



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

<b>Project Name:</b> SP201500009 Olivet Presbyterian Church- Preschool	<b>Staff:</b> Megan Yaniglos, Principal Planner
<b>Planning Commission Public Hearing:</b> May 19, 2015	<b>Board of Supervisors Hearing:</b> TBD
<b>Owner(s):</b> Olivet Presbyterian Church	<b>Applicant(s):</b> Albert Connette- Olivet Pres. Church
<b>Acreage:</b> 9.19 acres	<b>Rezone from:</b> Not applicable <b>Special Use Permit for:</b> Day care center, as permitted under section 10.2.2.7 of the Zoning Ordinance (reference 5.1.06)
<b>TMP:</b> Tax Map 43 Parcel 8 <b>Location:</b> 2575 Garth Road (Attachment A)	<b>By-right use:</b> RA- Rural Areas
<b>Magisterial District:</b> Samuel Miller	<b>Proffers/Conditions:</b> Yes
<b>Requested # of Dwelling Units/Lots:</b> not applicable	<b>DA -                    RA - X</b>
<b>Proposal:</b> Day care/preschool for up to 24 students within the existing church. (Attachment B)	<b>Comp. Plan Designation:</b> 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.
<b>Character of Property:</b> The property contains an existing church with fellowship hall, cemetery, and wooded areas.	<b>Use of Surrounding Properties:</b> Single Family Residential
<b>Factors Favorable:</b> 1. No significant impacts would be created by the proposed daycare/preschool	<b>Factors Unfavorable:</b> None identified
<b>Recommendation:</b> Based on findings presented in the staff report, staff recommends approval with conditions.	

**STAFF CONTACT:** Megan Yaniglos, Principal Planner  
**PLANNING COMMISSION:** May 19, 2015  
**BOARD OF SUPERVISORS:** TBD

**PETITION:**

PROJECT: SP201500009 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)

**CHARACTER OF THE AREA:**

The property contains an existing church with fellowship hall. The adjacent properties are single family residential.

**PLANNING AND ZONING HISTORY:**

SP2000-020- Approved special use permit for expansion of the church; SP2003-0189- Approved special use permit for expansion of the church and an outdoor recreation area.

**DETAILS OF THE PROPOSAL:**

The church proposes a daycare/preschool for up to 24 students within the existing church (Attachment B). There will be two classrooms with up to twelve students each; one for three year olds, and one for four year olds. The three year old class would operate in the mornings from 9am to 12 noon, three days a week. The four year old class would operate in the mornings, 9am to 12 noon, five days a week. No additional buildings or parking is required or proposed.

**ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

***No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.***

In evaluating whether a use will be a detriment to adjacent properties, the intensity of the use and other impacts are evaluated. Comments and concerns of neighboring properties are also considered. One measure of intensity of the use in relation to nearby and adjoining properties is the traffic impacts of the proposal. A closely related measure of intensity is scale of the use in relation to the neighborhood the use is located.

A community meeting was held on February 24, 2015. There were two attendees, both nearby residents and members of the church. No issues were raised with the proposed preschool.

The proposed preschool would be within the existing church classrooms and an outdoor play area is existing on site. The Virginia Department of Transportation has requested that one of the existing entrances be modified to address site distance issues. No substantial detriment to adjacent lots is

anticipated with the condition that the entrance be modified and approved by VDOT. This modification can be handled during the site plan amendment process.

**Character of district unchanged. The character of the district will not be changed by the proposed special use.**

The preschool will not change the character of the district. The school will operate in the mornings only with a minimum amount of children within the current building.

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

Religious land uses are not specifically addressed in the purpose or intent of the zoning ordinance. However, they have generally been considered as compatible land uses in rural and residential areas. A daycare/preschool of this scale (24 children) and within the existing church structure will not change or alter this use.

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

Churches are common in the Rural Areas zoning district, and have generally been considered in harmony with agricultural land uses and with residential uses. Family Day Homes, which allow up to 12 children in a private home, are also an allowed use in the Rural Areas, by right under five children and with a zoning clearance for more than five. Therefore, the proposed daycare/preschool will be in conformance with those uses permitted by right in the Rural Areas.

**...with the regulations provided in section 5 as applicable,**

The daycare/preschool will be subject to the regulations for daycares under section 5.1.06 (Attachment C).

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

As stated above, VDOT identified site distance issues that need to be addressed with the church's eastern entrance. No traffic issues have been identified with this use. Health Department approval will be required.

The proposed daycare/preschool will allow families in the community an opportunity for childcare and preschool education to prepare the children for academic success later in school. The church has also stated that in the future the church may be able to provide scholarships for families who otherwise could not afford preschool. The nearby schools do not currently have a Bright Stars program available to children of preschool age. This can be seen as promoting the public health safety and general welfare of the community.

**Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.**

The Comprehensive Plan designates the property as Rural Area. The Comprehensive Plan designates the subject properties as Rural Areas emphasizing the preservation and protection of agricultural, forestal, open space, and natural, historic and scenic resources as land use options. Under the Rural Areas Section of the Comprehensive Plan allowing an addition to the existing historical church supports the following Guiding Principles:

*“Protect the Rural Area’s historic, archeological, and cultural resources.”*

*“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 addresses the needs of the rural residents by providing an opportunity for a preschool program to prepare children for kindergarten without encouraging suburbanization, contributing to the creation of a defacto growth area, or impacting the character of local historic, scenic, or cultural resources.

**SUMMARY:**

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 following conditions:

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;
2. VDOT approval of the entrance improvements;
3. Hours of operation for the day care shall be between 8am and 1pm Monday thru Friday.

**Motions:**

**Special Use Permit**

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

**I move to recommend approval of SP 20150009 Olivet Presbyterian Church Preschool with the conditions outlined in the staff report.**

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

**I move to recommend denial of SP 20150009 Olivet Presbyterian Church Preschool.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS**

Attachment A – [Map](#)

Attachment B – [Applicant Justification](#)

Attachment C- [Section 5.1.06](#)