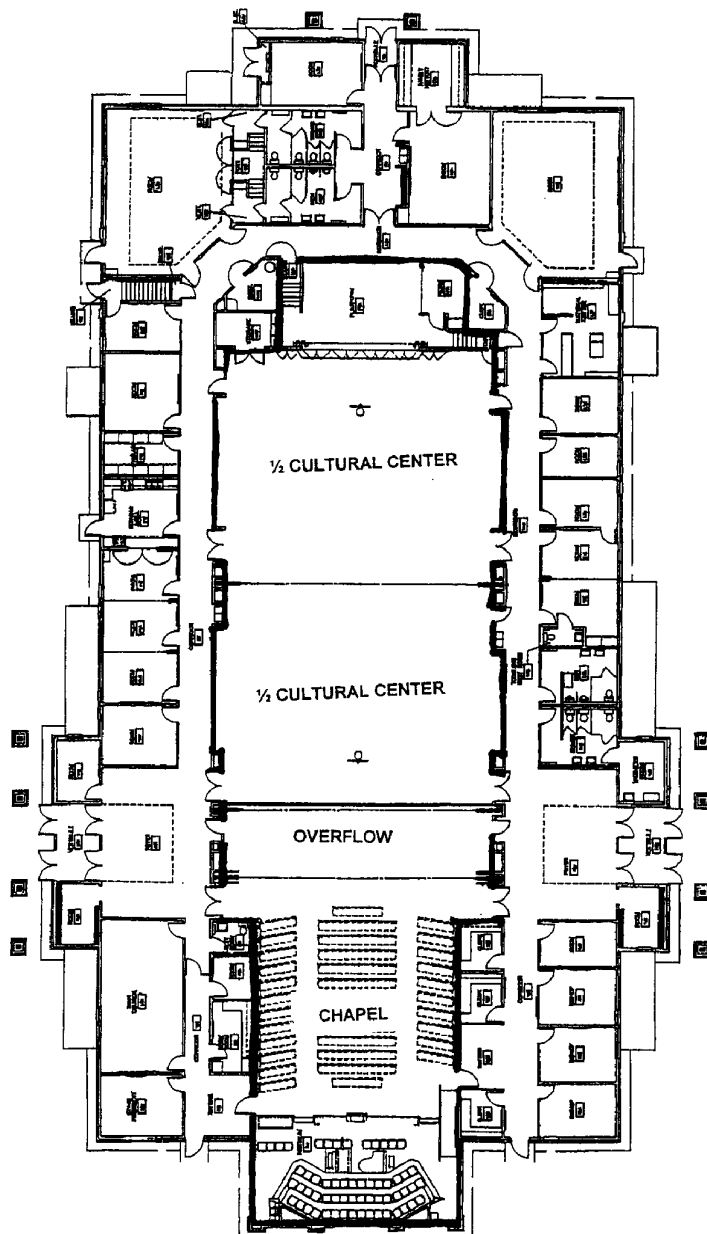


Attachment D

Church of Jesus Christ of Latter Day Saints – Airport Road

The church structure includes large, moveable partitions that can allow the church to be “opened up” for large conference meetings. Condition four clarifies that the church can only use the entirety of its assembly space four times per year. The labels on this attachment correspond to condition four.





COUNTY OF ALBEMARLE
Department of Community Development
401 McIntire Road, Room 227
Charlottesville, Virginia 22902-4596

Phone (434) 296-5823

Fax (434) 972-4126

March 31, 2005

Ed Blackwell
566 E. Market Street
Harrisonburg, VA 22801

RE: SP 2004-057 Church of Jesus Christ of Latter Day Saints; Tax Map 32 Parcel 17

Dear Mr. Blackwell:

The Albemarle County Planning Commission, at its meeting on March 15, 2005, unanimously recommended approval of the above-noted petition to the Board of Supervisors.

Please note that this approval is subject to the following conditions:

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the concept plan entitled "The Church of Jesus Christ of Latter Day Saints, Rivanna Ward Waynesboro Va. Stake, Conceptual Site Layout and Utility Plan" dated January 13, 2005.
2. The proposed road or access way shall conform to public street standards for an urban section including a curb, gutter, six-foot planting strip, street trees, and five-foot sidewalk along the LDS site.
3. The area of assembly shall be limited to a maximum 8,800 square feet. **(Prior to the Board of Supervisors meeting this condition will be modified by staff.)**
4. The use of the combined area assembly including chapel, overflow, and cultural center (gym) to facilitate conference meetings will be permitted four times per year. **(Prior to the Board of Supervisors meeting this condition will be modified by staff.)**
5. Day care use shall be prohibited unless approved through a special use permit amendment.

Please be advised that the Albemarle County Board of Supervisors will review this petition and receive public comment at their meeting on Wednesday, May 4, 2005. Any new or additional information regarding your application must be submitted to the Clerk of the Board of Supervisors at least seven days prior to your scheduled hearing date.

