Albemarle County Planning Commission
September 12, 2006

The Albemarle County Planning Commission held a meeting and a public hearing on Tuesday, September 12, 2006, at 6:00 p.m., at the County Office Building, Room 241, Second Floor, 401 McIntire Road, Charlottesville, Virginia. Members attending were Eric Strucko, Calvin Morris, Vice-Chairman; Jon Cannon, Pete Craddock, Duane Zobrist, Marcia Joseph, Chairman and Bill Edgerton. Julia Monteith, Senior Land Use Planner for the University of Virginia, representative for David J. Neuman, FAIA, Architect for University of Virginia was absent.

Other officials present were Wayne Cilimberg, Planning Director; David Benish, Chief of Planning; Amy Arnold, Planner; Judith Wiegand, Planner and Greg Kamptner, Deputy County Attorney.

***Call to Order and Establish Quorum**:*

Ms. Joseph called the regular meeting to order at 6:00 p.m. and established a quorum.

The Commission welcomed Duane Zobrist who replaced Jo Higgins in the White District. Ms. Higgins resigned from the Planning Commission and Mr. Zobrist was appointed by the Board of Supervisors on September 6.

Other Matters Not Listed on the Agenda from the Public:

Ms. Joseph invited comment from the public on other matters not listed on the agenda. There being none, the meeting moved on to the next item.

Review of Board of Supervisors Meeting – September 6, 2006.

Mr. Cilimberg summarized the actions taken by the Board of Supervisors on September 6, 2006.

***Consent Agenda**:*

Comprehensive Plan Compliance Review - Police Satellite Training Facility: Proposal to establish a police satellite training/classroom facility in an existing office building located in the Earlysville Industrial Park to conduct mandated in-service training for law enforcement agencies located in the Albemarle/Charlottesville area. Tax Map 31, Parcel 31A1 (David Benish)

Approval of Planning Commission Minutes – August 8, 2006.

Ms. Joseph asked to pull the Police Satellite Training Facility from the consent agenda for discussion. She asked Mike Wagner, of the Albemarle County Police Department, if he would give the Commission an idea of what is going on out there.

Mr. Wagner said that he was speaking on behalf of Chief Miller. Police training has become a very stressful situation for all of the agencies east of the Blue Ridge. Currently the Central Shenandoah Criminal Academy serves 52 different agencies with the larger agencies being in the Charlottesville area (Charlottesville, Albemarle, Fluvanna, Green and Louisa Counties). The Department of Criminal Justice Services has developed standards for mandated training facilities. Any training inside or outside of the department now have mandates that have to be adhered to. The agencies on this side of the mountain realized that sending officers to Weyers Cave on a week long basis or for a one- or two-day school is very stressful not only because of staffing issues with all police departments, but also due to the travel time and the fuel costs. Speaking on behalf of Mr. Kendrick, the Executive Director in Weyers Cave, they formed a board and realized that they would like to have an alternative satellite training facility on this side of the mountain. This facility would serve Albemarle County, Charlottesville, Green, Louisa, Fluvanna and Culpeper to try to ease the stress on those agencies and their officers. As he mentioned earlier, the training of officers is very important and should be a benefit and advantage to the communities that they serve. It should not be a stress on the departments for manpower issues and economic issues, including the prices of gas. The cost of overtime for the officers traveling back and forth out of their area is

definitely costing other agencies money.

Mr. Wagner continued that they have established a lease agreement with the owners of the Earlysville site on 395 Reas Ford Road. They are asking the Commission to approve this site for police training as a solution to allow these agencies to train at that location. It would basically be comprised of classroom training. There is no firearms facility or training proposed at this site. An approved satellite training coordinator would be mandated to be on the site at all times during training, which is currently his job. Those duties could be shared with the other attending agencies as they develop a protocol. That is mandated for several different reasons including safety, community interest and to make sure that the training program would actually be done and completed properly, that there is no "horse play" and no room for anything but proper training happening on-site. The site would house up to 35 people. Mr. Kendrick has worked extensively in facilitating the furniture and audio visual equipment that is already in place. They hope that this will be a small portion of what they would like to improve in the later years. This is a pilot program to allow training to see how it works out. Hopefully, it will be a small part in a bigger picture in the years to come.

