

**Albemarle County Planning Commission
July 12, 2016**

The Albemarle County Planning Commission held a regular meeting on Tuesday, July 12, 2016, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Daphne Spain, Mac Lafferty, Karen Firehock, Vice Chair; Pam Riley and Tim Keller, Chair. Absent was Jennie More, Bruce Dotson and Bill Palmer, UVA Representative.

Other officials present were J.T. Newberry, Planner; Elaine Echols, Acting Chief of Zoning; David Benish, Acting Director of Planning; Sharon Taylor, Clerk to Planning Commission and Greg Kamptner, Deputy County Attorney.

Call to Order and Establish Quorum:

Mr. Keller, Chair, called the meeting to order at 6:00 p.m. and established a quorum.

Public Hearing Items.

SP-2016-00012 Chestnut Grove 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)

(JT Newberry)

Mr. Newberry summarized the request for SP-2016-00012 Chestnut Grove Church - Additional Hours in a PowerPoint presentation.

- The request is to expand the hours of the operation that are currently approved for Chestnut Grove Baptist Church. Currently the 2003 special use permit limits the hours of operation from 9:00 A.M. - 12:30 P.M. for the pre-school and the request is to amend that special use permit to expand the hours to be from 7:00 A.M. - 6:00 P.M. The expanded hours would allow Chestnut Grove Preschool to offer before-school and after-school care for the children that attend the pre-school.
- The area map shows the church is located right at the corner of Buck Mountain Road and Simmons Gap Road in Earlysville. In the approved final site plan much of

the analysis with the previous special use permit request focused on the entrances on Simmons Gap and Buck Mountain.

In photographs of the site Mr. Newberry pointed out the following:

- The historic church and a view of their main entrance and the expansion;
- The entrance on Simmons Gap and the sight distance;
- The view of the other side of the church and the entrance on Buck Mountain Road with some striped area in the middle of this entrance;
- A view of this entrance from across the street; and
- An exhibit provided by the applicant showing their plan to install channelized posts to further improve the safety of the entrance and a picture after the installation of those posts.

Factors Favorable:

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

Factors Unfavorable:

1. None.

Existing Conditions (SP-2003-00063)

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 9 A.M. to 12:30 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; and
4. The entrance onto Route 664 shall be improved to current standards for sight distance or closed except for emergency purposes. VDOT approval of the entrance on Route 664 shall be required prior to the issuance of a certificate of occupancy. Notwithstanding this requirement, if the entrance is not approved to these standards, enrollment may still be up to twenty (20) children, or the limit approved by the Health Department, whichever is less.

Recommended Conditions:

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 up to 50 children, or the limit approved by the Health Department, whichever is less;
3. The hours of operation shall be limited from **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, except that occasional school-related events may occur after 6:00 P.M.

Since the site already complies with the fourth condition that has been removed. The language as highlighted in yellow on the slide reflect the request before the Commission tonight as well as attempts to improve the existing language.

Staff recommends approval with the conditions outlined in the presentation. Mr. Newberry said he would answer any questions.

Mr. Keller pointed out one question called to his attention by several folks who have called is we seem to be moving towards encouraging applicants of this type for churches to extend their hours or to think about a longer time period for drop off and pick up at end of the day. He asked if staff can think of a way, if we were all in agreement, to easily make a change that could occur for all churches so that people would not have to come in with a special use permit just to change hours.

Mr. Benish replied that probably the first and quickest approach would be for staff to be more standardized in the range for the conditions and be a little less conservative about restricting set hours of say 7 a.m. to 6 p.m. as sort of the standard. Then as staff looks at individual requests if there are unique circumstances you could adjust those, which would still allow a legislative discretionary review each time, but there would be a standard. That could also be established in the supplemental regulations as well, and then could be waived during the special use permit review. That is probably the easiest and quickest approach that would still allow the Commission and the Board some discretion on a case by case basis to adjust it. However, hours of operation like 7:00 a.m. or 7:30 a.m. to 6:00 p.m. are probably pretty reasonable for most situations and staff can start looking at that moving forward. He suggested Mr. Kamptner might want to provide input.

