



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: SP201000017 All God's Children Child Development Center	Staff: Scott Clark, Senior Planner
Planning Commission Public Hearing: August 4, 2015	Board of Supervisors Public Hearing: TBA
Owner: Christ Church – Glendower VA Trs of	Applicant: Christ Church – Glendower VA Trs of
Acreage: 5 acres	Special Use Permit: 10.2.2.6, Day care centers (reference 5.1.06)
TMP: 12200-00-00-002A0 Location: 900 Glendower Rd	Existing Zoning and By-right use: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development)
Magisterial District: Scottsville	Conditions: Yes Associated Special Exceptions: No
RA (Rural Areas): X	Requested # of Dwelling Units: NA
Proposal: Day care facility for up to 34 children in an existing structure.	Comprehensive Plan Designation: Rural Areas - preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre)
Character of Property: The property is largely wooded, with an open area around the existing building.	Use of Surrounding Properties: Adjacent properties are mainly open pastures and woods. The nearest dwellings are approximately 1,500 feet away.
Factors Favorable: 1. The proposed facility would use an existing building, which limits physical impacts. 2. The applicants have reduced their proposed maximum enrollment in response to the Agricultural/Forestal District Advisory Committee's concerns over traffic conflicts with agriculture uses in the District.	Factors Unfavorable: • None found
RECOMMENDATION: Staff recommends approval of this Special Use Permit, with conditions.	

STAFF PERSON:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:

Scott Clark
August 4, 2015
TBA

PETITION:

PROJECT: SP201000017 All God's Children Child Development Center
MAGISTERIAL DISTRICT: Scottsville
TAX MAP/PARCEL: 122000000002A0
LOCATION: 900 Glendower Road
PROPOSAL: Preschool for up to 50 children in existing building
PETITION: Day care, child care or nursery facility 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 Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

CHARACTER OF THE AREA:

The surrounding area is largely made up of large farms and patches of forest. The area is included in the Southern Albemarle Rural Historic District, and Christ Church (1832), on the adjacent parcel and under the same ownership, is listed by the Virginia Department of Historic Resources as a historic landmark. The property to the east of the site is included in the Carter's Bridge Agricultural/Forestal District.

PLANNING AND ZONING HISTORY:

None.

DETAILS OF THE PROPOSAL:

A special use permit is being requested in accordance with section 10.2.2.7 of the Zoning Ordinance, which permits day care centers, to allow day care for up to 34 children (reduced from the original proposal of 50). The facility would use the first floor of an existing two-story building (approximate footprint of 48 by 78 feet, or 3,744 square feet) on a 5-acre property owned by the adjacent Christ Church. Parking would be provided in an existing area adjacent to the existing building, and the entrance would use the existing driveway. Approximately 18 parking spaces would be provided.

There are no special event uses on Glendower Road. The nearest special event use is over 7 miles away by road, at Bellair Farm on Secretary's Road. Staff is not aware of any wineries on Glendower Road. The nearest winery appears to be First Colony, which is over 4 miles away by road and on the opposite side of VA Route 20.

STAFF COMMENT:

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.

Noise and visual impacts should be minimal, as the nearest dwellings are approximately 1,500 feet away. Nearby properties are largely wooded or in agricultural use, and a day care is not expected to be a detriment to farm or forestry activities.

The property is adjacent to the Carter's Bridge Agricultural/Forestal District. Chapter 3 of the County Code gives the following direction regarding land-use decisions on sites adjacent to the districts:

D. Consideration of district in taking certain actions. The county shall consider the existence of a district and the purposes of this chapter and Chapter 43 of Title 15.2 of the Virginia Code in its comprehensive plan, ordinances, land use planning decisions, administrative decisions and procedures affecting parcels of land adjacent to the district.

Staff's traditional practice with special use permits adjacent to Districts is to ask the Agricultural/Forestal Districts Advisory Committee provide advisory comment to the Planning Commission and Board of Supervisors.

At their meeting on July 15, 2015, staff made a presentation on the proposal including the maximum student occupancy limit listed by the applicants (50 children, plus staff). The Committee voted 7:1 to recommend that this proposal be approved at a smaller maximum attendance (25) to lessen potential traffic impacts on agricultural traffic in the District.

