COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY

Project Name: ZMA201900015 Child Development Center	**Staff:** Mariah Gleason
Planning Commission Public Hearing: February 4, 2020	**Board of Supervisors Public Hearing:** April 1, 2020
Owner: Dettor, James A Jr or Peggy W	**Applicant**: Kelsey Schlein, Shimp Engineering; Jennifer Slack, Our Neighborhood Child Development Center
Acreage: 3.607 acres	**Rezone from:** R-1 Residential - 1 unit/acre to C-1 Commercial – retail sales and service; residential by special use permit (15 units/ acre)
TMP: 078000000058K0 **Location:** 1395 Stony Point Rd Charlottesville VA, 22911-3501	**By-right use**: Residential
Magisterial District: Rivanna	**Proffers**: Yes
Proposal: Rezone the property for commercial use to allow the establishment of a child day center serving up to 124 children.	**Requested # of Dwelling Units:** None.
DA (Development Area) – Neighborhood 3 - Pantops Master Plan Area	**Comp. Plan Designation:** Urban Density Residential – residential (6-34 du/acre), religious assembly uses, schools and child care, institutional. Secondary commercial/retail, offices AND Parks & Green Systems – stream buffers, flood plain, and steep slopes, privately owned open space, natural areas.
Character of Property: The subject property consists of a 4-vehicle carport with existing electrical outlets, a 2,249sf single-family residential structure with a small shed in back, and a 4,445sf 3-bay metal garage with an office, large rear overhang, and an attached small garage. There are two entrances to the property from Stony Point Rd. One entrance leads to the carport and the other leads to the metal garage.	**Use of Surrounding Properties:** Adjacent uses include a mix of residential and commercial/retail areas to the west (Riverside Village), residential areas to the north and east, and commercial areas to the south. Commercial areas to the south are buffered from the property by a stream and existing wooded area.

Affordable Housing: Yes ☐ No ☒	**AMI (Area Median Income):** No affordable housing provided.
Factors Favorable: 1. The proposed use is consistent with the Urban Density Residential land use designation of the Pantops Master Plan. 2. The proposed use is supportive of the existing neighborhood commercial character of this area.	**Factors Unfavorable:** 1. Proposed development (Day Care Structure B and parking) within the area designated as Parks & Green Systems is inconsistent with the Pantops Master Plan. 2. Additional information is needed in order to support all of the C-1 uses proposed. 3. Redevelopment of existing structures into habitable structures may not be permitted by the zoning ordinance due to the structures' location within the Flood Hazard Overlay District. 4. The small garage (attached as an addition to the large garage structure) was not approved to be built and is currently in violation of the zoning ordinance. The structure will need to be brought into compliance. 5. Special exceptions are needed for any setback and minimum design standards and parking requirements that cannot be met. No special exceptions have been submitted to date. 6. Additional information is needed regarding phasing and needed transportation improvements. 7. Revisions to the Application Plan are needed. 8. Revisions to the Proffer Statement are needed.
RECOMMENDATION: Staff recommends denial of ZMA201900015 Child Development Center for the reasons provided in the staff report.	

STAFF PERSON: **Mariah Gleason**
PLANNING COMMISSION: **February 4, 2020**
BOARD OF SUPERVISORS: **April 1, 2020**

ZMA201900015 Child Development Center

PETITION

PROJECT: ZMA201900015 Child Development Center
MAGISTERIAL DISTRICT: Rivanna
TAX MAP/PARCEL(S): 078000000058K0
LOCATION: 1395 Stony Point Rd Charlottesville VA, 22911-3501
PROPOSAL: Rezone property for commercial use to allow the establishment of a child care center serving up to 124 children.
PETITION: Rezone 3.607 acres from R-1 Residential, which allows residential uses at a density of 1 unit per acre to C-1 Commercial which allows retail sales and service and residential uses at a density of 15 units per acre by special use permit. The applicant has proposed proffers to accompany this rezoning which include limiting the types of commercial uses permitted on this property in the future and reducing the setback requirements.
ZONING: R-1 Residential - 1 unit/acre
OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District
PROFFERS: Yes
COMPREHENSIVE PLAN: Urban Density Residential – residential (6-34 du/acre), religious assembly uses, schools and child care, institutional. Secondary commercial/retail, offices AND Parks & Green Systems – stream buffers, flood plain, and steep slopes, privately owned open space, natural areas in Neighborhood 3 of the Pantops Master Plan Area.
POTENTIALLY IN MONTICELLO VIEWSHED: Yes

CHARACTER OF THE AREA

The subject property is identified as Tax Map Parcel (TMP) 07800-00-00-058K0 and is located within Neighborhood 3 of the Comprehensive Plan Area, which is part of the Pantops Master Plan area (Attachment 1). The property measures 3.607 acres and is currently zoned R-1 Residential (Attachment 2). The property is also located in an Entrance Corridor and Flood Hazard Overlay District. Several structures exist on the site currently. From north to south, the subject property consists of a 4-vehicle carport with existing electrical outlets, a 2,249sf single-family residential structure with a small shed in back, and a 4,445sf 3-bay metal garage with an office space, large rear overhang, and a smaller attached garage. There are two entrances to the property from Stony Point Rd. One entrance leads to the carport and the other leads to the metal garage.

The Riverside Village neighborhood and shops are located directly in front of the subject property, across Rt 20/Stony Point Rd. These parcels are zoned Neighborhood Model Residential, and allow a mix of residential and commercial/retail development. Properties north and west of the subject property are zoned for residential uses and include community amenities such as the Elks Lodge and Darden Towe Park, and neighborhood developments such as Cascadia, Fontana, Avemore, and Wilton Farms. To the south of the property lie a mix of commercial/retail developments, which include Flow Mazda, Malloy Ford, Piedmont Endodontics, and other various businesses. These commercial/retail developments are predominantly oriented towards Rt 250 and are separated from the subject parcel by a stream and existing wooded area.

SPECIFICS OF THE PROPOSAL

The applicant is proposing to rezone the 3.607 acre parcel from R-1 Residential to C-1 Commercial (C-1). The applicant's justification and materials, including the traffic study, focus the application on a childcare center use, serving up to 124 children. While the applicant has proposed to proffer out some of the uses permitted by-right in C-1, as indicated in the proffer statement in Attachment 5, the property would still retain a number of C-1 uses (See Attachment 6 for a comparison of permitted and proffered uses. Uses that are being removed are identified with a grey bar).

It is not certain whether the remaining C-1 uses, not proffered out by the applicant, are appropriate for this area or in alignment with the Pantops Master Plan. Staff believes that additional information is needed to analyze the appropriateness of new uses that would be permitted on this property. Staff is particularly concerned about the potential size, scale, and traffic impacts of these uses in relation to the surrounding area.

