

**Albemarle County Planning Commission**  
**March 20, 2018**

The Albemarle County Planning Commission held a public hearing on Tuesday, March 20, 2018, at 6:00 p.m., at the County Office Building, Lane Auditorium, Second Floor, 401 McIntire Road, Charlottesville, Virginia.

Members attending were Tim Keller, Chair; Karen Firehock, Jennie More, Julian Bivins, Daphne Spain; Pam Riley, Vice-Chair, Bruce Dotson and Bill Palmer, UVA representative. Commissioners Riley and Firehock arrived at 6:02 p.m.

Other officials present were Cameron Langille, Senior Planner, Elaine Echols, Chief of Community Development; Heather McMahon, Senior Planner; Elaine Echols, Chief of Planning; Sharon Taylor, Clerk to Planning Commission and John Blair, Deputy County Attorney.

**Call to Order and Establish Quorum**

Mr. Keller, Chair, called the regular meeting to order at 6:00 p.m. and established a quorum.

The meeting moved to the next agenda item.

**From the Public: Matters Not Listed for Public Hearing on the Agenda**

Mr. Keller invited comment from the public on other matters not listed on the agenda. Hearing none, Mr. Keller said the meeting would move on to the public hearings.

**Public Hearing Items**

**b. SP-2017-00010 City Church**

MAGISTERIAL DISTRICT: Rio

TAX MAP/PARCEL(S): 06100-00-00-153A1

LOCATION: 1010 and 1012 Rio Road E, Charlottesville, VA 22901

PROPOSAL: Amend existing special use permit, SP200400045, to remove the existing 10,400 sq. ft. church building and replace with a new two-story church building with a gross floor area of up to 43,000 sq. ft. The application also proposes reconfiguration of the existing parking lot and additional parking spaces.

PETITION: Religious assembly in the R4 Zoning District on a 4.23-acre parcel under Section 15.2.2.12 of the Zoning Ordinance. No dwellings proposed.

ZONING: R4 Residential (4.0 units/acre)

OVERLAY DISTRICT(S): Airport Impact Area, Steep Slopes – Managed

COMPREHENSIVE PLAN: Urban Density Residential which allows residential uses (6.01 – 34 units/acre) and supporting uses such as religious institutions, schools, commercial, office and service uses in Neighborhood 2 of the Places 29 Master Plan.

(Cameron Langille)

Cameron Langille summarized the staff report in a PowerPoint presentation.

This is a proposed special use permit for a religious assembly use on a property that is zoned R4 Residential. It is identified as tax map parcel 61-153A1 and the property address is 1010 Rio Road East. This property is located on the south/west side of Rio Road East directly across from the intersection of Belvedere Boulevard and Rio Road. The property measures 4.231 acres. Right now, the property is occupied by City Church. The existing structure has a footprint of approximately 6,300 square feet. It is a two-story building and the overall internal square footage is approximately 10,400 square feet. It has two existing driveway entrances onto Rio Road East. An accessory classroom structure is located at the rear of the existing parking lot. The property is zoned R4 residential. It bordered on its west side by Norfolk Southern Railroad; to the south by the Charlottesville-Albemarle Technology Education Center (CATEC) which property is zoned R4; across Rio Road from City Church is the Belvedere Subdivision, which is also zoned R4; and then to the northwest is the Covenant Church of God property, which is zoned CO Commercial Office. The map shows the overlay districts on this property. It also has managed steep slopes.

The next map shows the land use classification from the Places29 plan. This property is located in Neighborhood 2 of Places 29 and it calls for Urban Density Residential land use classification. That means residential units between 6.01 units and 34 units per acre, but supporting uses such as religious institutions are also uses that we would see in Urban Density Residential areas. So religious assembly use does fall within the religious institution, of course.

