



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201600009 Faith Christian Center International SP201600013 Faith Christian Center International – Daycare Amendment	Staff: Scott Clark, Senior Planner
Planning Commission Public Hearing: August 23, 2016	Board of Supervisors Hearing: TBA
Owner(s): Faith Christian Center International Inc	Applicant(s): Faith Christian Center International Inc
Acreage: 9.48 acres	Special Use Permit for: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. Day care facility, as permitted under Section 10.2.2.7 of the Zoning Ordinance.
TMP: Tax Map 78 Parcel 47A Location: 2184 Richmond Road	By-right use: Agricultural, forestal, and fishery uses; residential density (0.5 unit/acre in development lots)
Magisterial District: Scottsville School District: Stone-Robinson Elementary - Burley Middle – Monticello High School	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: none	DA - RA - X
Proposal: Amend existing special use permits to change planting standards in stream buffer	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 permitted church and parking are currently under construction on the site.	Use of Surrounding Properties: The properties on the north side of US 250 and near I-64 include a mix of residential and commercial uses. Across US 250 to the south is the Shadwell property, which is under a historic-preservation easement held by the Virginia Department of Historic Resources.
Factors Favorable: 1. The proposed change meets the Department of Conservation and Recreation’s standards for riparian buffer planting areas. 2. The proposed change will still result in an improved riparian buffer.	Factors Unfavorable: None.
Recommendation: Staff recommends approval of the special use permit amendments with conditions.	

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

Scott Clark, Senior Planner
August 23, 2016
TBD
SP201600009 Faith Christian Center Int'l
SP201600013 Faith Christian Center Int'l
- Daycare Amendment

PETITION:

MAGISTERIAL DISTRICT: Scottsville

TAX MAP/PARCEL: 078000000047A0

LOCATION: 2184 Richmond Rd

PROPOSAL: Amend existing special use permits to change planting standards in stream buffer

PETITION: Church, as permitted under Section 10.2.2.35 of the Zoning Ordinance. Day care facility, as permitted under Section 10.2.2.7 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)

REQUEST: This request is to change the conditions of approval for stream-buffer plantings for two special use permits. Faith Christian Center International is a church and daycare facility currently under construction in the Rural Areas near the Shadwell interchange.

CHARACTER OF THE AREA:

The properties on the north side of US 250 and near I-64 include a mix of residential and commercial uses. Across US 250 to the south is the Shadwell property, which is under a historic-preservation easement held by the Virginia Department of Historic Resources. See Attachment A for a location map. Attachment B is a map of the site.

PLANNING AND ZONING HISTORY:

- ZMA 338: This 1975 request to rezone the property from B-1 Commercial to A-1 Agricultural, in order to bring the existing mobile home park into conformity, was withdrawn. The property was subsequently rezoned to RA (Rural Areas) in the County's 1980 comprehensive rezoning.
- SP200700028 Faith Christian Center International (Church): In September, 2010, the Board of Supervisors approved this request for a 399-seat church on this site. The approval included several conditions, including a requirement for replanting a previously disturbed stream buffer.
- SP200700029 Faith Christian Center International (Day Care): In September, 2010, the Board of Supervisors approved this request for a 50-child day care in the same building as the church approved under SP200700028. The approval included several conditions, including the same buffer-planting requirement as for SP200700028.
- SP201200023 Faith Christian Center International: In March, 2013, the Board of Supervisors approved this amendment to SP200700029, increasing the permitted enrollment at the approved day care from 50 to 120.

DETAILS OF THE PROPOSAL:

The proposal is to change the required stream-buffer planting standard for both special use permits from Restoration/Establishment Table A in the Virginia Department of Conservation & Recreation's *Riparian Buffers Modification & Mitigation Guidance Manual* to Restoration/Establishment Table B, option B. Table A is shown in Attachment C. Table B is shown in Attachment D. This means that the portion of the buffer 50 to 100 feet from the stream would be planted with bare-root seedlings, whips, or seedling tubes, rather than larger trees and shrubs. The area of the property within 50 feet of the stream would still be planted with the same trees and shrubs as previously required. See Attachment E for an illustration of the resulting planting plan. (Note that, as the stream being buffered is on the adjacent property, relatively little of the proposed replanting area is within 50 feet of the stream.)

The stream buffer area to be planted was significantly disturbed under the previous use of this property, which included approximately twenty mobile homes. During that time, the stream buffer was largely cleared and mobile homes occupied portions of the buffer.

The Table A standard that was applied to these special use permits by condition in 2010 is intended for sites of one-quarter acre or less. The proposed Table B standard is intended for areas of more than one-quarter acre. The replanting area on this site is approximately 1.13 acres.

The applicant has stated that Table B is more appropriate for the size of the replanting area, and that using Table B will result in significant reductions in planting costs for the site while still resulting in an improved buffer.

COMMUNITY MEETING:

As no new or intensified use was proposed, the community-meeting requirement was waived in this case, with the agreement of Mr. Randolph, the Supervisor for this district.

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.

The change of planting standard will not cause any detriment to adjacent lots. The end result will still be a replanted buffer. No other aspects of the proposed church and day-care uses are changing with this proposal.

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

The planting-standard change will still result in an improved buffer. The character of the district will not be changed.

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

One of the purposes of the Zoning Ordinance is to “provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.” Wooded riparian buffers are important to the natural environment, as they help to protect surface-water quality. The proposed change would still lead to an improved riparian buffer on this site.

