Albemarle County Planning Commission
FINAL Minutes May 12, 2020

The Albemarle County Planning Commission held a public hearing on Tuesday, May 12, 2020 at 6:00 p.m.

Members attending were Julian Bivins, Chair; Karen Firehock, Vice-Chair; Tim Keller; Jennie More; Bruce Dotson; Rick Randolph; Corey Clayborne; and Luis Carrazana, UVA representative.

Other officials present were Margaret Maliszewski; Andy Reitelbach; Charles Rapp, Planning Director; Andy Herrick, County Attorney's Office; and Carolyn Shaffer, Clerk to the Planning Commission.

Call to Order and Establish Quorum

Mr. Bivins called the regular, electronic meeting to order at 6:04 p.m. and established a quorum. He said this meeting was held pursuant to and in compliance with Ordinance No. 20-A(6), "An Ordinance to Ensure the Continuity of Government During the COVID-19 Disaster."

Mr. Bivins said that electronically present that evening were: Mr. Dotson, Mr. Carrazana, Mr. Keller, Ms. Firehock, Ms. More, Mr. Randolph, Mr. Clayborne, and himself.

Mr. Bivins said the public could access and participate in this electronic meeting by following the link available at www.albemarle.org/calendar, or by calling 877-853-5257.

Consent Agenda

There was no consent agenda.

Public Hearing Items

SP2019000011 Malloy Ford

Ms. Margaret Maliszewski said this is a request for a Special Use Permit for outdoor sales, storage, and display in the Entrance Corridor. She said the property in question is the site of the former Better Living furniture store, which is located at 2060 Seminole Trail (Tax Map Parcel 45-68A). She said a small portion of TMP 45-112B1 on the adjacent parcel to the south is also included in the request.

Ms. Maliszewski said the properties are located just south of the renovated Malloy Ford auto dealership, and the site was previously occupied by Better Living Building Supply. She said the Commission may recall reviewing the proposal for outdoor display of vehicles at that site in late 2016. She said the outdoor sales and body shop uses were approved for Malloy Ford for that site in December of that year.

Ms. Maliszewski said in October of 2018, the body shop's SP was amended to include the rear portion of the Better Living furniture store building, which is the site under consideration.

Ms. Maliszewski said the current proposal is to replace the showroom portion of the Better Living furniture building with a paved parking area. She said this would leave the rear warehouse portion

of the building to accommodate body shop operations that are already approved.

Ms. Maliszewski presented photos showing the furniture showroom still standing, noting that demolition of the structure is either underway or already completed.

Ms. Maliszewski presented the applicant's concept plan showing the new parking areas, which include 13 guest spaces in front of the main building, an area of vehicle storage to the northwest of the main building, and 110 display parking spaces between the building and street.

Ms. Maliszewski presented the corresponding landscape plan. She said one of the primary methods for mitigating the visual impacts of parking is with landscaping. She said the plan shows landscaping that is consistent with Entrance Corridor guidelines and with the landscaping approved from the Malloy Ford site to the north.

Ms. Maliszewski said the Special Use Permit for outdoor sales, storage, and display is required specifically because the site falls within the Entrance Corridor Overlay District. She said although a Special Use Permit is required for the sales, storage, and display use, the use is considered accessory to motor vehicle sales. She said motor vehicle sales is permitted by right within the Highway Commercial Zoning District.

Ms. Maliszewski said the Planning Commission is not considering the general motor vehicle sales use that evening. She said they are considering the outdoor display aspect.

Ms. Maliszewski said the purpose of requiring an SP for the outdoor display use is to allow for review of the potential visual impacts of the outdoor display on the Entrance Corridor. She said the intent of the Entrance Corridor Overlay District is to ensure quality development that is compatible with the County's important scenic, historic, architectural, and cultural resources. She said there are Entrance Corridor design guidelines that have been adopted to help meet that intent.

Ms. Maliszewski said the Architectural Review Board has applied the County's Entrance Corridor guidelines to the review of this request. She said after some requested revisions to the plan were made, the ARB had no objection to the request for the Special Use Permit, with conditions. She said those conditions are related primarily to the location of parking, the method of display, and the landscaping and lighting. She said these are standard conditions for this type of use.

Ms. Maliszewski said staff's recommendation is for approval, with the conditions listed in the staff report.

Mr. Dotson said the staff report mentioned some violations. He asked if Ms. Maliszewski could explain these, as they were not elaborated in the report.

Ms. Maliszewski replied that there has been parking in places that are not approved for parking. She said some of this has occurred in front of the furniture store site and on the adjacent parcel to the south. She said the Commission would hear from the applicant that if this plan is approved, the parking problem would go away, as the plan provides the parking needed.

Mr. Dotson said there was mention of accessways or frontage road along the front of the property. He asked if the applicant owns this and has been granted an easement, or if this is owned by VDOT.

Ms. Maliszewski replied that her understanding was that there is an existing easement there, and that this was not a new situation.

Mr. Dotson asked once the furniture store goes away, what the remaining wall of the body shop would look like.

Ms. Maliszewski replied that the current proposal is for a blank wall that would be painted to match the Malloy Ford auto showroom to the north. She said there would be landscaping in front of it. She said if the SP is approved, this would still need to go through the site plan approval, and would go back to the ARB for final review.

Mr. Dotson commented that he was not excited about the blank wall.