Mr. Kamptner pointed out another solution, if there was an agreement as to a standard and the Board and the Commission were no longer desiring to have these considered on a case by case basis, would be to adopt a regulation that establishes hours of operation for private schools and daycare centers. Those are probably the two classes. He suggested to start a “not earlier than” and a “not later than” and just be done with it.

Mr. Benish noted if there were supplementary regulations that would still allow for a waiver for some unique circumstance or change, but it would still standardize that.

Mr. Kamptner agreed.

Mr. Lafferty pointed out there was a fair amount of emphasis put on the entrances. In previous discussions about it the Commission has talked about traffic and the safety of it. However, he did not know how staff could incorporate that in an administrative type of negotiation.

Mr. Benish replied that he thinks that would still be part of the legislative review whether the intersections function properly and VDOT's input on whether upgrades are necessary, which might be a circumstance where the Commission would want to

change that standardized condition. If there were three daycares right next to each other and there is a desire to stagger traffic impacts in an intersection the Commission might actually want to set some timing difference. Those would probably be more the exception of the rule and as long as there are legislative reviews in each case you would have an opportunity to look at those unique circumstances. As Mr. Kamptner indicated with that standard condition everyone would be working from the same page and as a general rule be able to address those exceptions.

Mr. Keller asked if that was something staff could think about and let the Commission know separate from this request.

Mr. Benish replied staff would put that on the zoning text amendment list. In fact, this Thursday the zoning text amendment team that keeps track of these things meets and he will put this on the big laundry list. Also, staff can take a more thoughtful approach in just assuming longer hours of operation with each legislative review we get in the meantime, which has been what the Commission has been doing lately in making those adjustments. The Commission did it at Broadus Memorial and one of the uses on Old Garth Road.

Mr. Keller opened the public hearing for public comment and invited the applicant to address the Commission.

Barbara Edwards, Minister to Children and Families at Chestnut Grove Church, said she appreciates the Commission's consideration of this recommendation because it is their goal to be a blessing to the community. Being pretty far out in the county and the only Christian daycare out there we have had many requests to have longer hours. Parents that work cannot use our daycare because it is 9 a.m. to 12:30 p.m. and that just does not work for working parents. Our goal is just to be able to provide beautiful childcare for families so that parents can work and still accommodate their hours. She appreciates the Commission's consideration and thinks they have checked off all of the things that they needed to do. She had one other request since it seems like the Commission was working in the direction of making this an easier process. Since they open right after Labor Day the earlier they can possibly have this approved would be so helpful in hiring teachers and making sure parents know they are able to provide this service.

Mr. Keller invited questions for the applicant.

Ms. Spain applauded their efforts here since she certainly understands that there is a need for childcare. She asked does this mean that your church is able to afford it in terms of hiring more teachers and providing for more children for longer hours.

Ms. Edwards replied yes, they are budget zero based and so their budget is balanced as far as how many children there are and how many people go. That is what our attendance is. Then we have scholarships for those that can't and our church funds

those. So it works out as a balanced budget in how many children and teachers we have and the hours that we operate.

Ms. Spain congratulated the church.

Mr. Keller thanked Ms. Edwards and invited public comment.

Kelly Myles said she was actually here to talk about Avon Park II and did not know this request was coming up. However, since she does data for early childhood education and she has been hired by one client to help expand pre-school in Albemarle County she just wanted to applaud the effort. Their estimate is 160 to 250 children who cannot attend Pre-K because of limited hours and parents not being able to juggle that. So there is a community wide effort to increase pre-school capacity and these kind of efforts are a huge help. Thanks.

Mr. Keller asked if the applicant cares to speak for rebuttal. There being no rebuttal, the public hearing was closed and the matter before the Planning Commission.

Mr. Kamptner said a few minutes ago he sent Mr. Newberry an email with a revised condition 3 regarding the hours of operation, which is consistent with the language used for the past year or so. He provided comments to staff on one recent request that he thought was this one; however, it may have been another one that is working its way through the pipeline.

Mr. Keller asked Mr. Kamptner to read the condition so the applicant could make sure that she is comfortable with the wording.