From a review of aerial photographs of the area surrounding the site, it appears that most farms in the district raise cattle or horses, or are growing timber. The uses can generate some traffic, but it would be less regular and harder to predict than that generated by the proposed day care.

In response to the Committee's concerns, the applicants have stated that while the building technically accommodate 50 children, the maximum they would want to allow would be 34, and that they would be willing to accept a condition limiting attendance to that number. Staff feels that this lower limit would significantly reduce the traffic impacts of the proposed use (reducing the total number of vehicle trips per day by up to 64) and address the Committee's concern.

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

As no new structures or other facilities would be needed for this use, the impacts on the character of the district would be minimal.

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

Day care does not directly support the purposes of the Rural Areas zoning district. However, it provides a service to residents of this and other zoning districts.

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

By-right uses in the RA district include agriculture, forestry, conservation, and residential uses. Use of this existing facility as a day care at the proposed level of activity would not conflict with or inhibit those uses.

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

The supplement regulations included in section 5.1.06, listed below, are performance requirements that all day care facilities must meet. Nothing in this application indicates that the facility would have difficulty with any of these requirements.

5.1.06 DAY CARE CENTERS

Each day care center shall be subject to the following:

- a. State licensure. Each day care center shall acquire and maintain the required licensure from the Virginia Department of Social Services. The owner or operator of the day care center shall provide a copy of the license to the zoning administrator. The owner or operator's failure to provide a copy of the license to the zoning administrator shall be deemed to be willful noncompliance with the provisions of this chapter.*
- b. Inspections by fire official. The Albemarle County fire official is authorized to conduct periodic inspections of the day care center. The owner or operator's failure to promptly admit the fire official onto the premises to conduct an inspection in a manner authorized by law shall be deemed to be willful noncompliance with the provisions of this chapter.*
- c. Relationship to other laws. The provisions of this section are supplementary to all other laws and nothing herein shall be deemed to preclude application of the requirements of the Virginia Department of Social Services, Virginia Department of Health, Virginia State Fire Marshal, or any other local, state or federal agency.*

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

The main impact on the public will be traffic. The proposed level of use would create up to 136 drop-off and pick-up trips per day (fewer if some families enrolled multiple

children). The last VDOT traffic count, taken prior to early 2013, shows an annual average daily trip count of 50.

VDOT staff have reviewed the application and have no objections to the proposal. They noted, however, that some clearing of trees or brush may be necessary at the entrance to ensure necessary sight distance.

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

Day-care uses are not directly supportive of the Comprehensive Plan's land-use goals for the Rural Areas. However, as this proposal would use an existing structure, the new impacts generated would largely be limited to the increased traffic discussed above.

SUMMARY:

Staff has identified the following factors favorable to this application:

1. The proposed facility would use an existing building, which limits physical impacts.
2. The applicants have reduced their proposed maximum enrollment in response to the Agricultural/Forestral District Advisory Committee's concerns over traffic conflicts with agriculture uses in the District.

Staff has identified no factors unfavorable to this application:

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP201000017 All God's Children Child Development Center, subject to the following conditions:

1. Development of the use shall be in general accord with the conceptual plan titled "All God's Children Child Development Center," revised 7/23/15, (hereafter, the "Conceptual Plan") as determined by the Director of Planning and the Zoning Administrator. To be in general accord with the Conceptual Plan, the development shall reflect the following major elements within the development essential to the design of the development:

- Use of the existing building; no new structures shall be used for the day-care use

Minor modifications to the Plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. Total day-care enrollment shall be limited to 34 (thirty-four).

3. The permittee shall obtain written approval of the entrance design from the Virginia Department of Transportation prior to the County issuing a zoning clearance and the permittee commencing the use.
4. The permittee shall obtain written approval of the water supply and the onsite sewage system from the Virginia Department of Health prior to the County issuing a zoning clearance and the permittee commencing the use.
5. All outdoor lighting at the site that is exclusively for camp use shall either emit 3,000 lumens or less or be a full cutoff luminaire.

PLANNING COMMISSION MOTION:

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

Move to recommend approval of SP2010-00017 All God's Children Child Development Center subject to the condition as recommended by staff.