To facilitate the proposed child day center use, the applicant intends to occupy and redevelop existing structures on the subject property. The Application Plan (Attachment 3) submitted by the applicant demonstrates the anticipated use of the existing buildings as well as locations for other supporting activities and uses, such as outdoor play areas, parking, and circulation. However, the applicant has not committed to this Application Plan, and therefore other C-1 uses could be built on the property.

It should be noted that due to the applicant's timeline for moving to a new location for the childcare center use, the applicant has requested to go straight to a Planning Commission public hearing without receiving comments from staff. This report is the first feedback the applicant is receiving.

APPLICANT'S JUSTIFICATION FOR THE REQUEST

The applicant is requesting this rezoning in an effort to find a suitable location to move into following the recent sale of their current leased space at 2110 Ivy Road. As the applicant has expressed, Our Neighborhood Child Development Center will need to relocate by summer 2020 to ensure there is no lapse in service to existing families and children enrolled in the program.

As the applicant explains in the project narrative (Attachment 4), the current waitlist for the program is over a year. The applicant anticipates that this proposed location will allow Our Neighborhood Child Development Center to expand their services to accommodate more children and age groups, to almost double the program's current capacity.

The applicant has not provided justification for other C-1 uses proposed with this rezoning.

COMMUNITY MEETING

Due to the timing of this application and the requested Planning Commission date, the applicant chose to host a community meeting outside of the regular Pantops Community Advisory Committee meeting in order to discuss the rezoning application with local residents. With prior approval from the Rivanna District Board member, the community meeting for this application was held on Thursday, January 9, 2019 at the Lewis & Clark Exploratory Center in Darden Towe Park.

The meeting focused on the childcare center use. The primary concern of local residents that attended the meeting was traffic. Community members expressed that Rt 20/Stony Point Rd is currently highly trafficked, particularly with the addition of recent residential developments nearby. In addition to traffic flow, residents also raised concerns about the ability to making left turn movements in or out of the site during peak traffic hours. Overall, residents seemed to agree that, while there is a concern regarding the impact the childcare center will have on traffic, this use is less objectionable than other recently approved commercial development projects in the area that may impact traffic to a similar or greater degree.

During the meeting, residents also raised concerns about the location of the child day center, as this location is not near any major employers. The applicant addressed these comments by explaining that it is difficult to find suitable locations for early childhood care facilities. Attendees also had questions regarding commercial uses that would be allowed on the property if the rezoning were approved and if the applicant planned to subdivide the lot in the future. The applicant responded to these questions by describing their intension to proffer out several by-right uses allowed in the C-1 Commercial zoning district that may not be appropriate, if the property were to be redeveloped in the future. However, the applicant did not go into detail concerning the other proposed C-1 uses. In addition, the applicant stated that they had no intention to subdivide the lot in the future, adding that they would be more interested in expanding the program's facilities and amenities than subdividing.

PLANNING AND ZONING HISTORY

There are no prior zoning map amendment applications, special use permits, or site plans associated with this property, since the adoption of the current zoning map. There was a prior subdivision plat on the parcel which approved a sidewalk and drainage easement along Rt 20N (SUB2003000272).

COMPREHENSIVE PLAN

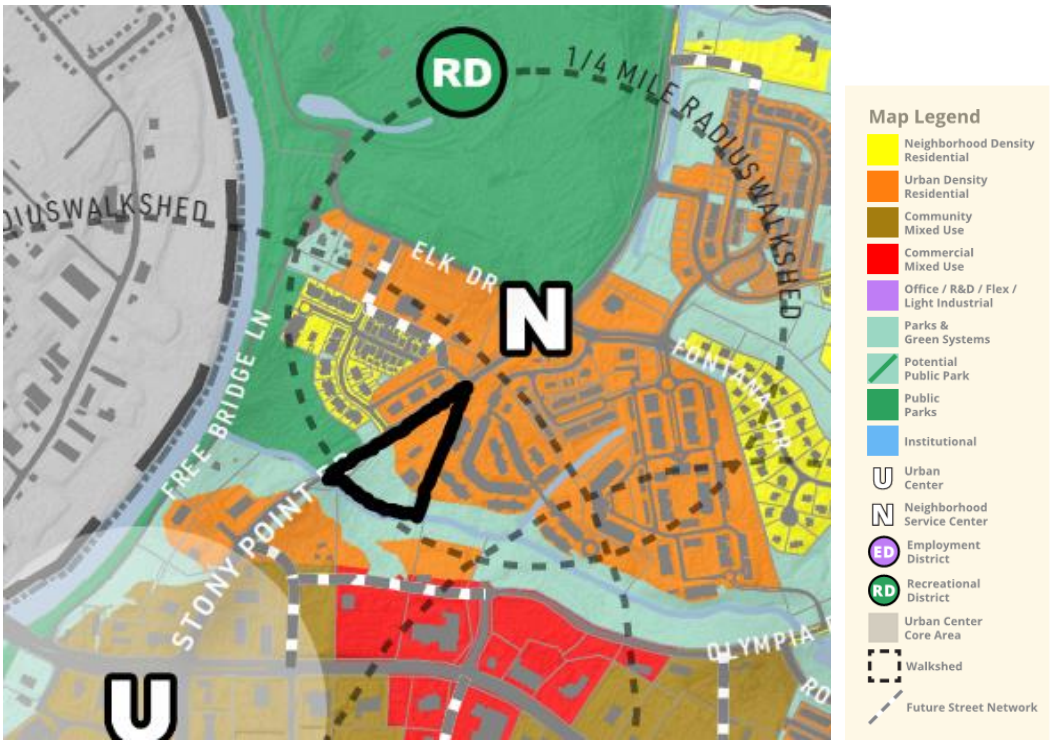
The Pantops Master Plan designates two land uses on this property (see map insert below) – Urban Density Residential and Parks & Green Systems. For areas outside the Flood Hazard Overlay District (FHOD) the Plan designates Urban Density Residential land uses which recommends primary uses that include residential at a density of 6-34 dwelling units per acre, religious assembly uses, schools and child care, and institutional. Secondary uses within this designation include commercial/retail, offices. For areas inside the FHOD, the Plan designates Parks & Green Systems land uses which identifies and preserves stream buffers, flood plain, and steep slopes, privately owned open space, natural areas.

The Pantops Master Plan also identifies this property as part of a Neighborhood Service Center. The Master Plan outlines that the center should "*…contain small-scale, mixed-use development patterns that are compatible with surrounding uses*…" that are "…*pedestrian-scale and walkable from adjacent neighborhoods*.".

The intent for the Urban Density Residential land use designation states that small to medium scale commercial, retail, and institutional uses are appropriate. When compared to the Pantops Master Plan, many of the uses retained by this rezoning fall into the secondary uses of this land use, however, staff have concerns that some of uses may not be appropriate for this land use designation, for example, Manufacturing/Processing/ Assembly/Fabrication and Recycling, as allowed by Sec. 22.2.1(a)(18).