Ms. More said her question was mainly addressed in Condition #5 (lighting). She said there was a concern that was relayed to staff after the community meeting about lighting and how this would reflect off the cars. She said she saw there was a condition, and that the ARB would have the final approval on the lighting plan. She said perhaps this was outside of the Commission's purview, but knowing the amazing things that can be done with lighting, she liked what was in the plan, but she wondered if they could have lighting work specific to a space where it is directed in one place but not in another. She asked if this were part of the consideration that would come from the ARB, and if the proposed lights were ones that are typically recommended or approved.

Ms. Maliszewski replied that the standard lighting ordinance requirements would apply regardless, meaning that they would not be able to have more than 0.5 footcandle spillover into the street. She said the pole light fixtures would be the shoebox style of fixtures so that all the lighting is pointed down. She said there were not any standard requirements, however, for aiming lighting.

Ms. More said they have seen some amazing examples of what people are able to do with directing light to specific places and not have it shine out into areas it wasn't intended along the corridor.

Mr. Keller asked if staff remembered what the Volvo dealership did in terms of permeable pavers and lighting.

Ms. Maliszewski asked if Mr. Keller was referring to the Volvo on Route 250.

Mr. Keller replied no. He said he was referring to the new dealership. He said they were proposing state of the art for auto dealerships in terms of both lighting and paving. He said they should revisit that plan to see whether they are staying with the best practices, or whether they are falling back to an earlier form.

Ms. Maliszewski replied that staff could go back and look at this. She said only a portion of that site fell within the Entrance Corridor, which could be why she was not remembering those details.

Mr. Randolph said the ARB indicated that the maximum light levels must not exceed 22.8 footcandles at the ground, and 20 footcandles in all other locations. He asked if those standards are applied, in the judgment of the ARB, it was the case that they would substantially address the concerns that Carrsbrook residents have raised prior to the application being considered that evening. He asked if, in other words, what the ARB came up with would substantially reduce the

likelihood that they would have a diffusion of light broadcast beyond this specific property.

Ms. Maliszewski replied that she was not sure that the Carrsbrook residents are only concerned about the light spreading. She said it was her understanding that it was about the overall intensity of the illumination.

Ms. Maliszewski said the ARB was not attempting to specifically address the Carrsbrook residents' concerns, as the ARB is just focused on the Entrance Corridor guidelines. She said in the standards and the guidelines, 20 footcandles is generally the limit. She said early on, there had been an allowance for up to 30 footcandles for some display lots, but that this had been reduced over the years. She said 22.8 footcandles is the maximum on the adjacent Malloy Ford showroom property, and that this number is in the application to keep this consistent. She said if there are residents that think the existing Malloy Ford site is too bright, she would assume they would think that the new lot would also be too bright.

Ms. Firehock said her questions were along the same lines as Mr. Randolph's. She said she wondered if there was a possible remedy of having the applicant, as part of the condition of the approval, turn the lights off at some time in the evening (e.g. 9:00 p.m.). She said she is sensitive to the residents not wanting this to light up the area at night, and as they pointed out in their comments, this site is somewhat unusual in that it does abut a residential neighborhood. She said the Commission's job is to minimize the friction between somewhat incompatible uses. She said she couldn't imagine they would need anyone to be looking at the cars after perhaps 9:00 p.m.

Mr. Randolph said he believed the car dealership's concern could be that they need a certain level of lighting after 9:00 p.m. to assure security so that no one is breaking into vehicles or stealing tires. He said from an insurance standpoint, they likely need to have a minimal level of illumination on the parking lot from whenever their business ends that day to the following morning. He said it would be helpful to know what that minimum standard of footcandles is, as he liked Ms. Firehock's thought process in trying to see a potential reduction in the overall level of illumination. He theorized that once they finish work at night, they could try to bring down the intensity of the lighting.

Mr. Bivins said they were discussing one car dealer that is right next to another (with two lots), which is next to Walmart, which is next to another car dealer with four lots on it. He said he would want the Commission to take a hard look at applying requirements to one property owner that they would be hard-pressed to apply to the other three property owners next to it.

Mr. Randolph said this was a point well taken, except that those other dealerships are not directly across the street from an entrance to a residential community. He said this is the exception that the Commissioners were trying to address. He said Mr. Bivins' point was well taken, however, in terms of the doctrine of consistency.

Mr. Bivins suggested that the entrance was different from backyards, and that in fact, it was the backyards in Carrsbrook that actually don't front that, but from the three other pieces of property that he mentioned. He said Mr. Randolph was correct in stating that the entrance is across the street from the driveway to Malloy Ford. He said it was actually the people who back up to Jim Price, Walmart, and the former Brown dealership who experience the spillover in their backyards. He said they could perhaps come back to this conversation when making a decision.

Mr. Randolph said it could be good to discuss this after hearing from the applicant.

Mr. Carrazana said he didn't know if the guidelines talk about full cutoff features, but that UVA has been installing these effectively. He said many of these can be retrofitted into existing lights. He agreed that there was a lot of impact to the Carrsbrook neighborhood, and that people there can see the lights across the street from their backyards. He said perhaps there is a way of at least starting a conversation with this particular site and owner that might spillover to the other owners in terms of using full cutoff lighting, and that perhaps some retrofits can be applied to the other dealerships.

Ms. Maliszewski said the lighting ordinance requires that any fixture that has lamps of 3,000 lumens or more would have to be full cutoff. She said this is the type of fixture that would be proposed in this situation.