In regards to details for this proposal this is actually an amendment to an existing special use permit, SP-2004-045, which allows the current City Church to occupy this property. They are proposing demolition of the existing building and portions of the parking lot, reconfigure the parking lot, and then construct a new building. The new building will have a footprint of 21,450 square feet and it will be a two-story structure so the overall total square footage could be up to 43,000 just depending on how they configure it internally. The new parking lot will be about 200 parking spaces; the existing parking lot has 71 parking spaces, which sounds like a lot of new parking added. However, they are proposing to do about 68 spaces underneath the building that will not be visible from Rio Road. In terms of utilities, they will be connecting to ACSA water and sewer. One interesting detail of this proposal is the applicant is proposing to have a potential interconnection between the CATEC property and their parking lot.

Next is part of the application plan submitted by the applicant that shows the existing conditions. Again, two entrances serve City Church right now and the building is in the center of the parcel. As you can see, the parking is located north and south of that building. The proposed layout of the site once it is redeveloped is shown on the next slide. They are going to maintain the two entrances onto Rio Road, which has been reviewed by VDOT. The applicant actually did a turn-lane warrant analysis and they submitted an access management exception request because these two entrances do not meet the minimum distance that VDOT calls for commercial driveways along Rio Road. It is about 80 feet short of the minimum separation that they want to see. However, the applicant has agreed to make the southern entrance a right-out only entrance and that addresses all of VDOT's concerns for safety of vehicular travel into and out of the site.

The parking will be a little more substantial with additional internal travelways in the center of the site. They have called out the potential for the interconnection with the CATEC site and basically, the pavement of the new parking lot will abut that property line so if CATEC ever gets redeveloped an actual interconnection will be encouraged be made at that site.

Staff recommends approval of this special use permit. There is currently a religious assembly use on the property; this is a total site redevelopment and most of the details of this proposal meet what we want to see for the Neighborhood Model principles in our development areas. The only concern that staff really had is the applicant has not hired an architect yet to do building plans so we do not know what the exterior of the structure would look like. In terms of buildings and spaces of human scale, which is one of the Neighborhood Model principles, we were just not able to make totally a favorable determination that this proposal would meet that. However, the applicant has agreed to a condition that we feel will ensure that the new building has some architectural details and features which meet that principle. We've vetted that condition, which is bolded here as condition #2 with the County Attorney and we think that will enable us to get the building to look like what we want to see when it comes time for the site plan and building plans.

There is one change that needs to happen to one of the conditions, which is condition #5, as shown. This property with this new proposal staff have been reviewing under the residential non-infill setbacks, not commercial setbacks, and that was a mistake in the staff report saying that this should meet the commercial setbacks. Therefore, that is just a clarification that staff wants to see. It does not cause any changes to have to happen to the application plan that you have been reviewing and seen in the staff report.

Mr. Langille said that being said he has the recommended motions on the screen and if the Commission has any questions for staff, he would be glad to answer those at this time.

Mr. Keller invited questions for staff.

Mr. Dotson asked if this site is not in the Entrance Corridor; and Mr. Langille replied that was correct; this is actually outside the Entrance Corridor.

Mr. Dotson said the Comprehensive Plan calls for this to be considered part of the Entrance Corridor and last week the Commission adopted a resolution of intent to move forward with that. He asked if that was correct.

Ms. Echols replied that she did not know if the Comprehensive Plan calls for it to be in the Entrance Corridor; there may have been a consideration and so what you had talked about last week could apply to this but it is not there yet.

Mr. Dotson said consideration is the word that is in the Comprehensive Plan.

Mr. Keller opened the public hearing and invited the applicant to address the Commission.

Chris Becker, the Operations Pastor at City Church, said he was glad to be here and present this process and was willing to answer any questions.

Mr. Keller invited questions for the applicant.

Ms. Spain said it seems like there is a lot of work to be done within the three-year window that would apply with this permit that we would be allowing the permit to go forward. She said the description

given on how the money will be raised is it would all be from the congregation and asked if they are anywhere near your goal.

Mr. Becker replied that they have not started that process just yet, but wanted to make sure before we presented it to the congregation that we had approval. He said if we do not have approval for the project, there is no need to raise money.

