



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201500007 All Saints Chapel	Staff: Christopher P. Perez, Senior Planner
Planning Commission Public Hearing: August 4, 2015	Board of Supervisors Hearing: To be determined.
Owner(s): Trustees of St. Johns Mission Church and Dovedale LLC	Applicant(s): A.C. Shackelford
Acreage: 2 acres	Special Use Permit for: Church uses in the VR zoning district require a Special Use Permit per Section 12.2.2(15).
TMP: 048000000001600 & a small portion of 0480000000019E0 Location: 3929 Stony Point Road	Existing Zoning and By-right Use: VR Village Residential - 0.7 unit/acre. & Entrance Corridor (EC).
Magisterial District: Rivanna	Proffers/Conditions: Yes
Proposal: Expansion of an existing Church to construct a 795 SF building addition (social hall), associated parking, and entrance upgrades.	Comprehensive Plan Designation: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)
Character of Property: Relatively flat site with church building and mature trees.	Use of Surrounding Properties: Residences, public school, fire station, forests, and open space
Factors Favorable: 1. An existing, nonconforming use would be brought into conformity with the Zoning Ordinance 2. No significant impacts would be created by the proposed addition 3. The Architectural Review Board has reviewed the request and recommends approval with conditions.	Factors Unfavorable: 1. None.
Recommendation: Staff recommends approval of the Special Use Permit with conditions.	

STAFF CONTACT:

Christopher P. Perez, Senior Planner

PLANNING COMMISSION:

August 4, 2015

BOARD OF SUPERVISORS:

TBD

PETITION:

PROJECT: SP201500007 All Saints Chapel – Special Use Permit

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 048000000001600 & a small portion of 0480000000019E0

LOCATION: 3929 Stony Point Road

PROPOSAL: Expansion of an existing Church to construct a 795 SF building addition (social hall), associated parking, and entrance upgrades.

ZONING: VR Village Residential - 0.7 unit/acre.

ENTRANCE CORRIDOR: Yes

SCENIC BYWAYS: Yes

SOUTHWEST MOUNTAINS RURAL HISTORIC DISTRICT: Yes

PROFFERS: No

COMPREHENSIVE PLAN: Rural Areas 2 – preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/ density (0.5 unit/ acre in development lots)

PETITION: Church uses in the VR zoning district require a Special Use Permit per Section 12.2.2(15).

CHARACTER OF THE AREA:

The site fronts Route 20, in a rural area of the County characterized by a mix of large- and small-lot residential subdivisions and moderately-sized farm and forest parcels.

PLANNING AND ZONING HISTORY:

No previous applications have been submitted for this property.

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. (*italics added*)

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).

DETAILS OF THE PROPOSAL:

The existing historic church building is 600 SF in size and is a contributing resource in the Southwest Mountains Rural Historic District. The proposal is to add a 795 SF addition which will contain a social hall, a toilet, a vesting room, and a closet. Additionally the site is being upgraded with a commercial entrance and six (6) onsite parking spaces.

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 bring an existing church into conformity with the Zoning Ordinance and would permit only a minor expansion that would not significantly increase the level of use on the site. No substantial detriment to adjacent property is expected.

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

As the character and scale of use on the site will not significantly change, the character of the zoning district will not change.

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

The proposed special use will be in harmony with the regulations provided in section 5 as applicable.

There are no additional regulations in section 5 for churches.

The proposed special use will be in harmony with the public health, safety and general welfare.

Currently access and parking to the church consists of a gravel pull off in the Route 20 right-of-way. Virginia Department of Transportation (VDOT) has determined that the pull off does not meet current design standards for a commercial entrance and that there are potential safety issues and concerns if the entrance is not upgraded. To bring the site into conformity with VDOT regulations they have required a defined entrance to the site and parking interior to the site due to the proposed addition.

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

The Comprehensive Plan shows this area as Rural Area 2. This designation includes preservation and protection of agricultural, forestal, and open space, and natural, historic and scenic resources. The subject parcel is located along an Entrance Corridor (EC) and the property is a contributing resource in the Southwest Mountains National Register Rural Historic District. The chapel, the fences that extend out from the front of the chapel (meant to symbolize the "outstretched arms of the church"), and the wooded area framing the church and fence-line all contribute to the historic significance and visual character of

this site along the EC. The ARB has recommended conditions of approval to help maintain this character. These conditions would ensure that the materials and colors of the addition are compatible with those of the historic chapel, that the fence and its end posts are maintained without substantial change, and that the stone pier at the gate is relocated. Additional conditions would help retain more existing trees on site (by switching the locations of the primary and secondary drainfields) and would compensate for trees that do die as a result of drainfield installation by requiring replacement trees. Together, these conditions would help ensure preservation of the historic resource and the general character of the area. Attachment C is the ARB's action letter that outlines the recommended conditions.

SUMMARY:

Staff has identified factors which are favorable and unfavorable to this proposal:

Factors favorable to this request include:

1. An existing, nonconforming use would be brought into conformity with the Zoning Ordinance
2. No significant impacts would be created by the proposed addition
3. The Architectural Review Board has reviewed the request and recommends approval with conditions.

Factors unfavorable to this request include:

1. None.

RECOMMENDED ACTION FOR THE SPECIAL USE PERMIT:

Based on the findings contained in this staff report, staff recommends approval of SP2015-00007 All Saints Chapel based upon the analysis provided herein, with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "All Saints Chapel SP201500007" prepared by Joseph Associates LLC and dated June 1, 2015 (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 mass, shape, and height*
- *location of buildings and structures*
- *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. Side and rear setbacks shall be commercial setback standards, as set forth in Section 21.7(b) of the Albemarle County Zoning Ordinance, and shall be maintained adjacent to residential uses or residentially zoned properties. Front yard setbacks associated with parking shall be commercial setback standards, as set forth in Section 21.7(a) of the Albemarle County Zoning Ordinance.

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 VDOT approval of a commercial entrance prior to approval of the final site plan.
5. The applicant shall obtain Virginia Department of Health approval of well and/or septic system prior to approval of the final site plan.
6. If it is determined that site conditions allow, switch the locations of the primary and secondary drainfields.
7. If trees are removed or die as a result of drainfield installation, the trees shall be replaced with 2" caliper trees. The location of replacement trees shall be shown on a revised landscape plan to be approved by the Director of Planning or his designee.
8. Materials and colors of the addition shall be compatible with the materials and colors of the historic chapel.
9. Except for repair and maintenance of the fence where there is no substantial change in design, and except for renovation of the fence to accommodate a new gate to provide access from the parking area to the existing front entrance of the chapel where the gate design is compatible in form and materials with the existing fence design, the fence and its stone end piers shall be retained without change.
10. If after meeting VDOT and County Engineering requirements, clearances between the edge of the entrance drive and the property line allow, relocate the stone pier on the east side of the entrance drive prior to issuance of Certificate of Occupancy (CO).
11. Prior to final site plan approval, the entrance to the site shall either be located entirely on the Church Property (TMP 04800-00-00-01600) by adjusting the property line between TMP 04800-00-00-01600 and TMP 04800-00-00-019E0, or the applicant shall obtain an easement from the owner of TMP 04800-00-00-019E0 to allow the portion of the entrance to be located on that parcel.

Motions for the Special Use Permit:

- A. Should the Planning Commission **choose to recommend approval** of this Special Use Permit:

I move to recommend approval of SP20150007 All Saints Chapel 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 SP20150007 All Saints Chapel for the following reasons:

ATTACHMENTS

Attachment A – [Location Map](#)

Attachment B – [Concept Plan/Initial site plan](#)

Attachment C – [ARB Action Letter](#)