

**Albemarle County Planning Commission  
FINAL Minutes Regular Meeting  
November 29, 2022**

The Albemarle County Planning Commission held a public hearing on Tuesday, November 29, 2022, at 6:00 p.m.

Members attending were: Karen Firehock, Chair; Corey Clayborne, Vice-Chair; Julian Bivins; Fred Missel; Daniel Bailey; Luis Carrazana; and Lonnie Murray.

Members absent: none

Other officials present were: Charles Rapp, Director of Planning; Andy Herrick, County Attorney's Office; Kevin McCollum; Rebecca Ragsdale; Cameron Langille; and Carolyn Shaffer, Clerk to the Planning Commission (via Zoom).

**Call to Order and Establish Quorum**

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**

There were none.

**PUBLIC HEARINGS**

**SP202200017 Maple Grove Day Care Center**

Mr. Kevin McCollum, Senior Planner, stated that the proposed special use permit requested a child day care center within an existing church. He said that the subject property was located north of the City at 3210 Proffit Road, and the property was about 1,500 feet east of the intersection of Airport Road, Seminole Trail, and Proffit Road. He stated that the property was 6.68 acres and that it was zoned R-1 residential.

Mr. McCollum stated that the site was home to an existing 18,000-square-foot church building currently used by the Maple Grove Christian Church. He explained that the parcel included existing parking spaces, two playgrounds, a basketball court, a youth center in the rear, and a parsonage building in the front. He noted that the parcel was zoned R-1 residential and that a majority of the surrounding properties were zoned residential with a majority of the uses being single-family homes.

Mr. McCollum stated that the properties to the west of the subject site included the Lighthouse Christian Church and Preschool, Bright Beginnings Preschool, and a variety of commercial uses along US Route 29 North. He said that the applicant had requested a special use permit for a five-day-a-week daycare with a maximum enrollment of 50 children at the existing church facility.

He said that the proposed daycare program would operate year-round from 7 a.m. to 5:30 p.m., Monday through Friday.

Mr. McCollum explained that the proposed daycare would utilize the existing building, parking areas, playgrounds, and basketball courts. He stated that the concept plan provided an overview of the site layout and the proposed parent pickup and drop-off loop.

Mr. McCollum stated that based on the findings in the staff report, the proposed use was consistent with the Places29 master plan. He stated that the proposed use provided a daycare option for people who lived and worked in the area and that there were no anticipated detrimental impacts to adjoining properties. He said that staff recommended approval of SP202200017 Maple Grove Daycare Center with the conditions recommended in the staff report.

Mr. McCollum stated that sample motions for the special use permit were available for the Commission. He continued that he was available to go over the conditions recommended for approval or to answer any questions.

Mr. Clayborne asked if there was a fence between the basketball courts and the parking areas.

Mr. McCollum said that the applicant may be able to answer the question.

Mr. Bivins stated that the playground was enclosed by a fence.

Mr. Bivins asked if there was discussion about why pickup was scheduled for 5 p.m. as opposed to a later time. He noted that the section of US 29 could have significant traffic and could potentially make travel difficult. He suggested that they have a conversation about extending the pickup time to 6 p.m.

Ms. Firehock noted that it was possible the applicant wanted children to be picked up by 5:30 p.m.

Mr. Bivins said that he understood. He said that he was giving the applicant an opportunity.

Ms. Firehock called the applicant forward to present. She stated the rules for comment.

Mr. Steve Bailey said that he was one of two elders from Maple Grove Church who was present at the meeting. He restated that they were located off of Proffit Road and that the facility was 18,000 square feet on nearly 7 acres of property. He stated that both of the playgrounds were fenced. He clarified that the basketball court was no longer a basketball court and was not fenced.

Mr. Bailey stated that there were two other structures on the property—a youth center at the rear of the lot and a parsonage at the front. He stated that the daycare would only operate in the children's wing of the main church building. He explained that the children's wing was the section of the church facing Proffit Road, and the proposed playground associated with the daycare was directly accessible from the church.

Mr. Bailey said that they anticipated using other sections of the property for walkabouts. He stated that a fellowship hall would be used for the children to eat and play during rain. He stated that the fellowship hall was about 3,000 square feet. He said that the main church building was constructed in 1992, but there had been a Maple Grove Christian Church for over 100 years. He said that the church was later modified in 2002. He stated that the building was designed for over

400 people to worship with an additional 60 or more pre- and elementary school-aged children attending Sunday School.

Mr. Bailey stated that they were currently running at about 25% capacity after the COVID-19 pandemic. He stated that they still had a number of congregation members who participated online. He said that there were about 100 adult members in person and about 25 to 30 children each Sunday. He stated that before the pandemic, they had been seriously considering the daycare, but they had to delay their plans because of the pandemic.

Mr. Bailey noted that the surrounding area was growing and that there were 100 new houses being constructed around the site. He said that they tried to support the community and that church members had noted a scarcity of Christian daycare in the area. He said that they had the facilities and that they were not being fully utilized. He noted that homeschoolers occasionally met at the facilities, but it was not typically used during the day or week.