Ms. Spain asked if they would be able to raise the money, raise the current building, hire an architect and get the other building up within that three-year window.

Mr. Becker replied that he thinks it could be a challenge for sure but he thinks they can as well.

Ms. Spain thanked Mr. Becker.

There being no further questions, Mr. Keller invited public comment.

Neil Williamson, with the Free Enterprise Forum, said the Free Enterprise Forum does not take a position on projects and we have no position on this project. However, we have seen a couple of times the addition of architectural elements in conditions for a special use permit. In this case, yes it is envisioned that this part of Rio Road be considered to be part of the Entrance Corridor. There is a process for that and the first step in the process has been taken by the Commission recommending a resolution of intent to make that Entrance Corridor. However, that is not the case today. He said this application or any other application that comes before you should not have architectural elements demanded of it under the guidance of Neighborhood Model principles since it is a special use permit and what should be considered under that special use permit is rather restrictive to make it fit. Mr. Williamson said he thinks a lot of this project is great and is concerned about this body, not the ARB, weighing in on architectural elements. Thank you for your time.

There being no further public comment, Mr. Keller asked if the applicant had anything to add. Hearing none, he invited questions for the applicant. Hearing none, Mr. Keller closed the public hearing to bring the matter back to the Commission for discussion and action.

Ms. Firehock said she was not clear why you made that change to the staff conditions regarding residential setback requirements.

Mr. Langille replied typically when we have a religious assembly use that is in a zoning district that is required to be a special use permit we apply certain standardized conditions. One of those is being that church is not a residential use and if a religious assembly use is adjacent to an existing neighborhood or if it is in the rural areas we try to apply those commercial setbacks just to provide some more separation between the uses. In this case, when the applicant came in for the pre-application meeting about a year ago they had their concept plan with the setbacks you see on it right now. Mr. Langille said based on this property's location to the jurisdictional boundary between the city and county, as well as the adjacent uses on the same side of Rio Road, Planning and Zoning Divisions felt that the application of non-infill R4 setbacks would be better suited for this site.

Ms. Firehock asked if it is just the conditions in which that site is setting, and Mr. Langille replied yes.

Ms. Spain asked if the applicant could not fulfill the building of the new church within three years what is the next step for them. She asked could they apply for an extension of that deadline.

Mr. Langille replied yes.

Ms. Echols pointed out alternatively the Commission could recommend a longer time period be given and that has happened a lot in the past. She said if the Commission wanted to extend it up to five years you could recommend that.

Ms. Spain said that makes sense and did not think it would affect the church's ability to raise funds to have that extended deadline; it would just give you a safety cushion and prevent having to come back again.

Mr. Keller asked Elaine if there was an actual fee savings as well.

Mr. Blair replied that they would have to come in and actually amend the special use permit again, and yes there would be a fee savings.

Mr. Keller invited further discussion.

Mr. Dotson said thinking back to last week we were talking about a use on Avon Street and we discussed some language about preferred fenestration or other architectural approaches. He said the language here in condition 2 says the following types of elements - fenestration, architectural detailing and so forth. Last week we said fenestration was the preferred approach and he wondered if we want to put fenestration (preferred) here consistent with what we did on that other project last week.

Ms. Spain said that sounds good and suggested adding the trellis with the vegetation as an option.

Ms. Riley agreed with that recommendation to be consistent.

Mr. Dotson said he would be prepared to make a motion if the Commission is so disposed.

Mr. Keller agreed.

Mr. Dotson moved to recommend approval of SP-2017-00010 City Church with the conditions outlined in the staff report and as revised as follows:

- Condition #5,
- Condition #7 would be for five years rather than for three.
- Condition #2 would indicate fenestration (preferred) and then among the options trellises with vegetation.

Ms. Spain second the motion.

Mr. Keller invited discussion. Hearing none, he asked for a roll call.

The motion passed by a vote of 7:0.

Mr. Keller noted that the recommendation for approval would be forwarded to the Board of Supervisors to be heard on a date to be determined. He thanked staff for the helpful and focused presentation since it was very helpful.