



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

<b>Proposal:</b> SP202200018 St. Paul's Ivy Preschool	<b>Staff:</b> Rebecca Ragsdale, Planning Manager
<b>Planning Commission Public Hearing:</b> October 25, 2022	<b>Board of Supervisors Hearing:</b> To be scheduled
<b>Owner:</b> St. Paul's Episcopal Church	<b>Applicant:</b> Melissa Kelly & Allison Kretlow
<b>Acreage:</b> 15.32 acres	<b>Special Use Permit for:</b> A request for a special use permit under Section 18-10.2.2(7) to allow a preschool from within the existing church at 851 Owensville Road.
<b>TMP:</b> 058A2-00-00-01800	<b>By-right use:</b> VR Village Residential 0.7 unit/acre residential and agricultural uses
<b>Magisterial District:</b> Samuel Miller	<b>Conditions:</b> Yes <b>EC:</b> No
<b>School Districts:</b> Meriweather Elementary, Henley Middle, Western Albemarle High	<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) in Rural Area 3 of the Comprehensive Plan.
<b>Character of Property:</b> The property at 851 consists of an existing historic church, office building, associated parking, a children's playground, cemetery located to the rear, and wooded areas along sides/rear of property.	<b>Use of Surrounding Properties:</b> Primarily low density residential, railroad and commercial properties to the south.
<b>Positive Aspects:</b> <ol style="list-style-type: none"> <li>1. The use is consistent with the Comprehensive Plan/Rural Area Plan.</li> <li>2. The proposal provides a preschool option for people who live and work in the area.</li> <li>3. No detrimental impacts to adjoining properties are anticipated.</li> </ol>	<b>Concerns:</b> <ol style="list-style-type: none"> <li>1. None</li> </ol>
<b>Recommendation:</b> Staff recommends approval of SP202200018 with conditions.	

**STAFF PERSON:** Rebecca Ragsdale, Planning Manager  
**PLANNING COMMISSION:** October 25, 2022  
**BOARD OF SUPERVISORS:** To be scheduled

**PETITION:**

PROJECT: SP202200018 St. Paul’s Ivy Church Preschool  
MAGISTERIAL DISTRICT: Samuel Miller  
TAX MAP/PARCEL: 058A2-00-00-01800, 15.32 acres  
LOCATION: 851 Owensville Rd./773 Neves Ln. in Ivy  
PROPOSAL: Request for a preschool of up to 24 students within the existing building (851 Owensville Rd.) and using existing parking. Typical hours of operation 9 am-2 pm, Monday-Friday.  
PETITION: Section 18-12.2.2(7) Child Day Center  
ZONING: VR Village Residential 0.7 unit/acre  
ENTRANCE CORRIDOR: No  
OVERLAY DISTRICT: None  
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) in Rural Area 3 of the Comprehensive Plan.

**CHARACTER OF PROPERTY AND SURROUNDING AREA:**

The property consists of 15.32 acres with two existing historic church buildings (church and former rectory now used as an office), associated parking, children’s playground, and cemetery to the rear of the parcel. There are substantial wooded areas along the property’s northern, eastern, and southern property lines. Access is from an entrance on Owensville Road and also from Neves Lane. (Attachment 1-Location Map)

**PLANNING AND ZONING HISTORY:**

This property and others in the immediate area were previously within the former Ivy Village (formerly a Development Area), as designated by previous Comprehensive Plans. Ivy was removed as a Village in the 1989 Comprehensive Plan update, as the area was considered mostly built-out and is within a water supply watershed.

SP199600054-Approved February 19, 1997, with conditions to allow expansion of the existing historic St. Paul’s Episcopal church.

SP199700016-Approved July 9, 1997 to amend SP199600054 with conditions to allow expansion.

**DETAILS OF THE PROPOSAL:**

The applicants have requested a special use permit amendment to locate a preschool in classrooms on the lower level of the church building to serve up to 24 students. (Attachment 2 – Application Narrative). The proposed preschool would operate from 9am to 12pm with an extended day option until 2pm. The preschool would utilize the existing building, parking, and playground. No food service will be provided. The applicants have proposed pick up and drop off near the entrance to classrooms in the existing loop near Neves Lane. Proposed circulation has parents entering from the Owensville Road entrance and exiting from Neves Lane. (Attachment 3 – Concept Plan).

## **COMMUNITY MEETING:**

The required community meeting for the proposal was held at the church on Thursday, September 29, 2022. The applicant shared details and answered questions regarding the proposal to several community members present. Overall, community members present were supportive of the preschool. Questions and comments included:

- What will the curriculum be?
- Traffic/pick up and drop off times
- Traffic
- Fencing needed for playground given its adjacent to Owensville Road
- Proximity of the Scott's Ivy Exxon to the site and its proposed expansion

## **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST:**

Special Use Permits are evaluated under reasonable standards, based on zoning principles which include the proposal's compliance with the Comprehensive Plan. Any impacts caused by the proposal may be addressed through conditions which must be reasonably related and roughly proportional to the impacts.

