



**COUNTY OF ALBEMARLE  
PLANNING STAFF REPORT SUMMARY**

<b>Project Name:</b> SP202200012 City Church Amendment	<b>Staff:</b> Rebecca Ragsdale, Planning Manager
<b>Planning Commission Public Hearing:</b> March 14, 2023	<b>Board of Supervisors Public Hearing:</b> To be scheduled
<b>Owner:</b> City Church Cville, Inc.	<b>Applicant:</b> Craig Kotarski, PE-Timmons Group
<b>TMP:</b> Tax Map Parcel 06100-00-00-153A1 <b>Acreage:</b> 4.231 acres <b>Location:</b> 1010 and 1012 Rio Road E, across from Belvedere Blvd.	<b>Special use permit:</b> Religious assembly use under Zoning Ordinance Section 15.2.2(12)
<b>School Districts:</b> Albemarle High, Burley Middle, Agnor-Hurt Elementary	<b>By-right use:</b> R-4 Residential; Proffers associated with ZMA1999-018 limit the property to church use
<b>Magisterial Districts:</b> Rio	<b>Conditions:</b> Yes
<b>Proposal:</b> Request to add a 10,6000 square foot multi-use building, behind the existing building, and expand existing parking areas.	<b>Requested # of Dwelling Units:</b> N/A
<b>DA (Development Area)</b> – In Neighborhood 2 in the Places29 Master Plan area.	<b>Comp. Plan Designation:</b> Urban Density Residential – residential (6.01 – 34 units/ acre), supporting uses such as religious institutions, schools, commercial, office and service uses.
<b>Character of Property:</b> The property contains an existing church, two parking areas, and a Tier II wireless facility.	<b>Use of Surrounding Properties:</b> Adjacent properties consist primarily of single-family residential uses to the northeast and north such as the Dunlora Subdivision. To the northwest and south of the property are institutional uses such as the Charlottesville Albemarle Technical Education Center (CATEC) and other churches.
<b>Positive Aspects:</b>  1. The proposed use is consistent with the Places29 Master Plan. 2. 2. The proposed use is similar to the existing use and does not create additional impacts.	<b>Concerns:</b>  1. None identified.
<b>RECOMMENDATION:</b> Staff recommends approval of SP202200012 City Church with conditions.	

**STAFF PERSON:**  
**PLANNING COMMISSION:**  
**BOARD OF SUPERVISORS:**

**Rebecca Ragsdale**  
**March 14, 2023**  
**To be scheduled**

**SP202200012 City Church Amendment**

**PETITION**

PROJECT: SP202200012 City Church Multi-use Space Addition  
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, SP201700010, to allow a 10, 600 square foot multi-use building, with additional office space, towards the rear of the parcel, along with a parking lot expansion of 43 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.

**CHARACTER OF THE AREA**

The 4.231 acre pie-shaped property is on the west side of Rio Road, across from the intersection of Belvedere Boulevard and Rio Road. The property is developed with an existing church building, parking areas, and Tier II personal wireless service facility to the rear. There is a wooded buffer of more than 100+ feet along most of the western property line, adjacent to the railroad tracks and Greenbrier neighborhood beyond the railroad tracks.

Adjacent properties consist primarily of single-family residential uses to the northeast and north such as the Dunlora Subdivision. To the northwest and south of the property are institutional uses such as the Charlottesville Albemarle Technical Education Center (CATEC) and other churches. The subject property is screened from the single-family uses to the northwest by a railroad and forested land (Attachments 1- Location Map).

The subject parcel is zoned R-4 Residential as are most all adjacent parcels to the south and northeast. Across Rio Rd, is 999 Rio, a property zoned NMD Neighborhood Model district and planned for residential uses. To the west of the property is the Albemarle County/City of Charlottesville jurisdictional boundary. The Covenant Church property across Rio Road to the northwest is zoned CO – Commercial Office. A mixture of convenience and service-oriented businesses are located further to the northwest along Rio Road, past the Norfolk Southern Railroad tracks that run along the western border of the subject parcel (Attachment 2- Zoning Map)

**PLANNING AND ZONING HISTORY**

SDP-127 – Original site plan for the First Assembly of God Church was approved.  
SDP1988-024 – Minor site plan amendment to SDP-127 was approved to add 26 parking spaces to the site.  
ZMA1999-018 – Zoning Map Amendment was approved to rezone 1.496 acre TMP 61-153A from CO to R-4.  
SP1999-075 – Special Use Permit was approved to allow church uses and an accessory educational classroom in accordance with ZMA1999-018.  
SP2004-045 – Special Use Permit was approved to add fifty-six parking spaces the site.