March 31, 2005

If you should have any questions or comments regarding the above noted action, please do not hesitate to contact me at (434) 296-5832.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Dougherty', with a long horizontal flourish extending to the right.

Sean Dougherty
Senior Planner
Planning Division

Cc: Wendell Wood
Gold Leaf Land Trust No. 3
P.O. Box 5548
Charlottesville, VA 22905

Ella Carey
Amelia McCulley
Jack Kelsey
Steve Allshouse

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

**Sean Dougherty
March 15, 2005**

SP04-57; Church of Jesus Christ of Latter Day Saints

Applicant's Proposal:

The Church of Jesus Christ of Latter Day Saints is requesting a special use permit to build a church on Airport Road. Specifically, the church would like to construct an 24,000 square foot building with 270 parking spaces. The proposed church building will sit roughly five feet above Airport Road. A road proposed to serve the remainder of the parcel that is zoned Light Industrial will line the eastern side of the site. This road will create a crossroad across Airport Road and connect, on the southern side of Airport Road, to the proposed public road that will lead to the residential portion of the Hollymead Town Center. Attachment A shows the church's conceptual plan.

Petition

Request for a special use permit to construct a church facility on land zoned RA in accordance with Section 10.2.2 of the Zoning Ordinance. The property, known as Tax Map 32 Parcel 17 is 33.668 acres and contains split zoning. The portion of the parcel associated with the special use permit contains 5.14 acres and is zoned RA. The remainder of the parcel, 28.528 acres, is zoned Light Industrial. It is located in the Rio Magisterial District on the northeast side of Airport Road, across from Laurel Hill Baptist Church. The Comprehensive Plan designates this area as Industrial Service. (*See Attachments B and C for Location Information*)

Character of the Area

The portion of the property zoned RA and the proposed church location currently contains an aging farmhouse that is not a historic resource. The land surrounding the farmhouse is somewhat overgrown. Open portions of the larger parcel appear to be used to produce hay. The area is served by Airport Road, which was designated an Entrance Corridor in April 2000. The U.S. Postal Service Distribution Center is located roughly a quarter mile to the southeast. The Charlottesville Albemarle Regional Airport is located roughly one mile to the northwest. The general area also contains the Deerwood Subdivision, light industrial uses, and undeveloped land.

RECOMMENDATION

Staff has reviewed this request for compliance with the provisions of Section 13.2.2 of the Zoning Ordinance and recommends approval with conditions.

Zoning History

In 1988, a large portion of the parcel (not containing a residence) was successfully rezoned to Light Industrial from RA (ZMA 88-03). The remainder of the parcel zoned RA is the portion under consideration for this special use permit.

The applicant and landowner, Wendell Wood applied for a Special Use Permit (SP 88-20) to allow for a motor vehicle rental service. This request was denied in May of 1988.

Comprehensive Plan:

The Comprehensive Plan designates this area as Industrial Service in the Hollymead Community. Uses allowed within this designation include warehousing, light industry, research, heavy industrial uses, as well as uses allowed under Office Service.

Despite a conflict with the Comprehensive Plan, staff believes the development of the Hollymead Town Center and associated residential development, this use will augment the neighborhood. Additionally, with the adoption of Airport Road as an Entrance Corridor, the church will act to buffer the Light Industrial uses permitted to the rear.

The applicant has spent an extensive amount of time investigating two other sites and has developed a plan that sufficiently responds to this location. The applicant’s representative has revised the plan to reflect all concerns staff has raised.

Conformity With The Neighborhood Model

Pedestrian Orientation	The plan illustrates a pedestrian connection across the front setback to connect with the church’s internal sidewalk network to the sidewalk proposed along Airport Road. This will allow pedestrians along Airport Road to access the church. In addition, the sidewalk is placed well to accept pedestrians from neighborhoods on the other side of the road, including the Hollymead Town Center.
Neighborhood Friendly Streets and Paths	The plan suggests neighborhood friendly streets and paths. The sidewalks, street trees, curb, and gutter shown lining the proposed road to the side of the church building are in support of the Neighborhood Model. This supports the overall functionality of the parcel served by the road and will connect the future developments within the larger parcel to the Hollymead Town Center and mass transit that may serve Airport Road in the future.
Interconnected Streets and Transportation Networks	One adjacent parcel is developed and contains light industrial uses and does not make for a logical interconnection. The road shown beside the church will be extended to serve the 28 acres to the rear and side of the church.
Parks and Open Space	Not applicable

Neighborhood Centers	Churches act as neighborhood centers
Buildings and Spaces of Human Scale	The building is large, but the entrances and site design represent a human scale. The ARB has provided preliminary review and approval. A copy of their comments is attached as Attachment D.
Relegated Parking	Parking is shown to the side and rear of the structure. The Architectural Review Board is in support of the extensive landscape plan and staff believes the parking will be screened well from Airport Road. Staff has no objections
Mixture of Uses	Churches by nature have a singular use. For that reason, this principle is not applicable.
Mixture of Housing Types and Affordability	No housing is proposed as part of this special use permit. For that reason, this principle is not applicable.
Redevelopment	No significant redevelopment of the site is proposed. For that reason, this principle is not applicable.
Site Planning that Respects Terrain	The proposed parcel is relatively flat, with a slight slope to the rear. A small area of 2:1 slopes (created by the proposed grading plan) shown at the eastern and western boundary of the site are proposed to be planted with masses of low-growing evergreen or flowering deciduous plants to reinforce the slopes.
Clear Boundaries with the Rural Areas	This project is well within the Development Area. This principle does not apply.

