

The Department of Community Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: December 11, 2013
Re: **Conditional Use Permit (CUP) – Marsh Memorial United Methodist Church Daycare and Consolidated Sign – 804 Leesville Road**

I. PETITIONER

Marsh Memorial United Methodist Church, 804 Leesville Road, Lynchburg, VA 24502

Representative: Shelly Burleigh, Marsh Memorial United Methodist Church, Lynchburg, VA 24502

II. LOCATION

The subject property is a tract of approximately two and seventy-four hundredths (2.74) acres located at 804 Leesville Road.

Property Owner: Marsh Memorial United Methodist Church, 804 Leesville Road, Lynchburg, Virginia 24502

III. PURPOSE

The purpose of the petition is to allow the operation of a child daycare center for up to sixty (60) children between the hours of 6:00 a.m. and 6:00 p.m. and to allow the installation of a digital sign at 804 Leesville Road.

IV. SUMMARY

- The *Comprehensive Plan 2002-2020's Future Land Use Map (FLUM)* recommends Institutional use for the property.
- Daycare centers are a permitted use in an R-1, Low Density, Single-Family Residential District upon approval of a CUP by Council.
- The proposed sign would replace the existing sign located on Leesville Road and would be twenty-five (25) square feet and contain a digital reader board.

The Planning Division recommends approval of the CUP petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The *Comprehensive Plan 2002-2020* recommends an Institutional use for the property. Institutional uses include religious, educational and other nonprofit entities within the City. Examples include churches, cemeteries, private schools and universities, private nonprofit hospitals, service clubs and organizations and other nonprofit institutions. (*pg. 5.3*)
2. **Zoning.** The subject property was annexed into the City in 1976. The existing R-1, Low-Density, Single-Family Residential District was established in 1978 upon adoption of the *Zoning Ordinance*.
3. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances are needed for the development of the property as proposed.

4. Surrounding Area. There have been several items requiring Council approval in the immediate area:

- On November 8, 1983, Council approved the petition of Andrew C. Ellett to rezone approximately one and twenty-three hundredths (1.23) acres from R-1, Low Density, Single-Family Residential District to B-3C, Community Business District (Conditional) to allow the construction of a convenience store at 799 Leesville Road.
- On August 12, 1986, Council approved the CUP petition of Berean Baptist Church to allow the construction of a church building and associated parking at 1400 Greenview Drive.
- On October 13, 1987, Council approved the petition of Glenn & Jo Anne Carter to rezone three and one-half (3.5) acres from R-1, Low Density, Single-Family Residential District to B-3, Community Business District (Conditional) to allow a retail nursery at 794 Leesville Road.
- On September 12, 1989, Council approved the petition of Hutter Associates, Inc., to rezone approximately four tenths (0.4) of an acre from R-1, Low Density, Single-Family Residential District to B-1, Limited Business District to allow the construction of an office building.
- On August 10, 1999, Council approved the petition of Gerald and Deborah Maxey to rezone eight tenths (0.8) of an acre from B-3, Community Business District (Conditional) to B-1, Limited Business District to allow the operation of a counseling service.
- On February 13, 2001, Council approved the CUP petition of American Legion Post 16 to allow the construction of a building addition at 1301 Greenview Drive.
- On June 27, 2006, Council approved the CUP petition of JBO, LLC to allow the construction of a Traditional Neighborhood Development at 1207 and 1226 Greenview Drive.
- On September 11, 2007, Council approved the CUP petition of Tree of Life Pentecostal Church to allow the expansion of parking facilities at 1101 Greenview Drive.
- On February 12, 2008, Council approved the CUP petition of JBO, LLC to amend the Master Plan for the Cornerstone Traditional Neighborhood Development at 401 Cornerstone Street, 100, 200 and 300 Capstone Drive.
- On April 13, 2010, Council approved the CUP petition of the Cornerstone Property Owners Association to allow the construction of a community swimming pool at 1100 Greenview Drive.
- On April 12, 2011, Council approved the CUP petition of JBO, LLC to amend the Design Guidelines for Blocks “A, B, C & D” in the Cornerstone Traditional Neighborhood Development.
- On June 12, 2012, Council approved the CUP petition of American Legion Post 16 to allow the construction of a three thousand eighty (3,080) square foot building addition and a deck at 1301 Greenview Drive.
- On November 13, 2012, Council approved the CUP petition of American Legion Post 16 to allow the installation of a twenty-two (22) square foot sign including a seventeen and one-half (17.5) square foot digital reader board at 1301 Greenview Drive.