SDP2015-033 – A PWSF site development plan was administratively approved on July 23, 2015 to construct a Tier II wireless monopole on the property

SP2017-010 – Special Use Permit was approved to remove the existing 10,400 sq. ft. church building and replace it with a new two-story church building along with reconfiguration of the existing parking lot and additional parking spaces. The special use permit conditions approved limited the area of assembly to 500 seats or 15,000 square feet. This approval also included a condition that the use must commence on or before May 9, 2023. No site plans were submitted following special use permit approval to allow construction of the new building and associated site changes.

### **SPECIFICS OF THE PROPOSAL**

The existing church operates on the site within an existing two-story structure. The area of assembly is up to 320 seats. The building footprint is approximately 6,300 square feet, and consists of a church sanctuary, meeting rooms, and office space for staff. The interior square footage of the building is approximately 10,400 square feet. The existing parking lots contain 71 parking spaces and is served by two paved driveways that enter onto Rio Road E.

The current special use permit request is to add a 10,600 square foot multi-use building, with additional office space, towards the rear of the existing church. The proposed building would provide additional space and allow expansion of existing church programs that are provide to their members and visitors. Existing parking areas would be expanded to add approximately 43 more parking spaces. (Attachment 3 and 4)

### **APPLICANT’S JUSTIFICATION FOR THE REQUEST**

The applicant has provided a narrative with justification for the request (Attachment 3).

### **COMMUNITY MEETING**

A community meeting was held via Zoom for this proposal on Thursday, August 25, 2022 at a regularly scheduled meeting of the Places29-Rio Community Advisory Committee (CAC). [LINK](#)  
Traffic questions and stormwater run-off concerns were part of the discussion.

### **ANALYSIS OF THE SPECIAL USE PERMIT REQUEST**

This special use permit, and all special use permits, are evaluated for compliance with the provisions of Chapter 18, Section 33.8 of the Code of Albemarle. Each provision of that section is addressed below. The provisions of the ordinance are in bold font and underlined.

#### **No substantial detriment. Whether the proposed special use will be a substantial detriment to adjacent parcels**

During the community meeting, neighbors in the Greenbrier neighborhood expressed concerns about stormwater runoff. The concerns were investigated by Engineering staff and concerns are attributed to a larger drainage area than just the church property. Stormwater management will be improved if the new building and parking are constructed with a new stormwater facility as proposed.

Typically, as a condition of approval, religious assembly special use permits require compliance with commercial setbacks and buffers to further address any potential impacts to abutting property

owners. The proposed concept plan demonstrates a 20' setback along the property line with the closest residential neighbors in the Greenbrier neighborhood. There are wooded areas to remain along the eastern property line as well. A condition of approval is recommended that requires the 20' buffer and wooded areas to remain as shown on the concept plan.

**Character of the nearby area is unchanged. Whether the character of the adjacent parcels and the nearby area will be changed by the proposed special use.**

The adjacent parcels are zoned R-4 Residential and NMD and contain various institutional uses such as public education facilities (CATEC). Also, there are adjacent residential neighborhoods in the City and nearby Dunlora. The existing church has operated on the site for more than 35 years. The new building and parking area expansions are not expected to change the character of church operations or the district.

The parcel is located along an Entrance Corridor and any new buildings and parking are subject to the Architectural Review Board guidelines which address compatibility with the area, along with landscaping requirements.

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

The intent of the R-4 Residential District is to permit compact, medium-density single-family residential uses. Institutional destinations such as community centers, private educational facilities, and religious assembly uses are permitted by Special Use Permits in the R-4 district. The expansion of the existing religious assembly use does not conflict with the existing moderate density residential neighborhoods and educational facilities near the subject property.

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

Single-family residential uses with densities up to four (4) dwelling units per acre are permitted by-right in the R-4 District. Areas of religious assembly are typically found in residential zoning districts if impacts are minimal to the area. The proposed use at this location appears to be compatible with uses permitted by right.

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

There are no applicable regulations in Section 5 related

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

Trip generation figures are provided on the cover sheet of the concept plan. Traffic impacts will not occur at peak commute hours during the work week. The applicant has previously obtained approval of an Access Management Exception Request (AM-E) to maintain two separate driveways on the subject property. The AM-E approval requires the applicant to make the southern driveway an exit only onto Rio Road. The applicant has reviewed potential changes to City Church's access from Rio Road if Belvedere Boulevard/Rio Road intersection improvements are funded as recommended in the Rio Corridor study:

- Both points of ingress/egress for City Church would become right-in/right-out only with northbound ingress traffic being required to make a U-turn at Greenbrier Terrace and northbound egress traffic being required to utilize the roundabout which is already funded at the John Warner Parkway/Rio Road intersection.
- A possible future connection between City Church and the CATEC parking lot, which has been proposed as an alternative means of access for northbound traffic on Rio.