Ms. Joseph asked if there were any questions.

Mr. Craddock asked how long they thought they would be there.

Mr. Wagner replied that it was undetermined right now, but that they have signed a year lease.

Mr. Strucko asked if there would be firearms training, and Mr. Wagner replied that it would be strictly classroom activities within the perimeters of the building itself. There would be no live firearms training at that facility whatsoever.

There being no further questions, Ms. Joseph asked if they wanted to take an action on the consent agenda.

Motion: Mr. Morris moved, Mr. Strucko seconded, that the consent agenda be approved.

The motion passed by a vote of 7:0.

Ms. Joseph stated that the consent agenda has been approved.

Public Hearing Items:

SP 2006-019 Bionic Innovations, LLC (Sign #62)
PROPOSED: Home Occupation, Class B for an orthotics crafting shop in a detached garage.
ZONING CATEGORY/GENERAL USAGE: PRD, Planned Residential District, with Proffers : residential (3 - 34 units/acre) with limited commercial uses.
SECTION: 19.3.2 Home Occupations, Class B.
COMPREHENSIVE PLAN LAND USE/DENSITY: Crozet Master Plan Neighborhood Edge CT3 - predominantly residential uses (net 3.5 -4.5 units per acre, 6.5 units per acre if accessory apartments added for 50% of the residential stock) in Neighborhood 7.
ENTRANCE CORRIDOR: No.
LOCATION: 1886 Clay Drive, Crozet, VA 22932, in the Waylands Grant subdivision, off of Jarman's Gap Road (RT 691), approx. 700 ft from the intersection of Crozet Ave (Rt 810).
TAX MAP/PARCEL: 55D-18.
MAGISTERIAL DISTRICT: White Hall.
STAFF: Judith Wiegand

Ms. Wiegand summarized the staff report.

- This is a special use permit for a Home Occupation, Class B. It is proposed for a orthotics crafting business that manufactures braces and other kinds of supports for joints and muscles as needed. It will be conducted in the detached garage for a single-family dwelling at 1886 Clay

Drive, which is in Waylands Grant Subdivision in Crozet. It is accessed off of Jarman's Gap Road.

- Currently the applicants have a Home Occupation, Class A permit to conduct the same business in their basement, but have decided to expand the business into the garage.
- It has been reviewed by staff, including the Fire Marshall, and there have been no issues. Staff is recommending approval with the conditions listed in the staff report.

Mr. Joseph asked if there were any questions for staff.

Mr. Morris asked if there were any comments from neighbors.

Ms. Wiegand said that there have been no comments received from the neighbors. From several conversations with the applicant, she understood that the Kings have spoken with all of their neighbors and they are very comfortable with it. In fact, he indicated that their neighbors offered to send in a petition or show up in support of the request if they were needed. But, the Kings told their neighbors not to come since there were no issues or problems.

Mr. Craddock asked if there was no home owner's association that says that they can't have a Class B, Home Occupation.

Ms. Wiegand replied no, that there was not according to her knowledge. She suggested that the Commission refer that question to Mr. King.

There being no further questions for staff, Ms. Joseph opened the public hearing and invited the applicant to address the Commission.

Kevin King, property owner and applicant, said that he would be operating the business with his wife. They have a home owner's association that is being transferred over within the up and coming year from the developer to the actual home owner's association. There are no stipulations in his copy of the by-laws against a Class B, Home Occupation. He presented a demo consisting of a plastic leg cast of their products. He said that they will be using plastics to mold around a plaster mold. They will be using minimum machinery just to smooth up the edges and things like that. It fills a small nitch in the medical community. This business is in addition to what he does at the University. He plans on retaining his position at the University and has already cleared everything with the University.