5. **Site Description.** The subject property is a tract of approximately two and seventy-four hundredths (2.74) acres located at 804 Leesville Road. The southeastern corner of the property contains the church building and associated parking. The northwestern portion of the property is undeveloped.
6. **Proposed Use of Property.** The purpose of the petition is to allow the operation of a child daycare center for up to sixty (60) children between the hours of 6:00 a.m. and 6:00 p.m. and to allow the installation of a digital sign at 804 Leesville Road.
7. **Transportation & Parking.** The City's Transportation Engineer had no comments of concern regarding the proposed daycare facility. The City Engineer commented that the petitioner should work with the city to facilitate the placement of the proposed sign where it would not conflict with future improvements to Greenview Drive. The petitioner has expressed their understanding of the Greenview Drive improvements and expressed their willingness to work with the City to locate the sign in a location that would not conflict with the future construction.

Section 35.1-54, Care Centers requires a minimum of two (2) off-street parking spaces per center, plus two (2) additional parking spaces for each thirty (30) persons enrolled. A minimum of six (6) off-street parking spaces would be required and ample parking is available in the existing church parking lots.

8. **Stormwater Management.** A stormwater management plan will not be required as there are no new impervious areas associated with the proposal.
9. **Emergency Services:** The City Fire Marshal had no comments of concern with the petition. The City's Police Department offered general safety comments related to site and building security for consideration by the petitioner.
10. **Impact.** The subject property is recommended for an Institutional use on the City's *Future Land Use Map* and contains a church which was constructed in 1976. Daycare facilities are typically associated with church uses. The petitioner has submitted a petition to operate a daycare facility for up to forty-nine (49) children ranging in age from two and one-half (2 ½) to four (4) years old between the hours of 9:00 a.m. and 3:00 p.m. Monday through Friday. In addition to the daycare facilities, the petitioner may wish to provide before and after school care for elementary and middle school children between the hours of 6:00 a.m. and 6:00 p.m. The maximum number of children at the facility would be sixty (60). Parents dropping off students would enter from Greenview Drive and exit onto Leesville Road. The Greenview Drive entrance would be closed at 9:30 a.m. to facilitate the movement of children to and from the existing twenty-five hundred (2,500) square foot playground in the northwestern corner of the parking area.

As part of the petition, the church is also proposing the installation of a sign containing a digital reader board with a maximum square footage of twenty-five (25) square feet per side. The property is zoned R-1, Low Density, Single-Family Residential District. Permitted uses in this district are allowed one (1) sign per street frontage with up to eighteen (18) square feet in area. Only shaded white lights are allowed, thus necessitating a modified sign request to allow a digital display sign.

Digital sign technology is becoming more affordable and popular with institutions such as churches and schools. Since the majority of these institutions are located on property zoned residential, the impacts of the sign on adjacent residential areas must be considered. The proposed sign would replace the existing sign at the corner of Greenview Drive and Leesville

Road, which are both major thoroughfares. The proposed sign should have little to no impact on the area and is similar in size to the digital sign approved by City Council for the American Legion located at 1301 Greenview Drive on November 13, 2012.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the conditional use permit on November 19, 2013. Comments related to the proposed use have or will be addressed prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to City Council approval of the petition of Marsh Memorial United Methodist Church for a conditional use permit at 804 Leesville Road to allow the operation of a daycare facility and the installation of a digital sign subject to the following conditions:

