

**Albemarle County Planning Commission
August 4, 2015**

The Albemarle County Planning Commission held a public hearing on Tuesday, August 4, 2015, at 6:00 p.m., at the County Office Building, Room 241, 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 absent.

Staff present was Scott Clark, Senior Planner, Chris Perez, Senior Planner; Rachel Falkenstein, Senior Planner; Margaret Maliszewski, Principal Planner; Amanda Burbage, Senior 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-2010-00017 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)

(Scott Clark)

Mr. Clark presented a PowerPoint presentation for SP-2010-17 All God's Children Development Center.

This is a special use permit request for daycare in the rural area zoning district. The proposal is now for 34 children. However, the description in the legal ad for the use says 50 children, and he wanted to explain that discrepancy.

The proposed use will be located on Glendower Road just south of its intersection with Coals Rolling Road near Keener. It is located in a very rural area. The daycare will be located on the 5 acre property, which is mostly wooded. There is an existing building that would be used for the proposed daycare. Nothing new would need to be built.

There is an existing gravel entrance and parking area with the driveway off of Glendower Road. The parking area would be more delineated than shown if the use is approved. The proposed use would be on the first floor of the structure. Behind the daycare is the partially wooded portion of the property.

How the use would affect the surrounding area -

- The nearest dwellings are at least 1,500 feet away. Most of the nearby properties are either wooded or in agricultural use.
- The level of use at the proposed 34 children would create up to 136 drop off and pick up trips per day. That does not include staff. It could be a lower count if there were families with multiple children enrolled.
- The road is traveled very little. The last traffic count on the road averaged 50 daily trips, which is very little. VDOT has reviewed the application and has no objections to it. There may need to be some sight distance clearing work, but that is all on the property.
- One issue that came up is this proposal is on a property that is adjacent to Carter's Bridge Agricultural and Forestal District. The County Code directs us to consider the presence of an Agricultural/Forestal District before making land use decisions on properties adjacent to that district. As they traditionally do staff took this proposal to the Agricultural/Forestal District Committee to get their recommendation. Their concern was not so much with the impacts physically on the district itself and the land in the district, but on potential agricultural traffic coming from the district through the district. The Committee suggested that the use be approved, but at a smaller maximum attendance, perhaps 25 children, to lessen the traffic conflicts with agricultural traffic that might be in that area. Staff notified the applicants of this and they said the 50 students they had originally proposed was the maximum the building could hold; but, in fact they wanted to have no more than 34 children in the building. The applicant really did not want to manage more than that number because it was getting out of scale with what they wanted to do. Staff thought that reduction from 50 to 34 children was going a long way to address the Committee's concerns with the scale of this use in the rural areas.

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/Forestal District Advisory Committee's concerns over traffic conflicts with agriculture uses in the District.

Staff has identified no factors unfavorable to this application:

Staff recommends approval of SP-2010-17 All God's Children Development Center day care proposal with two changes to the conditions recommended in the staff report, as follows:

- Condition 2 was reworded to maximum enrollment shall be 34 children.
- Condition 6 is a new standard condition that would give the use three years from the Board's approval date before expiration.

Mr. Benish pointed out the last condition #6 is a new standard condition that he had been reviewing and just failed to note it was not there. So there is nothing unusual about that condition.

Mr. Morris invited questions for staff.

Mr. Dotson noted that condition 4 makes reference to a camp and should be school.

Mr. Clark replied that should be daycare and not camp and actually is condition 5. Staff can make that change since that phrase is exclusively for camp use and should be cut entirely from that condition.

Ms. Firehock asked Mr. Clark to explain how he got to the number of vehicle trips per day.

Mr. Clark explained that the number of vehicle trips is multiplied times four because it is a trip in and a trip out and then adding the pick up at the end of the day.

Ms. Firehock said it would be the parents that come and go and come and go.

Mr. Keller said the first question is just procedural. When a committee takes a close look at something how does that information get to the Planning Commission. He asked is it up to the staff report to reflect that?

Mr. Clark replied yes, whenever they have an advisory committee involved in a process like this they always include the results of that meeting and their recommendation in the staff report to the Commission.

Mr. Keeler pointed out that he was at the Agricultural Forestal Committee meeting and it was difficult because there were no representatives for the church there to speak to this. So the committee members had to dig in and figure it out the best they could. However, there was a lot of concern about the two access roads. The Coals Rolling Road is paved with a short section going unpaved to the church. The other is a longer very narrow almost English countryside and quite wonderful Glendower Road that obviously would have more potential conflict between agricultural operations and rural operations on that road and commuters to the church on the paved road. So just for background he wanted his fellow commissioners to understand that is what led to one person voting against it completely and a number of questions about whether we could address the issue of what the impacts would be on a public gravel road.