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

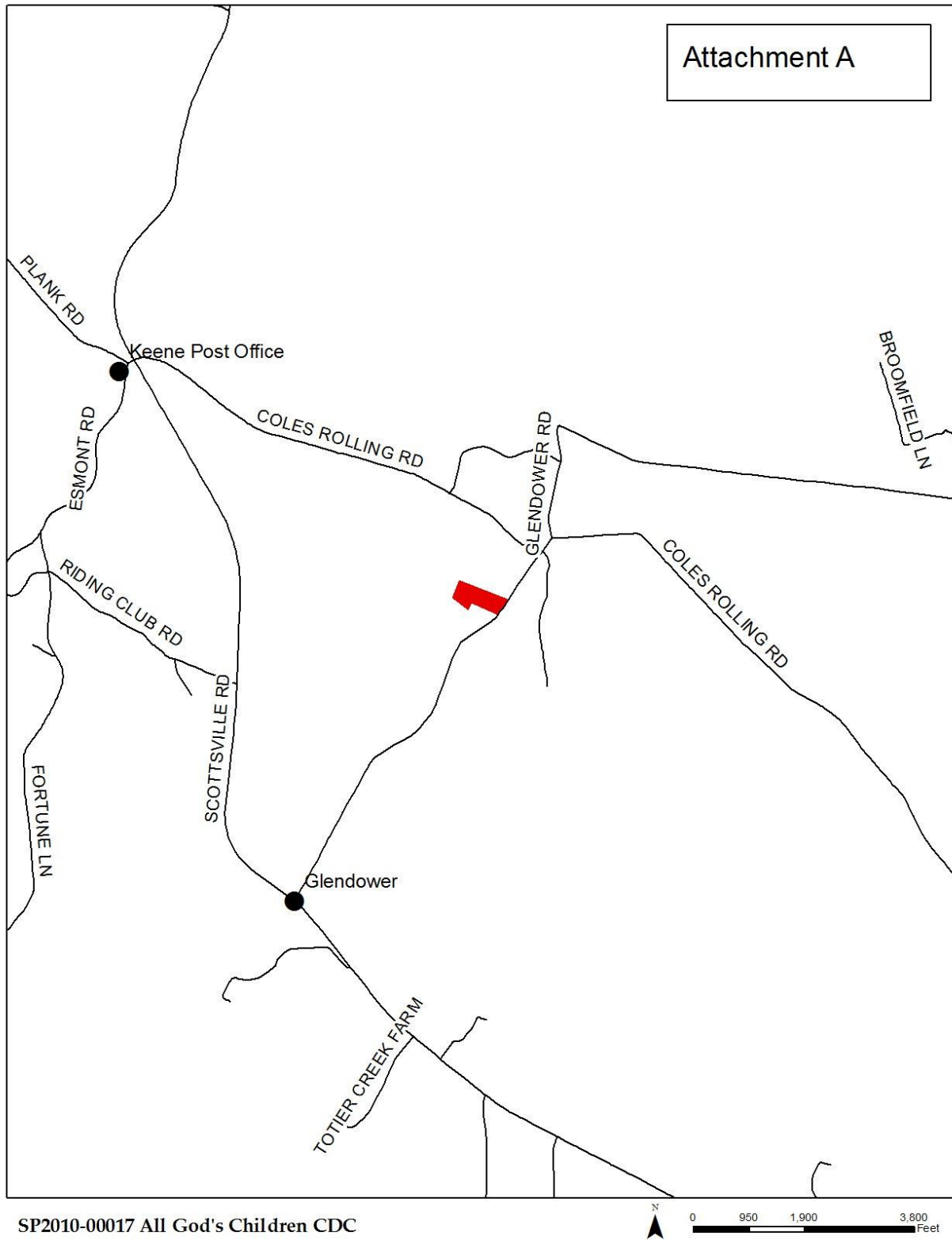
Move to recommend denial of SP2010-00017 All God's Children Child Development Center. *Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.*

ATTACHMENTS

Attachment A – [Area Map](#)

Attachment B – [Site Map](#)

Attachment C – [Conceptual Plan](#)





SP2010-00017 All God's Children CDC