



ALBEMARLE COUNTY PLANNING
STAFF REPORT SUMMARY

Project Name: SP201400016 Canaan Christian Church, Rivanna District	Staff: Megan Yaniglos, Principal Planner
Planning Commission Public Hearing: September 1, 2015	Board of Supervisors Hearing: TBD
Owner(s): Canaan Christian Center	Applicant(s): Josue and Rosa Hernandez; Robert Williams
Acreage: 6.90 acres	Rezone from: Not applicable Special Use Permit for: Church, as permitted under section 10.2.2.35 of the Zoning Ordinance
TMP: Tax Map 80 Parcel 21 Location: 860 Hacktown Road (Attachment A)	By-right use: RA- Rural Areas
Magisterial District: Rivanna	Proffers/Conditions: Yes
Requested # of Dwelling Units/Lots: not applicable	DA - RA - X
Proposal: Request for a special use permit for a 150 seat church in the Rural Areas. Church had a previously approved special use permit that has expired (SP2002-056). (Attachment D)	Comp. Plan Designation: Rural Areas-preserve and protect agricultural, forestal, open space, and natural, historic and scenic resources/density (0.5 unit/acre in development lots) in Rural Area 3.
Character of Property: The property is undeveloped and has an open field area with wooded areas in the back of the property.	Use of Surrounding Properties: Single Family Residential
Factors Favorable: 1. No significant changes have occurred since the prior approval for the special use permit for a church in this location. 2. No significant impacts would be created by the proposed church. 3. The proposed church is consistent with the criteria set in the Comprehensive Plan.	Factors Unfavorable: None identified
Recommendation: Based on findings presented in the staff report, staff recommends approval with conditions.	

STAFF CONTACT:

Megan Yaniglos, Principal Planner

PLANNING COMMISSION:

September 1, 2015

BOARD OF SUPERVISORS:

TBD

PETITION:

PROJECT: SP201400016 Canaan Christian Church

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL: 08000-00-00-02100

LOCATION: 860 Hacktown Road

PROPOSAL: 150 seat church in the Rural Areas. Church had a previously approved special use permit that has expired (SP2002-056).

PETITION: Church, as permitted under section 10.2.2.35 of the Zoning Ordinance

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

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

CHARACTER OF THE AREA:

The property is vacant with open and wooded area. The adjacent properties are single family residential.

PLANNING AND ZONING HISTORY:

SP2002-056- Approved special use permit for the church with 150 seats that has since expired due to the church not commencing the use. (Attachment D)

DETAILS OF THE PROPOSAL:

The applicant is proposing a one story 110 foot by 50 foot church (5,500 square feet) with 150 seats and 50 gravel parking spaces on 6.90 acres (Attachment B). The church was previously approved by the Board in June 2003 by a vote of 6:0. The applicant did not commence the use within the five year timeline due to financial constraints, and therefore the special use permit expired. The applicant is now seeking re-approval of the church.

The location and size of the church has been modified slightly from the original approval. The entrance has been relocated further south on the property so that it does not impact an existing driveway while still maintaining site distance. Also, the parking has been modified so that it provides for better pedestrian and vehicular circulation and is no longer surrounding the building.

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.

In evaluating whether a use will be a detriment to adjacent properties, the intensity of the use and other impacts are evaluated. Comments and concerns of neighboring properties are also considered. One measure of intensity of the use in relation to nearby and adjoining properties is the traffic impacts of the proposal. A closely related measure of intensity is scale of the use in relation to the neighborhood the use is located.

A community meeting was held on January 20, 2015. One neighbor that lives down the street from the property attended the meeting and had concerns about the church use and the traffic (Attachment C).

Additionally, another neighbor who built and purchased a home after the community meeting took place has raised concerns (Attachment C). This neighbor's property is immediately adjacent to the back of the property and its driveway is located within an existing private right of way on the proposed church property along the north property line. Staff and the church met with this neighbor to hear concerns and provide opportunities to address the concerns. Since the meeting, the church revised the original plan so that they would no longer share an entrance with the neighbor, and provided screening along the length of the driveway. The church is proposing not to disturb the existing 100 foot wooded buffer, however staff is also recommending that the church provide additional evergreen screening along the existing tree line in the back of the property to address the concern of privacy (Condition 5).

VDOT has evaluated this request and has identified no concerns with the amount of traffic generated by the church onto Hacktown Road. Also, since the prior special use permit was approved for this use, Hacktown Road has been paved creating a better condition to accommodate the additional traffic.

VDOT has stated that the entrance to the church meets the site distance requirements, and would be considered a "low volume commercial entrance" that could be gravel. However, the applicant is proposing that the entrance be paved, which provides a higher standard than required.

Staff has found that the proposed use would have minimal negative impact on surrounding uses with the addition of the screening proposed and additional screening that staff is recommending as a condition.

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

Churches are permitted by special use permit in the Rural Areas to ensure that the impacts from the use would not have detrimental impact to the area and the district. The church is proposed to have a 150 seat assembly area. The size of the church and the anticipated hours for regular services and meetings are fairly typical for a Rural Area church should not adversely affect 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 with the purpose of "(l)imited service delivery to the rural areas." Staff has found that the proposed use to be in harmony with this section.

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

Churches are common in the Rural Areas zoning district, and have generally been considered in harmony with agricultural land uses and with residential uses. Therefore, the proposed church will be in conformance with those uses permitted by right in the Rural Areas.