Ms. Joseph asked if there were any questions for Mr. King. She asked if they were mixing the materials to make the plastic.

Mr. King replied no. The plastic is purchased in sheet form. It is a thermal plastic. Basically it is heated up in an oven and formed around a mold. They have to use a vacuum forming process. They have a small vacuum pump that sucks air out of the plaster mold and sucks the plaster down. Then they cut it off and finish it up.

Ms. Joseph asked if the sheets of plastic were the only material stored on site.

Mr. King replied that was correct. But, there will be some ankle joints and for longer leg braces they actually have to use metal knee joints. Those are also purchased in a finished format, except the bar stock has to be cut. They use a hack saw to cut that and then bend it up. There is a drill press that he uses to drill the metal.

Ms. Joseph asked if he had thought about hours of operation.

Mr. King replied that he and his wife were trying to do this as a side business. There is not going to be a lot of noise that anybody would hear outside the garage. The machinery would be contained in a small room on the first floor of the garage. They have rubber dampening for all of the machines. Everything that they have does not have near the noise level that their compressor for their home air conditioner has outside. It is all confined in the garage in an insulated room. They were going to be working around their

small children's pre-school schedule. Obviously, they would not be working at 3:00 a.m., but they don't have any set schedules.

Mr. Strucko said that the staff report says that they expect two deliveries per week.

Mr. King replied that was correct, but it might be more than they need.

Mr. Strucko asked what he expected would be the quantity.

Mr. Kings said that usually it would be two to three boxes delivered by UPS. They would take anything shipped out to US Mail or UPS.

Ms. Joseph invited public comment. There being none, the public hearing was closed and the matter before the Commission. The staff report says the Zoning Department limits the UPS to seven trips per week and the size was limited to 290 square feet. She asked Mr. Kamptner if that was something that should be in the conditions of approval because it is in the application.

Ms. Wiegand noted that it was in the concept plan.

Mr. Kamptner said that the concept plan says that the garage is 290 square feet.

Ms. Joseph asked if it was sufficient if that information is on the concept plan.

Mr. Kamptner noted that condition 1 would take care of that.

Ms. Joseph asked if the number of UPS trips per week should be limited since it is discussed in the staff report.

Mr. Kamptner replied that it was Zoning Department's rule of thumb to allow up to 7 trips per week.

Ms. Wiegand said that Zoning considered that it was normal to have up to 7 trips per week. Therefore, staff did not include a condition because the applicant said that there would only be 2 trips per week. But, that is not actually shown on the concept plan.

Ms. Joseph said that is covered.

Mr. Strucko noted that Waylands Grant is very dense and houses are located very close to the sidewalks located right on the road. If it is a major delivery truck they would probably have a tough time navigating. It would be fairly disruptive.

Ms. Joseph said that she was just thinking about past home occupations when the UPS trucks start rolling in a couple of times a day or whatever that it has been a problem. That is all that she was trying to avoid.

Mr. Edgerton suggested that the issue be addressed by referencing Attachment C concerning the concept plan.

Ms. Joseph noted that if there was a complaint received, then staff could reference back to whatever was approved. If it says no more than 7 trips a week, then it would be clear. She suggested that the condition be added.

Mr. Zobrist requested to ask Mr. Kamptner a question. There is a reference made to the homeowner's association, which is not yet formed. Assuming that there is a prohibition to a Home Occupation, Class B, he said that is probably with no moment to us because they are only looking for compliance with the Zoning Ordinance. It would be up to the adjoining property owners to deal with it if that were the case.

Mr. Kamptner replied that was correct. He assumed that restrictive covenants were recorded years ago. The control is being transferred to the residents from the developers.

Mr. Zobrist said that if there was a restriction in the covenants it is not relevant to their review.

Mr. Kamptner replied that it would not.