STAFF COMMENT

This review was conducted with consideration of *The Religious Land Use and Institutionalized Persons Act of 2000* which 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.

Staff's Address of each provision of Section 31.2.4.1 of the Zoning Ordinance:

The Board of Supervisors hereby reserves unto itself the right to issue all special use permits permitted hereunder. Special use permits for uses as provided in this ordinance may be issued upon a finding by the Board of Supervisors

that such use will not be of substantial detriment to adjacent property;

Staff has not identified any detriment to adjacent property that would result from construction of the proposed church.

that the character of the district will not be changed thereby;

The proposal is compatible with the site and surrounding areas. Prospective Light Industrial development guided by the comprehensive plan may be in conflict with this proposal. However, given Airport Road's designation as an Entrance Corridor, the church will screen Light Industrial uses to the rear. Additionally, as this church's primary day of activity is Sunday, this proposal provides excellent opportunities for shared parking agreements with Light Industrial uses the Comprehensive Plan prescribes for the area.

and that such use will be in harmony with the purpose and intent of this ordinance;

Within RA zoning, churches are permitted by special use permit. Because the church supports residential uses nearby, provides screening for the Entrance Corridor, and the potential of shared parking for uses to the rear, staff believes this proposal is congruous with the intent and purpose of the ordinance.

with the uses permitted by right in the district;

Religious uses are considered supportive of uses in RA zoning districts.

and with the public health, safety and general welfare.

Staff does not have concerns regarding public health, safety, and general welfare in relation to the proposed special use permit. Traffic impacts will occur mainly on Sunday when overall traffic volume is low. During regular business hours and the time of highest traffic volume, the church will have little or no impact. Additionally, because this church is being developed in the Development Areas, it will be serviced by water and sewer.

Engineering Comments

Engineering staff found no unfavorable factors with this proposal.

Current Development, Planning and Zoning Comments

The building contains a gym and an annex area for large conference meetings held twice a year. The Zoning Ordinance provides two methods for determining parking requirements for churches. Parking may be calculated by fixed seats or pews (1 parking space per 3 seats) or square footage (1 parking space per 75 sq. ft). If the parking requirement is based on fixed seating in the chapel (primary worship space), the church's required spaces would be 117. If the parking requirement is based on square footage of assembly (including the gym and annex area), the required spaces would be 294. Because the gym and annex area are used for assembly only twice a year, and based on usage and parking needs data from other similar Church of Jesus Christ of Latter Day Saints, Zoning is satisfied that the proposed 270 spaces will suffice.

Access

The driveway to serve the church will be used in the future to provide access the remainder of the parcel to the rear and side.

At the beginning of this review process, Staff requested the applicant show an urban section along the proposed road lining the LDS site. The applicant declined. In the meantime, conflicts with grading were mitigated by a landscape architect the church hired to address site and Entrance Corridor issues. On February 23, staff again asked the applicant to show the urban section. At that time the applicant agreed and instructed his engineer to show a sidewalk along the road. Staff did not receive the proposed sidewalk layout until one week before the Planning Commission hearing. As shown, no planting strip is proposed between the sidewalk and the back of the curb. To put in the planting strip, re-grading of this area would be required which would be different from what the ARB has seen. One solution would be for the road to be moved more toward the RA section of the property to avoid grading conflicts.

Historic Resources

The preservation planner has determined that the existing farmhouse possesses no historic resources.

SUMMARY

Staff has identified the following factors which are favorable this request:

1. The church supports residential uses nearby.
2. The Architectural Review Board has granted preliminary approval of the proposal.
3. The applicant proposes landscape in excess of the Zoning Ordinance requirements. This will add aesthetic value to the site and the Entrance Corridor / Airport Road.
4. The church provides a neighborhood service.

One unfavorable factor has been identified:

1. The land use plan recommends this area be used for Industrial Service.

RECOMMENDED ACTION:

Staff has reviewed this request for compliance with the provisions set forth in Section 31.2.4.1 of the Zoning Ordinance and recommends approval with the following conditions:

1. The church's improvements and the scale and location of the improvements shall be developed in general accord with the concept plan entitled "The Church of Jesus Christ of Latter Day Saints, Rivanna Ward Waynesboro Va. Stake, Conceptual Site Layout and Utility Plan" dated January 13, 2005.
2. The proposed road or access way shall conform to public street standards for an urban section including a curb, gutter, six-foot planting strip, street trees, and five-foot sidewalk along the LDS site.
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