1. **The maximum number of children at the daycare facility shall be sixty (60).**
2. **The total sign area shall not exceed twenty-five (25) square feet per face.**
3. **The digital display shall not display running animation or displays of an intermittent light or lights.**
4. **The digital display shall not display an “off-premises” message.**
5. **The digital display shall change its message not more than once every six (6) seconds.**
6. **The digital display shall contain an “auto dimming” feature for night-time operation.**
7. **The location of the sign shall be coordinated with the City Engineer to prevent conflict with the future improvements of Greenview Drive.**

This matter is respectfully offered for your consideration.



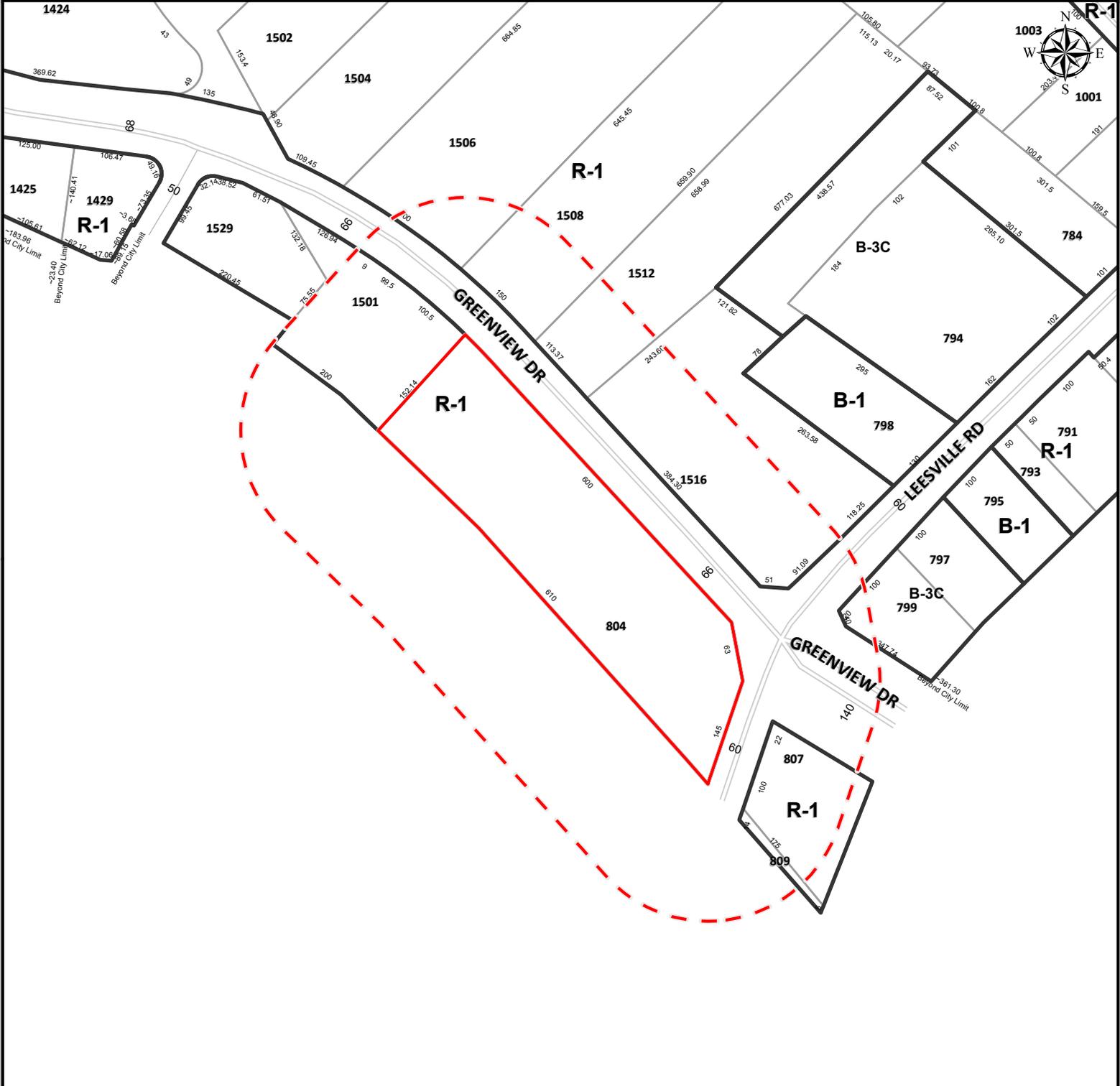
William T. Martin, AICP
City Planner

- pc: Mr. L. Kimball Payne, III, City Manager
 Ms. Bonnie M. Svrcek, Deputy City Manager
 Mr. Walter C. Erwin, City Attorney
 Mr. Kent L. White, Director of Community Development
 Mr. J. Lee Newland, City Engineer
 Ms. Cynthia Kozerow, Lynchburg Police Department
 Captain Thomas Mack, Acting Fire Marshal
 Mr. Doug Saunders, Building Commissioner

Mr. Robert Fowler, Zoning Administrator
Mr. Jacob Dorman, Environmental Reviewer
Ms. Shelley Burleigh, Marsh Memorial UMC

VII. ATTACHMENTS

- 1. Zoning Map**
- 2. Future Land Use Map**
- 3. Watershed Map**
- 4. Planimetric and Topographic Map**
- 5. Concept Plan**
- 6. Narrative**
- 7. Digital Sign Concept**
- 8. Property Photograph**