Motion: Mr. Strucko moved, Mr. Morris seconded, to approve SP-2006-019, Bionic Innovations, LLC, with staff's recommended conditions, as amended, as stated:

1. Special Use Permit 2006-19 shall be developed in general accord with the concept plan dated August 14, 2006, prepared by Kevin and Melissa King, and titled "Bionic Innovations, LLC" (Attachment B.) Important elements of the concept plan include the location of the garage with an indication of which parts of the garage will be used for the Home Occupation.
2. The home occupation may not use both the basement and the garage facilities at the same time.
3. There will be no employees other than members of the immediate family living on the premises.
4. There will be no onsite sales or fittings of orthotic products.
5. There shall be no more than seven (7) vehicle deliveries per week.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-019, Bionic Innovations, LLC, would go to the Board of Supervisors on October 4 with a recommendation for approval.

SP-2006-017 Floral Images (Sign #55)
PROPOSED: floral arrangement business; includes constructing new workshop; no employees.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
SECTION: 10.2.2.(31); 5.2 Home Occupation Class B.
COMPREHENSIVE PLAN LAND USE/DENSITY: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
ENTRANCE CORRIDOR: No.
LOCATION: 262 Yancey Mill Lane (State Route 825), Crozet; adjacent Interstate Route 64.
TAX MAP/PARCEL: TM 55 Parcel 99.
MAGISTERIAL DISTRICT: Whitehall.
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- Floral Images is a floral arrangement business occupied at a store front in Pantops Shopping Center for the past 17 years. Over time the proprietors, Mr. Strickler and Mr. Herring, have focused their market more and more heavily on floral arrangements for special events rather than walk-in clientele. Because of this shift in emphasis Mr. Strickler and Mr. Herring propose to relocate their floral arrangement business in their home reducing the number of employees, eliminating the Pantops store front and eliminating their commute across town.
- Included in the home occupation proposal is a series of raised beds near their work shop. The owners would like to begin growing flowers for their arrangements on their approximately 2.5 acres property. In addition, the applicants are working to coordinate growing flowers in the off seasons with a near by green house operator.
- The applicants propose to construct a new 1,200 square foot floral work shop and extend the existing gravel parking area to include a gravel driveway to the work shop. The business would make 2 daily van deliveries from their work shop with a possible third daily trip during holidays heavily impacting the floral business. In addition to their own deliveries, 2 or 3 wholesale supply deliveries are expected to the site in standard cargo vans.
- One employee will work with Mr. Strickler and Mr. Herring 25 hours per week primarily as a delivery van driver. No walk in sales will be offered. Clients will occasionally visit the site for consultation only. Hours of operation are proposed Monday through Friday 8 a.m. to 4 p.m. with occasional hours on Saturday.
- Yancey Mills Lane where Floral Images is proposed to be relocated is a dead end fragment of Route 825. It was disconnected from local road networks to the south with the construction of I-

64 and changed into the configuration of Route 20 west. Yancey Mills Lane is comprised of turn of the century or older residents on the western side and the Yancey Mills sawmill looking to the east. Immediately across Route 250 is the historic crossroads community of Yancey Mills. Given the reconfiguration history of Route 250 west and the insertion of Interstate 64, Yancey Mills Lane and the residences located along its length were likely a former integral part of the historic Yancey Mills community to the north and the residences and road networks located south of Interstate 64 with easy access to the country store and wayside stand now located on the western side of the nearby Interstate 64/Route 250 interchange. The community of Yancey Mills, Yancey Mills Lane, and the land located to the west of the 64 interchange is comprised of older residences, forest, scattered large trees, agricultural fields, hedgerows, and open pasture.

- The Board of Supervisors approved a Special Use Permit for a workshop building on this parcel in February of 2003. The permit was approved with a single condition: "There shall be no more than seven (7) clients per week on the premises." Construction on the workshop was not begun within two years of the approval; the Special Use Permit was deemed abandoned. The application for the 2003 Special Use Permit was identical to the current proposal.
- There are two waiver requests associated with this special use permit. The first is a waiver of Section 18-31.2.4.4, which would allow them three (3) years to begin construction. The second is that the applicant has also requested a modification of the size limit for accessory buildings of Home Occupations, Class B to allow for a 1,200 square foot building. The building that they are proposing is larger in proportion than would be allowed relative to the size of their residence.
- Staff supports the applicant's request for modification of size and to allow for the construction of the 1,200 square foot floral work shop.

