptner said since the land owner will have a site plan for this land that they can only use the land in the manner that is shown on the site plan. Therefore, that will be an additional constraint on what they can do.

Mr. Clark pointed out when they had the Blue Ridge Swim Club special use permit about a year and a half ago that the applicant came in and wanted to put a house on the property for the owner/manager to actually live there to keep an eye on things. The applicant actually had to come in for an amendment to the special use permit. He can't remember whether they were just building the house or if they also were going to subdivide it off. However, it was a similar situation in that they wanted to have one dwelling and had to amend the special use permit.

Mr. Benish pointed out in that case the applicants were going to subdivide the property. However, before they could divide the property the special use permit had to be amended. So there is that aspect that is available.

Mr. Dotson pointed out he wanted to ask just so everybody understood.

Mr. Kamptner noted the additional layer here is that they are developing the site in accordance with the conceptual plan, which is how it is titled here. As long as they are using it for this camp the site has to be developed as it is shown on the conceptual plan.

There being no further questions for staff, Mr. Morris opened the public hearing to the applicant and for public comment. He invited the applicant to come forward and address the Planning Commission.

Kevin Schuyler introduced Sophie Johnston, Landscape Architect, who was not his wife, Carolyn, who he would speak about in his comments. He and his wife Carolyn are the owners of Heartrock Family Farm, LLC located at 6600 Blackwells Hollow Road. They also are residents of the county and live at 2521 Summit Ridge Trail in the Ashcroft neighborhood. He imagines that most Commissioners have had the opportunity to get out to the site and see this part of the county. He has heard from at least one Commissioner that they really appreciate what the site offers. He explained the proposal.

- Attachment A shows they are next to the Patricia Byrom Park, which is a very beautiful part of the county on the back side of Fox Mountain. The site is surrounded on two sides by the park. As they can see from the map they are in the extended shadow so to speak of Shenandoah National Park. The property has spectacular views up and down the valley. There are three pristine and free flowing streams on the property presently. There is an abundance of wild life of all types including flowers, trees and also animals. Our vision for the property is to connect children and their families to this special natural area. Many have probably heard about our vision this past week at the Tom Tom Founders Festival. His wife Carolyn presented their plan to the Crowdfunded Pitch Night and our pitch was awarded the grand prize by members of our community. There is also a very nice picture of his wife in the paper.
- Attachment B actually shows our property. As Mr. Clark indicated the property they purchased last year is basically in the same condition it was when they bought it. Therefore, all the things that exist are essentially what they inherited. Our plan is to try to work with the existing infrastructure. The prior

owner had built the large barn and created the fenced pasture that is basically between the barn and the road. They intend to make use of these existing improvements. Our plan as was indicated does not call for any additional new large buildings or substantial infrastructure that would permanently impact the landscape. There is a horse riding ring outside the barn, but that is going away. Also, there is a very steep road that goes up a 20 percent grade that they are going to let fill in naturally with trees, bushes and so forth. So the steep road will go away as well.