Also, as stated above, in addition to the Urban Density's recommendation for small to medium scale development, the Neighbor Service Center designation also recommends development patterns that are neighborhood-oriented and smaller in size and intensity. These recommendations do not align with development patterns that are permitted by-right in C-1 zoning districts. For example, C-1 Commercial districts allow buildings to be up to 65ft in height, whereas the Pantops Master Plan recommends buildings in this area that are 2-4 stories in height. For comparison, the Riverside Village Shops are permitted to be 2-3 stories in height and no more than 45ft.

For these reasons, staff have concerns regarding whether the uses proposed by this rezoning are appropriate for this area given the nature of the use as well as their potential size, scale, and traffic impacts. Without additional information on the potential future C-1 uses, staff is unable to determine if the proposed C-1 designation meets the intent of the Pantops Master Plan.



In addition to the above, the property also includes a Parks & Green Systems designation within the Master Plan. The purpose of the Parks & Green Systems land use is to identify and protect sensitive environmental features including stream buffers, flood plain and steep slopes. As such, staff cannot support development on the portion of the property that is designated Parks & Green Systems due to the Application Plan including Day Care Structure B and parking in these areas. While these are existing conditions on the property, the parking will need be upgraded to meet ordinance standards, and the building is proposed to be remodeled into a habitable space.

The Neighborhood Model: Staff did not analyze this application proposal against the Neighborhood Model Principles as revisions and more information are needed from the applicant.

Affordable Housing: No affordable housing is provided with this development.

ZONING ORDINANCE REQUIREMENTS

Relationship between the application and the intent and purposes of the requested zoning district:

The purpose and intent of the C-1 Commercial zoning district is to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan.

While the rezoning is consistent with the zoning designation, as stated above, the majority of the C-1 uses are considered secondary uses, and some of the uses proposed may not be consistent with the recommendations in the Master Plan.

It should be mentioned that the setback requirements of this zoning district pose challenges to the intended occupation and redevelopment of existing buildings on the property, as proposed in the Application Plan. Pursuant to Sec. 4.20(a) of the zoning ordinance, the minimum side and rear setbacks for commercial properties are 50ft for structures and 20ft for off-street parking or loading space, if the abutting lot is zoned residential. It is not clear if any of the existing structures on the property comply with this setback requirement. Also, this property will need to comply with Sec. 21.7(c) which requires a 20ft use buffer adjacent to residential districts. Special exceptions will be needed for any setback requirements that cannot be met.

Anticipated impact on public facilities and services:

Streets:

There are currently two access points onto the property, both from Rt 20/Stony Point Rd. One entrance is to the carport serving the residential structure while the other leads to the metal garage. The distance between the entrances is approximately 80ft. VDOT has indicated that the northern site entrance, leading to the carport and residential structure, will need to be closed. If closed, it is not known if the applicant would connect existing sidewalk and landscaping facilities on either side of the closed entrance, or in what way the applicant would discourage the use of this entryway. The Application Plan submitted by the applicant currently shows an expanded staff parking area in this location. The Application Plan will need to be revised to reflect these comments.

In a traffic study submitted by the applicant to VDOT, analysis demonstrated that a right turn taper and left turn lane would be necessary to accommodate the expected traffic if the child day center served the maximum number of enrolled students (124 children). Based on the findings of this study VDOT has indicated that a right turn taper will be needed to accommodate the proposed use. The Application Plan will need to be revised to reflect these comments.

The traffic study went on to state that “the applicant wished to explore a phased approach to full-build out and maximum enrollment, and would like to utilize the site in its existing form for an initial enrollment and eventually make more intensive site improvements to accommodate the maximum enrollment.” If this is the case, and the applicant would like to phase the proposed use, staff recommends that the Application Plan and materials be revised to reflect the proposed phasing strategy.

It is important to note that the traffic study did not include all the possible uses that could be built on the property, and therefore, VDOT did not analyze the full impact of the proposal. It is unknown

whether additional traffic improvements would be needed for the other uses proposed with this rezoning.

Schools:
Residential uses are only permitted by special use permit in the C-1 Commercial zoning district. No residential uses are proposed as part of this application, so the application is not expected to add capacity to nearby schools.

Fire & Rescue:
The applicant is proposing to occupy and redevelop existing structures on the property. It is therefore assumed that continuing to provide fire and rescue services to this property will not greatly impact these services. That said, the Fire & Rescue reviewer as indicated that emergency apparatus turnarounds will need to be provided for both structures before a final site plan can be approved. The Application Plan does not currently demonstrate that emergency apparatus turnarounds can be accommodated. If in the future the existing structures are removed and new structures are built, Fire & Rescue will need to evaluate those proposals, and it is unclear if additional improvements would be needed.

Utilities:
Properties within the Albemarle County Service Authority (ACSA) service areas are required to connect to public water and sewer facilities, per Sec. 4.1 of the County zoning ordinance. This property, while in the ACSA service area, is only connected to public sewer facilities. The property will be required to connect to the public water supply. If needed and/or requested by ACSA, the property may also need to upgrade existing sewer facilities.

Anticipated impact on environmental, cultural and historic resources:

As mentioned above, the Pantops Master Plan identifies the portion of the property located inside the FHOD, being approximately 2.1 acres, as Parks & Green Systems. The intent of this land use is to identify and protect sensitive environmental features including stream buffers, flood plain and steep slopes. The Application Plan submitted by the applicant currently proposes development within the Parks & Green Systems land use that is not consistent with the Master Plan (Day Care Structure B and parking).

The area designated as Parks & Green Systems is also located within the FHOD, and therefore subject to Sec. 30.3 of the zoning ordinance. This section of the ordinance identifies uses and structures both permitted and expressly prohibited in this overlay district. Per Sec. 30.3.11, a "*structure having habitable space, including any manufactured home, regardless of the structure's proposed use, whether it qualifies as a dwelling unit, and whether it is a primary or accessory structure*" is not permitted in the FHOD. Habitable space, as defined by the zoning ordinance, is defined as an enclosed area having more than 20 linear feet of finished walls composed of, but not limited to, drywall, paneling, masonry, lath and plaster, or used for any purpose other than solely for parking of vehicles, building access, or storage. Even though a small portion of the garage (Day Care Structure B) is within the FHOD, it is still subject to this requirement, and therefore not permitted to be redeveloped into habitable space.

Similarly, since existing structures on the subject property are located within the FHOD, the County Engineer has indicated that if a) improvements to the metal garage building exceed 50% of the building value and b) if any part of the building is within the Flood Hazard Overlay District, then the entire building will need to be removed from the FHOD or the value of improvements will need to remain below 50% of the building value. At this time, not enough information has been provided for

staff to evaluate the proposal with the above requirements, and therefore staff is unable to determine if the improvements will be in accordance with the zoning ordinance.