Ms. Maliszewski added that the Jim Price property predated establishment of the Entrance Corridor, and that development predates zoning. She said much of what happens there would not be approved today.

Mr. Bivins opened the public hearing.

Ms. Valerie Long, representative for the applicant, said she was joined by two members of the project team -- Ms. Kelsey Schlein with Shimp Engineering, and Mr. David Timmerman with BRW Architects.

Ms. Long presented images of the existing building and landscaping that was approved by the ARB. She presented a picture of the now-demolished furniture store building, pointing out that in the near entire absence of landscaping in this area, this building was built many decades ago, before the current standards, and likely predated the ARB and its jurisdiction over it. She said the applicant agrees that there is room for improvement there.

Ms. Long presented another picture, which was from Google Earth and was taken when the Malloy Ford dealership was under renovation.

Ms. Long said the properties are designated on the Comprehensive Plan for "Commercial Mixed Use," as is the adjacent existing dealership and many of the parcels surrounding it. She said the parcels are both zoned Highway Commercial, as is the adjacent Malloy Ford dealership and many adjacent parcels nearby. She pointed out that the two parcels across the street on either side of the Carrsbrook intersection are zoned Commercial Office and not Residential. She said all the parcels are either zoned Commercial or have commercial uses there.

Ms. Long said the entire area has been subject to a handful of Special Use Permit applications over the past few years. She said she knew some Commissioners were on the Commission at the time, while others were not. She indicated on a map to the old Better Living Building Supply, noting that the applicant had obtained a Special Use Permit in 2016 for outdoors storage and display for that area. She indicated to another area for which the applicant had obtained a body shop Special Use Permit. She said in 2018, they had obtained approval for a second body shop in another location. She indicated the location of the existing application.

Ms. Long presented an aerial view, explaining that the old furniture store is proposed to be replaced with a parking area and landscaping. She said the picture shows the relationship of the building to the back.

Ms. Long responded to Mr. Dotson's question about what that building would look like. She said there was significant discussion with the ARB about this, and that it is proposed to be painted the same color as the existing Malloy Ford dealership so that it will appear to be part of an extension of the existing dealership, for consistency. She said they also substantially increased the landscaping planted in front of that building to soften it. She said this, combined with the extensive landscaping in the foreground, resulted in the ARB not requiring anything further.

Ms. Long said although a body shop is permitted and could be located there, it could be that instead of a body shop and at least in the short term, it would be used as an additional vehicle service area, which does not require any additional special permits.

Ms. Long presented a page from the concept plan showing the demolition and the relationship of the area to the adjacent dealership. She indicated the area that has now been demolished, and the 9,000-square-foot building that would remain. She indicated another area, explaining there is a boundary line there with the adjacent parcel, and that the applicant is proposing to add this triangular area to the adjacent parcel so that there is sufficient room to add landscaping there on the southern border.

Ms. Long presented the concept plan that would apply. She indicated the landscaping, noting that there was significant discussion at the ARB meeting about the landscaping. She said interior plantings were also added to the interior parking lot. She said there is a variety of tall shade trees, medium trees, interspaced ornamental trees, and shrubbery located in the area. She said the plan also shows the detail of the additional landscaping proposed for the space between the parking and the building.

Ms. Long said the applicant added a significant amount of landscaping in an indicated area, in response to ARB and staff recommendations, and that it is consistent with what was approved by both the ARB and the Board of Supervisors as part of the Special Use Permit and Certificate of Appropriateness for the original dealership parcel. She said a goal throughout is to have a consistent look in terms of color, level of landscaping, quality of landscaping, and materials.

Ms. Long presented a slide showing the circulation of the site. She said there had been a question as to whether the access road was new or had been there for a while. She said the access road was built either by Better Living or by VDOT, for Better Living. She said this happened when Better Living first opened to provide an access road and travelway for the large delivery trucks that dropped off lumber and other building supplies to Better Living Building Supply over the years, as well as furniture.

Ms. Long said part of the reason this site works well for Malloy Ford is that it also has the need for large vehicles to drop off new cars (i.e. car carriers). She said the applicant proposes to leave everything exactly the way it is in terms of circulation.

Ms. Long presented an aerial photo, noting that in the foreground of the existing furniture store, there is a travelway. She said this picture was taken either when Better Living was still open for business, or before Malloy Ford was in operation. She said the vehicles that created the zoning violation were due to overflow dealership parking (i.e. new dealership sales), and should not have been. She said it was then being used for employee parking. She said the site is tight and that the applicant experienced more business than expected at this location. She said the Special Use Permit will enable them to avoid those future violations, and will substantially increase the amount

of parking for new vehicles as well as relieve space for service vehicles. She said they have a large service area and likewise, have been pleasantly surprised with the increase in business they have received, among other things. She said their service bays can accommodate very large vehicles, tractor trailers, and other service vehicles, which was not something that was previously an option in this area. She said expanding this service to customers has been a good thing, but when those vehicles are awaiting service, or have completed service and are waiting to be picked up by their owners, they take up more space on site. She said this proposal will enable them to use their entire site more efficiently, in a much more orderly fashion than it has been over the years. She said originally, Malloy Ford had intended to either sell the furniture store or redevelop it for a retail use, which is why it has been in somewhat of a stagnant situation. She said once the dealership was open and running, they quickly realized they would need more parking spaces, so they have been working with the architects and engineers over the past year to figure out how to best do that.

