

**Albemarle County Planning Commission  
FINAL Minutes May 12, 2020**

The Albemarle County Planning Commission held a public hearing on Tuesday, May 12, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph; Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Margaret Maliszewski; Andy Reitelbach; Charles Rapp, Planning Director; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

**Call to Order and Establish Quorum**

Mr. Bivins called the regular, electronic meeting to order at 6:04 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said that electronically present that evening were: Mr. Dotson, Mr. Carrazana, Mr. Keller, Ms. Firehock, Ms. More, Mr. Randolph, Mr. Clayborne, and himself.

Mr. Bivins said the public could access and participate in this electronic meeting by following the link available at [www.albemarle.org/calendar](http://www.albemarle.org/calendar), or by calling 877-853-5257.

**Consent Agenda**

There was no consent agenda.

**Public Hearing Items**

**SP202000001 Little Explorers Discovery School (Crozet Baptist Church)**

Mr. Andy Reitelbach, Senior Planner, presented the staff report. He said the purpose of the public hearing is to amend a previously-approved Special Use Permit (SP2018-6) for the Little Explorers Discovery School, which is a child day center located in the R2 Residential Zoning District.

Mr. Reitelbach said the child day center is located within the Crozet Baptist Church, located on St. George Avenue in Crozet. He said a Special Use Permit is required for child day centers under Section 14.2.2.7 of the Zoning Ordinance, and the original Special Use Permit (SP2018-6) was approved by the Board of Supervisors on October 10, 2018.

Mr. Reitelbach said the applicant has submitted this application requesting to amend the Special Use Permit to permit an expansion of the child day center. He said the applicant wishes to use other parts of the church building that are currently unused, and would like to increase her attendance from the current limitation in the existing conditions from 25 students in attendance at any one time and a maximum enrollment of 40, to a maximum of 50 students present at any one time with no limit on the enrollment numbers.

Mr. Reitelbach said the reasoning on this no limit on enrollment numbers is to accommodate the various scheduling needs of the students and parents who use the day center. He said some students are full-day students versus partial day, morning, or after-school students. He said some students may come every day of the week while others may only come on certain days. He said the limitation of 50 students present, whereas there would be no limitation on enrollment, was desired.

Mr. Reitelbach said the hours of operation are requested to be expanded from 7:30 a.m. to 5:30 p.m., which are the current hours, to an extra half-hour in the evening, from 7:30 a.m. to 6:00 p.m. He said the applicant wishes to still allow occasional special events for after 6:00 p.m.

Mr. Reitelbach said there would be indoor instruction at the child day center, with outdoor play and a fenced play area. He said there are separate play areas for the older school-aged students and the younger preschool-aged students.

Mr. Reitelbach said in addition, the applicant currently has a staggered drop-off and pickup time and would propose to keep those. He said currently, however, she is using a vehicle queue system where parents drive and drop their kids off at the front door, and the teachers and employees of the day center pick up the students and walk them into the building. He said because of the increase in the number of students and the potential for that queue backing up onto St. George Avenue, the applicant has proposed a “park and walk” drop-off system where the parents would park in Crozet Baptist Church’s visiting lot and walk their children themselves to the front door of Little Explorers Discovery School, where they would be picked up by members of the staff.

Mr. Reitelbach presented an overview of the location of the site, noting it is located at 5804 St. George Avenue in Crozet. He said the current zoning of the property is R2 Residential, which allows other uses such as places of worship or child day centers by Special Use Permit. He said the Comprehensive Plan and Crozet Master Plan designate this property for Neighborhood Density Residential, which is a primary use of residential that supports the use of places of worship, schools, and child day centers, which this application falls under.

Mr. Reitelbach presented a slide showing a few of the characteristics of the neighborhood. He said St. George Avenue is mostly residential with single-family detached houses. He said there are a couple churches, including Crozet Baptist, on this street, as well as a funeral home. He said there is a sidewalk on the street along the southern side of St. George and extends from Crozet Avenue to approximately where the church is located.

Mr. Reitelbach said the church also has an overflow parking lot, which is across St. George Avenue from the church building and the main parking lot.

Mr. Reitelbach presented a concept map of the area, provided by the applicant, showing the locations where the child day center would operate, as well as the traffic management in the parking lot for picking up and dropping off students. He said the photo on the screen shows the entrance that the child day center would use into the church. He said another photo showed the main parking lot at Crozet Baptist Church, where the parents would park to walk their students into the church.

Mr. Reitelbach presented photos of the backyard play area. He said it is a fenced area, which was a requirement of the previous Special Use Permit that required fencing and planted vegetation

along the northern and western property lines. He said the fencing and vegetation was put there, and one of the conditions in the amended Special Use Permit would require that the fencing and vegetation be maintained as long as the child day center is in operation.