- Attachment C shows our plan that was skillfully created by Sophie Johnston. Ms. Johnston took her ideas and brought them to life. As represented in the drawing it has been a wonderful collaboration and they are happy to have Ms. Johnston's expertise as part of this project. From the map he would just note a few things. They are intending to convert the pasture as was indicated into a natural playscape for children. They believe children benefit from a connection to nature, which he believes was a central theme in what propelled Carolyn to receive the award last week at the Tom Tom Founders Festival. People basically understand that children are not getting outdoors enough the way we did when we were all children. They all know intuitively, and he thinks it has also been demonstrated scientifically, that children who spend more time outdoors are healthier, more resilient and better long term stewards of the natural resources that they all depend upon. Naturally these experiences are more difficult to come by in the classroom or perhaps in a video game. So they hope to offer the real thing just off of Blackwells Hollow.
- There are three existing meadows shown in the diagram that they are going to use. They intend to add trees and native species to the meadows. They are slightly realigning the entrance road as described only at the suggestion of VDOT. There are other important elements in the plan including the labyrinth, meditation areas and some very simple trails. They are going to be adding appropriate parking and an overflow parking area as shown on the map. There are basically two parking sections, six camp sites and improvements to the interior of the barn. Basically, the barn improvements at this point would potentially include a floor since it is basically a dirt floor right now. Also, they would be adding restrooms, which were partially installed by the prior owner. There is a septic tank already in the ground.
- In addition to the required public meetings they have made an effort to engage the neighbors, especially our intermediate neighbors to the south. So he thinks if they go back to Attachment B basically they are surrounded on two sides by Patricia Byrom Forest Park and Blackwells Hollow Road. They can see the barn and the property nearby with the buildings to the south. The property is owned by Lieutenant Colonel Christopher Byrom who is an amateur surveyor. He was willing to learn so they spent some time together trying to find the various survey stakes on their mutual border. They discovered that his 12 year old is probably the best surveyor of the crowd. He grew up on the property and it is a very special place for him as it is for us. They both share a mutual interest in maintaining the special character of a very special place.
- He currently rents his property under two long term leases. One of them actually extends all the way to 2035, which are the folks that live in the house as shown in the picture. They have spent time with them and their names are Joe and Anna. They are the most intermediate neighbors and they obviously live closer to the barn. Since Joe and Anna have arrived they have been very supportive of our plan and have gone through the plan with them. In fact, below one of the windows is their propane tank. Perhaps as a small indication of their support, but certainly an act of kindness, they painted black spots on their propane tank so it appears to be a cow. He thinks that will probably be surely appreciated by the children and they appreciate it as well.
- They have also been in touch with other neighbors kind of up and down the valley so to speak. But, in particular David and Tom Steppe are keeping cows within our pastures currently and have been able to help out with maintenance and mowing. They also have started to build relationships with some of the people that use the park. In fact, there is probably one gentleman who uses it just about every day and maybe considers it his personal park because it is almost like his backyard since he is there so frequently. At no point during either the public meeting on the property which they had at the

barn or any of these conversations have they received any negative feedback from any of our neighbors as it relates to our plan. In addition to the general support, a number of our neighbors have expressed a willingness to help out as volunteers or even as staff. So it is nice to be able to potentially call upon our neighbors in that regard.

- They have reviewed the staff report prepared by Mr. Clark and believe it fairly reflects our plans. They share the county's interest in safety especially for children and all folks who come to our playscape. In fact, if it was not pointed out in the materials he noted his wife is a certified playground safety expert. She went through that training as part of our effort to come up to speed in these areas. They believe staff's recommendations are reasonable and generally acceptable in terms of the stipulations Mr. Clark outlined a few moments ago. They would be delighted to receive the Planning Commission's recommendation for approval and are happy to address questions or comments.

Mr. Morris invited questions for the applicant.

Ms. Firehock said she liked the idea of the camp very much so these questions are really just due diligence to make sure that it is safe with the least impact. She asked are there currently restrooms in the barn or are they having to put those in.

Mr. Schuyler replied that he would say yes and no. The prior owner basically had buried the septic tank and ran the line from the septic tank into the barn. There is a concrete pad in the barn and the pipes are sticking up out of the concrete pad. So it is kind of half way there, but the restrooms have not been fully installed.

Ms. Firehock asked how many restrooms he would have and if he will have just one toilet for all the campers or multiple stalls. She was trying to get a sense of how many people will be using this and what the facilities are like.

Mr. Schuyler replied that it would kind of be like what is seen in the picture. In the picture on the left hand side there is a white door by the corner and two windows. That basically is an entrance area so people can enter through that existing door. As they go through that area and enter the larger part of the barn is where the concrete pad is. They envision putting both the men and women restrooms kind of side by side.

Ms. Firehock noted that it would be two toilets and asked how many children or people would be at the camp.

Mr. Schuyler replied basically they can accommodate 28 cars or however many show up in any particular day in 28 cars.

