



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201600010 Cornerstone Community Church	Staff: Scott Clark, Senior Planner
Planning Commission Public Hearing: August 23, 2016	Board of Supervisors Hearing: TBA
Owner(s): Monticello Wesleyan Church & The Wesleyan Church Inc	Applicant(s): Monticello Wesleyan Church & The Wesleyan Church Inc
Acreage: 3.28 acres	Special Use Permit for: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance.
TMP: Tax Map Parcel 045000000031D0 Location: 2001 Earlysville Rd	By-right use: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Rio	Proffers/Conditions: Yes
School District: Broadus Wood Elementary – Jouett Middle – Albemarle High School	
Requested # of Dwelling Units/Lots: none	DA - RA - X
Proposal: Expansion of existing church from 180 to 250 seats, and increase parking from approximately 46 spaces (partly unpaved) to 97 spaces (all paved).	Comp. Plan Designation: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)
Character of Property: The 3.28-acre lot is largely open and developed for the church use, including the church building and existing parking area. The northeast portion of the lot is wooded.	Use of Surrounding Properties: Surrounding properties include the South Fork Rivanna Reservoir, residential properties, and the Ivy Creek Natural Area (across the reservoir).
Factors Favorable: <ol style="list-style-type: none"> 1. The proposed site changes would include the addition of water-quality protection measures that would help to protect the adjacent reservoir from runoff. 2. The Virginia Department of Transportation has not found that entrance improvements or a left-turn lane are necessary. 	Factors Unfavorable: None.
Recommendation: Staff recommends approval with conditions.	

STAFF CONTACT:
PLANNING COMMISSION:
BOARD OF SUPERVISORS:
PROJECT:

Scott Clark, Senior Planner
August 23, 2016
TBD
SP201600010 Cornerstone Community Church

PETITION:

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL: 045000000031D0

LOCATION: 2001 Earlysville Rd

PROPOSAL: Expansion of existing church from 180 to 250 seats.

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. No dwellings proposed.

ZONING: RA Rural Areas - agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)

COMPREHENSIVE PLAN: Rural Area – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources; residential (0.5 unit/ acre in development lots)

CHARACTER OF THE AREA:

The site is located in a portion of the Rural Areas that has largely been converted to residential development. The South Fork Rivanna Reservoir is adjacent to the church. See Attachment A for an area map, and Attachment B for a map of the site.

PLANNING AND ZONING HISTORY:

SDP198000027: On May 27, 1980, the Planning Commission approved this site plan for a 5,700-square-foot church building on this site.

VA198300075: On November 15, 1983, the Board of Zoning Appeals approved a variance to allow a sign within 50 feet of the property line (a variance of 25 feet).

VA198400033: On June 12, 1984, the Board of Zoning appeals denied a variance to allow a sign within 3 feet of the property line (a variance of 72 feet).

SDP198800069: On November 1, 1988, the Planning Commission approved a site-plan amendment to add 4,408 square feet to the existing church building.

SP199700023: On August 13, 1997, the Board of Supervisors denied this special use permit request for a private rowing club and a floating dock on the church site. The proposed use would have allowed two or more sessions per day of 50 rowers each, plus 4 staff members and 6 coxswains. Denial was based on the Board's determination that the reservoir's use as a public water supply could be negatively affected by this level of recreational use.

DETAILS OF THE PROPOSAL:

The proposal is to expand the existing non-conforming 9,000 square-foot church building to approximately 17,800 square feet of internal space (including additional basement space). The footprint of the existing building would expand on three sides, increasing from 6,250 square feet to approximately 10,500 square feet. Within that footprint, the sanctuary would increase by approximately 2,300 square feet, and the remainder of the addition would be for "welcoming and greeting space," church activities, etc. Seating would increase from 180 to 250. The applicant wishes to expand the existing parking area, which is only partially paved and accommodates approximately 46 vehicles, to 97 paved spaces. The applicants have stated that 97 spaces are needed to accommodate occasional large services, as there is no street parking in the area to accommodate any extra parking needs. New biofilters would be added between the developed portion of the site and the reservoir. See Attachment C for the proposed conceptual plan.

Nearly the entire site, including the existing church and parking lot, is located in the stream buffer established by the Water Protection Ordinance (WPO). Normally, new construction would not be allowed within a required stream buffer. However, the County's stream buffer regulations were established many years after the construction of the existing church and parking area. The church building qualifies as a "pre-existing" building under section 17-603(A) of the WPO and is permitted to remain, as it was built before the adoption date of the WPO (February 11, 1998).