There being no further questions, Mr. Morris opened the public hearing to the applicant and public comment. He invited the applicant to address the Commission.

John Robins, All God's Children Child Development Center Board member representing the special use permit, said two of the board members and two representatives from the church were also present. He said staff has done a wonderful job in explaining our project. The church has been working on this proposal for a number of years because of the need for good quality teaching for oriented childcare to serve the southern part of Albemarle County, Fluvanna County and Buckingham County. It is a funnel for a lot of traffic down through Keene. It is also in compliance with a goal that came out of the county some years back for childcare in the southern part of the county. The goal was set by social services and the church was trying to accomplish one of the goals for the county. He would stand aside and if there were any questions he would be happy to answer those directly.

Mr. Morris invited questions for the applicant.

Mr. Randolph said just for the record the county is therefore recommending reducing the number from 50 to 34 children. However, the septic system that the church is going to upgrade will have a capacity for 50 children and beyond. He asked if that was correct.

Mr. Robins replied that he thinks the capacity was for 60. They split the building more than anything else; but, they are only using the first floor of the building. There is a second floor. The septic system will be sized correctly for the entire building.

Mr. Dotson asked if this would be a morning program or day long and what age range.

Mr. Robins replied it would be a day long program that would start at 6 a.m. and end at 6 p.m. The age range would be from 6 weeks to school age. They have multiple classrooms in the building. He thinks in the floor plan sent to the staff they had multiple rooms for infants, toddlers and for different age groups.

Mr. Morris invited public comment. There being no public comment, the public hearing was closed to bring the matter back to the Commission for discussion and action.

Mr. Loach pointed out he had a question for staff. The original application was for 50 children, but it was cut back to 34 children because of a potential problem raised by the Agricultural Forestal Committee. He asked is there a way to word the condition so that if this potential problem does not arise or if it can be looked at a later date and they want to go to 50 children that they don't have to go through the whole process. Can staff make this condition give staff administrative approval to go up to 50 children at a later date based on a withdrawal from the Agricultural Forestal Committee if that is the reason and there is nothing else stopping it from reaching its potential?

Mr. Benish replied unless they had conditions that cited specifically the Commission's approval for 50 children based on certain conditions they are not prepared to do that.

Mr. Kamptner noted if the change in circumstances was something such as the withdrawal of the one nay vote from the Agricultural Forestal Committee he thinks they need a different basis in order for staff to make the call that the size of the facility can increase to 50. It needs to be something more objective.

Mr. Randolph asked if they would not be able to do similarly what the Commission did out on Ivy Road in the case of the school. They essentially established 34 as the original maximum number and that the institution can come back in two years and based on how they see the school has functioned and the impacts on the roads determine whether it could not be extended.

Mr. Kamptner said the applicant can always come back to amend that condition, which requires them to go through the process. However, that option is always available to them.

Mr. Benish noted this seemed like a convenient approach since their design concept really was more consistent with what the Advisory Committee was recommending. However, they always have that option available.

Mr. Kamptner agreed that option is always available.

Mr. Randolph said that was great because he would like to cut it from two to one year that they would be able to come back to us. They really don't have a sense, at least what people have told me, of what the upper figure is for daycare in that region. But, understanding this will be the first daycare facility servicing the Scottsville region there is a tremendous amount of interest on the part of JABA to partner potentially with other things to happen and he did not want to

constrain them. He thinks thereby asking them to come back in a year may be appropriate, but it is a bit of a constraint. He asked if they can live with that in coming back in a year.

Mr. Kamptner pointed out the applicant can come back at any time.

Mr. Morris noted they could come back in six months.

Mr. Randolph said he wants to be fair also to the other concerns they have heard. He recommended giving them a year and then allow them to come back with a 50 as the new maximum that we would apply. He would certainly think it was appropriate that when that body meets again that there be a representative from the church to be able to address the concerns that came up. He thinks the applicant has been perhaps bushwhacked or tree wacked here by this body at the last minute. He would like to recognize that maybe a year would be a livable period of time to get them up and running and then have the applicant come back to the Planning Commission to extend the period.

Mr. Keeler said with due respect the applicant had the opportunity to present and as he understands was informed of the Agricultural Forestal Meeting.

Mr. Clark pointed out that he let the applicant know about the meeting.

Mr. Keeler pointed out that it was not that they had been bushwhacked because they had that opportunity.