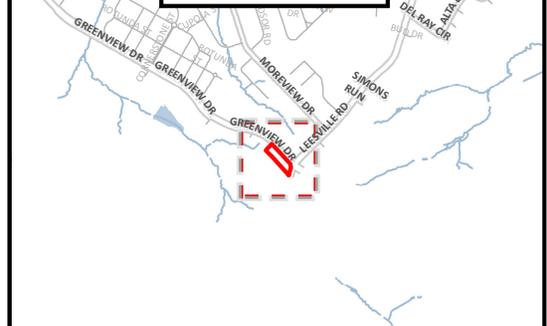
PROPERTY INFORMATION

PARCEL ID	ADDRESS
26605001	804 LEESVILLE RD

LEGEND

- Subject Property
- 200' Buffer
- Zoning Boundary

OVERVIEW MAP



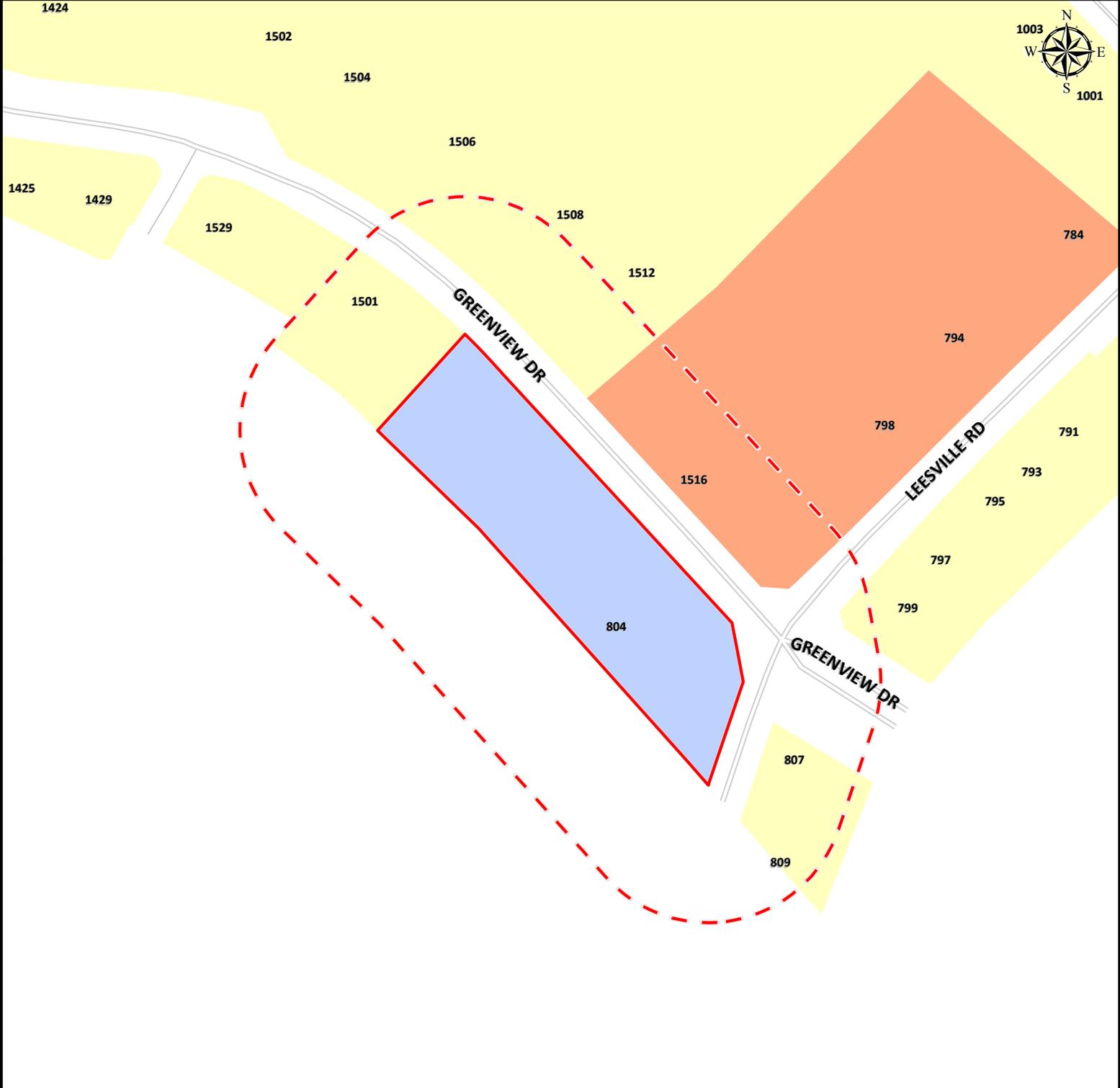
MAP SCALE: 1" to 200' DATE PRINTED: 11/23/2013

CAMPBELL COUNTY ADJOINING OWNERS

Owner	Address
LIGGINS VICTOR B	74 E OVERBROOK RD
MILES KEITH GARBEE & ADREANA RILEY	1501 GREENVIEW DR
ALMOND WILLIAM D & MARGARET H	20371 LEESVILLE RD
ALMOND WILLIAM D & MARGARET H	20371 LEESVILLE RD
WILSON RALPH W & MILDRED M	20330 LEESVILLE RD
WILSON RALPH W & MILDRED M	20330 LEESVILLE RD
WILSON DANNY RALPH	20334 LEESVILLE RD
WILSON RALPH W & MILDRED M	20330 LEESVILLE RD
GRISTMILL LANDHOLDINGS LLC	PO BOX 15067
GRISTMILL LANDHOLDINGS LLC	PO BOX 15067
GRISTMILL LANDHOLDINGS LLC	PO BOX 15067
MILES KEITH GARBEE & ADREANA RILEY	1501 GREENVIEW DR

LYNCHBURG CITY ADJOINING OWNERS

Parcel ID	Address	Owner
26606026	809 LEESVILLE RD	ALMOND, WILLIAM D & MARGARET H
26604012	1512 GREENVIEW DR	ELDER, DAVID
26605002	1501 GREENVIEW DR	GARBEE, MILES K TRS & ADREANA R TRS
26606003	799 LEESVILLE RD	GREENVIEW ASSOCIATES L L C
26604007	1506 GREENVIEW DR	HANCOCK, CLARENCE N & ELIZABETH W
26604005	1516 GREENVIEW DR	JOHNSTON, DAVID F
26604006	1508 GREENVIEW DR	MANLEY, GARNETT L JR
26605001	804 LEESVILLE RD	MARSH MEMORIAL UNITED METHODIST
26606001	807 LEESVILLE RD	R T B PROPERTIES L C