Under the Zoning Ordinance, the building technically would be considered nonconforming, as its building site includes stream buffer. In most cases, nonconforming structures are not permitted to expand. However, in the case of pre-existing buildings that are non-conforming solely because they are located in a WPO stream buffer, section 18-4.2.6(a) of the Zoning Ordinance says that they "may be expanded, enlarged, extended, modified and/or reconstructed as though such structure were a conforming structure." Therefore it is possible for the County to permit the proposed building expansion on this site, despite its location in the stream buffer.

In its application, the church has said that 1.68 acres of the stream buffer are already impacted by existing development, and that only an additional 0.24 acres (10,500 square feet) would be disturbed for the proposed expansion. Most of this disturbance is for the parking expansion. At present, there are no water-quality improvement measures on the site, but the proposed expansion would provide biofilters to slow and filter runoff water.

REGULATORY CONTEXT:

This proposal is subject to the First Amendment's Establishment and Free Exercise Clauses and the Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA"). One key provision of RLUIPA states:

No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution – (A) is in furtherance of a compelling governmental interest; and (B) is the least restrictive means of furthering that compelling governmental interest.

42 U.S.C. § 2000cc(a)(1). RLUIPA also requires that land use regulations: (1) treat a religious assembly or institution on equal terms with nonreligious assemblies and institutions; (2) not discriminate against any assembly or institution on the basis of religion or religious denomination; and (3) not totally exclude religious assemblies, or unreasonably limit religious assemblies, institutions or structures, from the locality. 42 U.S.C. § 2000cc(b).

COMMUNITY MEETING:

The community meeting was held in the existing church building on May 5, 2016. Several members of the public attended the meeting. Concerns expressed by the attendees largely focused on the addition of traffic from the expanded church onto Earlsyville Road.

ANALYSIS OF THE SPECIAL USE PERMIT REQUEST

Section 33.8 of the Zoning Ordinance states that the Planning Commission and Board of Supervisors shall reasonably consider the following factors when reviewing and acting upon an application for a special use permit:

No substantial detriment. The proposed special use will not be a substantial detriment to adjacent lots.

Approval of this special use permit would permit an expansion of the level of use on the site and bring an existing church into conformity with the Zoning Ordinance. The church building site and parking would remain in generally the same area, with some expansion of parking toward Earlsyville Road. No substantial detriment to adjacent lots is expected.

The property is adjacent to the South Fork Rivanna Reservoir, the main surface-water supply for the Development Areas and the City of Charlottesville. At present, there are no water-quality protection measures on the site. As part of this special use permit request, the applicant has requested asked for a parking-lot expansion that would include six spaces that would impact currently-wooded areas adjacent to the reservoir. While such a request would typically not receive a favorable recommendation, the applicant is proposing to provide several biofilters between the existing disturbed area and the reservoir. These measures would help to slow and filter runoff from the site before it reaches the reservoir. Without the expansion request, the County have no mechanism to require water-quality measures for the existing development. If the expansion of the church is approved, detailed requirements for stormwater management would be established as part of the subsequent site development plan review for the site.

Character of district unchanged. The character of the district will not be changed by the proposed special use.

This portion of the Rural Areas district has both a residential and a rural character due to the amount of nearby residential development. Expansion of an existing church in that residential context will not significantly change the character of the district.

Harmony. The proposed special use will be in harmony with the purpose and intent of this chapter,

Religious land uses are not specifically addressed in the purpose or intent of the zoning ordinance. However, they have generally been considered as compatible land uses in rural and residential areas.

...with the uses permitted by right in the district

Religious land uses are not specifically addressed in the purpose or intent of the zoning ordinance. However, they have generally been considered as compatible land uses in rural and residential areas. Churches are common in the RA and VR zoning districts, and have generally been considered in harmony with agricultural land uses and with residential uses.

...with the regulations provided in section 5 as applicable,

There are no additional regulations in section 5 for churches.

...and with the public health, safety and general welfare.

The site is located on Earlysville Road just north of the bridge over the South Fork Rivanna Reservoir. The speed limit on this road is 45 miles per hour (40 miles per hour for trucks). Access to the site is via a paved entrance with a right-turn lane and taper approximately 200 feet long.

