



**COUNTY OF ALBEMARLE
PLANNING STAFF REPORT SUMMARY**

Project Name: ZMA202300004 Cornerstone Community Church	Staff: Rebecca Ragsdale, Planning Manager
Planning Commission Public Hearing: November 14, 2023	Board of Supervisors Public Hearing: To be scheduled
Owner: Peggy W. Dettor/James A. Dettor	Applicant: Line+Grade, Kendra Moon and Daniel Heyer, representing Cornerstone Community Church
Acreage: 3.578 Acres	Rezone from: R1 to C1 Commercial
TMPs: 07800-00-00-058K0	Location: 1395 Stony Point Road
School Districts: Monticello High, Burley Middle, Stone-Robinson Elementary	By-right use: 1 dwelling unit/acre
Magisterial Districts: Rivanna	Proffers: Yes
Proposal: 300-seat religious assembly use and up to 13,500 square feet of commercial uses. The request also includes a special exception (SE202300031) to reduce the 50-foot setback to a residential property line.	Requested # of Dwelling Units: No additional dwelling units are requested.
DA (Development Area) – In Neighborhood 3, in the Pantops Master Plan area.	Comp. Plan Designation: Urban Density Residential – residential (6-34 dwelling units/acre), religious assembly uses, schools and child-care, institutional. Secondary commercial/retail, offices.
Character of Property: The subject property consists of a 2,249 sq. ft. single-family residence, along with three other structures including a 4,445 sq. ft. metal garage with an office, carport, and shed. There are two entrances to the property from Stony Point Rd. One entrance leads to the carport and the other leads to the metal garage.	Use of Surrounding Properties: Adjacent uses include a mix of residential and commercial/retail areas to the west (Riverside Village), residential areas to the north and east, and commercial areas to the south. Commercial areas to the south are buffered from the property by a stream and existing wooded area.
Positive Aspects: <ol style="list-style-type: none"> The request is consistent with the land use recommendations of the Pantops Master Plan. The proposed use is supportive of the existing neighborhood commercial character of this area. 	Concerns: <ol style="list-style-type: none"> Portions of structures will encroach into the required 50' commercial setback to a residential lot line. However, ample room will remain to establish the required 20' use buffer. Existing parking is located in the flood plain. However, FEMA map revisions are expected in 2024 prior to redevelopment of this site.
RECOMMENDATION: Staff recommends approval of rezoning request for ZMA202300004 Cornerstone Community Church.	

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

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

ZMA202300004 Cornerstone Community Church

PETITION

PROJECT: ZMA202300004 Cornerstone Community Church

MAGISTERIAL DISTRICT: Rivanna

TAX MAP/PARCEL(S): 078000000058K0

LOCATION: 1395 Stony Point Rd

PROPOSAL: Rezone one parcel to allow for religious assembly uses (300 seats) and commercial uses (13,500 sq.ft.)

PETITION: Rezone a 3.578-acre parcel from R-1 Residential, which allows residential uses at a density of 1 unit per acre, to C-1 Commercial, which allows retail sales and service and residential uses at a density of 15 units per acre by special use permit. No residential units proposed.

ZONING: R-1 Residential - 1 unit/acre

OVERLAY DISTRICT(S): Entrance Corridor, Flood Hazard Overlay District

PROFFERS: Yes

COMPREHENSIVE PLAN: Urban Density Residential – residential (6-34 du/acre), religious assembly uses, schools and childcare, institutional. Secondary commercial/retail, offices and Parks & Green Systems – stream buffers, floodplain, and steep slopes, privately owned open space, natural areas in Neighborhood 3 of the Pantops Master Plan Area.

CHARACTER OF THE AREA

The subject property is identified as Tax Map Parcel (TMP) 07800-00-00-058K0 and is located within Neighborhood 3 of the Comprehensive Plan Area, which is part of the Pantops Master Plan area (Attachment 1). The property measures 3.578 acres and is currently zoned R-1 Residential (Attachment 2). The property is also located in an Entrance Corridor and Flood Hazard Overlay District. Several structures exist on the site currently. From north to south, the subject property consists of a carport, a 2,249 sq.ft. single-family residential structure with a small shed in back, and a 4,445 sq. ft 3-bay metal garage with an office space, large rear overhang, and a smaller attached garage. There are two entrances to the property from Stony Point Rd. One entrance leads to the carport and parking area to the north of the residential structure while the other leads to the garage and parking/gravel storage areas south of it.