Mr. Reitelbach said there are a couple factors favorable for the application. He said the proposed use is consistent with the Crozet Master Plan's designation as Neighborhood Density Residential. He said the proposed use is located within the Development Areas.

Mr. Reitelbach said there was one factor unfavorable, which was that the use increasing to 50 students present at one time would generate additional vehicular trips along St. George Avenue. He said it is expected, however, that the staggered drop-off and pickup period would better distribute that traffic, and that the use of the proposed park and walk system would ensure that traffic does not back up onto St. George Avenue.

Mr. Reitelbach said VDOT and the County Transportation Planners have reviewed this request and have expressed no concerns with the increased traffic that this expansion would generate.

Mr. Reitelbach said staff recommends approval of the Special Use Permit, with five conditions. He said the first condition is that the child day center would take place within the existing church building, except the outdoor play within the fenced area.

Mr. Reitelbach said the second condition is that the fence and landscaping must be maintained while the child day center is in operation.

Mr. Reitelbach said the third condition is that the maximum number of students present may not exceed 50 students.

Mr. Reitelbach said the fourth condition is that the hours of operation are 7:30 a.m. to 6:00 p.m.

Mr. Reitelbach said the fifth condition is to have a staggered morning drop-off period.

Mr. Randolph said the Planning Commission was not able to look at the discussion the Board had about the application two years ago, but that his recollection was that there was some community input to the deliberation by the Board (and that he assumed that there was also deliberation by the Planning Commission prior to that) to establish the 40-student maximum on the site because of the amount of traffic on St. George. He said he wanted staff to share with the Planning Commission its recollection of the Board discussion about the 40-25 relationship.

Mr. Reitelbach replied that there was discussion when the project first came before the Planning Commission and Board back in 2018 regarding the impacts that the use may have on St. George Avenue. He said at the time, VDOT was not concerned with the traffic and always felt there was sufficient capacity on St. George Avenue. He said because of neighborhood concern, however, that this was a new use coming into the neighborhood five days a week. After discussions between staff and the applicant along with consideration by the Commission, it was determined that at least at the beginning, it was appropriate to limit the enrollment numbers for the use, to see how much traffic would be generated. He said this is the reasoning behind the 40-student maximum enrollment and 25 students in attendance.

Mr. Reitelbach said with this new application, VDOT continues to have no concerns over the traffic generation, and that there has been no community opposition or concern expressed this time around with the increase in attendance requested.

Ms. Firehock said this was her question as well and that she was satisfied with the answer.

Mr. Dotson said he had a zoning question. He said the name of the project is "Little Explorers Discovery School," emphasizing the word, "school." He said the slide presentation and verbal references are to a day center that sounds like a daycare center. He asked if the ordinance allows both daycare centers and schools, and if this makes a difference from a staff perspective.

Mr. Reitelbach replied that regarding the language, it is a child day center, which is a childcare facility. He said the word "school" is just the applicant's chosen name for her child day center, and that it would not actually be operated as a private school.

Mr. Dotson said he would be interested to hear from the applicant. He said he knew that some people in early childhood education and preschool are very sensitive that their mission is that of a school and not of a daycare center. He said perhaps this applicant is not bothered by that, but that this thought had occurred to him.

Mr. Bivins opened the public hearing.

Ms. Christi Gillette, owner and director of Little Explorers Discovery School, said that Mr. Dotson's point was an interesting one. She said for licensing purposes, they must be considered a child day center to have any children under school-age in their care. She said the center covers children up to age 12, and so the parameters of what that means is that those children can be there.

Ms. Gillette said it does not disqualify them to have a kindergarten program under the term "school," though they approach their school as a preschool and as a place for learning, with an after-school program for the school-aged students, versus somewhere that is primarily for working parents to have their children cared for. She said there is a debate there, but that this is where they stand.

Ms. Gillette said regarding the capacity, they originally were able to have 25 students present at a time, and that this capacity has been reached since July of 2019. She said the school's waitlist currently has 27 families, which include more than 27 children. She said it is clear that Crozet has a need for more options and enrollment. She said they are choosing to double the number for this reason.

Ms. Gillette said the big addition to their space is a large basement room. She said licensing staff looked at the room and provided an estimate for how many children could be in that room, and that it can fit 20 preschool-aged children or 30 school-aged children. She said the room also has smaller rooms off to the side that can fit 5-7 children in each of those rooms.

Ms. Gillette presented a picture of the current room to show the size difference and the space currently being used. She said the unused space could hold 24 more children if the school was approved for 50. She said there could be 74 children using the space by the Department of Social Services' standards.