In addition, County records indicate that the attached small garage, constructed between 2013-2015 as an addition to the large metal garage, was not approved to be built. This structure is currently in violation of the zoning ordinance and will need to be brought into compliance. Also, as the structure is located within the limits of the Flood Hazard Overlay District, it is subject to the requirements of Sec. 30.3.

Outside of structural improvements proposed within the FHOD, the applicant is also proposing to locate necessary parking within the flood plain area. Typically, parking in the FHOD may be permitted, subject to the provisions of Sec. 30.3, however, since the minimum design requirements for this parking area require surface materials, curb, gutter, etc, pursuant to Sec 4.12.15, these activities in this area are in opposition with the Parks & Green Systems land use designation of the Pantops Master Plan. Therefore, staff recommend parking be located elsewhere on the site.

Given that the property is constrained by the flood plain, Zoning staff have indicated that adequate parking for the proposed use must be demonstrated with the rezoning application. The Application Plan should demonstrate compliance with all applicable design standards and regulations within Sec 4.12 of the zoning ordinance, as well as ADA accessibility, and emergency vehicle access turnarounds. The submitted application plan does not provide enough information for staff to confirm that adequate parking is available on site. Special exceptions will be needed for any requirements that cannot be met.

Lastly, the Application Plan shows a 30ft undisturbed buffer and reforestation area along the southern boundary line of the property. It is unclear the specific activities the applicant proposes within this area. Staff would like clarity on how the area will be both reforested and undisturbed.

There are no known cultural or historic resources on the site.

Anticipated impact on nearby and surrounding properties:

Materials provided by the applicant do not address how the anticipated or future uses of the site will mitigate impacts to surrounding properties. As previously stated, more information is needed from the applicant to evaluate whether the retained permitted uses of the C-1 Commercial zoning district are appropriate for this location. Specific concerns of staff relate to the size, scale, and traffic impacts potential future uses on the property may have on the surrounding area. It should be noted that any changes to the exterior of the buildings will also require review and approval of the Architectural Review Board due to the subject property's location within the Entrance Corridor.

As it relates to the child day center use, VDOT and internal transportation reviewers have indicated that traffic improvements will be needed to facilitate an enrollment capacity of 124 students but more information is needed if the applicant plans to phase development.

Public need and justification for the change:

The application for this rezoning, as well as the community meeting, focused heavily on the intended child day center use of the property. However, as this is a rezoning to allow many permitted C-1 Commercial uses, more information is needed to analyze whether all proposed future uses are appropriate for this property.

PROFFERS

Proffers offered by the applicant are contained in the Draft Proffer Statement (Attachment 5) and are summarized below. Staff analysis and comments for individual proffers are provided below in *italics*.

Proffer #1: Future Uses. The applicant is proposing to remove the following uses from the by-right uses allowed on the subject property. See Attachment 6 for a full list of uses allowed By-Right in the C-1 Commerical zoning district.

a. The following retail sales and service establishments:
    3. Department Store
    17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
    19. Drive-through windows
b. The following services and public establishments:
    9. Indoor theaters
    10. Laundries, dry cleaners
    22. Automobile, truck repair shop excluding body shop
c. If the use is served by either public water or an approved central water supply:
    1. Automobile service stations
    2. Convenient stores

As stated above, more information is needed regarding by-right uses that are to be retained with this rezoning proposal to C-1 Commercial as it is not known how proposed future uses may impact surrounding properties. Generally, staff have concerns that some uses may not be appropriate with this land use, for example Manufacturing/Processing/ Assembly/Fabrication and Recycling uses, and that the allowed development patterns permitted by-right in C-1 Commercial zoning districts may be of a size and intensity that are not consistent with the Pantops Master Plan or appropriate for this location.

Proffer #2: Commercial Setbacks. The applicant is proposing to proffer reduced setbacks to allow existing buildings on the subject property to comply with the setback requirements of the C-1 Commerical zoning district.

This is not an appropriate proffer and should be deleted from the proffer statement. Setbacks can only be reduced through special exception(s).

SUMMARY

Staff has identified the following factors which are favorable to this request:

1. The proposed rezoning is consistent with the Urban Density Residential land use designation of the Pantops Master Plan.
2. The proposed rezoning is supportive of the existing neighborhood commercial character of this area.

Staff has identified the following factors which are unfavorable to this request:

1. Proposed development (Day Care Structure B and parking) within the area designated as Parks & Green Systems is inconsistent with the Pantops Master Plan.
2. Additional information is needed in order to support all of the C-1 uses proposed.
3. Redevelopment of existing structures into habitable structures may not be permitted by the zoning ordinance due to the structures' location within the Flood Hazard Overlay District.
4. The addition to the metal garage (attached side garage structure) was not approved to be built and is currently in violation of the zoning ordinance. The structure will need to be brought into compliance.
5. Special exceptions are needed for any setback and minimum design standards and parking requirements that cannot be met. No special exceptions have been submitted to date.
6. Additional information is needed regarding phasing and needed transportation improvements.
7. Revisions to the Application Plan are needed.
8. Revisions to the Proffer Statement are needed.

RECOMMENDATION

Staff recommends denial of ZMA201900015 Child Development Center for the reasons provided in the staff report.