Ms. Joseph asked if there were any questions for staff. There being none, she opened the public hearing and invited the applicant to address the Commission.

William Herring stated that they have modified the 1,200 square feet because it was a concern as to the size of their home. They have modified the footprint down to a 700 square foot footprint with a 300 square foot basement. Therefore, the building would not look as large. It is in keeping with their home that was built in 1903.

Joseph Strickler said that they would take out very few trees. It is very important to them to make sure that it looks like the building has been there for 100 years.

Mr. Herring said that he wanted the building to look old just like the house. The molding work that is on the house will be duplicated on the workshop.

Mr. Strickler said that a lot of their business was done on site with wedding and corporate meetings. It will just be the matter of loading the flowers in the van and going to the site to put them together and arrange them. There are no neighbors that oppose this request.

Mr. Herring said that the closest house is actually a rental property. The other house around the corner is Irene Wither who has lived there since the seventies. She is a great neighbor and has no problems with this.

Mr. Morris noted that they would be missed in Pantops.

Mr. Strucko asked if Yancey Mills Lane is paved the entire lane.

Mr. Herring replied no, that the entire road is a gravel road from Route 250. He noted that there were five houses located on their road.

Mr. Strucko asked how many vehicular trips they planned per day.

Mr. Strickler said that they would be going in and out at the most two times per day. They will probably make a morning and afternoon delivery into Charlottesville. The delivery trucks bring in their flowers usually three times per week. They try to minimize that as much as possible because they are charging

them gas prices for higher deliveries. If they can get their whole order in one time a week it would benefit them.

Ms. Joseph asked if the green house was local that they were working with.

Mr. Herring replied yes, that it was AM Fog located on Route 151 owned by Yvonne and Ken Harris.

Ms. Joseph invited public comment. There being none, she closed the public hearing and the matter was placed before the Commission.

Mr. Strucko said that his only concern was the increase in vehicular traffic on the gravel road and it being an imposition to the adjacent land owners. But, it sounds like it would just be an additional three trips per week they would travel to and from. He felt that they would have done that routinely to get to Pantops.

Mr. Edgerton asked staff if they figure on ten vehicle trips a day for a residence as a standard.

Mr. Cilimberg replied yes, that a single-family residence generally generates ten vehicle trips per day.

Ms. Joseph asked Mr. Kamptner procedurally when the Commission looks at this do they look at the waiver request and then the action or can the waiver request be included within the recommended action.

Mr. Cilimberg pointed out that staff had been asked by Zoning to include what was the subject of the waiver requests in the conditions of the special use permit. He questioned what that means in the terms of action.

Mr. Kamptner said that condition 6 deals with the waiver of section 31.2.4.4 and condition 5 deals with the square footage modification request.

Ms. Joseph asked if those waivers need to be acted on separately or can they be included within the special use permit action.

Mr. Kamptner said that the Commission could act on the special use permit with the conditions, which would take care of the two waiver requests.

Mr. Strucko questioned if there was a concern about the 1,200 square feet.

Mr. Morris noted that the applicant is cutting the square footage down to a 765 square foot footprint with a basement.

Mr. Strickler noted that it would be a 700 square foot footprint.

Mr. Cilimberg said that the Commission needs to be aware that the 700 square foot footprint includes two floors with a basement of 300 square feet. It is actually going to be a 1,000 square foot area that they need to cover in the condition. If the Commission puts it at 1,200 square feet, then the applicant would have some wiggle room.

Mr. Edgerton said that he was not concerned with that because the applicants would be more impacted then anybody.

Mr. Kamptner said that condition 4 says a maximum of seven (7) client visits per week on the premises. He asked if a client is a customer and the condition was not talking about deliveries.

