

**Albemarle County Planning Commission
May 19, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 19, 2015, at 6:00 p.m., at the County Office Building, Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

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

Staff present was J.T. Newberry, Planner; Elaine Echols, Principal 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.

Public Hearing Items

a. SP-2015-00009 Olivet Presbyterian Church Preschool

MAGISTERIAL DISTRICT: Samuel Miller

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

LOCATION: 2575 Garth Road

PROPOSAL: Day care/preschool for up to 24 students within the existing church.

PETITION: Day care center, as permitted under section 10.2.2.7 of the Zoning Ordinance (reference 5.1.06)

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

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)
(Megan Yaniglos)

Mr. Benish presented the proposal for SP-2015-00009 Olivet Presbyterian Church Preschool in a PowerPoint presentation.

Proposal:

- This is a request for a special use permit amendment to allow a daycare/preschool in an existing church for up to 24 students within the existing church.
- Two classrooms with up to 12 students in each; one for three year olds and one for four year olds. There is also an extra room that might be used for meetings and general activities.
- The three year old classroom would operate from 9 a.m. to 12 noon three days a week
- The four year old classroom would operate from 9 a.m. to 12 noon five days a week

The site is located on Garth Road in the Samuel Miller Magisterial District just west of the intersection of Garth Road and Owensville Road. There is no expansion or change to the actual buildings or grounds other than the possible small pork chop at one of the entrances. He believes the classrooms are in the basement and the access is from the west side of the building. However, the applicant can clarify that.

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Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. No significant impacts would be created by the proposed addition

No unfavorable factors have been identified.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2015-0009 Olivet Presbyterian Church Preschool with the conditions recommended by staff.

The conditions limit the activity to their proposal and VDOT approval of an entrance. There was information provided in the staff report that VDOT would prefer to have a small pork chop established to eliminate left turns out to address some sight distance issues. He thinks there is an amendable design with the applicant and VDOT. This condition of approval allows generally for what is necessary for VDOT to approve the request and provide for some flexibility. In addition, a community meeting was held with two attendees, both nearby residents and members of the church.

Mr. Morris invited questions for staff. There being none, the public hearing was opened for applicant and public comment. He invited the applicant to address the Commission.

Ashley Buford and Betsy Dishman were present representing Olivet Presbyterian Church Preschool.

Ms. Buford pointed out the Mission Committee at Olivet has been around for a while as a means to support neighbors from having to go into town to go to a preschool because there are not many options out near the church. A few years ago they had a donation from a family with the hopes to start a children's program after a family member was killed in a plane crash. They had been coming to our church and their parents gave a substantial amount of money saying they would like to see it used for all the children in the area. With that in mind it became a possibility. That is kind of what happened along the way. There are also people in the area who don't want to drive into town to a preschool and are happy to stay where we are. There would be a paying population and then some scholarships. They had a conversation with a member of the church who teaches a Bright Star Program who informed us they have accepted 38 students for the fall and turned away over 100 applicants. She has assured us that there would be a number of families who would be able to afford transportation out to the church, and they are looking forward to working with them. There has also been a conversation with United Way about acquiring some funding to help support and offset some of the costs of offering scholarships. The church itself wants to dedicate some funds to a scholarship fund as well. Therefore, they see it as two-fold. One is to offer a preschool experience for children in our intermediate community; and, two to invite children and families who maybe could not afford private preschool experience to come and be a part of that. So that has been the vision they are looking for.

Mr. Morris asked would this be a 12-month operation, and Ms. Buford replied it would be a 9-month program operating on the Albemarle school schedule.

Mr. Morris invited questions for the applicants. There being none, he invited public comment.

Mr. Edward Smith said he was not representing the church. However, he was a member of the church and had several questions to ask. The first one was Mr. Benish discussed two classrooms in the basement. He asked is it imperative that the classrooms be in the basement.

Mr. Benish replied no.

Mr. Smith reiterated that the classrooms can be anywhere, which answered our question.

Mr. Morris pointed out the Commission would take the questions and then they will address them later on.

Mr. Smith pointed out Mr. Benish said the use was not to exceed 24 students. But, one suggestion he would make was not to restrict them if the health department agreed. However, he did not know if they want it or not. Regarding the hours from 8 a.m. to 1 p.m. he would suggest that it would be 30 minutes after school even though they are not intending to be in business that long during the day. However, there is a possibility that parents could pick up children if they had younger children there, which is a suggestion he would like to make.

There being no further public comment, Mr. Morris invited the applicant to address any of those items on rebuttal as far as the number of students or the times.

Ms. Buford agreed the flexibility of having 30 minutes before or 30 minutes after to say it is from 8:30 a.m. to 12:30 a.m. or 8 a.m. to 1 p.m. would be great. It is never going to have an aftercare component to it. However, if everyone was amendable to put that in, then it gives us flexibility in the future.

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

Mr. Loach asked if the number of 24 students preclude the applicants from coming back and asking for an additional expansion, and Mr. Benish replied it does not.

Mr. Loach suggested the 30 minutes after school is a legitimate change to the condition.

Mr. Benish agreed noting the zoning administrator takes sort of a liberal view for the opening and closing because of that drop off time. However, a little time on either side would not change staff's recommendations on this proposal.

Mr. Loach asked if he did not think it was necessary to change the verbiage in the condition.

Mr. Benish replied he was not sure if it was necessary because if they want to give the applicants an hour window on either side that would not change staff's recommendation regarding this proposal.

Mr. Morris said personally he would like to see it changed before it goes to the Board of Supervisors so they see it.

Mr. Dotson agreed because he would assume where the proposed condition on the hours came from was 8 a.m. is an hour before 9 a.m. when they begin and 1 p.m. is an hour after noon so actually that condition being offered was more than an half hour. However, he did not see why they have an interest in the hours of operation. He proposed the Commission simply strike that condition since the site and the building can accommodate it. There is no issue with this being a noisy activity for the nearby neighbors. He thinks staff included that because it was part of the applicant's description and sometimes it is important to regulate hours. However, he did not see they need to do that at all in this case.

Mr. Loach agreed, especially as mentioned if in the future they wanted to do a before or after school program.

Mr. Benish said he did not think in this case given this proposal that is a significant issue with staff. As a practice staff generally mirrors what it is that they reviewed. In many cases that is important. The limiting of 24 children is probably the most significant limitation for this site.

Mr. Morris agreed and asked if there was a motion.

Motion: Mr. Dotson moved and Mr. Randolph seconded to recommend approval of SP-2015-00009 Olivet Presbyterian Church Preschool with the conditions outlined in the staff report, as amended striking condition #3.

1. The maximum number of children shall not exceed twenty-four (24) or the number of students as approved by the Health Department or the Department of Social Services; whichever is less; and
2. VDOT approval of the entrance improvements;
3. ~~Hours of operation for the day care shall be between 8am and 1pm Monday thru Friday.~~

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

Mr. Morris noted that SP-2015-00009 Olivet Presbyterian Church Preschool 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)