***Section 33.8(A) states that the Commission, in making its recommendation, shall consider the following factors:***

- 1. No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels.***

Given that the limited size and hours of operation of the preschool and use of existing facilities, there will be no substantial detriment to adjacent parcels. However, this will cause some increase in traffic on Neves Lane, which is used by two residences in addition to the church.

- 2. Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.***

The character of the district is not anticipated to change with the proposed preschool. There are no significant changes to the buildings or site proposed. The use will mostly occupy interior space within the existing building and the playground area.

- 3. Harmony. Whether the proposed special use will be in harmony with the purpose and intent of this chapter,***

The preschool is expected to be in harmony with the area.

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

The proposed preschool would not affect by-right uses in the district on this property or adjacent properties.

***with the regulations provided in Section 5 as applicable,***

The proposed preschool will be subject to the regulation in Section 5.1.06 child day centers:

***Sec. 5.1.06 - Child day centers.***

*Each child day center shall be subject to the following:*

- a. State licensure. Each child day center shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the child day center shall provide a copy of the license to the zoning administrator. The owner or operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.
- b. Inspections by fire official. The Albemarle County fire official is authorized to conduct periodic inspections of the child day center. The owner or operator's failure to promptly admit the fire official onto the premises to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.
- c. Relationship to other laws. The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.

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

The public health, safety, and general welfare of the community are protected through the special use permit process, which assures that the proposed use is appropriate in the location requested. Transportation Planning, Engineering, Zoning, Building Inspections, Fire-Rescue, VDH, and VDOT, have all reviewed this application and have provided no objections. Specifically, regarding traffic impacts, parent pick up and drop off has been evaluated by VDOT who has provided no objection. If the special use permit is approved, a Zoning Clearance is required by the ordinance prior to commencing the school use. This process will ensure that all special use permit conditions are verified and all necessary building and fire inspections have been passed, along with any required state licensure.

**4. Consistency with the Comprehensive Plan. Whether the proposed special use will be consistent with the Comprehensive Plan.**

The Rural Area Chapter ([Chapter 7](#)) of the Comprehensive Plan designates the subject for Rural Area land uses. The intent of the Rural Area designation is to allow uses that preserve and protect agricultural, forestal, open space, and natural, historic, and scenic resources; and also to allow residential uses at a density of up to 0.5 acres per dwelling unit. Under the Rural Areas Section of the Comprehensive Plan allowing an addition to the existing historical church supports the following Guiding Principles:

*Rural citizens supported by community meeting places, a basic level of services, and rural organizations and other cultural institutions at traditional rural scales, with opportunities to take part in community life and decisions.*

*Protect and enhance rural quality of life for present and future Rural Area residents.*

*Address the needs of existing rural residents without fostering growth and further suburbanization of the Rural Areas.*

The proposed preschool will provide a needed service to the area while being located within an existing building on site and being at a scale that is appropriate for the area and does not require additional infrastructure. The proposed preschool addresses the needs of the rural residents by providing an opportunity for a preschool program to prepare children for kindergarten without impacting the character of local historic, scenic, or cultural resources.

### **SUMMARY:**

#### **Staff finds the following positive aspects of the proposal:**

1. The use is consistent with the Comprehensive Plan/Rural Area Plan.
2. The proposal provides a preschool/daycare option for people who live and work in the area.
3. No detrimental impacts to adjoining properties are anticipated.

#### **Staff finds the following concerns:**

None identified

### **RECOMMENDED ACTION:**

Based on the findings contained in this staff report, staff recommends approval of the special use permit application SP202200018 with the following conditions:

1. Development of the use shall be in general accord with the Conceptual Plan provided in Attachment 3. To be in general accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
  - a. Location of buildings, preschool, and playground area.
  - b. Location of parking areas.
  - c. Site access, including pick-up and drop-off locationMinor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance. Modifications to pick-up and drop-off may be made at the time of a Zoning Clearance and subject to approval by VDOT.
2. Playground fencing is required at the time of Zoning Clearance.
3. Signage for pick-up and drop-off location and circulation may be required at the time of Zoning Clearance to ensure safe vehicular circulation.
4. The maximum enrollment shall not exceed twenty-four (24) children/students.
5. The hours of operation for the preschool shall be limited to 8:30 am-2:30 pm Monday through Friday.

### **POSSIBLE PLANNING COMMISSION MOTION- SP202200018:**

A. Should the Planning Commission **choose to recommend approval** of this special use permit:

**Move to recommend approval of SP202200018, St. Paul's Ivy Preschool, with conditions as stated in the staff report.**

B. Should the Planning Commission **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP202200018, St. Paul's Ivy Preschool. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.***

**ATTACHMENTS**

1. Location Map
2. Applicants Narrative
3. Concept Plan