Ms. Gillette presented a photo of the outdoor play area, noting that noise was a major factor in the initial Special Use Permit. She said the neighbors located behind the playground structure were concerned about the noise from the beginning. She said she personally reached out to those neighbors before sending the public letter to let them know, and that their response was completely unconcerned this time and wishing her good luck with the process. She said it was clear that the noise has not affected their life in the way that they had been concerned about.

Ms. Gillette said the school would use the divided space with rotating schedules, so the increase in children would make them use their outdoor space more, but with smaller groups and adding more time in the day.

Ms. Gillette said with regard to traffic, a major point is that the traffic comes from Downtown Crozet almost exclusively, and enters and exits in that same direction. She said the original concern from neighbors and the rest of the street were located in the other direction, and it was interesting that it only affects half of St. George Avenue.

Ms. Gillette said the remaining schedule stays staggered throughout the day, and that halfway through the day, she estimates that about half, or slightly more than half, of the students will leave. She said they then will have a few hours where there are less students during that time, as they are the full-day preschool students, before the school-age students arrive at 2:45 p.m. She said they will pick up their numbers at that point, once the after-school program fills up the number of 50 students again. She said around 4:30 p.m. is when the after-school students start to get picked up. She said she was requesting 6:00 p.m. as the closing time but that potentially for the coming school year, they could still close at 5:30 p.m.

Ms. Gillette said other services the school might offer that could increase the total amount of students, people present, and traffic are Parents Night Out and special events. She said summer camps would have a similar setup, but a slightly different schedule for the day.

Ms. Gillette said the school has no water or sewer demands, and no changes to the land or outdoor space other than what was already in the plan to continue to add to their playground space, to make it nicer and more expanded as time goes on. She said there are no impacts to Fire or Police services from their proposed use.

Ms. More said she was present for the community meeting, and that there were neighbors there who were supportive and happy to have this as a service in the community. She said she understands that elimination of drop-off by way of car presents concerns about backing up into St. George Avenue, and that she understands the point about parking and walking children in. She asked if Ms. Gillette thinks there is enough space there, not considering the overflow parking across the street.

Ms. Gillette replied that they closed the first spaces in the front of the parking lot so that they didn't have traffic going where people would be walking across right into the building. She said as far as the rest of the spaces, they had counted 54, and that even if every child were in a separate car, they would not fill up those spaces with 50 kids.

Ms. More recalled that the school also has the staggered time, and that she assumed that with this plan, it didn't make staff available to get kids out of cars.

Ms. Gillette replied this was correct. She added that they have a handful of children with siblings, and so they were talking about perhaps 10 less cars than their number.

Ms. More asked if the school ever contemplated a situation where there is a church activity taking up parking at the same time.

Ms. Gillette replied that this has not happened during morning drop-off, but that it has happened occasionally when there is a funeral, or around the lunchtime pickup. She said this was actually a later time they are proposing for the half-day pickup, and that it will change from 12:15 p.m. to 12:45 p.m. She said most of the church activities (including a once-weekly exercise class) all seem to be cleared out by that point. She said it has not created a problem, even when there has been a bigger attendance. She added that there have not been many funerals during the week, either.

Ms. More said her main concern is that although there is adequate parking with the overflow, she would rather see the children in the main parking lot and not the overflow lot, where they would have to cross the street. She said this is a concern especially during peak times where they may have the busiest drop-off, despite being staggered.

Mr. Randolph asked Ms. Gillette if she could tell the Commission currently what percentage of parents pick up between 5:15 p.m. and 5:30 p.m. He asked if the school was getting a major portion of parents who are picking up late. He asked if they extend the time to 6:00 p.m., if they were going to export the late pickup problem with more children and therefore extend the amount of time the children would need to be picked up. He said it could go after 6:00 p.m., potentially.

Ms. Gillette replied that of the children who are there for after-school care, it was probably about 20% of them that leave towards the end of the day (between 5:15 p.m. and 5:30 p.m.).

Mr. Randolph asked if Ms. Gillette expected that therefore, a similar percentage will apply when she extends the time to 6:00 p.m.

Ms. Gillette replied that it would likely be somewhat less would occur at that point, as the families who are already picking up by 5:30 p.m. are operating under that schedule. She said she knew that a number of other after-school programs already close at 6:00 p.m., and that the ones who come to them already are able to accommodate to 5:30 p.m. She said she didn't think the current students would change much, although occasionally, they may take advantage of the extra half-hour if they have an errand to run. She said she didn't suspect it would completely transfer over.

Mr. Randolph said this was helpful to know. He said he wanted to follow up on Ms. More's point, which was the same concern he had about the overflow parking lot across the street from the school. He said he is sensitive to this because the issue of a crosswalk at Cale Elementary has been something critical from a public safety standpoint.