Mr. Kamptner read the revised third condition: "The hours of operation for the school shall not begin earlier than 7:00 a.m. and shall not end later than 6:00 p.m., each day, Monday through Friday, except that occasional school-related events may occur after 6:00 p.m., or the more restrictive hours of operation required by the Health Department." Mr. Kamptner pointed out he would take that to be a water or septic limitation.

Mr. Newberry noted that is a portion of the condition that exists from the two previous ones, and Mr. Kamptner agreed and noted that piece he carried over to this condition

Mr. Keller asked if staff was comfortable with that wording, and Mr. Newberry agreed with the wording.

Mr. Keller invited further discussion.

Ms. Firehock said she had no objections to changing the operating hours and thinks it is wonderful when people provide more early childhood education. She pointed out the only comment she had was the channelized posts proposed were quite unattractive and questioned who thinks they are attractive. She understands the point was to try to provide safety in as an inexpensive a way as possible probably. However, even if it

were less safe she would rather see yellow cross striping. She pointed out the triangle is there telling you which way in and out; but, it is just faded. She understands it would be expensive to put in a T-bone or something concrete to try to direct traffic. However, planting anything almost would be better than those stuck up orange channelized posts that eventually get run over and bent. Since it is an attractive rural road she does not think that is the right solution for that spot. She was not the traffic engineer, but would hope they can do something else. Mr. Benish noted that they actually did not require the channelized posts, if you noticed, for partially that reason. He pointed out VDOT thought it would be a safety improvement, but this provides for some flexibility to deal with that.

Mr. Keller asked from that would the wording reflect that flexibility, and Mr. Benish replied that there was no condition requiring it so they have flexibility.

Ms. Firehock suggested the Planning Commission request that they not use that particular technique since she would hardly single out VDOT as the authority on attractive design necessarily for that. Their mission is safety, but she thinks there are other ways to achieve safety.

Mr. Benish said he was not clear about what might be a cheaper successful approach that is a physical barrier. However, they are not compelled to leave the channelized posts up since there is no requirement.

Ms. Firehock pointed out in her experience they tend to stay up. She would suggest taking that triangle, stripe it in orange to tell people not to drive there and just once a year repaint it, which would be preferable for the attractiveness of that rural landscape. Again, part of the reason that we are here, not to blow this out of proportion, is this is a change in use in a rural area that has a certain aesthetic quality and she did not think that those things that she usually sees in the middle of a highway are appropriate at the entrance to this location. That is all that she is questioning and would ask that the record show that since she is not sitting here saying that she is now going to get out a pen and design the landscaped island or tell you how to do it. However, she was just saying that particular technique she would like to be recommended against rather than just saying nobody was mandating it.

Mr. Lafferty said the Commission may be overstepping our grounds in trying to design a project. He understands what Ms. Firehock is saying; but, it is not a condition of their approval. He would like to see the Commission go ahead and approve this project the way it stands and it is an expansion of the hours.

Ms. Firehock noted that she was merely suggesting that we notate strongly that a different approach be taken for indicating traffic ingress and egress.

Mr. Lafferty pointed out that Ms. Firehock had done that and they don't need to do it in this document.

Mr. Keller asked for a motion.

Motion: Mr. Lafferty moved and Ms. Riley seconded to recommend approval of SP-2016-00012 Chestnut Grove Baptist Church – Additional Hours with conditions as outlined by the staff and amended by the county attorney.

There being no further discussion Mr. Keller asked for a roll call.

By a vote of 5:0:2 (Dotson/More, absent) the motion for approval passed.

Mr. Keller noted that SP-2016-00012 Chestnut Grove Baptist Church – Additional Hours would be forwarded to the Board of Supervisors with a recommendation for approval. He asked because the applicant has asked if staff has any sense about how quickly this will move to the Board of Supervisors for their action.

Mr. Benish replied that staff does not control the Board's schedule. He understands that there has been a request to move it up; however, right now the request is tentatively scheduled for September and staff has to work with the Board of Supervisors.

Mr. Keller thanked the applicants; and, again said the Commission applauds these kind of efforts in the community.

The meeting moved to the next public hearing.

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