Reviewers from Zoning, Engineering, Fire-Rescue, and VDOT have all reviewed the request and have no objections to the proposed use and site layout. This use is not expected to cause harm to the public health, safety and general welfare. The concept plan demonstrates that proposed parking improvements do not preclude future implementation of the Belvedere Boulevard/Rio Road intersection improvements.

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

In the Places29 Master Plan, this site is designated as Urban Density Residential, which allows for residential uses with densities between 6.01 – 34 units/ acre. Secondary supporting uses such as religious institutions, schools, commercial, office and service uses are also encouraged if they are easily accessible and located close to residential uses. The proposed religious assembly use is in conformity with the supporting religious institutions uses recommended by the Master Plan within Urban Density Residential areas.

Special Use permit requests in the Development Areas are evaluated for conformity to the Neighborhood Model principles. Not all principles are applicable in every request. Pertinent principles are addressed below:

<b>NMD Principle</b>	<b>Staff Comment</b>
Pedestrian Orientation	<p>There are existing sidewalks along the frontage of the property that will remain in place with the proposed parking expansion.</p> <p>At site plan, an extension of the sidewalk on the northside of the entrances and pedestrian access improvements will be required and will improve pedestrian orientation.</p>
Relegated Parking	<p>Existing parking is located to the north and south beside the existing building, with both proposed for expansion. The northern parking lot would get closer to Rio Road.</p> <p>Landscape screening will be required for parking lot perimeters to provide an appropriate buffer from the EC. Since this property is located within the Entrance Corridor Overlay District, it will be reviewed by the Architectural Review Board at the site plan stage.</p>
Building and Spaces of Human Scale	<p>The new multi-use building is proposed towards the rear of the site and at a lower elevation than Rio Rd. Maximum structure height in the R4 district is 35' and staff has no concerns with this principle.</p>
Respecting Terrain and Careful Grading and Re-grading of Terrain	<p>There are Managed Steep Slopes located towards the rear of the site where the proposed multi-use building will be located, along with a stormwater facility. Managed Slopes may be disturbed provided the design standards in the ordinance are met. Final design and grading will be confirmed during site plan review. Design guidelines limit retaining wall heights to 6', address cut and fills, and reverse slopes and benches.</p>

	Stormwater management will be fully evaluated with WPO and VSMP plans. Side slopes as shown on the concept plan may need adjustments to comply with applicable standards.
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**SUMMARY**

Staff has identified the following positive aspects of this request:

- 1. The proposed use is consistent with the Places29 Master Plan.
- 2. The proposed use is similar to the existing use and does not create additional impacts.

Staff has no concerns with this request.

**RECOMMENDATION**

Staff recommends approval of the request with the following draft conditions:

- 1. Development and use shall be in general accord with the revised conceptual plan entitled, “City Church Multi-Use Space Addition,” prepared by Timmons Group and last updated October 12, 2022 (hereafter “Conceptual Plan”) as determined by the Director of Planning and the Zoning Administrator. To be in general 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:
  - a. Location of proposed building;
  - b. Location of parking;
  - c. 20’ buffer along the eastern property line
  - d. Wooded areas to remain

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

- 2. The area of assembly shall be limited to a maximum 320-seat sanctuary.
- 3. Upon demand of the County, the owner(s) must dedicate sufficient right-of-way adjacent to Rio Road for improvements identified in the Rio Corridor Road Plan, dated June 30, 2022.
- 4. The use shall commence on or before July 1, 2028 or the permit shall expire and be of no effect.

**MOTIONS:**

- A. Should the Planning Commission choose to recommend **approval** of this special use permit: I move to recommend approval of SP-2022-00012 City 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 SP-2022-00012 City Church (state reasons for denial)

**ATTACHMENTS:**

- Attach 1 [SP2022-12 City Church Amendment Location Map](#)
  - Attach 2 [SP2022-12 City Church Amendment Zoning Map](#)
  - Attach 3 [SP2022-12 City Church Amendment Project Narrative](#)
  - Attach 4 [SP2022-12 City Church Amendment Proposed Concept Plan](#)
- 1.