Ms. Long said the ARB has recommended unanimously their support for this application based on the improvements and upgrades made to the landscape plan and other elements of the plans.

Ms. Long said with regard to lighting, the applicant is asking that the application be held to the same standard, not only that the existing dealership property was held to, but also that all other applications are held to. She told Mr. Keller that she actually represented the owners of Colonial Auto, who own the Volvo dealership. She said about four years ago, she helped them with the Comprehensive Plan, rezoning, Special Use Permit, and ARB approval. She said she didn't believe there were any different standards applied for that application, and that it was a matter of standard dealership lighting standards, which is what they are requesting here.

Ms. Long said the ARB is a tough body and do not let anyone get away with anything. She said the applicant had to go back twice to the ARB in order to secure their unanimous approval, and that they knew this was important to do before coming to the Commission.

Ms. Long said a number of the existing commercial businesses that were referenced that evening predate the ARB, and certainly predate the current lighting standards. She said those are some examples of lighting that are burdensome to some neighbors. She said she also knew through working with some of the CAC members in the area is that some of the frustration has to do with the Kegler's Bowling Alley lights as well.

Ms. Long said the applicant believes this application will substantially improve the attractiveness of the Entrance Corridor at this location, result in a much more cohesive and unified development pattern of the area, and enable the applicant to expand their business in place and take advantage of their growing success while supporting their customers. She said one of the important components of the County's Comprehensive Plan is the Economic Development section which, among other things, strongly encourages support for existing businesses to expand in place without creating additional adverse impacts (environmentally, traffic-wise, or otherwise). She said this will be an improvement for all, and that the landscaping alone will be a substantial improvement in this location.

Mr. Dotson said that as Ms. Long had difficulties hearing her audio, Ms. Schlein might be able to answer his question. He said his question was about the ownership of the access way. He said his assumption was that Malloy owns this, that there is an easement that has been added to VDOT, and that there is nothing in that easement ownership that would prohibit using it as the loading/unloading area for the car transport vehicles.

Ms. Schlein replied this was correct. She said this easement was recorded with the development of the Better Living property about 30 years ago with the original property owner. She said Malloy Ford does have the right to access and use this as a loading/unloading area.

Mr. Clayborne asked if there is any fencing or signage proposed that would face Route 29 or the neighborhood, or be seen by the neighborhood.

Ms. Long replied there were none proposed at that time. She said if so, the applicant would have to go back before the ARB for any sign permits.

Mr. Clayborne mentioned Mr. Keller's comment about pavers. He asked if the design team has explored anything on the sustainable side in terms of permeable pavers, or anything that would be appropriate for this kind of use.

Ms. Long replied that the applicant has not explored that. She said they have focused their resources on the additional landscaping in order to address the ARB's concerns. She noted they are not increasing the impervious area, as it is already a developed site.

Ms. Firehock complimented the applicant on the landscaping, noting that it would be much more attractive than it currently is. She said she had a minor request for the applicant to consider swapping out one species of tree listed (the red maple). She said this tree is intolerant to heat stress and is not an appropriate tree to plant in and around parking lots. She said she sent an article to Ms. Long about this. She said she didn't need to know what tree would replace it, but only perhaps that the team could check in with Mr. Charles Rapp, who is also a landscape architect and could help advise on a better selection for that location. She said she didn't want the landscaping to be dead in six years.

Ms. Long thanked Ms. Firehock for the feedback, adding that the applicant would proceed accordingly.

Mr. Randolph said he appreciated Ms. Long's point about not supporting local businesses. He said this point, however, misses the fact that what they now have on Route 29 is basically a Las Vegas strip. He said there is a high level of illumination through the night, and that driving through the corridor late at night is like getting a jolt of caffeine. He said he is concerned about the cumulative effect of adding yet another section of square footage along Route 29 with high levels of illumination.

Mr. Randolph said he understood that there had already been discussion about ARB standards, but that he hoped when they get to the Board level, some members of the Board would encourage the applicant to entertain dialing down the level of illumination at this site. He said this is where cars will be stored, and there is a way of ensuring (from a safety and insurance standpoint) that they are visible without there being the same level of visibility as though it is 5:00 p.m. in December. He said he didn't want to belabor the point but as it goes forward, he hoped there would be more discussion about the impact of additional square footage on Route 29 with very high levels of illumination.

Ms. Firehock asked if anyone from the public wished to provide comment.

Ms. Shaffer said there was no one signed up to speak.

Mr. Bivins asked if the applicant had anything to add before closing the public hearing.

Ms. Long said she wanted to make sure that any questions or comments that were raised when she was having sound issues were sufficiently addressed by Ms. Schlein or others.

Mr. Dotson said he was satisfied.

Mr. Bivins closed the public hearing.

Ms. Firehock said she didn't know if they wanted to have further conversation about the question of lighting, as there had already been much discussion that evening about the fact that the applicant is meeting the standards, but that this was actually a special request coming to the Planning Commission and that the Commission is allowed to consider the impacts on the neighborhood. She said she would still like to hear from staff on whether there could be any recommendations to have that lighting turned off, or if there is a lower level of lighting that could be used for security purposes. She said it did not have to be lit up to the level that Mr. Randolph had described.

Ms. Maliszewski replied that for other Special Use Permits, there have been conditions for turning the lights off at a certain time, or possibly even reducing the level of illumination at a certain time. She said this had never been done for an outdoor display request, but that she did think it made sense. She said at that point in time, she didn't know what the appropriate level would be solely for security lighting and that staff would have to look into that. She said there are other uses for which they have limited the lighting in the past.