The Riverside Village neighborhood and shops are located directly in front of the subject property, across Rt 20/Stony Point Rd. These parcels are zoned Neighborhood Model District and allow a mix of residential and commercial/retail development. Properties north and west of the subject property are zoned for residential uses and include community amenities such as the Elks Lodge and Darden Towe Park, and neighborhood developments such as Cascadia, Fontana, Avemore, and Wilton Farms. To the south of the property lies a mix of commercial/retail developments. These commercial/retail developments are predominantly oriented towards Rt 250 and are separated from the subject parcel by a stream and existing wooded area.

PLANNING AND ZONING HISTORY

ZMA201900015 Child Development Center- This rezoning request from R1 to C1 to allow a daycare center, and potential other commercial uses, was denied on May 6, 2020.

SPECIFICS OF THE PROPOSAL

The applicant proposes to rezone the property from R1 Residential to C1 Commercial. While religious assembly uses are permitted by special use permit, rezoning to C1 Commercial allows

flexibility in future permitted uses. For example, not only does it allow religious assembly by-right, it also allows uses such as daycare by-right. The applicant has included a narrative, proffers, and concept plan. (Attachments 3-Narrative, 4-Concept Plan, 5-Proffers)

It is anticipated that development of the property would occur in phases over time, with the initial phase including reuse of existing structures, with additions, to allow for Cornerstone Community Church. The proposal also includes up to 13,500 square feet of commercial uses. Building height is limited to 45 feet with the proposal and several commercial uses that could be inconsistent with the surrounding area are prohibited.

COMMUNITY MEETING and COMMUNITY MEMBER INPUT

An in-person community meeting was held for this proposal on July 24, 2023, at a regularly scheduled meeting of the Pantops Community Advisory Committee (CAC). At the meeting, questions were asked of the applicant by both CAC members and community members. Staff has since received emails of both support and expressed concerns.

- Questions as to why the church was pursuing a rezoning to commercial, rather than just a special use permit at this time.
- Ensuring appropriate commercial uses/Supply and demand concerns for commercial
- Traffic
- Noise
- Compliance with Dark Skies
- Use of native plants
- Impacts to stream and stream buffer/stormwater concerns

COMPREHENSIVE PLAN

The Pantops Master Plan designates two land uses on this property (see map insert below) – Urban Density Residential and Parks & Green Systems. For areas outside the Flood Hazard Overlay District (FHOD) the Plan designates Urban Density Residential land uses which recommends primary uses that include residential at a density of 6-34 dwelling units per acre, religious assembly uses, schools and childcare, and institutional. Secondary uses within this designation include commercial/retail, offices. For areas inside the FHOD, the Plan designates Parks & Green Systems land uses which identifies and preserves stream buffers, floodplain, and steep slopes, privately owned open space, natural areas.

The Pantops Master Plan also identifies this property as part of a Neighborhood Service Center. The Master Plan outlines that the center should “...contain *small-scale, mixed-use development patterns that are compatible with surrounding uses...*” that are “...*pedestrian-scale and walkable from adjacent neighborhoods.*”



Urban Density Residential (orange): This designation calls for a primary use of residential, at a density of 6-34 units per acre, along with religious, educational, and institutional uses. Small to medium scale commercial, retail, and office uses are recommended secondary uses. Buildings are recommended to have up to four stories, with a maximum building footprint of 8,000 square feet for commercial and retail.

Also, as stated above, in addition to the Urban Density's recommendation for small to medium scale development, the Neighbor Service Center designation also recommends development patterns that are neighborhood-oriented and smaller in size and intensity. Pantops Master Plan recommends buildings in this area that are 2-4 stories in height. For comparison, the Riverside Village Shops are permitted to be 2-3 stories in height and no more than 45 feet in height. To address the recommendations of the master plan and character of the surrounding neighborhood, the applicant proposes proffers to exclude certain incompatible commercial uses, limit commercial development to no more than 13,500 square feet and limit building height to 45 feet. Staff believes this proposal is consistent with recommendations of the master plan for Urban Density Residential Areas.

Parks and Green Systems (green): This designation is intended for areas that include stream buffers, floodplain, and steep slopes, privately owned open space, or natural areas. For this property, the designation coincides with the stream and associated floodplain. There are no recommendations for public trails or parks on this property. Existing parking and a small portion of the garage building are located within the floodplain according to current FEMA boundaries. The draft FEMA maps available no longer show the property in the floodplain. A 100-foot stream buffer from the top of the stream bank remains. The applicant's concept plan has been developed according to FEMA map changes expected in 2024. The concept plan proposes to remove all parking located in the stream buffer and mitigation plantings are proffered. Staff believes this addresses the recommendations of Green Systems areas, with the expected FEMA map changes.

