



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP202400003 Olivet Preschool Increased Enrollment Request	Staff: Syd Shoaf, Senior Planner
Planning Commission Hearing: May 28, 2024	Board of Supervisors Public Hearing: To be scheduled
Owner: Olivet Presbyterian Church, Trustee	Applicant: Reverend Seth Lovell, Olivet Presbyterian Church
Acreage: 9.19 acres	Special Use Permit: Section 18-10.2.2.7 and 5.106 for a day care/preschool.
TMP: 04300-00-00-00800 Location: 2575 Garth Road	By-right use: RA Rural Areas
Magisterial District: Samuel Miller	Conditions: Yes EC: No
Proposal: Request to amend existing special use permit (SP201500009) for a day care/preschool to increase the maximum enrollment from 24 students to 48 students within the existing church and to increase the hours of operation from 8am-1pm to 8am-2pm.	Comp. Plan Designation: Rural Areas – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots) in Rural Area 3 in the Comprehensive Plan.
DA (Development Area): N/A	Requested # of Dwelling Units: 0
Character of Property: The property contains an existing church with fellowship hall, cemetery, wooded areas and an existing preschool associated with the church.	Use of Surrounding Properties: Single family residential.
Factors Favorable: <ol style="list-style-type: none"> 1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance. 2. The proposal provides a preschool/day care option for community members who live and work in the area. 3. No detrimental impacts to adjoining properties are anticipated. 	Factors Unfavorable: <ol style="list-style-type: none"> 1. None
Recommendation: Staff recommends approval of SP202400004 with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Syd Shoaf, Senior Planner
May 28, 2024
To be scheduled

PETITION:

PROJECT: SP202400003 Olivet Preschool Increased Enrollment Request

MAGISTERIAL DISTRICT: Samuel Miller

TAX MAP/PARCEL: 04300-00-00-00800

LOCATION: 2575 Garth Road

PROPOSAL: Amend existing special use permit (SP201500009) for a day care/preschool to increase maximum enrollment from 24 students to 48 students within the existing church and to increase the time of operation from 8am-1pm to 8am-2pm.

PETITION: Sections 10.2.2.7 and 5.1.06 of the Zoning Ordinance to allow a day care/preschool.

ENTRANCE CORRIDOR: No

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

OVERLAY DISTRICTS: None

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) in Rural Area 3 in the Comprehensive Plan.

CHARACTER OF THE AREA

The subject property is located at 2575 Garth Road, just west of its intersection with Owensville Road. The site is developed and contains an existing church with a fellowship hall, Sunday and preschool classrooms, cemetery, manse, parking lots, playground, and wooded areas (Attachment 1 – Existing Conditions). The site operates a preschool with a capacity for up to 24 students in accordance with SP201500009.

The surrounding properties are zoned Rural Areas that consist of single family residential uses. (Attachment 2 – Zoning Map).

PLANNING AND ZONING HISTORY

There are several special use permits associated with this site:

- SP200000020 – Approved special use permit for expansion of church.
- SP200300189 – Approved special use permit for expansion of the church and an outdoor recreation area.
- SP201500009 – Approved special use permit for a preschool with the maximum enrollment of 24 students. Additionally, the entrance was redesigned to meet VDOT standards.

DETAILS OF THE PROPOSAL

The church is proposing to amend special use permit (SP201500009) to increase the maximum enrollment from 24 students to 48 students. Additionally, the church is proposing to increase the time of operation from 8am-1pm to 8am-2pm to allow for extended pick up for students enrolled in enrichment activities.

The church is proposing no changes to the site or building (Attachment 3 – Applicant Materials).

COMMUNITY MEETING

The required community meeting for the proposal was held at the Olivet Presbyterian Church on April 8, 2024, at 6 pm. There were six total attendees, five were associated staff with the church and the other was the Board of Supervisor representative for this magisterial district. Staff and the

applicant shared details about the process and application. Staff has received no concerns about the request.

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.***

The proposed increase in enrollment for the Olivet Preschool would be within the existing church classrooms and therefore no exterior revisions to the site are proposed. The existing playground would be used and is adequately setback from adjacent properties. No substantial detriment to adjacent lots is anticipated.

- 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 preschool already exists, and the hours of operation are increasing in the afternoon by an hour. The Virginia Department of Transportation and Albemarle County Transportation Planning had no concerns with the increase in enrollment affecting traffic in the nearby area.

Staff believes that the proposed uses will not change the character of adjacent parcels or the nearby area.

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

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

with the uses permitted by right in the district,

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

with the regulations provided in Section 5 as applicable,

This preschool will continue to be subject to the regulations in Section 5.1.06 child day centers, which includes state licensure and fire marshal inspections.

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. Zoning, Engineering, Building Inspections, Transportation Planning, the Virginia Department of Transportation (VDOT), Virginia Department of Health (VDH) and Albemarle County Fire Rescue all reviewed this application and have provided no objections.

Specifically, regarding traffic impacts, VDOT had no objection to the increased enrollment.

Lastly, if the special use permit is approved, the use cannot commence without the appropriate site development plans, building permits, and zoning clearances. These processes will ensure that all State and County regulations, special use permit conditions, and all necessary building and fire inspections have been approved.

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 parcel 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 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 a daycare/preschool within the existing 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 increased enrollment will continue to 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 that does not require additional infrastructure. The proposed preschool increased enrollment addresses the needs of the rural residents by providing more opportunity for nearby residents to enroll their students in a preschool program without impacting the character of local historic, scenic or cultural resources.

SUMMARY

Staff has identified the following factor favorable to this request:

1. Consistent with the review criteria for special use permits contained in the Zoning Ordinance.
2. The proposal provides a preschool/day care option for community members who live and work in the area.
3. No detrimental impacts to adjoining properties are anticipated.

Staff has identified the following factor which is unfavorable to this request:

1. None

RECOMMENDATION:

Based on the findings contained in this staff report, staff recommends approval of the special use permit application SP202400003 with the following conditions:

1. The maximum number of children must not exceed forty-eight (48) or the number of students as approved by the Health Department or Department of Social Services; whichever is less.
2. Hours of operation for the day care must be between 8 am and 2 pm Monday through Friday.

POSSIBLE PLANNING COMMISSION MOTIONS:

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

I move to recommend approval of SP202400004 Olivet Preschool Increased Enrollment Request with the conditions stated in the staff report.

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

I move to recommend denial of SP202400004 Olivet Preschool Increased Enrollment Request.
Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS:

Attachment 1 – Existing Conditions Map

Attachment 2 – Zoning Map

Attachment 3 – Applicant Narrative

Attachment 4 – Applicant Conceptual Plan