Mr. Randolph asked if there has been any discussion with people in the school about establishing a crosswalk, which would be nothing more than putting markings in the road indicating it is a crosswalk, likely accompanied by signage so that there is an alert for people driving down the road that they are coming across a crosswalk. He said it may be helpful especially during the winter months, when it is dark outside at 4:30 p.m. and there are families crossing the street. He said this would mitigate against that possibility with having signage and a crosswalk and that this might be worth considering.

Ms. Gillette replied that she did not anticipate they will use the overflow parking lot very much, especially considering the percentage of people who will come during the dark time in the winter. She said there would definitely be, on an average day, plenty of parking in the regular parking lot, with 54 spots being there.

Ms. Gillette said her other thought on this is that it would actually upset the neighbors more to add something to what they see as their historic district. She said she could see the crosswalk creating a whole other issue with them in that sense. She said obviously, safety of the children is the primary concern.

Mr. Randolph said he appreciated this input, and wanted to make sure they discussed this from a public safety standpoint. He said his last question was about the current 40 maximum enrollment figure, with 25 students at any one time. He said the applicant is anxious to move the number up to 50, but were not willing, at that point, to entertain an equal set cap on maximum enrollment. He asked if the applicant would be willing to consider a maximum enrollment of 80 students overall, as it would keep the same ratio of 40 to 25, and as they go to 50 at any one time, it would ensure there would be no more than 80 enrolled.

Mr. Randolph asked if, on the other hand, it was the case with the applicant's business plan that she feels there is not a need for that cap, and that she could have 120 students and safely address their needs by spreading out enrollment during the day.

Ms. Gillette replied that it was the second point that Mr. Randolph made. She said when looking at the entire business, when she talks about students signed up for summer camps, more than 50% of them are not current students for the schoolyear. She said it creates a confusing matter of unenrolling the current students coming out of the schoolyear and still staying enrolled for the next schoolyear, and pretend they are no longer enrolled. She said she believes that getting rid of that 40-student capacity would eliminate all of this confusion. She said there are children coming in the mornings, and the afternoons, and that they are not the same children, which changes day to day.

Ms. Gillette said it would not be wise, for their business plan or for the community's benefit, to put a cap on that.

Ms. More agreed with what Ms. Gillette said about the crosswalk and the historic neighborhood. She suggested that during special events where they may be bringing out grandparents and using the overflow parking lot, they could use something temporary (e.g. cones) to put up in the street, or signage to let neighbors know it is happening on a certain evening. She said this could address the issue without using something permanent that the neighbors may not like.

Ms. Gillette replied that this was a good idea, and suggested that her husband could even serve as a crossing guard.

Ms. Firehock asked if there was anyone signed up to speak from the public.

Ms. Shaffer replied no.

Hearing no comments, Mr. Bivins closed the public hearing.

Mr. Keller said he recalled the first session and that the applicant has addressed the adjacent property owner's concerns as well as the traffic concerns, which had been two major discussion points at that time. He said he was supportive of the application.

Mr. Clayborne said that childcare is such a need in the community and that he was a demographic who would use it. He said the 6:00 p.m. pickup time is a huge benefit to two working parents with a three-year-old, such as the case in his family. He agreed with not having a cap on the amount of enrollment, noting that 50 is a big deal, and that from a business perspective, he couldn't see the applicant wanting to turn down that revenue. He said he was in full support of the application.

Ms. More moved to recommend approval of SP202000001 Little Explorers Discovery School (Crozet Baptist Church) with the conditions as stated in the staff report.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins said the application would be moving forward to the Board of Supervisors.

### **Old Business**

Mr. Charles Rapp (Director of Planning) said he would provide updates on recent Board of Supervisors meetings.

Mr. Rapp said at the April 15 Board meeting, the Board voted to approve an application plan for ZMA201900014 Commercial Development, which is a property adjacent to Fashion Square Mall. He said the Board voted to approve this as recommended by the Commission and staff.

Mr. Rapp said the Tandem Friends School Pavilion was also approved by the Board. He said this was a Special Use Permit for a 4,500-square-foot pavilion building.

Mr. Rapp said the prior Wednesday, the Board adopted a resolution disapproving ZMA201900015 Child Development Center based on many of the concerns that were expressed by the Commission and staff several months earlier.

### **New Business**

There was no new business.

## Adjournment

At 7:41 p.m., the Commission adjourned to May 19, 2020 Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.



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Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards and transcribed by Golden Transcription Services)

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| Approved by Planning<br>Commission |
| Date: 06/16/2020                   |
| Initials: CSS                      |