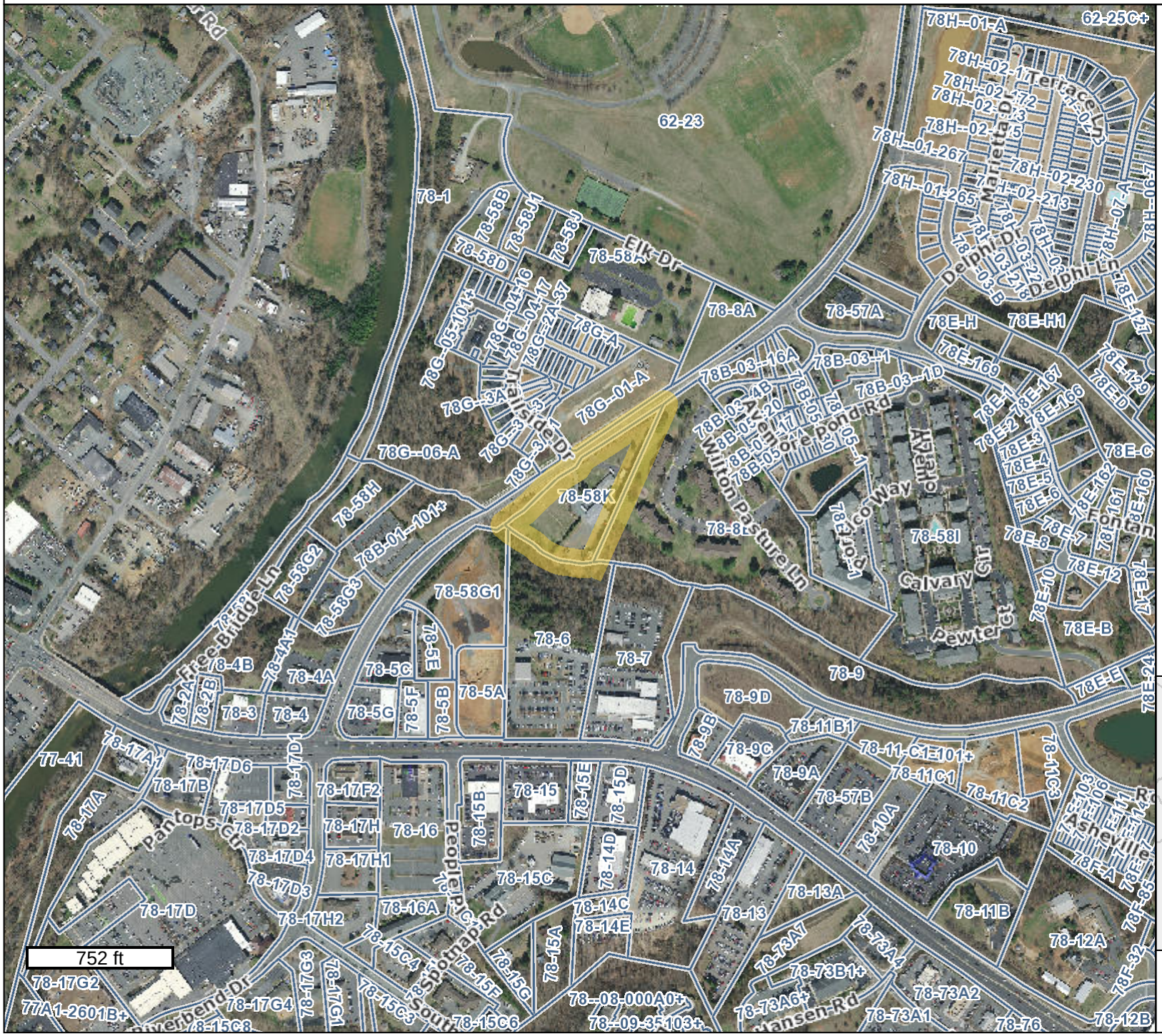
PLANNING COMMISSION MOTION:

A. If the ZMA is recommended for denial: Move to recommend denial of ZMA201900015, for the reasons outlined by staff in the staff report.

B. If the ZMA is recommended for approval: Move to recommend approval of ZMA201900015 with the reasons for approval (state reasons).

ATTACHMENTS:

1 – Location Map
2 – Zoning Map
3 – Application Plan
4 – Project Narrative
5 – Draft Proffer Statement
6 – Comparison of Permitted and Proffered C1 Uses

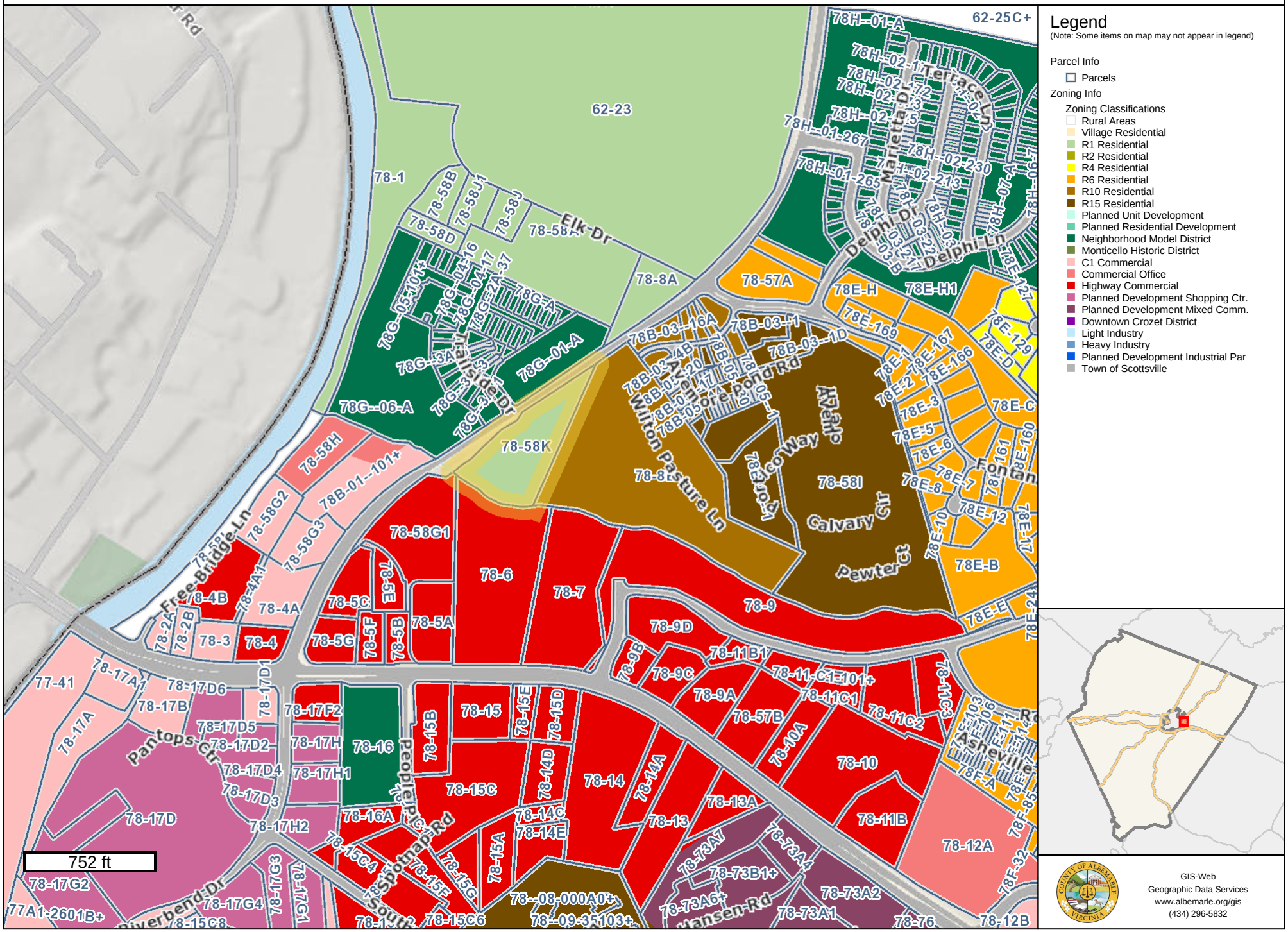


GIS-Web
Geographic Data Services
www.albemarle.org/gis
(434) 296-5832

Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

January 23, 2020

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)



Any determination of topography or contours, or any depiction of physical improvements, property lines or boundaries is for general information only and shall not be used for the design, modification, or construction of improvements to real property or for flood plain determination.

