



**COUNTY OF ALBEMARLE  
STAFF REPORT SUMMARY**

<b>Project Name:</b> SP201600012 Chestnut Grove Baptist Church – Additional Hours	<b>Staff:</b> J.T. Newberry, Senior Planner
<b>Planning Commission Public Hearing:</b> July 12, 2016	<b>Board of Supervisors Public Hearing:</b> TBA
<b>Owner:</b> Chestnut Grove Baptist Church c/o Clarence Roberts	<b>Applicant:</b> Barbara Edwards
<b>Acreage:</b> 10.7 acres	<b>Special Use Permit:</b> 10.2.2.7, Day care center
<b>TMP:</b> 01900-00-00-017000 <b>Location:</b> 554 Buck Mountain Road	<b>Existing Zoning and By-right use:</b> (RA) Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
<b>Magisterial District:</b> White Hall	<b>Conditions:</b> Yes
<b>RA:</b> Rural Areas	<b>Requested # of Dwelling Units:</b> N/A
<b>Proposal:</b> Amend special use permit to increase operating hours of day care	<b>Comprehensive 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) within Rural Area 1.
<b>Character of Property:</b> The subject property contains an existing church and office building with associated parking areas.	<b>Use of Surrounding Properties:</b> Single-family residential uses
<b>Factors Favorable</b> <ol style="list-style-type: none"> <li>1. The request is consistent with the Comprehensive Plan.</li> <li>2. The existing private school has operated at this location without issues or impacts to adjacent properties.</li> </ol>	<b>Factors Unfavorable</b> <ol style="list-style-type: none"> <li>1. None.</li> </ol>
<b>RECOMMENDATION:</b> Staff recommends approval of this special use permit with conditions.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**J.T. Newberry**  
**July 12, 2016**  
**TBA**

**PETITION:**

PROJECT: SP201600012 Chestnut Grove Baptist Church – Additional Hours

MAGISTERIAL DISTRICT: White Hall

TAX MAP/PARCEL: 01900-00-00-01700

LOCATION: 554 Buck Mountain Road

PROPOSAL: Amend special use permit to increase operating hours of day care

PETITION: Day care centers under Section 10.2.2.7 of zoning ordinance. No dwelling units proposed.

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

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) within Rural Area 1.

**CHARACTER OF THE AREA:**

The subject parcel is located at the intersection of Buck Mountain Road (Rt. 664) and Simmons Gap Road (Rt. 663) in Earlysville, approximately 0.7 miles north of Broadus Wood Elementary School (see Attachment A). The site is developed with a large, two-story church facility (over 20,000 sq. ft.), a parsonage, a basketball court and volleyball court (see Attachment B). A cemetery lies south of the church facility across Buck Mountain Road. A variety of single-family residences, agricultural uses and wooded areas surround the church property.

**SELECTED PLANNING AND ZONING HISTORY:**

- SP199300024 – Approved with conditions – Request for a day care operation of up to 20 children or the number permitted by the Health Department.
- SP200300062 – Approved with conditions – Request for church addition.
- SP200300063 – Approved with conditions – Request to expand existing pre-school to 50 students and five teachers.
- SDP200400081 – Approved final site plan for church addition approved under SP200300062.

**DETAILS OF THE APPLICANTS' PROPOSAL:**

The applicants are requesting to amend the existing hours of operation related to Chestnut Grove Preschool. Condition #3 from the most recent special use permit limited the hours of operation from 9:00am to 12:30pm (see Attachment C). The applicants would like to operate from 7:00am to 6:00pm to provide before-school and after-school care to the children that attend the pre-school. Currently, the school accepts up to 35 children from ages 3 to 5 years old (however, Condition #2 of SP200300063 permits enrollment of up to 50 students).

**SUMMARY OF THE COMMUNITY MEETING:**

After conferring with the Board member for the White Hall district, it was determined that a community meeting would not be necessary for this proposal under Section 33.4(j)(2). Instead, a courtesy letter notified adjacent property owners of the application shortly after its filing. A

follow-up letter notified adjacent owners of this public hearing date with the Planning Commission and a final letter will go out once a public hearing date is scheduled for the Board of Supervisors.

**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.**

No substantial detriment to adjacent lots is expected. The church has provided education and care to children for over twenty years without any issues or complaints.

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

No change to the character of the district is anticipated. The only physical changes to the site are the installation of several channelizer posts to the entrance off Buck Mountain Road (Rt. 664) and a small sign facing the parking area. This access is currently striped to indicate its function as “right-in, right-out only” entrance and the installation of the posts and signage will help ensure its proper use (see Attachment D). The applicant is making these improvements at the suggestion of the Virginia Department of Transportation (VDOT), but they are not required for VDOT approval.

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

Section 1.4.4 of the zoning ordinance states that one of the purposes of this chapter is “to facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.” The proposed hours of operation are viewed to be in harmony with the purpose and intent of the zoning ordinance and with the uses permitted by right in the district.

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

Section 5.1.06 of the zoning ordinance lists additional regulations for day care centers and the proposed use meets all of the supplemental regulations contained within this section.

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

The supplemental entrance improvements made by the applicant will improve the public health, safety and general welfare of the use as well as the site overall.

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

The site lies within the Rural Areas designation of the Comprehensive Plan. Churches in the Rural Areas have historically played an important role in supporting their members, as well as their larger communities. This proposal to amend an existing special use permit is deemed to be consistent with the Comprehensive Plan.

**SUMMARY AND ACTION:**

Staff has identified factors which are favorable. Factors favorable to this request include:

1. The request is consistent with the Comprehensive Plan.
2. The existing private school has operated at this location without issues or impacts to adjacent properties.

No unfavorable factors have been identified.

**RECOMMENDATION:**

Staff recommends approval of SP201600012 Chestnut Grove Baptist Church – Additional Hours based upon the analysis provided herein, with the following amended conditions (amendments to existing SP200300063 are shown in **bold and underlined** below and Condition #4 has been removed because staff confirmed its compliance):

1. The outside play area activities shall be limited to take place during daylight hours. Lighting of the play area shall not be permitted;
2. Enrollment shall be limited to 50 children, or the limit approved by the Health Department, whichever is less;
3. The hours of operation shall be limited to **7:00 A.M.** to **6:00 P.M.** The days of operation shall be limited to five days per week (Monday-Friday) or the limit approved by the Health Department, whichever is less.

**PLANNING COMMISSION MOTION:**

A. Should a Planning Commissioner **choose to recommend approval** of this special use permit:

**Move to recommend approval of SP201600012 Chestnut Grove Baptist Church – Additional Hours with conditions outlined in this staff report.**

B. Should a Planning Commissioner **choose to recommend denial** of this special use permit:

**Move to recommend denial of SP201600012 Chestnut Grove Baptist Church – Additional Hours.** *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

**ATTACHMENTS:**

**Attachment A** – [Area Map](#)

**Attachment B** – [Final Site Plan](#)

**Attachment C** – [Action Letter for SP200300063](#)

**Attachment D** – [Channelizer Post Exhibit](#)