Ms. Firehock said it seemed that they did not necessarily have enough information that evening to make a very specific recommendation, but that perhaps between that time and the Board of Supervisors' review, staff could look into some options and present them to the Board with the understanding that several Commissioners raised this concern with this particular use because of the proximity to an existing residential neighborhood has a cumulative impact of existing lighting in the corridor.

Ms. More said looking back at the Special Use Permit from 2016 that had to do with the back part of the building, they were talking about display lighting then. She asked if this was correct.

Ms. Maliszewski said this was correct, and that lighting was considered on the other property.

Ms. More said she was sensitive to what Mr. Bivins said about there being many other properties that are contributing to the lighting problem in that area, and that some of those may have happened before there were regulations. She said some are perhaps not ideal to the current standards. She said she would like to hold this application to the same standard that the Commission would to another one, but that she was also open to what Ms. Firehock suggested about security lighting. She said it was not a stumbling block for her, however.

Ms. More said it would be nice, at some point, to have someone be the first to do it, and then hopefully, they could see change happen so that Route 29 does not look like a Las Vegas strip. She said there is a fair point in holding the applicant to the same standards as they would to others. She said that as Ms. Firehock suggested, perhaps the lighting was something staff could explore prior to the Board.

Mr. Randolph said he was comfortable going forward to the Board because of the rich discussion that covered the issue well. He said he did not see anything that was a stumbling block. He said it would be helpful for Ms. Maliszewski to weigh in for the Board.

Mr. Keller concurred with his colleagues.

Mr. Dotson said Condition #6 (regarding landscaping) says, “The landscaping shown on the plan may be required to be in excess of the minimum requirements.” He asked if this meant that when this is again before the ARB, that some additional requirements could be made. He asked how he should interpret this phrase.

Ms. Maliszewski replied that this phrase clarifies that the landscaping may need to exceed the minimum requirements of the landscape ordinance and Entrance Corridor guidelines.

Mr. Dotson asked if this was saying that the plan the Commission was seeing already may exceed the minimum.

Ms. Maliszewski replied yes.

Mr. Dotson said he attended the CAC review of the application, and with the staff work and the fact that it has been to the ARB a couple times and will be reviewed even further by the Board, it has had a thorough going-over.

Mr. Dotson moved to recommend approval of SP2016000011 Malloy Ford Outdoor Sales, Storage, and Display with conditions stated in the staff report.

Mr. Clayborne seconded the motion, which carried unanimously (7:0).

Ms. Maliszewski noticed there was a typo in the SP number, and that it should read “SP2019000011.”

Mr. Dotson amended his motion. Mr. Clayborne seconded the amended motion.

Mr. Bivins asked Mr. Herrick if another vote was needed.

Mr. Herrick replied that he believed the vote was already sufficient, but that the Commission could choose to vote on the amended motion.

Mr. Bivins asked for the vote.

The motion carried unanimously (7:0).

Mr. Bivins informed the applicant that the application would move forward to the Board of Supervisors.

SP202000001 Little Explorers Discovery School (Crozet Baptist Church)

Mr. Andy Reitelbach, Senior Planner, presented the staff report. He said the purpose of the public hearing is to amend a previously-approved Special Use Permit (SP2018-6) for the Little Explorers Discovery School, which is a child day center located in the R2 Residential Zoning District.

Mr. Reitelbach said the child day center is located within the Crozet Baptist Church, located on St. George Avenue in Crozet. He said a Special Use Permit is required for child day centers under Section 14.2.2.7 of the Zoning Ordinance, and the original Special Use Permit (SP2018-6) was approved by the Board of Supervisors on October 10, 2018.

Mr. Reitelbach said the applicant has submitted this application requesting to amend the Special Use Permit to permit an expansion of the child day center. He said the applicant wishes to use other parts of the church building that are currently unused, and would like to increase her attendance from the current limitation in the existing conditions from 25 students in attendance at any one time and a maximum enrollment of 40, to a maximum of 50 students present at any one time with no limit on the enrollment numbers.

Mr. Reitelbach said the reasoning on this no limit on enrollment numbers is to accommodate the various scheduling needs of the students and parents who use the day center. He said some students are full-day students versus partial day, morning, or after-school students. He said some students may come every day of the week while others may only come on certain days. He said the limitation of 50 students present, whereas there would be no limitation on enrollment, was desired.

Mr. Reitelbach said the hours of operation are requested to be expanded from 7:30 a.m. to 5:30 p.m., which are the current hours, to an extra half-hour in the evening, from 7:30 a.m. to 6:00 p.m. He said the applicant wishes to still allow occasional special events for after 6:00 p.m.

Mr. Reitelbach said there would be indoor instruction at the child day center, with outdoor play and a fenced play area. He said there are separate play areas for the older school-aged students and the younger preschool-aged students.

Mr. Reitelbach said in addition, the applicant currently has a staggered drop-off and pickup time and would propose to keep those. He said currently, however, she is using a vehicle queue system where parents drive and drop their kids off at the front door, and the teachers and employees of the day center pick up the students and walk them into the building. He said because of the increase in the number of students and the potential for that queue backing up onto St. George Avenue, the applicant has proposed a “park and walk” drop-off system where the parents would park in Crozet Baptist Church’s visiting lot and walk their children themselves to the front door of Little Explorers Discovery School, where they would be picked up by members of the staff.