Ms. Firehock pointed out that one car could have two or three kids in it.

Mr. Schuyler replied yes, the car could have two or three kids or only one. They went through this with Mr. Clark and the team and settled in that 28 spaces was the right amount.

Ms. Firehock asked if he was sure he had enough area for the septic drain field to accommodate up to 40 people using two toilets every day.

Mr. Schuyler replied yes, there are basically two very large septic drain fields that are accessible to the property. They have already received a soils survey from Afton Soil Consultants. There was already a permit on this particular septic obviously because they started the process. They have had communications with Mr. Davis and the folks at the Health Department.

Ms. Firehock pointed out she asks these questions because she knows of several camps where they have not addressed septic adequately and have had major problems with pollutions. She just wanted to make sure that was carefully considered.

Mr. Schuyler pointed out if they look at the conceptual plan they can see the proposed drain field is quite a large area. He did not know if that gave her any comfort or not. But, obviously one of the stipulations was the Health Department would have to approve everything.

Ms. Firehock noted that she also has had experience with the Health Department approving things that were not installed. In other words, the Health Department approved an application and the person did not put in the things that the Health Department wanted. So she gets that, but was just trying to be careful in talking to him and not the Health Department. The other concern she has is about response time in case of an emergency. She asked how far the closest emergency response is. She would also like him to address whether staff on site will have EMT training or what provision he will have for any kind of accidents because children are always hurting themselves.

Mr. Schuyler replied that there is already a telephone on the site. So our proposal is to have an emergency phone available, which is essentially the same provision available at the Patricia Byrom Forest Park next door. Byrom Park basically has a pick up emergency phone, and they would have the same thing. They have not called the ambulance out there and they hope to never have to. However, our neighbors tell us that the response time is not great.

Mr. Loach pointed out the response time from Western Albemarle is about 20 to 25 minutes.

Ms. Firehock noted that was what she had figures. She was not sure they would put this as a condition of the special use permit. However, she would strongly advise they have anyone who is staffing that site certify as an EMT since they basically are the first responders to any kind of emergency situation.

Mr. Schuyler said that he appreciated her input.

Ms. Monteith said she thinks this is a very interesting project and a beautiful site plan. She had a couple of questions. She asked if he had specified an age range of the children.

Mr. Schuyler replied that it was going to be a range of ages that they are basically building the playscape to. There are basically three pastures because there were two cross fences. They are designing it in such a way that the younger children would best be accommodated right up next to the barn. That would be kind of the younger kids like essentially toddlers. The middle or largest section would be most appropriate for maybe kids larger up to 10 or something like that. Then the lower section where the stream is would be most appropriate for older children. However, they will not exclude anyone that is not children and are welcoming parents and grandparents as well. Some people might say that he is just a large child, too.

Ms. Monteith asked is there seasonality to the use of the property.

Mr. Schuyler replied yes, that is dependent on Mother Nature. However, he thinks they anticipate that would generally be kind of in the March/April timeframe and maybe through the October/early November timeframe. Their aspiration is that children ought to have the opportunity to be outside in all types of environments and all types of weather. However, he thinks the practical reality of being 40 minutes from Downtown Charlottesville that they are probably not going to get heavy use during the winter.

Mr. Loach asked what the hours of operation would be.

Mr. Schuyler replied right now they are just anticipating being open to the public on Saturdays and then by appointment or reservation the rest of the time.

Mr. Morris invited other questions.

Mr. Dotson said he may have just answered his question. However, he was curious about his business plan in the sense of he was thinking if his grandchildren were here and said this would be a neat

experience how would that desire be actualized. He asked how he would know about it, would he have seen advertising in the news, and would he call or make an online appointment or just show up.