Mr. Arnold replied that was correct.

Mr. Edgerton said that his read was that was per consultation because there will be no walk in sales.

Mr. Kamptner noted that he wanted to be certain that everyone understood that condition because there was a limit put on it for deliveries.

Ms. Joseph asked if they wanted to include a condition with a limit on the deliveries.

Mr. Morris suggested that the conditions be left as they are, and Mr. Edgerton agreed.

Motion: Mr. Edgerton moved, Mr. Strucko seconded, to approve SP-2005-017, Floral Images with the recommended conditions.

1. Special Use Permit 2006-17 Floral Images shall be developed in general accord with the concept plan dated August 24, 2006, prepared by W. R. Strickler, and titled "Floral Images" (Attachment A.)
2. One vehicular entrance from Yancey Mill Lane shall serve as the only driveway for this parcel. It shall be required to be surfaced with gravel.
3. No walk-in sales shall be permitted on the premises.
4. A maximum of seven (7) client visits per week shall be permitted on the premises.
5. The total area of the workshop shall be limited to 1,200 square feet.
6. This use shall commence within 3 years of the date of approval rather than the 24 months stated in section 31.2.4.4.
7. Hours of operation are required to be limited to 8:00 am to 4:00 pm Monday through Saturday.

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-017, Floral Images, would go to the Board of Supervisors on October 4 with a recommendation for approval.

SP-2006-022 Northridge Community Church of the Nazarene; Northridge Preschool (Sign #79)
PROPOSED: Day Care/Pre-school; existing church; no exterior building changes proposed; SP amendment.
ZONING CATEGORY/GENERAL USAGE: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre); Entrance Corridor Overlay.
SECTION: 10.2.2.(7); 5.1.06 Day care, childcare or nursery facility.
COMPREHENSIVE PLAN LAND USE/DENSITY: RA -- Rural Areas: agricultural, forestal, and fishery uses; residential density (0.5 unit/acre).
ENTRANCE CORRIDOR: Yes.
LOCATION: 5100 Dickerson Road, Charlottesville; near Route 29 North.
TAX MAP/PARCEL: TM21, Parcel 11A.
MAGISTERIAL DISTRICT: Whitehall.
STAFF: Amy Arnold

Ms. Arnold summarized the staff report.

- In the spring of this year Merridale Preschool closed its doors after 46 years of operating in the community of northern Albemarle County. With the majority of the facilities and capacity to operate a preschool already in place, the congregation of the Northridge Community Church of the Nazarene is proposing to establish a half-day preschool program in the fall of 2007 to help compensate for the lose of the Merridale Preschool programs. It is the hope of the congregation that the preschool will meet the needs of parents in northern Albemarle County by providing the benefits of a locally based program.

- The church is proposing a total capacity of 80 children at the preschool, with a maximum of 50 on site at one time. The preschool would comprise a half-day program serving 3 and 4 years olds operating from 7:30 am to 12:30 pm. Parents would park in the church parking lot, escort their children into their class and later pick the children up from the class. There will be no curbside pick up and drop off. The children will bring a lunch from home; no lunches will be prepared on site, though full kitchen facilities are available at the church. In addition, multiple classrooms totaling 2,630 square feet, space for school wide events, and a large playground are in place at the church.

- Northridge Community Church of the Nazarene is located less than a mile from the northeastern boundary of Albemarle adjacent to Route 29 North. The surrounding area is characterized by large stands of mature deciduous and evergreen forest and open space with scattered residences, a few industrial uses and a large pond located across Route 29 North. Nearby and to the south are two large sites currently zoned industrial including the over 50 acre site of GE Fanuc Manufacturing.

- In January, 2004 the Board of Supervisors approved an amendment to SP-2000-58 to allow for the operation of a pre-school and after school programs extending as late as 6:00 p.m. The conditions included prohibiting exterior changes to the building and the site, limiting the number of children to 80 for pre-school and 60 for the after school programs and limiting the hours of operation. The current administration for the church was not in place when the special use permit amendment was approved. Unaware that the church already had approval to operate a pre-school the amendment expired in January of this year and the special use permit was deemed abandoned.