Mr. Reitelbach presented an overview of the location of the site, noting it is located at 5804 St. George Avenue in Crozet. He said the current zoning of the property is R2 Residential, which allows other uses such as places of worship or child day centers by Special Use Permit. He said the Comprehensive Plan and Crozet Master Plan designate this property for Neighborhood Density Residential, which is a primary use of residential that supports the use of places of worship, schools, and child day centers, which this application falls under.

Mr. Reitelbach presented a slide showing a few of the characteristics of the neighborhood. He said St. George Avenue is mostly residential with single-family detached houses. He said there are a couple churches, including Crozet Baptist, on this street, as well as a funeral home. He said there is a sidewalk on the street along the southern side of St. George and extends from Crozet Avenue to approximately where the church is located.

Mr. Reitelbach said the church also has an overflow parking lot, which is across St. George Avenue from the church building and the main parking lot.

Mr. Reitelbach presented a concept map of the area, provided by the applicant, showing the locations where the child day center would operate, as well as the traffic management in the parking lot for picking up and dropping off students. He said the photo on the screen shows the entrance that the child day center would use into the church. He said another photo showed the main parking lot at Crozet Baptist Church, where the parents would park to walk their students into the church.

Mr. Reitelbach presented photos of the backyard play area. He said it is a fenced area, which was a requirement of the previous Special Use Permit that required fencing and planted vegetation along the northern and western property lines. He said the fencing and vegetation was put there, and one of the conditions in the amended Special Use Permit would require that the fencing and vegetation be maintained as long as the child day center is in operation.

Mr. Reitelbach said there are a couple factors favorable for the application. He said the proposed use is consistent with the Crozet Master Plan's designation as Neighborhood Density Residential. He said the proposed use is located within the Development Areas.

Mr. Reitelbach said there was one factor unfavorable, which was that the use increasing to 50 students present at one time would generate additional vehicular trips along St. George Avenue. He said it is expected, however, that the staggered drop-off and pickup period would better distribute that traffic, and that the use of the proposed park and walk system would ensure that traffic does not back up onto St. George Avenue.

Mr. Reitelbach said VDOT and the County Transportation Planners have reviewed this request and have expressed no concerns with the increased traffic that this expansion would generate.

Mr. Reitelbach said staff recommends approval of the Special Use Permit, with five conditions. He said the first conditions is that the child day center would take place within the existing church building, except the outdoor play within the fenced area.

Mr. Reitelbach said the second condition is that the fence and landscaping must be maintained while the child day center is in operation.

Mr. Reitelbach said the third condition is that the maximum number of students present may not exceed 50 students.

Mr. Reitelbach said the fourth condition is that the hours of operation are 7:30 a.m. to 6:00 p.m.

Mr. Reitelbach said the fifth condition is to have a staggered morning drop-off period.

Mr. Randolph said the Planning Commission was not able to look at the discussion the Board had about the application two years ago, but that his recollection was that there was some community input to the deliberation by the Board (and that he assumed that there was also deliberation by the Planning Commission prior to that) to establish the 40-student maximum on the site because of the amount of traffic on St. George. He said he wanted staff to share with the Planning Commission its recollection of the Board discussion about the 40-25 relationship.

Mr. Reitelbach replied that there was discussion when the project first came before the Planning Commission and Board back in 2018 regarding the impacts that the use may have on St. George Avenue. He said at the time, VDOT was not concerned with the traffic and always felt there was sufficient capacity on St. George Avenue. He said because of neighborhood concern, however, that this was a new use coming into the neighborhood five days a week. After discussions between staff and the applicant along with consideration by the Commission, it was determined that at least at the beginning, it was appropriate to limit the enrollment numbers for the use, to see how much traffic would be generated. He said this is the reasoning behind the 40-student maximum enrollment and 25 students in attendance.

Mr. Reitelbach said with this new application, VDOT continues to have no concerns over the traffic generation, and that there has been no community opposition or concern expressed this time around with the increase in attendance requested.

Ms. Firehock said this was her question as well and that she was satisfied with the answer.

Mr. Dotson said he had a zoning question. He said the name of the project is “Little Explorers Discovery School,” emphasizing the word, “school.” He said the slide presentation and verbal references are to a day center that sounds like a daycare center. He asked if the ordinance allows both daycare centers and schools, and if this makes a difference from a staff perspective.

Mr. Reitelbach replied that regarding the language, it is a child day center, which is a childcare facility. He said the word “school” is just the applicant’s chosen name for her child day center, and that it would not actually be operated as a private school.

Mr. Dotson said he would be interested to hear from the applicant. He said he knew that some people in early childhood education and preschool are very sensitive that their mission is that of a school and not of a daycare center. He said perhaps this applicant is not bothered by that, but that this thought had occurred to him.

Mr. Bivins opened the public hearing.

Ms. Christi Gillette, owner and director of Little Explorers Discovery School, said that Mr. Dotson’s point was an interesting one. She said for licensing purposes, they must be considered a child day center to have any children under school-age in their care. She said the center covers children up to age 12, and so the parameters of what that means is that those children can be there.

Ms. Gillette said it does not disqualify them to have a kindergarten program under the term “school,” though they approach their school as a preschool and as a place for learning, with an after-school program for the school-aged students, versus somewhere that is primarily for working parents to have their children cared for. She said there is a debate there, but that this is where they stand.