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

There are no supplementary regulations in Section 5.0 for churches.

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

As stated above, VDOT has found that the entrance meets site distance requirements and is a higher

standard than what is required. No traffic issues have been identified with this use. Health Department approval will be required.

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

The Comprehensive Plan designates the property as Rural Area. It states the following as criteria for review for new uses within the Rural Areas (staff comment is provided below each criteria in italics).

Criteria for Review of New Uses

As new uses are proposed in the Rural Area, it is essential that they be able to meet the following standards. New uses should:

- relate directly to the Rural Area and need a Rural Area location in order to be successful, (e.g., a farm winery has to be located in the Rural Area and would be unlikely to succeed in the Development Areas);
Further in the Rural Areas section of the Comprehensive Plan it states: "Community centers and places of religious assembly are considered to be supportive of local rural residents." Therefore, staff finds that the proposed church use meets this criteria.
- be compatible with, and have a negligible impact, on natural, cultural, and historic resources;
The proposed church will not impact natural, cultural or historic resources. There is a stream buffer on the property, however the location of the church is such that there is no impact to the stream. Therefore, staff finds that the proposed church meets this criteria.
- not conflict with nearby agricultural and forestal uses;
The proposed church does not conflict with nearby agricultural and forestal uses. The properties along Hacktown Road are mainly single family residential. Therefore, staff finds that the proposed church meets this criteria.
- reflect a size and scale that complements the character of the area in which they will be located;
The proposed church is one story and 5,500 square feet with the minimum number of required parking spaces. The parking is also proposed to be gravel, which will have minimal impact and be consistent with neighboring property driveways. The size and scale of the church is consistent with the character of the area. Therefore, staff finds that the proposed church meets this criteria.
- be reversible so that the land can easily return to farming, forestry, conservation, or other preferred rural uses;
The proposed church could be converted into a structure that would allow a farming or by right use (e.g. farm winery tasting room). Additionally, the proposed gravel parking allows for easy removal. Therefore, staff finds that the proposed church meets this criteria.
- be suitable for existing rural roads and result in little discernible difference in traffic patterns;
As stated above, the traffic generated by the proposed church use would be less than if the property were developed into three by right single family residences, and VDOT did not identify any traffic concerns. Therefore, staff finds that the proposed church meets this criteria.
- generate little demand for fire and rescue and police service;

The proposed church would demand the same amount of service as a single family residence. Additionally, fire and rescue has not identified any concerns with the proposal. Therefore, staff finds that the proposed church meets this criteria.

- be able to operate without the need for public water and sewer;
The proposed church will be required to have a well and drainfield subject to Health Department approval. Therefore, staff finds that the proposed church meets this criteria.
- be sustainable with available groundwater; and
See comment above. Staff finds that the proposed church meets this criteria.
- be consistent with other Rural Area policies
As stated above, churches in the rural areas are considered supportive uses for rural area residents. Therefore, staff finds that the proposed church meets this criteria.

SUMMARY:

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

Factors favorable to this request include:

1. No significant changes have occurred since the prior approval for the special use permit for a church in this location.
2. No significant impacts would be created by the proposed church.
3. The proposed church is consistent with the criteria set in the Comprehensive Plan.

No unfavorable factors have been identified.

RECOMMENDED ACTION:

Based on the findings contained in this staff report, staff recommends approval of Special Use Permit 2014-0016 Canaan Christian Church with the following conditions:

1. Development and use shall be in general accord with the conceptual plan titled "Special Use Permit SP2014-016 Canaan Christian Church" prepared by Williams Enterprises Incorporated Land Development Design and dated June 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:
 - a. *location of buildings and structures*
 - b. *location of parking areas*
 - c. *location of entrance*
 - d. *landscape screening*

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 of one hundred fifty (150) seat sanctuary;
3. There shall be no day care center or private school on the site without approval of a separate special use permit;
4. Health Department approval of a well and septic system shall be required prior to the issuance of a building permit;

5. Commercial setback standards, as set forth in Section 21.7 of the Zoning Ordinance, shall be maintained adjacent to residential uses or other Rural Area zoned property;
6. Screening in accordance with Section 32.7.9.7 shall be provided along the tree line on the west/rear of the property to screen the parking and church from the adjacent property;
7. Right of way dedication of thirty (30) feet from the existing centerline of Hacktown Road (Route 744) along the entire property frontage shall be required prior to the issuance of a building permit.
8. The use shall commence on or before five (5) years from Board approval or the permit shall expire and be of no effect;
9. The outside play area activities shall be limited to only take place during daytime hours. Lighting of the play area shall not be permitted. The play area shall be located as far away as possible from the adjacent residential properties, but in no case shall the play area be located closer than seventy-five (75) feet from any adjacent property line. The outside play area location shall be depicted on the site plan;

Motions:

Special Use Permit

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

I move to recommend approval of SP 20140016 Canaan Christian 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 20140016 Canaan Christian Church. Should a commissioner motion to recommend denial, he or she should state the reason(s) for recommending denial.

ATTACHMENTS

- Attachment A – [Vicinity Map](#)
Attachment B – [Conceptual Plan](#)
Attachment C – [Adjacent Owner Letters](#)
Attachment D – [SP2002-056 Conceptual Plan and Action Letter](#)