The Neighborhood Model (NMD): Comments regarding the proposal's consistency with the NMD principles are below:

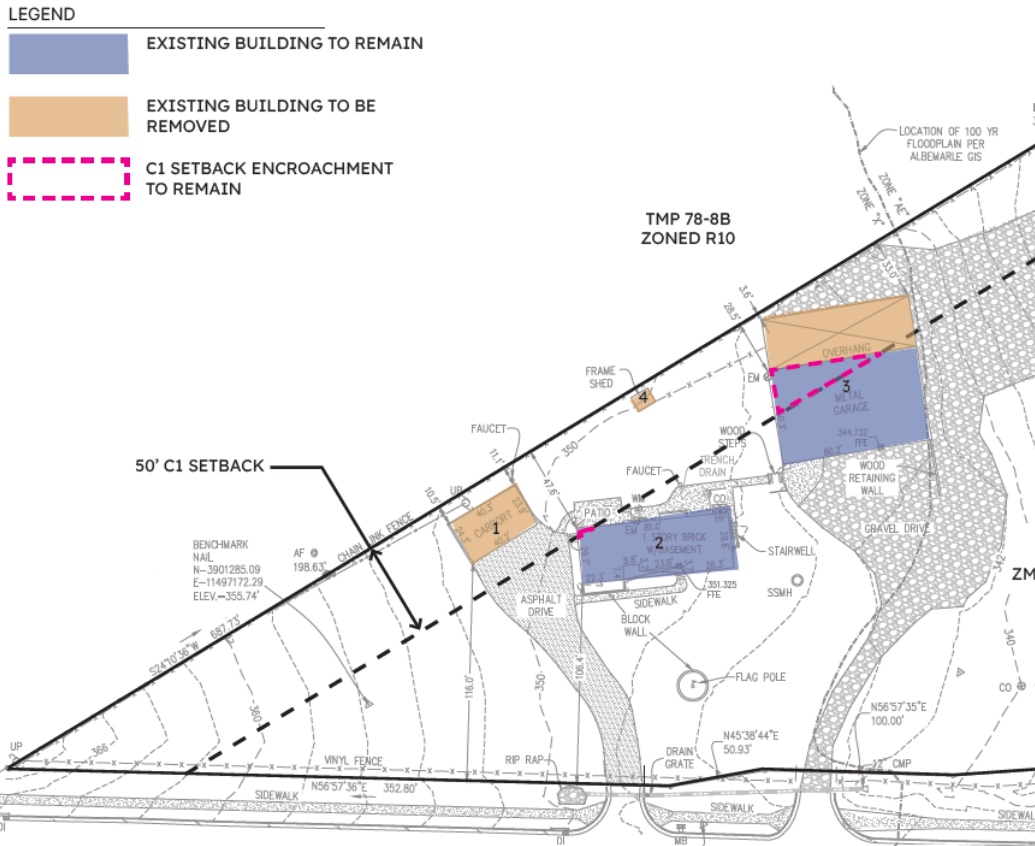
<p>Pedestrian Orientation</p>	<p>There is an existing sidewalk along the frontage of the property and future development of the site will provide pedestrian connections to the sidewalk at the time of site plan review. This principle has been met.</p>
<p><u>Mixture of Uses</u></p>	<p>Only non-residential uses are proposed for this site. Staff believes, given the surrounding residential areas, that non-residential is appropriate on this site. This principle has been met.</p>
<p>Neighborhood Centers</p>	<p>This proposal adds non-residential uses near a center designated in the Pantops Master Plan. This principle has been met.</p>
<p>Mixture of Housing Types and Affordability</p>	<p>Residential uses are not proposed.</p>
<p>Interconnected Streets and Transportation Networks</p>	<p>The Pantops Master Plan does not include recommendations for future street connections on this property. Given its shape and characteristics, and adjacent property already developed, interconnections are not anticipated.</p>
<p>Multi-modal Transportation Opportunities</p>	<p>There are bus stops on Route Number 10 of CAT within walking distance of this development. This principle has been met.</p>
<p>Parks, Recreational Amenities, and Open Space</p>	<p>With anticipated FEMA map changes, this property would no longer be located in the floodplain. With the preservation and replanting of the stream buffer, this principle has been met.</p>
<p>Buildings and Space of Human Scale</p>	<p>Currently, one-story buildings are located on the property setback from Stony Point Road. The proposal allows for redevelopment of the property with buildings closer to the road consistent with those located nearby, such as Riverside Village. The applicant proposes a building envelope for development and the site would develop consistent with C1 Commercial setbacks, which require a 10-foot minimum and a 30-foot maximum from Stony Point Road.</p> <p>This property is located within the Entrance Corridor Overlay District and will be reviewed by the Architectural Review Board at the site plan stage. The areas in the front of the property appear to be of sufficient size to meet EC design guidelines for landscaping.</p>
<p>Relegated Parking</p>	<p>This principle will be mostly met at the time of site plan development. However, considerate design of the landscaping and buffering will be important to screen the parking lot from the view of Stony Point Road.</p>