To follow up on concerns about road safety near the site as expressed by members of the public at the community meeting, staff obtained Police Department data on recent vehicle accidents near the site. From 2013 to 2015, there were fourteen crashes on Earlysville Road within a half-mile of the church site. Of those, a majority (8 of 14, or 57%) occurred near Ivy Creek Natural Area, on the opposite side of the reservoir bridge. Three crashes (21.5%) happened near the intersection of Earlysville Road and Arrowhead Road, approximately 1,500 feet north of the church entrance. A further three crashes happened in the 2000 block of Earlysville Road, in the general vicinity of the church. Of those latter three crashes, two involved no injuries, and one involved a serious injury requiring EMS transportation. Staff discussed this crash information with Virginia Department of Transportation (VDOT) staff. VDOT stated that they had performed a safety study of Route 743 this year and found the crash and injury rate to be less than the District average.

VDOT has reviewed the existing entrance and an estimate of trip generation for the expanded church, based on the proposed increase in seats from the ITE Trip Generation Manual. This VDOT review confirmed that the applicant-provided traffic count on Earlysville Road is comparable to recent VDOT traffic studies, and found that, according to Virginia Access Management Regulations (Appendix F of the Road Design Manual), a left turn lane is not warranted for the proposed increase in use. They noted that “traffic control during church service times and/or the reevaluation of the need for a left turn lane may be required in the event of significant increase in attendance and/or capacity, further change in use and/or time, increase in Earlysville Road traffic, or if the actual traffic proves problematic or inconsistent with the provided data.” Any future expansion of the use that might necessitate a left turn lane would require an amendment of the requested special use permit, giving the County the opportunity to require a left-turn lane if needed. Because of the concerns about future background traffic increases, staff consulted with VDOT to establish whether or not a left-turn lane should be required as part of the current amendment request. VDOT has stated that there are not enough contributing factors to justify requiring a left turn lane for this proposed use (see Attachment D).

A representative from VDOT is expected to attend the public hearing to answer any road-related questions about this proposal.

Consistency with the Comprehensive Plan. The use will be consistent with the Comprehensive Plan.

Churches and other religious institutions are not specifically addressed in the Comprehensive Plan, except in the Rural Areas plan, where they are addressed in the context of “crossroads communities.” Strategy 5c says, “Consider amending the Zoning Ordinance to allow community centers and religious institutions at an appropriate scale in designated crossroads communities without legislative review in existing structures.” During the Comprehensive Plan review, the Planning Commission recommended consideration of amending the Zoning Ordinance to allow churches with 200 seats or fewer in the Rural Areas by right. The Board of Supervisors narrowed that recommendation to apply on in crossroads communities.

This proposal would be similar in scale to (or smaller than) several other church facilities that have been recently approved in the Rural Areas, including:

Church	Location	Seats
First Church of the Nazarene	US 250 and Route 22	374
First Christian Church	US 250 and Keswick Road	306
Faith Christian Center Int’l	US 250 in Shadwell	399

The inclusion of water-quality protection measures in the proposed expansion would make the site more consistent with the Comprehensive Plan’s goals for water-quality protection.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. The proposed site changes would include the addition of water-quality protection measures that would help to protect the adjacent reservoir from runoff.
2. The Virginia Department of Transportation has not found that entrance improvements or a left-turn lane are necessary.

Staff has identified no factors unfavorable to this proposal.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP201600010 Cornerstone Community Church with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled “Cornerstone Community Church Addition – Application Plan” prepared by Timmons Groups and dated 7/27/2016 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development and use shall reflect the following major elements within the development essential to the design of the development, as shown on the Conceptual Plan:

- building orientation
- building size

Minor modifications to the plan which do not conflict with the elements above may be made to ensure compliance with the Zoning Ordinance.

2. The area of assembly shall be limited to a maximum 250-seat sanctuary.
3. There shall be no day care center or private school on site without approval of a separate special use permit;
4. The applicant shall obtain Virginia Department of Health approval of well and/or septic system prior to approval of the final site plan.
5. All outdoor lighting shall be only full cut off fixtures and shielded to reflect light away from all abutting properties. A lighting plan limiting light levels at all property lines to no greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval.
6. If the use, structure, or activity for which this special use permit is issued is not commenced by [date three years from Board approval], the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.

Motions:

- A. Should the Planning Commission choose to recommend approval of this special use permit:

I move to recommend approval of SP201600010 Cornerstone Community Church with the conditions outlined in the staff report.

- B. Should the Planning Commission choose to recommend denial of this special use permit:

I move to recommend denial of SP201600010 Cornerstone Community Church. (*Planning Commission needs to give a reason for denial*)

ATTACHMENTS

Attachment A – [Area Map](#)

Attachment B – [Site Map](#)

Attachment C – [Conceptual Plan](#)

Attachment D – [E-mail from Adam Moore PE, VDOT](#)