January 23, 2020

Map elements may scale larger than GIS data measured in the map or as provided on the data download page due to the projection used. Map Projection: WGS84 Web Mercator (Auxiliary Sphere) (EPSG 3857)



Image provided by Google Maps

ZONING MAP AMENDMENT

APPLICATION PLAN

ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CHILD DEVELOPMENT CENTER

TMP 78-58K

project ID: 19.064

SUBMITTED 18 NOVEMBER 2019

Context Map

Sheet 1 of 5

INDEX OF SHEETS

1 - Cover & Context Map
2 - Site & ZMA Details
3 - Existing Conditions
4 - Concept Plan
5 - Circulation

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CHILD DEVELOPMENT CENTER

SITE & ZMA DETAILS

OWNER
Dettor, James A. Jr. or Peggy W.
1395 Stony Point Road
Charlottesville VA 22911-3501

DEVELOPER
Our Neighborhood Child Development Center
2110 Ivy Road
Charlottesville VA 22903

TMP
78-58K

ACREAGE
3.58

MAGISTERIAL DISTRICT
Rivanna

STEEP SLOPES & STREAM BUFFER
There are no steep slopes or stream buffers within the project area.

SOURCE OF BOUNDARY & TOPOGRAPHY
Boundary plat prepared by: J. Andrew Graff, Old Albemarle Surveying, LLC, on March 27, 2009. Four (4) foot contour interval topography from Albemarle County GIS.

FLOODZONE
According to the FEMA Flood Insurance Rate Map, effective date February 4, 2005 (Community Panel 51003C0287D), this property does lie within a Zone AE 100-year flood plain.

WATER SUPPLY WATERSHED
Non-Watershed Supply Watershed

WATER AND SANITARY SERVICES
Provided by Albemarle County Service Authority (ACSA)

USE
EXISTING: Single-Family Residential
PROPOSED: Child Day Care Center

ZONING
EXISTING: R1 - Residential
OVERLAY: Entrance Corridor, Floodplain
COMPREHENSIVE PLAN: Urban Density Residential, Parks & Green Systems
PROPOSED: C1 - Commercial with proffered conditions

TMP 78-58K

SUBMITTED 18 NOVEMBER 2019

project: 19.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CDC

EXISTING CONDITIONS

Sheet 3 of 5

Additional Notes:

1. Source of parcel boundaries: Albemarle County GIS (shown in gray)

2. Source of parcel boundary for TMP 78-58K: boundary survey completed by J. Andrew Graff, Old Albemarle Surveying, LLC (shown in black)

3. Source of eastern edge of Stony Point Road (State Route 20): boundary survey completed by J. Andrew Graff, Old Albemarle Surveying, LLC

TMP 78-8B
Wilton Associates L P C/O VA Housin Attn: Tony Webb
Use: Multi-family Residential
Zone: R10 - Residential
Comp Plan Designation: Urban Density Residential & Parks/Green Systems
14.40 AC

TMP 78-58K
Dettor, James A. Jr. or Peggy W.
Use: Single-family Detached
Zone: R-1 Residential
Comp Plan Designation: Urban Density Residential & Parks/Green Systems
3.578 AC

TMP 78-58G1
Pantops Corner LC C/O Henry Liscio Company
Use: Vacant
Zone: Highway Commercial
Comp Plan Designation: Urban Density Residential & Parks/Green Systems
2.68 AC

TMP 78-6
Malloy VII - Richmond Road LLC
Use: Commercial
Zone: Highway Commercial
Comp Plan Designation: Commercial Mixed-Use & Parks/Green Systems
7.38 AC

BFE 342 FEET

75 0 75 150 225
Graphic Scale: 1”=75’

Key

- GIS Parcel Boundary
- Stream
- 100-Year Floodplain
- FEMA Base Flood Elevation
- Building
- Road
- Stony Point Road[3]
- Driveway
- Sidewalk

TMP 78-58K

SUBMITTED 18 NOVEMBER 2019

project: 19.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CDC

CONCEPT PLAN



75 0 75 150 225

Graphic Scale: 1”=75’

TMP 78-58K

SUBMITTED 18 NOVEMBER 2019

project: 19.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
APPLICATION PLAN
ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CDC

CIRCULATION

Employee-only ingress/egress

Primary ingress/egress

Minimum 10' front setback from ROW

Landscape to comply with Entrance Corridor guidelines

Day Care Structure A

Existing structures to be adapted for day care use

Day Care Structure B

20' side & rear setback

BFE 342 FEET

Key

- Vehicular Circulation
- GIS Parcel Boundary
- Stream
- 100-Year Floodplain
- FEMA Base Flood Elevation
- Building
- Road
- Stony Point Road
- Expanded Parking for Staff Only
- Sidewalk

75 0 75 150 225

Graphic Scale: 1"=75'

TMP 78-58K

SUBMITTED 18 NOVEMBER 2019

project: 19.064

SHIMP ENGINEERING, P.C.

ZONING MAP AMENDMENT
ZMA NUMBER IMPENDING

OUR NEIGHBORHOOD CDC

PANTOPS MASTER PLAN:
BOULEVARD STREET TYPOLOGY

Sheet 1 of 1



30 0 30 60 90

Graphic Scale: 1”=30’

Additional Notes:

1. Source of dashed gray parcel boundaries: Albemarle County GIS

2. Source of parcel boundary for TMP 78-58K: boundary survey completed by J. Andrew Graff, Old Albemarle Surveying, LLC

3. Existing ROW width may accommodate boulevard street typology, therefore no ROW reservation is proposed at this time

TMP 78-58K

SUBMITTED 18 NOVEMBER 2019

project: 19.064

SHIMP ENGINEERING, P.C.

OUR NEIGHBORHOOD
CHILD DEVELOPMENT CENTER
434-202-8639

November 18, 2019

Project Proposal

Our Neighborhood Child Development Center (CDC) (the "applicant") requests a zoning map amendment on tax map parcel 78-58K, a 3.58 acre parcel in Albemarle County (the "property"), from R-1 Residential to C-1 Commercial to open a child development center on the property. Our Neighborhood CDC intends to use the existing structures, parking areas, and landscaping, only making minimal improvements, where necessary, to improve internal circulation and to ensure landscape design is consistent with Entrance Corridor guidelines.

Our Neighborhood CDC is currently located at 2110 Ivy Road and will be moving no later than summer 2020, due to a recent sale of their current leased space. Our Neighborhood CDC has been a pillar of high quality early childhood education community for eight years. Currently, Our Neighborhood CDC is at capacity and has a waitlist stretching more than a year. This growth will allow the CDC to nearly double its capacity for infants and toddlers as well as add a full-time preschool classroom. The property at 1395 Stony Point road will allow the CDC to serve 124 children and families and meet the ever growing demand on the waitlist. This early childhood program is envisioned as a community space with outdoor classrooms open to the community in the evenings and weekends, regular parent classes, and neighborhood events.