- Grace Community Church located on the parcel immediately adjacent and to the north has written a letter supporting the operation of the pre-school at Northridge. Copies of that letter have been provided for your review. (Attachment: Letter addressed to Amy Ransom Arnold from Donald H. Ward, Jr., Pastor of Grace Community Church)

- Condition 3 states that enrollment shall not exceed 80 children with a maximum daily attendance of 50. Zoning had questioned the need to limit the maximum daily attendance. Staff recommends the condition read simply, "Enrollment shall not exceed 80 children."

Ms. Joseph asked if there were any questions for staff.

Mr. Edgerton questioned condition 7 and asked what may be disturbed in the woodland. He asked for clarification by staff regarding the highest water level.

Ms. Arnold said that the intention was to protect the existing woodland on the site, which totals 4 acres. But, at the same time on the edge of the woodland is their storm water management. Staff did not want to limit them being able to maintain it or take trees out if they needed to. That is the idea. Attachment E shows it on the edge of the wood land between the church parking lot and the wood land. There is a semi-cleared area with a fence line.

Mr. Edgerton asked if they have existing classrooms that have been approved for Sunday Schools, and Ms. Arnold replied that was correct.

Mr. Morris asked if they have no intention of having an after school program at this time, and Ms. Arnold replied that the applicant was only asking for a pre-school.

There being no further questions for staff, Ms. Joseph opened the public hearing and asked the applicant to address the Commission.

Tracy Tucker, Pastor of Northridge Community Church of the Nazarene, said that his associate Tammy Hensley was also present. As was already stated, Merridale's closing was a sudden thing and left a real opening in the community. When the opportunity was there for the church they felt as though they would like to try to fill that void left behind by Merridale Pre-school. Tonight he invited two parents from the Merridale Pre-School who had children vested in the program. He would like to invite them to speak for just a moment about the impact that Merridale had and the need to continue that service to the community. Heather Johnson will speak first.

Heather Johnson said that she just moved to the area from Colorado nine months ago. Therefore, they are getting adjusted to Charlottesville. She has two pre-school children and went on a search for a pre-school. She asked everybody that she met where they sent their children to pre-school. Only two pre-schools came up. Many others came up that she would not even bother calling. Being a stay home mom she wanted actual school and not a daycare facility. Merridale is now closed, and in her mind that left

only one other. So now she drives all the way down to the City of Charlottesville to take her children to pre-school. She noted that she was very excited about the possibility of this pre-school opening. She felt the dire need for a well done pre-school program. But, the fact that it will be up north where there is such growth in the community is just going to be an awesome unbelievable experience for the children up there. Selfishly that gives her 20 more minutes of free time. She asked that the Commission approve the request.

Shelly Smith said that she had two sons, one of which went to Merridale for two years. She came in support of Merridale because she felt that it was a wonderful program. Her son has some pretty significant special needs and because of the structured curriculum that Merridale provided with the small classroom size, the Christian focus and the way the staff and the teachers worked as a team they were able to come up with some really creative accommodations for her son that allowed him to thrive. She planned to send her two year old son to Merridale when he was old enough. She was very disappointed when she found out Merridale was going to close. She felt that the proposed pre-school with its format that is similar to Merridale would be wonderful wherever it was placed in Charlottesville. It would be a much needed addition to our community. The fact that it is going to be in northern Albemarle is terrific because that is where she lived. She supported the request.

Pastor Tucker said that in addition to the pre-school itself Northridge really feels as though they have been trying to make a concretive effort to impact our community and to benefit our community. They operated a professionally installed community playground this past year. There are a number of folks in the community coming by and taking advantage of that. In addition, they are a polling center for the Rivanna Magisterial District. They support many community programs. He submitted a packet of letters of support from Grace Community Church, GE Fanuc Automation, Bonnie Herring, Laura Evans, Tonya Shifflett and Diane L. Lame. (Attachment: See the attached five letters of support.) He asked that the Commission approve their request.