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

By-right uses in the RA zoning district include agriculture, forestry, and residential development. The proposed change would not conflict with any of those uses.

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

There are no supplemental regulations in section 5 applicable to the church use. The regulations in 5.1.06 for day care centers relate to licensure, inspection, and regulation of the day care facilities and have no relation to the requested change to stream-buffer planting requirements.

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

With the proposed change, water quality in Shadwell Creek will still be protected by an appropriately-planted riparian buffer.

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

Protecting water quality and forest cover is consistent with the Comprehensive Plan’s goals for resource protection.

SUMMARY:

Staff has identified the following factors favorable to this proposal:

1. The proposed change meets the Department of Conservation and Recreation’s standards for riparian buffer planting areas.
2. The proposed change will still result in an improved riparian buffer.

Staff has identified no factors unfavorable to this proposal:

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of SP201600009 Faith Christian Center International and SP201600013 Faith Christian Center International – Daycare Amendment with the following conditions.

Note that the following changes are recommended to the conditions of approval.

- In condition 4 for each permit, the words “shall be required” are being deleted to fix a grammatical error.
- In condition 6 for each permit, the change in planting standard is made; and
- Condition 7 of the special use permit for the church, which set the time limit for work to begin on proposed uses, is being deleted. Work has already begun on the site and this condition is no longer needed. The matching condition on the day-care special use permit was already deleted as part of the approval of SP201200013.

SP-2016-00009 FAITH CHRISTIAN CHURCH

1. Development of the use shall be in accord with the conceptual plan titled “Faith Christian Center International Special Use Permit – Concept Plan” prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - building orientation
 - building mass, shape, and height;
 - location of buildings and structures
 - turn lane design;
 - location of parking areas;
 - relation of buildings and parking to the street.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 three hundred ninety nine (399)-seat sanctuary;
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structure (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties;
4. 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 not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval ~~shall be required~~ prior to approval of the final site plan;

5. Health Department approval of well and/or septic systems shall be required prior to approval of the final site plan;
6. The area labeled “Re-planting Area” on the Conceptual Plan shall be replanted according to “Restoration/Establishment Table ~~A B~~, option B,” in Appendix D of the “Riparian Buffers Modification & Mitigation Manual,” published by the Virginia Department of Conservation & Recreation’s Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled “Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau,” published by the Virginia Department of Conservation and Recreation; and
7. ~~If the use, structure, or activity for which this special use permit is issued is not commenced by September 1, 2014, the permit shall be deemed abandoned and the authority granted thereunder shall thereupon terminate.~~

SP-2016-00013 FAITH CHRISTIAN CHURCH/DAY CARE

1. Development of the use shall be in accord with the conceptual plan titled “Faith Christian Center International Special Use Permit – Concept Plan” prepared by Brian P. Smith Civil Engineering, Inc., and dated May 13, 2010 (hereafter “Conceptual Plan”), as determined by the Director of Planning and the Zoning Administrator. To be in accord with the Conceptual Plan, development shall reflect the following major elements within the development essential to the design of the development:
 - building orientation
 - building mass, shape, and height;
 - location of buildings and structures
 - turn lane design;
 - location of parking areas;
 - relation of buildings and parking to the street.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 maximum number of children shall not exceed one hundred twenty (120) or the number of students as approved by the Health Department or the Department of Social Services, whichever is less;
3. Side and rear setbacks shall meet commercial setback standards, as set forth in Section 21.7 of the Albemarle Zoning Ordinance, of fifty (50) feet for structure (excluding signs) and twenty (20) feet for parking lots and loading spaces adjacent to residential uses or residentially zoned properties;
4. 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 not greater than 0.3 foot candles shall be submitted to the Zoning Administrator or their designee for approval ~~shall be required~~ prior to approval of the final site plan;
5. Health Department approval of well and/or septic systems shall be required prior to approval of the final site plan;
6. The area labeled “Re-planting Area” on the Conceptual Plan shall be replanted according to “Restoration/Establishment Table ~~A B~~, option B,” in Appendix D of the “Riparian Buffers Modification & Mitigation Manual,” published by the Virginia Department of Conservation & Recreation’s Chesapeake Bay Local Assistance program. This area shall be replanted with species listed in the brochure titled “Native Plants for Conservation, Restoration, and Landscaping: Piedmont Plateau,” published by the Virginia Department of Conservation and Recreation; and
7. The hours of operation for the day care shall not begin earlier than 7:00 A.M. and shall end not later than 6:00 P.M., each day, Monday through Friday, provided that occasional day care-related events may occur after 6:00 P.M.; and

Motions:

SP201600009 Faith Christian Center International

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

I move to recommend approval of SP201600009 Faith Christian Center International 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 SP201600009 Faith Christian Center International. (Planning Commission needs to give a reason for denial)

SP201600013 Faith Christian Center International – Daycare Amendment

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

I move to recommend approval of SP201600013 Faith Christian Center International – Daycare Amendment 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 SP201600013 Faith Christian Center International – Daycare Amendment. (Planning Commission needs to give a reason for denial)

ATTACHMENTS

Attachment A – [Area Map](#)

Attachment B – [Site Map](#)

Attachment C – [Restoration/Establishment Table A](#)

Attachment D – [Restoration/Establishment Table B](#)

Attachment E – [Illustration of Proposed Buffer Planting](#)