Early childhood education is a huge need in our community. A few facts about early childhood are relevant here. For 67% of children both of their parents are employed.[1] Sixty-two percent of infant's mothers are employed.[2] About one quarter of stay at home parents still enroll their child in some early childhood education.[1] Parts of Charlottesville and Albemarle County remain child care deserts despite their affluent population.[3] Nearly every early childhood program in Charlottesville has a waiting list. Parents in the Charlottesville area are struggling to find childcare.[4] There are 36 early childhood programs in Charlottesville and 62 in Albemarle County, but only five of those programs are accredited.[5][6] Our Neighborhood is one of only three accredited programs in Charlottesville that serves infants and the only accredited program that serves infants whose families do not work at UVA. The demand for high quality early childhood education is simply unmet in our community.

As our city grows we need to consider how to protect and support community spaces. Early childhood education is a need in our community as without it families cannot work. As a tight margin industry, it can be very difficult for early childhood programs to find suitable space that can handle the indoor, outdoor, and parking needs at an affordable price. Families need easy access to programs in their neighborhood and on their commutes. 1395 Stony

---

[1] "Fact Sheet: Child Care - Center for American Progress." 16 Aug. 2012, https://www.americanprogress.org/issues/economy/news/2012/08/16/11978/fact-sheet-child-care/. Accessed 20 Oct. 2019.
[2] "Zero to Three." https://www.zerotothree.org/. Accessed 20 Oct. 2019.
[3] "America's Child Care Deserts in 2018 - Center for American ...." 6 Dec. 2018, https://www.americanprogress.org/issues/early-childhood/reports/2018/12/06/461643/americas-child-care-deserts-2018/. Accessed 20 Oct. 2019.
[4] "Little wonder: Why it's so hard to find affordable, high-quality ...." 27 Feb. 2019, https://www.c-ville.com/little-wonder-why-its-so-hard-to-find-affordable-high-quality-child-care/. Accessed 20 Oct. 2019.
[5] "Find Quality Child Care/Preschool - For Families - naeyc." https://families.naeyc.org/find-quality-child-care. Accessed 6 Nov. 2019.
[6] "Search for Child Day Care - Virginia Department of Social ...." https://www.dss.virginia.gov/facility/search/cc.cgi. Accessed 6 Nov. 2019.

Point road offers a beautiful opportunity to support community space, green space, local business, and high quality early childhood education.

Consistency with the Comprehensive Plan

The property is designated as Urban Density Residential and secondarily Parks & Green Systems in the approved Pantops Master Plan. 1395 Stony Point Road is also located in the Rivanna Ridge Urban Center, the Neighborhood Service Center, and the Recreational District. The Pantops Master Plan lists Schools and Child Care as a primary use within Urban Density Residential designated areas.

It is envisioned for a child development center to contribute to a walkable community in this area, harnessing the green space, and embracing a role as a part of the neighborhood service center. 1395 is surrounded by residents and having a school in that neighborhood would benefit the community.

A child development center in this location would greatly contribute to the Pantops Master Plan vision for character and conservation. A child development center is a community asset that contributes to the character of the area by offering neighborhood services that benefits local families and our communities youngest residents. A portion of the proposed property is designated as Parks & Green Systems and it is intended for this area to function in a manner that is consistent with expectations for green systems. A reforested area and undisturbed buffer is proposed along the stream where historically disturbance has occurred up unto the stream bank. The area designated as greenspace is ideal outdoor space for students at the CDC. There is ample space for outdoor play areas and gardens that will enrich the students' experience while enrolled at the CDC. The location is truly special because of this outdoor environment.

Impacts on Public Facilities and Public Infrastructure

Trip generation rates and a turn lane warrant analysis has been submitted with this application. It is expected that many CDC families would be commuting on Stony Point Road already and the child development center would add a stop to their commute but not an additional trip to the road. There is already a left turn late in place which will maintain smooth traffic flow traveling south. We would likely open at 7:30am and close at 6:00pm and expect the highest traffic impact around 8 am and 5 pm.

The CDC is expected to connect to public water and sewer and will have demands typical of a child day care use.

Impacts on Environmental Features

There are minimal site improvements planned with the exception of additional fencing and parking areas improvements to improve site circulation. An undisturbed buffer is designated on the concept plan adjacent to the stream. This area is also designated for reforestation.

Proposed Proffers to Address Impacts

A draft proffer statement has been included with this submittal. The proffer statement limits commercial uses on the property and has eliminated uses that are auto-centric. Additionally, commercial setbacks have been proffered with this application.















Original Proffers ___X_____
Amendment _____

DRAFT PROFFER STATEMENT

ZMA Number and Name:	2019-000XX Our Neighborhood Child Development Center, Inc.
Tax Map Parcel Numbers:	07800-00-00-058K0
Owner:	James A. Dettor, Jr. and Peggy W. Dettor
Date of Proffer Signature:	XX XX, 20XX

3.607 acres to be rezoned from R-1 Residential to C-1 Commercial

---

James A. Dettor and Peggy W. Dettor are the owners (the "Owners") of Tax Map Parcel 07800-00-00-058K0 (the "Property") which is the subject of rezoning application ZMA No. 2019-000XX, a project known as "Our Neighborhood Child Development Center" (the "project"). Our Neighborhood Child Development Center, a Virginia corporation, is the contract purchaser of the property and has the Owners' authorization to file land use applications for the property. Our Neighborhood Child Development Center is the applicant (the "applicant") for the project.

Pursuant to Section 33 of the Albemarle County Zoning Ordinance (Chapter 18 of the Albemarle County Code), the Owner hereby voluntarily proffers the conditions listed below which shall be applied to the Property if it is rezoned to the requested zoning district,C-1 Commercial. These conditions are proffered as a part of the requested rezoning and the Owner acknowledges that the conditions are reasonable. Each signatory below signing on behalf of the Owner covenants and warrants that it is an authorized signatory of the Owner for this Proffer Statement.

1. **FUTURE USES:** Commercial C-1: The use of the property shall allow for all by right uses pursuant to Section 22.2.1 of the Albemarle County Zoning Ordinance, as in effect on October 28, 2019, and as set forth on the attached exhibit of County Code § 18-22.2.1, except for the following listed uses:

   a. The following retail sales and service establishments:
   - 22.2.1 (a) (3.) Department Store.
   - 22.2.1(a)(17.) Laboratories/Research and Development/Experimental Testing; gross floor areas of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
   - 22.2.1 (a.) (19.) Drive-through windows

b. The following services and public establishments:

- 22.2.1 (b.) (9.) Indoor theaters.
- 22.2.1 (b.) (10.) Laundries, dry cleaners.
- 22.2.1(b.) (22.) Automobile, truck repair shop excluding body shop.

c. If the use is served by either public water or an approved central water supply:

- 22.2.1(c.)(1.) Automobile service stations
- 22.2.1(c.)(2.) Convenience Stores

2. **COMMERCIAL SETBACKS:** Setbacks on the property shall comply with Section 4.20 of the Albemarle County Zoning Ordinance, as in effect on October 28, 2019, and as set forth on the attached exhibit of County Code § 4.20, except for the side and rear-minimum setback if the abutting lot is zoned residential, rural areas, or the Monticello Historic district where no portion of any structure, excluding signs, shall be located closer than 20 feet from the district boundary.