Mr. Schuyler replied that his wife is not here tonight because she is enrolled in a community investment cooperative program, which is 17 weeks, and if you miss one week you cannot graduate. So she is across the street doing her studies. A big part of that program is trying to figure out exactly the economics and how this makes sense. They think there is probably going to be some type of user fee for those who show up and then clearly there would be a user fee for the overnight camping. So that is essentially the revenue model. Our hope is that the revenue is enough to sustain the staffing and maintenance necessary to continue the project. But, it probably won't make much of a contribution towards the capital costs of the land itself and the improvements in terms of building, the playscape, realigning the road and stuff like that. They will see how it turns out. He happens to be on a board of an organization called the The Stone Barn Center up in Westchester, New York, which is basically sustainable agriculture. Most people who drive up would just call it a farm. However, their mission is sustainable agriculture. One of things that was an interesting for us as they were thinking about this and working together with county staff is that once it become discovered your problem is less about attracting people and more about managing the number of people. He does not anticipate that they will have a massive advertising campaign. He thinks it is probably going to be primarily word of mouth. Hopefully, that will allow us to manage the growth and the use without getting out of control.

Mr. Keller asked has there been consideration of cistern water instead of wells and composting toilets instead of toilets using a septic system.

Mr. Schuyler replied they thought about a wide range of options from not offering anything to all the way to offering compost toilets and things like that. So they considered a broad range, but ended up more in the middle. Either they were going to do something very similar to what they have in the barn next door, which is basically a luxury outhouse, or do kind of a traditional bathroom setup. They ended up with the traditional bathroom setup.

Mr. Keller noted there are many parts of the world such as Scandinavia where there is high quality bathrooms that are not water based. So it does not have to be a latrine.

Mr. Schuyler pointed out that was not his territory.

Ms. Firehock said she had a question about the parking. She knows this is not a site plan yet, but are you considering permeable pavers, reinforced turf or other low impact development approaches instead of just gravel which can become effectively imperviousness or something worse like paved.

Mr. Schuyler replied that he would ask Sophie Johnston to speak to that.

Ms. Sophie Johnson, landscape architect, replied they have to get more scientific data on whether that is acceptable. They had always talked about the road coming in as gravel and it may be that the primary parking is gravel. However, that overflow parking, which also serves as the fire truck turn around, they would like to be stabilized turf.

Mr. Clark noted they had talked about that a fair amount, but it did not seem to be critical at the decision point about whether the use was okay or not.

Ms. Firehock pointed out she liked to plant these seeds early.

Mr. Clark said they have actually talked about it quite a bit, but there were so many questions about what materials to use. He knows the county engineers have a lot of concerns about the durability of more permeable materials over time plus gravel compacting.

Ms. Firehock noted there are some that the county has experimented with like the rings with the graveling that don't work, which she was not suggesting. There is definitely good research out there in what is

proven to actually work. It is not quite such a fuzzy field and she was sure they can find something. However, since they are kind are implying this is a sustainable low impact playground and people will be visiting it that any chance to educate the public about what they have done is a great opportunity.

Mr. Randolph asked if Mr. Schuyler and his wife have discussed the possibility of ADA access on this site.

Mr. Schuyler replied yes, it has been discussed and publicly communicated that they intend to have ADA access and hopefully serve children that rely on assistance to move around to let them participate in the whole experience including the play yard.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed to bring the matter before the Planning Commission for discussion and action.

Motion: Mr. Loach moved and Mr. Randolph seconded to recommend approval of SP-2014-00015 Heartrock Day Camp subject to the conditions as recommended by staff.

Mr. Morris invited further discussion.

Ms. Firehock said she did not want to condition the application, but she did want the notes to strongly reflect my recommendation that somebody is trained as an EMT. She has been meeting with the County Office of Emergency Response on other issues about emergency response time in the County and they have been talking about the fact that residents become the first responders. Since they have small children in their care she just wants to make it real clear that she thinks that needs to be part of the training.

There being no further discussion, Mr. Morris asked for a roll call.

The motion passed by a vote of (6:0). (Lafferty absent)

Mr. Morris noted that SP-2014-00015 Heartrock Day Camp would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning Boards)