Mr. Bailey said that even though there was housing around the property, they had planted trees over the years, so there was a buffer all around. He stated that they did not anticipate that children would cause any conflict or noise.

Mr. Bailey stated that except for three staff members, no one would be at the church during the operating hours of the daycare. He said that there were some nighttime activities, but those would be after the daycare was closed. He noted that there was a Boy Scout group, regular Bible studies, and other activities that met.

Mr. Bailey said that they anticipated that there would have to be modifications to the children's wing but that they did not anticipate that there would be changes made to the exterior of the church or the grounds. He said that he was available to answer any questions.

Mr. Jeffrey Ange addressed Mr. Bivins' question. He said that the hours specified were the core business hours of the daycare center. He explained that most daycares would have a contingency written into their procedures as to what happened when circumstances dictated children stay longer. He said that those circumstances would be in procedures and sent to parents. He asked if there were other items they needed to address or specify in their request or if they would be interested in the daycare procedures. He noted that the children would be kept safe while the parents traveled to pick up.

Ms. Firehock clarified that Mr. Bivins was asking when the applicant would be entirely done with the daycare operations.

Mr. Ange responded that there would be no time limit. He said that if a parent was not able to get to the church for pickup because of an emergency, then a staff member would stay at the daycare supervising the child until the parent arrived. He said that was the program's contingency procedure. He said that it would not be helpful to state a timeframe.

Ms. Firehock said that it would be stating whether they would be open until 6 p.m. for late parents and if so, then the operating hours should end at 6 p.m. even if the daycare ended at 5 p.m.

Mr. Ange said that he believed there should not be such a limit.

Ms. Firehock said that in order to grant the special use, they needed to know the absolute end

period of the day, including the contingency. She said that the applicant may want to say that their hours ended at 6 p.m. so that there would be an hour buffer for parents to arrive if they were late.

Mr. Ange said that he was not certain that that was typical or normal.

Mr. Bailey said that they would happily do that.

Ms. Firehock said that they would not be required to stay open until 6 p.m., but they would be allowed to operate until that time of day.

Mr. Ange said that was not what he was saying. He said that if a person's child needed care until 8 p.m. because the parent had an emergency, then care would be provided until 8 p.m. He questioned what they would do with the child otherwise.

Ms. Firehock said that they wanted to get the applicant's most usual business hours. She said that Mr. Bivins was concerned about rush hour traffic. She said it may be more common that parents arrived at 5:40 p.m.

Mr. Ange stated that he did not have an issue if they wanted to add an additional buffer of 30 minutes.

Ms. Firehock said they wanted to ensure there were no complaints or concerns.

Mr. Clayborne asked the applicant to explain how the 50-child cap was determined and what the enrollment projections were.

Mr. Ange responded that it was due to the square footage and CDC criteria. He said that it would be validated when they went before the DOE to get plan approval.

Mr. Clayborne asked if the children would use the enclosed playgrounds and not use the surface court.

Mr. Bailey said that they did not plan on doing that. He said that children would be allowed to walk around the property if the teacher or curriculum dictated it. He noted that there were six acres. He said that primarily, the children would be in the classroom and on the playground.

Mr. Clayborne stated that he wanted to avoid children running into the street to retrieve balls.

Mr. Bailey said that the back of the property was fenced off during the week, so no one would be back there.

Mr. Clayborne stated that the Board had affirmed a commitment to equitable communities. He asked how the proposal fostered equitable communities and whether there would be financial aid opportunities.

Mr. Bailey responded that they had not discussed the issue, but it may be on a case-by-case basis. He said that if someone wanted to use the daycare facilities but was unable to afford it, then they would likely find ways to help them. He stated that they currently did not have funds set aside.

Mr. Ange said that they were working with an experienced director to help design the program.

Mr. Bailey said that for families with siblings, they would not want to break up the children but rather keep the families in school together.

Ms. Firehock opened the hearing for public comment. She noted that there were no speakers signed up for comment. She closed the public hearing and brought the item back before the Commission for deliberation.

Ms. Firehock said that she liked applications within existing facilities with existing parking, and they did not require a lot of analysis from the Commission. She stated that daycare was needed in the County.

Mr. Bivins requested that they change the condition related to hours of operation as proposed by staff from 5:30 p.m. to 6 p.m.

Ms. Firehock stated that such an amendment could be included in a motion.

Mr. Clayborne moved that the Commission recommend approval of SP202200017 Maple Grove Daycare Center with the conditions outlined in the staff report and the amended condition related to the hours of operation, changing 5:30 p.m. to 6 p.m. Mr. Missel seconded the motion, which carried unanimously (6-0).

### **Adjournment**

At 11:10 p.m., the Commission adjourned to December 13, 2022, Albemarle County Planning Commission meeting, 6:00 p.m,



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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: 01/10/2023
Initials: CSS