(Signature Page Immediately Follows)

WITNESS the following signatures:

OWNER:

Owner of Tax Map Parcels 07800-00-00-058K0:

JAMES A. DETTOR, JR. AND PEGGY W. DETTOR

By: _____
James A. Dettor Jr., Owner

By: _____
Peggy W. Dettor, Owner

Sec. 22.2 - Permitted uses.

Sec. 22.2.1 - By right.

The following uses shall be permitted in any C-1 district, subject to the applicable requirements of this chapter. The zoning administrator, after consultation with the director of planning and other appropriate officials, may permit as a use by right, a use not specifically permitted; provided that such use shall be similar to uses permitted by right in general character and more specifically, similar in terms of locational requirements, operational characteristics, visual impact and traffic generation. Appeals from the zoning administrator's decision shall be as generally provided in section 34.

a. The following retail sales and service establishments:
    1. Antique, gift, jewelry, notion and craft shops.
    2. Clothing, apparel and shoe shops.
    3. Department store.
    4. Drug store, pharmacy.
    5. Florist.
    6. Food and grocery stores including such specialty shops as bakery, candy, milk dispensary and wine and cheese shops.
    7. Furniture and home appliances (sales and service).
    8. Hardware store.
    9. Musical instruments.
    10. Newsstands, magazines, pipe and tobacco shops.
    11. Optical goods.
    12. Photographic goods.
    13. Visual and audio appliances.
    14. Sporting goods.
    15. Retail nurseries and greenhouses.
    16. Farmers' markets (reference 5.1.47).
    17. Laboratories/Research and Development/Experimental Testing; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.
    18. Manufacturing/Processing/Assembly/Fabrication and Recycling; gross floor area of the establishment does not exceed 4,000 square feet per site; provided that the gross floor

area of the establishment may exceed 4,000 square feet per site by special exception approved by the board of supervisors.

19. Drive-through windows (reference 5.1.60). (Added 3-2-16)

b. The following services and public establishments:

1. Offices.
2. Barber, beauty shops.
3. Religious assembly use, cemeteries. (Amended 8-9-17)
4. Clubs, lodges (reference 5.1.02).
5. Financial institutions.
6. Fire and rescue squad stations (reference 5.1.09).
7. Funeral homes.
8. Health spas.
9. Indoor theaters.
10. Laundries, dry cleaners.
11. Laundromat (provided that an attendant shall be on duty at all hours during operation).
12. Libraries, museums.
13. Child day centers (reference 5.1.06).
14. (Repealed 2-6-19)
15. Tailor, seamstress.
16. (Repealed 2-6-19)
17. Water, sewer, energy and communications distribution facilities.
18. Public uses (reference 5.1.12).
19. Temporary construction headquarters and temporary construction storage yards (reference 5.1.18).
20. Dwellings (reference 5.1.21).
21. (Repealed 4-3-13)
22. Automobile, truck repair shop excluding body shop.
23. Temporary industrialized buildings (reference 5.8).
24. Indoor athletic facilities.
25. (Repealed 5-5-10)
26. Stormwater management facilities shown on an approved final site plan or subdivision plat.
27. Tier I and Tier II personal wireless service facilities (reference 5.1.40).

c. If the use is served by either public water or an approved central water supply:

1. Automobile service stations (reference 5.1.20).
2. Convenience stores.
3. Restaurants.

d. Uses permitted by right in the Rural Areas (RA) district pursuant to section 10.2.1, provided that the use is not served by either public water or an approved central water supply.

e. Any use listed in subsections 22.2.1(a)—(c) not served by either public water or an approved central water supply, provided that: (i) the use is within a structure lawfully existing or vested on February 6, 2019; (ii) no external change on the property occurs other than maintenance or signage changes; and (iii) the use is not subject to a special use permit issued under subsection 22.2.2(11).

(§ 20-22.2.1, 12-10-80; 6-3-81; 3-5-86; 9-9-92; 5-2-93; 9-14-93; 10-11-95; Ord. 02-18(6) , 10-9-02; Ord. 04-18(2) , 10-13-04; Ord. 10-18(4) , 5-5-10; Ord. 13-18(2) , 4-3-13; Ord. 16-18(2) , 3-2-16; Ord. 17-18(4) , 8-9-17; Ord. 18-18(1) , 1-10-18; Ord. 19-18(1) , 2-6-19; Ord. 19-18(3) , 6-5-19)

Sec. 22.2.2 - By special use permit.

The following uses shall be permitted only by special use permit approved by the board of supervisors:

1. Commercial recreation establishments including but not limited to amusement centers, bowling alleys, pool halls and dance halls.
2. Energy and communications transmission facilities.
3. Hospitals.
4. (Repealed 8-9-17)
5. Veterinary office and hospital (reference 5.1.11).
6. Unless such uses are otherwise provided in this section, uses permitted in section 18.0, residential - R-15, in compliance with regulations set forth therein.
7. Hotels, motels and inns.
8. Motor vehicle sales and rental in communities and the urban area as designated in the comprehensive plan.
9. Stand alone parking and parking structures (reference 4.12, 5.1.41).
10. (Repealed 3-2-16)
11. Except as provided in subsection 22.2.2(16), uses permitted by right that are either:
    a. Not served by public water, involving water consumption exceeding 400 gallons per site acre per day; and/or
    b. Not served by public sewer, involving anticipated discharge of sewage other than domestic wastes.

Any use authorized by a special use permit approved before February 6, 2019 under this subsection continues as a special use, provided that: (i) the use complies with all conditions of the special use permit; and (ii) any amendment to the special use permit is processed as an application under either this subsection or subsection 22.2.2(16), as applicable.

12. Body shop.
13. Animal shelter (reference 5.1.11).
14. Tier III personal wireless service facilities (reference 5.1.40).
15. Storage/Warehousing/Distribution/Transportation.
16. If the use is not served by either public water or an approved central water supply:
    a. Automobile service stations (reference 5.1.20).
    b. Convenience stores.
    c. Restaurants.

(§ 20-22.2.2, 12-10-80; 1-1-83; 6-1-83; 11-7-84; 6-14-89; 9-9-92; 6-16-99; Ord. 03-18(1) , 2-5-03; Ord. 04-18(2) , 10-13-04; Ord. 13-18(2) , 4-3-13; Ord. 16-18(2) , 3-2-16; Ord. 17-18(4) , 8-9-17; Ord. 19-18(1) , 2-6-19; Ord. 19-18(3) , 6-5-19)