PROPERTY INFORMATION

PARCEL ID	ADDRESS
26605001	804 LEESVILLE RD

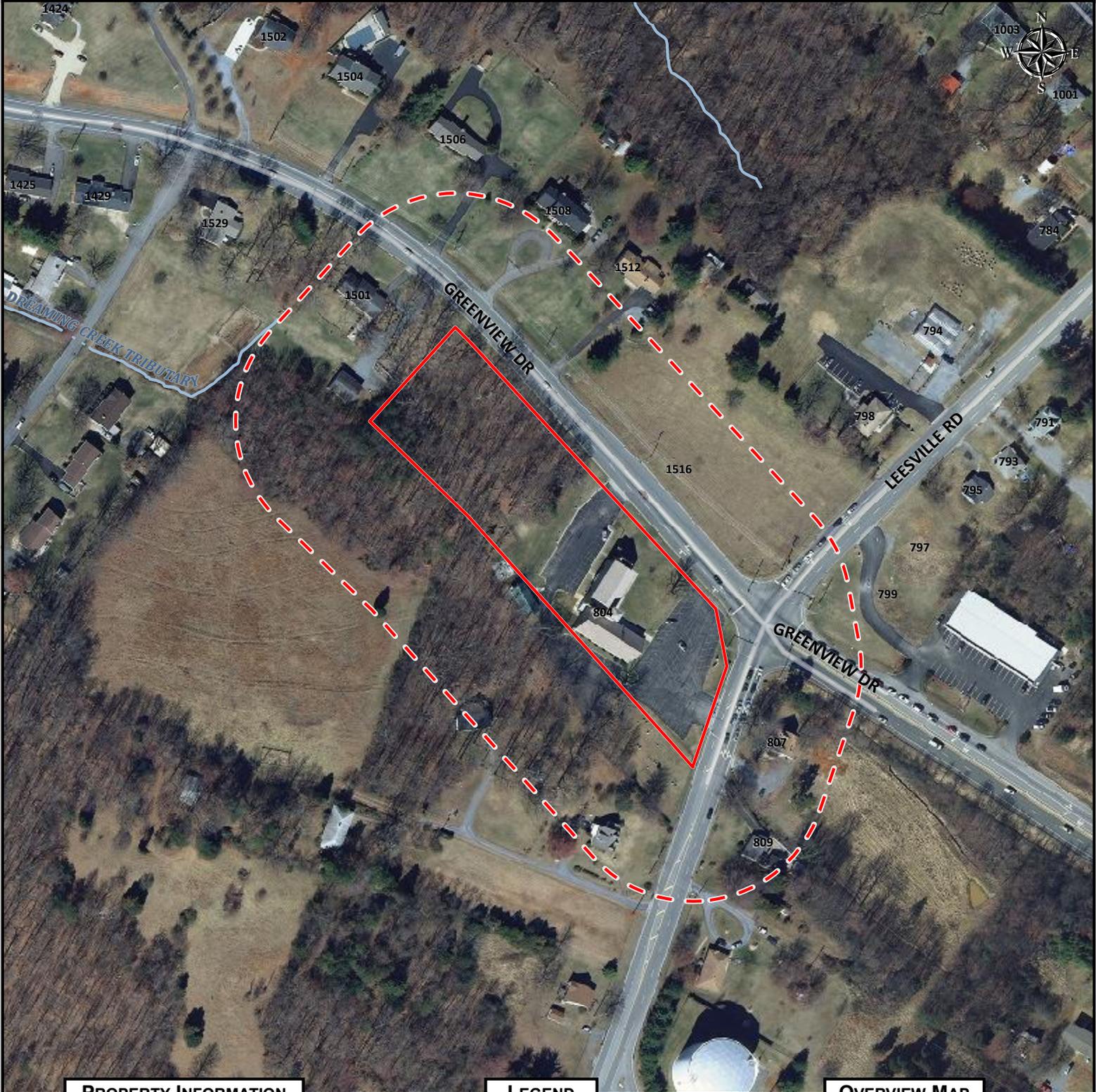
LEGEND

- Local Historic District
- Traditional Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Neighborhood Commercial
- Community Commercial
- Regional Commercial
- Employment Mixed Use
- Residential Mixed Use
- Employment 1
- Employment 2
- Office
- Institution
- Downtown
- Public Use
- Public Parks
- Resource Conservation
- General Mixed Use