Redevelopment	The subject property is currently developed with a residence and accessory buildings, some of which will be reused, and new development added to the site in the future. This principle has been met.
Respecting Terrain and Careful Grading and Re-grading of Terrain	There are no preserved or managed slopes on this site. This principle has been met.
Clear Boundaries with the Rural Area	The property is located entirely within the Pantops Development Area.

ZONING ORDINANCE REQUIREMENTS

Relationship between the application and the intent and purposes of the requested zoning district:
 The purpose and intent of the C-1 Commercial zoning district is to permit selected retail sales, service and public use establishments which are primarily oriented to central business concentrations. It is intended that C-1 districts be established only within the urban area, communities and villages in the comprehensive plan. A majority of the C-1 uses are considered secondary uses in the master plan.

Commercial zoned properties are subject to County Code §18-4.20(a) of the zoning ordinance, the minimum side and rear setbacks for commercial properties are 50 feet for structures and 20 feet for off-street parking or loading space, if the abutting lot is zoned residential. County Code §18-21.7(c) also applies and requires a 20-foot use buffer adjacent to residential districts. None of the existing structures would comply with Commercial setbacks. The applicant has submitted a special exception (SE202300031) request to seek a reduction in the setback and allow for existing structures only and allow disturbance within the 20-foot use buffer to remove structures and establish plantings/screening. (Attachment 6) The inset below indicates existing structures to remain in blue and structures to be removed (1, 4, and a portion of 3) in tan. With this request, the existing house would remain with at 47.6 feet, a reduction of 2.4 feet, and the metal garage would remain with a setback as close as 28.5', a reduction of 21.5 feet, after the overhang portion is removed. Staff believes with the removal of the structures, and portions of, that there will be ample area to provide the required minimum 20' buffer and screening requirements.



Anticipated impact on public facilities and services:

Streets:

There are currently two access points onto the property, both from Rt 20/Stony Point Rd. One entrance is to the carport serving the residential structure while the other leads to the metal garage. The distance between the entrances is approximately 80ft. VDOT has indicated that the northern site entrance, leading to the carport and residential structure, will need to be closed.

Trip generation figures were provided in the application narrative considering a scenario with the 300-seat religious assembly use and various potential other commercial uses. An increase in traffic is anticipated on this site. A right and left turn lane warrant analysis were performed for this site based on the proposed office and religious assembly, and it was found that no right turn lane or taper is warranted, though a left turn lane is warranted and is already existing.

It is unknown whether additional traffic improvements would be needed for other potential uses proposed with this rezoning. However, estimated trip generation for future uses would be provided during the site plan process and any necessary improvements could be required at that time.

Fire & Rescue:

ACFR has reviewed this rezoning application and has no objections at this time. Emergency vehicle access and unobstructed travelways are a focus and would be confirmed at the time of site plan review. For any building, adequate water supply would be confirmed at site plan review.

Utilities:

The property is in the Albemarle County Service Authority (ACSA) water and sewer service jurisdictional area. ACSA has no objections to this project at this time. Any changes in use of the buildings will be reviewed by ACSA with the building permits to ensure all utility requirements continue to be met. Properties within the Albemarle County Service Authority (ACSA) service areas are required to connect to public water and sewer facilities, per Sec. 4.1 of the County zoning ordinance. This property, while in the ACSA service area, is only connected to public sewer facilities. The property will be required to connect to the public water supply.

Anticipated impact on environmental, cultural and historic resources:

The property is located in the Flood Hazard Overlay district according to the current applicable FEMA map and there is a perennial stream that runs along the southern boundary of the property.

Existing parking and a small portion of the garage building are located within the floodplain according to current FEMA boundaries. The draft FEMA maps available no longer show the property in the floodplain. A required 100-foot stream buffer from the top of the perennial stream bank remains. The applicant’s concept plan has been developed according to FEMA map changes expected in 2024. The concept plan proposes to remove all parking located in the stream buffer and mitigation plantings are proffered. Staff believes this addresses impacts to the stream buffer that have occurred. Should the FEMA maps not be amended as expected, staff does not recommend parking remain in the flood plain even though the ordinance allows parking in the flood plain as long as it is not overnight.