Ms. Gillette said regarding the capacity, they originally were able to have 25 students present at a time, and that this capacity has been reached since July of 2019. She said the school’s waitlist currently has 27 families, which include more than 27 children. She said it is clear that Crozet has a need for more options and enrollment. She said they are choosing to double the number for this reason.

Ms. Gillette said the big addition to their space is a large basement room. She said licensing staff looked at the room and provided an estimate for how many children could be in that room, and that it can fit 20 preschool-aged children or 30 school-aged children. She said the room also has smaller rooms off to the side that can fit 5-7 children in each of those rooms.

Ms. Gillette presented a picture of the current room to show the size difference and the space currently being used. She said the unused space could hold 24 more children if the school was approved for 50. She said there could be 74 children using the space by the Department of Social Services' standards.

Ms. Gillette presented a photo of the outdoor play area, noting that noise was a major factor in the initial Special Use Permit. She said the neighbors located behind the playground structure were concerned about the noise from the beginning. She said she personally reached out to those neighbors before sending the public letter to let them know, and that their response was completely unconcerned this time and wishing her good luck with the process. She said it was clear that the noise has not affected their life in the way that they had been concerned about.

Ms. Gillette said the school would use the divided space with rotating schedules, so the increase in children would make them use their outdoor space more, but with smaller groups and adding more time in the day.

Ms. Gillette said with regard to traffic, a major point is that the traffic comes from Downtown Crozet almost exclusively, and enters and exits in that same direction. She said the original concern from neighbors and the rest of the street were located in the other direction, and it was interesting that it only affects half of St. George Avenue.

Ms. Gillette said the remaining schedule stays staggered throughout the day, and that halfway through the day, she estimates that about half, or slightly more than half, of the students will leave. She said they then will have a few hours where there are less students during that time, as they are the full-day preschool students, before the school-age students arrive at 2:45 p.m. She said they will pick up their numbers at that point, once the after-school program fills up the number of 50 students again. She said around 4:30 p.m. is when the after-school students start to get picked up. She said she was requesting 6:00 p.m. as the closing time but that potentially for the coming school year, they could still close at 5:30 p.m.

Ms. Gillette said other services the school might offer that could increase the total amount of students, people present, and traffic are Parents Night Out and special events. She said summer camps would have a similar setup, but a slightly different schedule for the day.

Ms. Gillette said the school has no water or sewer demands, and no changes to the land or outdoor space other than what was already in the plan to continue to add to their playground space, to make it nicer and more expanded as time goes on. She said there are no impacts to Fire or Police services from their proposed use.

Ms. More said she was present for the community meeting, and that there were neighbors there who were supportive and happy to have this as a service in the community. She said she understands that elimination of drop-off by way of car presents concerns about backing up into St. George Avenue, and that she understands the point about parking and walking children in. She asked if Ms. Gillette thinks there is enough space there, not considering the overflow parking across the street.

Ms. Gillette replied that they closed the first spaces in the front of the parking lot so that they didn't have traffic going where people would be walking across right into the building. She said as far as the rest of the spaces, they had counted 54, and that even if every child were in a separate car, they would not fill up those spaces with 50 kids.

Ms. More recalled that the school also has the staggered time, and that she assumed that with this plan, it didn't make staff available to get kids out of cars.

Ms. Gillette replied this was correct. She added that they have a handful of children with siblings, and so they were talking about perhaps 10 less cars that their number.

Ms. More asked if the school ever contemplated a situation where there is a church activity taking up parking at the same time.

Ms. Gillette replied that this has not happened during morning drop-off, but that it has happened occasionally when there is a funeral, or around the lunchtime pickup. She said this was actually a later time they are proposing for the half-day pickup, and that it will change from 12:15 p.m. to 12:45 p.m. She said most of the church activities (including a once-weekly exercise class) all seem to be cleared out by that point. She said it has not created a problem, even when there has been a bigger attendance. She added that there have not been many funerals during the week, either.

Ms. More said her main concern is that although there is adequate parking with the overflow, she would rather see the children in the main parking lot and not the overflow lot, where they would have to cross the street. She said this is a concern especially during peak times where they may have the busiest drop-off, despite being staggered.

Mr. Randolph asked Ms. Gillette if she could tell the Commission currently what percentage of parents pick up between 5:15 p.m. and 5:30 p.m. He asked if the school was getting a major portion of parents who are picking up late. He asked if they extend the time to 6:00 p.m., if they were going to export the late pickup problem with more children and therefore extend the amount of time the children would need to be picked up. He said it could go after 6:00 p.m., potentially.

Ms. Gillette replied that of the children who are there for after-school care, it was probably about 20% of them that leave towards the end of the day (between 5:15 p.m. and 5:30 p.m.).

Mr. Randolph asked if Ms. Gillette expected that therefore, a similar percentage will apply when she extends the time to 6:00 p.m.

Ms. Gillette replied that it would likely be somewhat less would occur at that point, as the families who are already picking up by 5:30 p.m. are operating under that schedule. She said she knew that a number of other after-school programs already close at 6:00 p.m., and that the ones who come to them already are able to accommodate to 5:30 p.m. She said she didn't think the current students would change much, although occasionally, they may take advantage of the extra half-hour if they have an errand to run. She said she didn't suspect it would completely transfer over.

Mr. Randolph said this was helpful to know. He said he wanted to follow up on Ms. More's point, which was the same concern he had about the overflow parking lot across the street from the school. He said he is sensitive to this because the issue of a crosswalk at Cale Elementary has

been something critical from a public safety standpoint.