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/23/2013



PROPERTY INFORMATION

PARCEL ID	ADDRESS
26605001	804 LEESVILLE RD

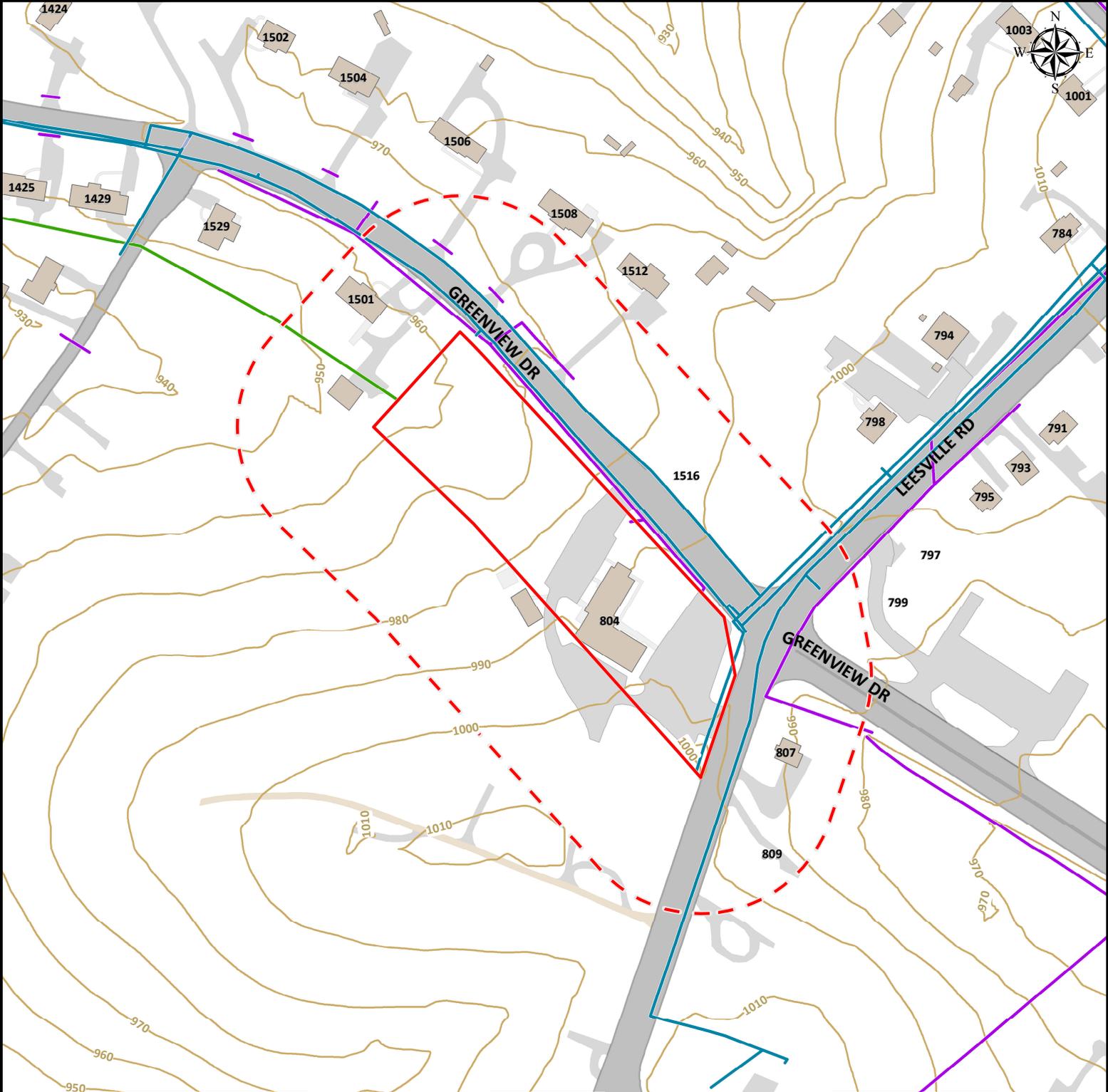
LEGEND

- Subject Property
- Base Flood Elevation
- Floodway
- Floodzone
- River / Lake / Stream

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/23/2013



PROPERTY INFORMATION

PARCEL ID	ADDRESS
26605001	804 LEESVILLE RD

LEGEND

	Active	Proposed	Abandoned
Utilities	Water (solid blue)	Sanitary (dashed green)	Storm (dashed purple)
Structure	Paved (solid grey)	Unpaved (dotted tan)	Other (solid tan)
Planimetrics	Roadway (solid grey)	Parking (dotted grey)	Sidewalk (solid grey)
	Driveway (solid grey)	10' (dashed tan)	10' Obs (dotted tan)
Topography	Contour (solid tan)		

OVERVIEW MAP



MAP SCALE: 1" to 200' DATE PRINTED: 11/23/2013

RECEIVED

NOV 05 2013

COMMUNITY
DEVELOPMENT

Proposed Preschool at Marsh Memorial UMC

I plan to open a Preschool at Marsh Memorial United Methodist Church located at 804 (20348-911 address) Leesville Road, Lynchburg, Virginia 24502 in August or September 2014. The acreage is approximately 1.5 to 2 acres. The ages of the children will be 2 $\frac{1}{2}$, 3, and 4 year old. The hours of operation will be 9:00 am until 12:00 pm Monday through Friday. There will also be an afterschool program until 3:00 pm for interested parents. The capacity of children will be up to 49.

The parents will walk their child to the classroom each morning and sign them in. There will be a carpool line to pick up the children at 12:00 pm. The cars will enter the Greenview Drive entrance showing a pickup pass to confirm release of their child. The carpool line will exit on Leesville Road. Parents who sign their child up for the afterschool program from 12-3 pm will pick up their child inside the school.

I will put orange cones across the entrance at Greenview Drive and the back side of the rear parking lot at 9:30 am. This will prevent vehicles entering the parking lot for the safety of students.

The students will go to the playground each day weather permitting. Each classroom teacher will be assigned a different time for playground time. The playground is 2,500 square feet. The teachers will walk students through the parking lot because the entrance and back side of the parking lot will be blocked by the orange cones. This will ensure the safety and protection of the children.

The preschool will adhere to Section 63.2-1716 of the *Code of Virginia* for a religiously exempt child day center. The staff will follow

the required staff/child ratio: 1 staff required for every 1-10 children.

The fire safety and evacuation plan will be posted in each classroom. Classroom G3 on the ground floor plan has an exit door in the room. The teacher and students will exit from the room. The other three classrooms G2, G4, and G6 will exit at the rear door located at G5. The preschool will follow requirements established by Fire Marshall.

The Church would also like to install a digital sign. The location of the sign has flexibility because of the future widening of Greenview Drive.

In the future, the preschool may also offer before and after school programs for elementary and middle school children. The preschool may also offer child care for the preschool children. The hours would be 6:00 am until 6:00 pm. I would also like the capacity of children to go up to 60 in the future.