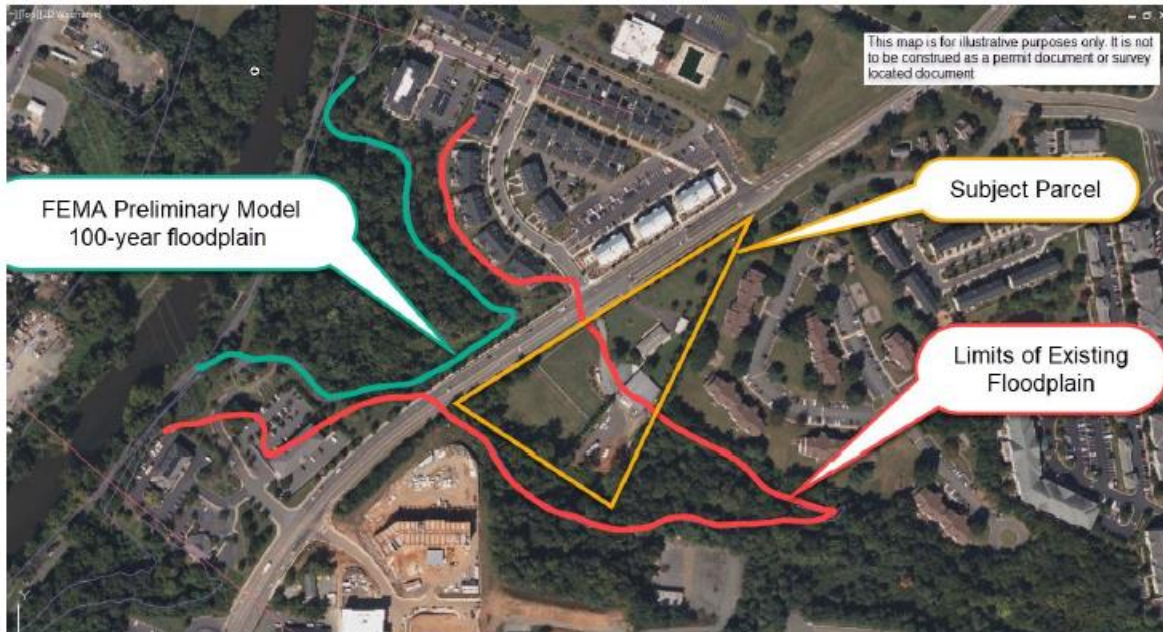


Image 5 – Sketch of existing versus proposed FEMA floodplain limits

Public need and justification for the change:

The County’s growth management policy says that new development should occur in the designated Development Areas, where infrastructure and services are provided, rather than in the Rural Areas. This proposal will continue to allow development to be concentrated in the development areas and provide uses supportive of surrounding residential areas.

SUMMARY

Staff has identified the following positive aspects of this request:

1. The request is consistent with the land use recommendations of the Pantops Master Plan.
2. The proposed use is supportive of the existing neighborhood commercial character of this area.

Staff has identified the following concerns with this request:

1. Portions of structures will encroach into the required 50' commercial setback to a residential lot line. However, ample room will remain to establish the required 20' use buffer.
2. Existing parking is located in the flood plain. However, FEMA map revisions are expected in 2024 prior to redevelopment of this site.

RECOMMENDATION

Staff recommends approval of the rezoning request for ZMA202300004 Cornerstone Community Church.

PLANNING COMMISSION POTENTIAL MOTIONS

For a recommendation of approval:

*I move to recommend **approval** of ZMA202300004 Cornerstone Community Church for the reasons stated in the staff report.*

For a recommendation of denial:

*I move to recommend **denial** of ZMA202300004 Cornerstone Community Church. [State reasons for denial]*

SE202300031 Special Exception

The Planning Commission is not required to make a recommendation on these Special Exceptions. However, if the Planning Commission chooses to provide comments on the special exceptions, staff will include those in the Transmittal Summary to the Board of Supervisors.

ATTACHMENTS

- Attach 1 – [ZMA2023-04 Cornerstone Community Church - Location Map](#)
- Attach 2 – [ZMA2023-04 Cornerstone Community Church - Zoning Map](#)
- Attach 3 – [ZMA2023-04 Cornerstone Community Church - Project Narrative](#)
- Attach 4 – [ZMA2023-04 Cornerstone Community Church - Concept Plan](#)
- Attach 5 – [ZMA2023-04 Cornerstone Community Church - Proffers](#)
- Attach 6 – [ZMA2023-04 Cornerstone Community Church - SE202300031 Special Exception Request](#)