Ms. Joseph invited public comment.

Don H. Ward, Jr., Senior Pastor of Grace Church, said that on behalf of the leadership of Grace Community Church, he wanted to express their full support for the petition of Northridge Community Church of the Nazarene to start a preschool on their property. Northridge is their next door neighbor and they are thrilled with this request. They have been very kind to their church. Their goal is not to duplicate the things that the other church is doing. They do not plan to come with a request for a pre-school, but possibly for an after school or something like that.

Joan Shaw said that there were a number of persons present in support of this request who did not want to speak. She asked that everyone present to show their support by raising their hands. (Note: There were 20+ plus members of the public that raised their hand in support of the request.)

There being no further public comment, the public hearing was closed and the matter placed before the Commission.

Mr. Strucko asked what the proposed change was to condition 3.

Ms. Arnold said that the condition should eliminate any limit on the daily number.

Motion: Mr. Craddock moved, Mr. Cannon seconded, to approve SP-2006-22, Northridge Community Church of the Nazarene; Northridge Preschool, with the conditions, as amended, recommended in the staff report.

1. Special Use Permit 2006-22 shall be developed in general accord with the interior concept plan received May 30, 2006, and titled “Northridge Preschool” (Attachment A).
2. Hours of operation shall be limited to 7:30 am to 12:30 pm Monday through Friday.
3. Enrollment shall not exceed 80 children.
4. The church building must be approved for day care use by the Building Official.
5. Licensure by the Virginia Department of Social Services is required.
6. Health Department approval is required before the commencement of the use.

7. The existing woodland shall remain undisturbed with one exception: the woodland may be disturbed within 10 feet of the highest water level in the storm water facility. In no case shall the site be disturbed within 35 feet of the western boundary of this parcel. (Reference Attachment E)

Mr. Kamptner noted that looking at page 24 where it lists the hours of operation that it seems like the cut off is tight. It would be helpful to have some extra time at the end of the day so the church will not have to come back and request an amendment to the special use permit.

Ms. Joseph recommended that the end time be changed to 1:30 p.m.

Amended Motion:
Mr. Craddock moved, Mr. Cannon seconded to amend the motion to change the end time to 1:30 p.m.

1. Special Use Permit 2006-22 shall be developed in general accord with the interior concept plan received May 30, 2006, and titled "Northridge Preschool" (Attachment A).
2. Hours of operation shall be limited to 7:30 am to 1:30 pm Monday through Friday.
3. Enrollment shall not exceed 80 children.
4. The church building must be approved for day care use by the Building Official.
5. Licensure by the Virginia Department of Social Services is required.
6. Health Department approval is required before the commencement of the use.
7. The existing woodland shall remain undisturbed with one exception: the woodland may be disturbed within 10 feet of the highest water level in the storm water facility. In no case shall the site be disturbed within 35 feet of the western boundary of this parcel. (Reference Attachment E)

The motion passed by a vote of 7:0.

Ms. Joseph stated that SP-2006-22, Northridge Community Church of the Nazarene; Northridge Preschool, would go to the Board of Supervisors on October 4 with a recommendation for approval with the changes noted.

Old Business:

Ms. Joseph asked if there was any old business. There being none, the meeting moved on to the next item.

New Business:

Ms. Joseph asked if there was any new business.

- Reservations have been made at Carmello's for a farewell/congratulations dinner for Jo Higgins on October 4 at 6:30 p.m. All Commissioners are invited.

There being no further new business, the meeting proceeded.

Adjournment:

With no further items, the meeting adjourned at 7:00 p.m. to the Tuesday, September 19, 2006 meeting at 6:00 p.m. at the County Office Building, 401 McIntire Road.

_____
V. Wayne Cilimberg, Secretary

(Recorded and transcribed by Sharon Claytor Taylor, Recording Secretary.)