Mr. Randolph acknowledged that they were informed.

Mr. Keller said it is amazing to have reuse of historic resources like this and he is really supportive of this concept in this particular one. He has concerns that they need from the planning perspective to explore and think about the ramifications of these two roads. He thinks the people who live in that area should be aware that they have a program that provides encouragement if the vehicle count goes up high enough on a dirt road to think about paving that road. So a wonderful gravel road has the potential to change if a number of the people elect to travel to the church on Glendower graveled road as opposed to approaching it from Coals Rolling Road. Essentially that is what he had wanted a bit more staff direction on for the Agricultural Forestal Committee discussion. He asked if what he said was accurate or inaccurate in that they have a program in the state to pave ungraveled roads.

Mr. Benish replied there is funding available through the State Secondary Road Funding, and through the state allocation there are funds allocated solely for unpaved roads. That money is either used or lost. The Board of Supervisors prioritizes and uses that money based on a number of projects. He thinks they have 40 or so on that list. That list is generated in part by public request and evaluation by staff as to the priority for those roadways. So there is a potential that it could be funded. It depends on public interest as well as need in that area.

Mr. Kamptner noted they are just wrapping up a rural addition project with VDOT to pave Fox Mill Road. One thing that VDOT requires is that all of the owners along the road consent, assuming that it is a prescriptive easement. For this old road that is likely going to be. He said VDOT requires that all of the owners whose property fronts consent and that they are dedicating all of their frontage of 15' or 20' to the center line to the county.

Mr. Benish said but if the road is eligible for the Rural Rustic Road Program they don't have to do a dedication and it can be paved in its right-of-way. However, they do go through a public process, too, whether there is public interest and agreement in paving that roadway.

Mr. Keller asked the applicant if he sees ways they could encourage the parents to drive on the paved road as opposed to the unpaved road in terms of safety and access. He realized for people coming from the south that there is a shortcut along the gravel road, and yet having driven it as recently as today it seems they are looking at significant traffic back and forth with people drop off that there are issues associated with that.

Mr. Morris asked Mr. Robins if he would like to come forward and address that question.

John Robins said he thinks what they are going to see is a lot of the traffic that will be coming to the school will be heading to Charlottesville to work. So they are going to see some folks going in on Glendower and then coming out on Coals Rolling Road. So they are going to see about one-half of the traffic coming through in the morning and then coming back in the opposite direction in the evening. Using that road myself, if raining he wouldn't go down Glendower. He would go all the way up to Coals Rolling Road and come around because that road has potholes and it is really messy. So he thinks it is going to be about one half of the traffic is the way the traffic is going to flow. They will come in one way and go out the other way to head to Charlottesville.

Mr. Keller asked if he was correct that the church was only signed on Coles Rolling Road at this point, and it was not signed off of Route 20 onto Glendower Road.

Mr. Robins replied it was signed in both places.

Mr. Morris invited other questions.

Mr. Randolph noted one observation he would make in having lived on a dirt road in Connecticut is that people have learned what roads to ride on based on the season and what roads to avoid. In the point that Mr. Robins brought up he thinks people will try to stay off it especially during mud season when the potholes are there.

Mr. Keller said he would just add in a positive way that actually the sight line might actually be better at Glendower on Route 20 in both directions than it is at Coles Rolling Road. So there are positive tradeoffs to that as well.

Mr. Morris asked if they were ready for a motion with an amendment.

Mr. Randolph moved to recommend approval of SP-2010-00017 All God's Children Child Development Center subject to the conditions recommended by staff and by the Planning Commission requesting the applicant to come back within a year.

Mr. Kamptner pointed out it would be left up to the applicant because they could come back at any time.

Mr. Benish pointed out the conditions do not require the applicant to come back.

Mr. Randolph agreed to amend the motion to remove the portion requesting the applicant to come back within a year.

Motion: Mr. Randolph moved and Mr. Loach seconded to recommend approval of SP-2010-00017 All God's Children Child Development Center with the conditions recommended by staff, as amended.

Mr. Morris invited further discussion. There being none, he asked for a roll call.

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

Mr. Morris noted that SP-2010-00017 All God's Children Child Development Center would be forwarded to the Board of Supervisors with a recommendation for approval on a date to be determined with 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).~~ **Maximum enrollment shall be thirty-four (34) children.**
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.
6. **The use shall commence on or before [date three years from Board approval] or the permit shall expire and be of no effect.**

The meeting moved to the next agenda item.

(Recorded and transcribed by Sharon C. Taylor, Clerk to Planning Commission & Planning)