Mr. Randolph asked if there has been any discussion with people in the school about establishing a crosswalk, which would be nothing more than putting markings in the road indicating it is a crosswalk, likely accompanied by signage so that there is an alert for people driving down the road that they are coming across a crosswalk. He said it may be helpful especially during the winter months, when it is dark outside at 4:30 p.m. and there are families crossing the street. He said this would mitigate against that possibility with having signage and a crosswalk and that this might be worth considering.

Ms. Gillette replied that she did not anticipate they will use the overflow parking lot very much, especially considering the percentage of people who will come during the dark time in the winter. She said there would definitely be, on an average day, plenty of parking in the regular parking lot, with 54 spots being there.

Ms. Gillette said her other thought on this is that it would actually upset the neighbors more to add something to what they see as their historic district. She said she could see the crosswalk creating a whole other issue with them in that sense. She said obviously, safety of the children is the primary concern.

Mr. Randolph said he appreciated this input, and wanted to make sure they discussed this from a public safety standpoint. He said his last question was about the current 40 maximum enrollment figure, with 25 students at any one time. He said the applicant is anxious to move the number up to 50, but were not willing, at that point, to entertain an equal set cap on maximum enrollment. He asked if the applicant would be willing to consider a maximum enrollment of 80 students overall, as it would keep the same ratio of 40 to 25, and as they go to 50 at any one time, it would ensure there would be no more than 80 enrolled.

Mr. Randolph asked if, on the other hand, it was the case with the applicant's business plan that she feels there is not a need for that cap, and that she could have 120 students and safely address their needs by spreading out enrollment during the day.

Ms. Gillette replied that it was the second point that Mr. Randolph made. She said when looking at the entire business, when she talks about students signed up for summer camps, more than 50% of them are not current students for the schoolyear. She said it creates a confusing matter of unenrolling the current students coming out of the schoolyear and still staying enrolled for the next schoolyear, and pretend they are no longer enrolled. She said she believes that getting rid of that 40-student capacity would eliminate all of this confusion. She said there are children coming in the mornings, and the afternoons, and that they are not the same children, which changes day to day.

Ms. Gillette said it would not be wise, for their business plan or for the community's benefit, to put a cap on that.

Ms. More agreed with what Ms. Gillette said about the crosswalk and the historic neighborhood. She suggested that during special events where they may be bringing out grandparents and using the overflow parking lot, they could use something temporary (e.g. cones) to put up in the street, or signage to let neighbors know it is happening on a certain evening. She said this could address the issue without using something permanent that the neighbors may not like.

Ms. Gillette replied that this was a good idea, and suggested that her husband could even serve as a crossing guard.

Ms. Firehock asked if there was anyone signed up to speak from the public.

Ms. Shaffer replied no.

Hearing no comments, Mr. Bivins closed the public hearing.

Mr. Keller said he recalled the first session and that the applicant has addressed the adjacent property owner's concerns as well as the traffic concerns, which had been two major discussion points at that time. He said he was supportive of the application.

Mr. Clayborne said that childcare is such a need in the community and that he was a demographic who would use it. He said the 6:00 p.m. pickup time is a huge benefit to two working parents with a three-year-old, such as the case in his family. He agreed with not having a cap on the amount of enrollment, noting that 50 is a big deal, and that from a business perspective, he couldn't see the applicant wanting to turn down that revenue. He said he was in full support of the application.

Ms. More moved to recommend approval of SP202000001 Little Explorers Discovery School (Crozet Baptist Church) with the conditions as stated in the staff report.

Ms. Firehock seconded the motion, which carried unanimously (7:0).

Mr. Bivins said the application would be moving forward to the Board of Supervisors.

Committee Reports

Ms. More said the Crozet CAC was meeting the following evening, and that they will be the first CAC to virtually meet, as they are under a Master Plan review. She said they have had a Zoom test meeting where no business was discussed. She said there are 15 members, with Supervisor Mallek and herself making 17. She said Mr. Andrew Knuppel told her this would be the biggest meeting thus far in terms of the participants and public input, and that they were curious to see how this goes. She said they are starting off with a major recap of what they have already discussed, followed by comments from staff, the public, and committee members.

Old Business

Mr. Charles Rapp (Director of Planning) said he would provide updates on recent Board of Supervisors meetings.

Mr. Rapp said at the April 15 Board meeting, the Board voted to approve an application plan for ZMA201900014 Commercial Development, which is a property adjacent to Fashion Square Mall. He said the Board voted to approve this as recommended by the Commission and staff.

Mr. Rapp said the Tandem Friends School Pavilion was also approved by the Board. He said this was a Special Use Permit for a 4,500-square-foot pavilion building.

Mr. Rapp said the prior Wednesday, the Board adopted a resolution disapproving ZMA201900015 Child Development Center based on many of the concerns that were expressed by the

Commission and staff several months earlier.

New Business

There was no new business.

Adjournment

At 7:41 p.m., the Commission adjourned to May 19, 2020 Albemarle County Planning Commission meeting, 6:00 p.m. via electronic meeting.

Charles Rapp, Director of Planning

(Recorded by Carolyn S. Shaffer, Clerk to Planning Commission & Planning Boards and transcribed by Golden Transcription Services)

Approved by Planning Commission
Date: 06/16/2020
Initials: CSS