

**Special Use Permit-15-00. Height Limitation Waiver 1-00. St. Bede Catholic Church
Staff Report for the December 19, 2000, Board of Supervisors Public Hearing**

This report is prepared by the James City County Planning Division to provide information to the Planning Commission and Board of Supervisors to assist them in making a recommendation on this application. It may be useful to members of the general public interested in this application.

PUBLIC HEARINGS Building C Board Room; County Government Center
Planning Commission: May 1, 2000, (deferred); June 5, 2000, 7:00 p.m.
Board of Supervisors: December 19, 2000, 7:00 p.m.

SUMMARY FACTS

Applicant: Douglas E. White of The LandMark Design Group on behalf of St. Bede Catholic Church

Landowner: Sasha L. Digges and Mary Catherine Digges

Proposed Use: House of Worship

Location: 3686 Ironbound Road; Berkeley District

Tax Map and Parcel No.: (38-3)(1-18)

Primary Service Area: Inside

Parcel Size: 42.8 acres

Existing Zoning: R-8, Rural Residential

Comprehensive Plan: Low-Density Residential

Surrounding Zoning: North: R-2, The Meadows; R-4, Powhatan Secondary
South: R-6, The Foxes; R-8, vacant parcels
East: R-1, Indigo Park
West: R-8, Greensprings Chapel; PUD-R, Powhatan Plantation

Staff Contact: Christopher M. Johnson - Phone: 253-6685

STAFF RECOMMENDATION:

Staff recommends approval of the Special Use Permit (SUP) and Height Limitation Waiver applications. Staff finds the proposal consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On June 5, 2000, the Planning Commission recommended approval of the SUP application, with conditions, by a vote of 6-0. This case also requires that the property be withdrawn from the Casey AFD before the Board of Supervisors can take action on the SUP and Height Limitation Waiver applications.

History

St. Bede Catholic Church is the largest church in the Williamsburg-James City County area. The church is seeking to relocate its facilities from the current site near the College of William and Mary to property on Ironbound Road. The parish plans to hold all Masses at the new building and eventually move its Sunday School to the site. There are no plans for constructing a grade school or secondary school at the site. The building will be used for weddings, funerals, and various other religious education programs. The Digges family is donating the 42.8-acre site to St. Bede's for construction of a new sanctuary.

Project Description

Mr. Doug White, of LandMark Design Group, has applied on behalf of St. Bede Catholic Church and property owners Sasha and Mary Catherine Digges for a special use permit to allow the construction of a house of worship at 3686 Ironbound Road. The property is zoned R-8, Rural Residential. The St. Bede Parish plans to construct a 38,260-square foot, 1,500 seat church on the site and expects to open the facility in 2001. The entire site has been master planned, a copy of which is attached to this staff report. Should this application be approved, staff proposes a condition that this master plan be binding. Also shown on this master plan are provisions for expanding the auditorium to add an additional 500 seats and space for constructing Sunday School classrooms. These expansions would increase the size of the church building to 48,000 square feet. The location of two separate buildings which will house a parish hall, offices and multipurpose rooms are also shown on the master plan nestled against the cloistered walkways. The location of these buildings are shown for master plan purposes only and are not part of the initial phase for construction. Structures planned for future construction which are shown on the master plan would not require a special use permit.

Height Waiver

The applicant has also applied for a height limitation waiver to accommodate the construction of the cupola, cross, and top 3.67 feet of the inverted cone roof. The top of the cupola and cross is approximately 78 feet above grade. Section 24-354 of the James City County Zoning Ordinance states that structures may be erected to a total height of 60 feet but not to exceed 100 feet, from grade to the top of the structure, upon the granting of a height limitation waiver from the Board of Supervisors. Height limitation waiver requests are not required to be reviewed by the Planning Commission. Structures in excess of 60 feet in height may be granted a waiver upon finding that:

1. Such structure will not obstruct light to adjacent property.

Staff Comment: The proposed church is located in a central area of the site and will not obstruct any natural light on adjacent properties. The proposal meets this criteria.

2. Such structure will not impair the enjoyment of historic attractions and areas of significant historic interest and surrounding developments.

Staff Comment: No historic structures or archaeological sites are located on the property or in the immediate vicinity. Staff believes that the conditions of approval recommended by staff and the Planning Commission will adequately protect the surrounding community from the potential impacts associated with this development. The proposal meets this criteria.

3. Such structure will not impair the property values in the surrounding area.

Staff Comment: The James City County Real Estate Assessments Office has observed no discernable negative impact on property values resulting from previously approved height limitation waivers. The proposal meets this criteria.

4. Such structure is adequately designed and served from the standpoint of safety, and the County Fire Chief finds that the fire safety equipment to be installed is adequately designed and that the building is reasonably well located in relation to fire stations and equipment, so as to offer adequate protection to life and property.

Staff Comment: Both the Fire Department and Code Compliance will receive a copy of the plans for review and approval under the State of Virginia's Building Code requirements to ensure the structure is built safely. The Deputy Fire Marshall has stated that no safety problems are anticipated in the building design. The site is served by Fire Station No. 3 on John Tyler Highway and a 100-foot ladder truck would be available to respond to any potential threat to public safety. The proposal meets this criteria.

5. Such structure will not be contrary to the public health, safety, and general welfare.

Staff Comment: Staff does not expect the proposed structure to be contrary to the public health, safety, and general welfare. The cupola, cross, and roof are proportional to the building and will be appropriate to the structure and site. The proposal meets this criteria.

Staff recommends that the Board of Supervisors adopt the attached resolution which grants approval of the height limitation waiver for the proposed structure to a maximum height of 78 feet.

Surrounding Zoning and Development

The Meadows subdivision is immediately north of the proposed church site and is zoned R-2, General Residential. Indigo Park, zoned R-1, Limited Residential, is located to the east of the site across Mill Creek. The Foxes, a large lot subdivision is located south of the site and is zoned R-6, Low Density Residential. Greensprings Chapel, zoned R-8, Rural Residential, is located immediately across Ironbound Road to the west. Mid County Park, zoned R-4, is located to the northwest of the church site and is part of the Powhatan Secondary mixed-use, planned unit development community that includes nearly 1,500 residential units, a 350,000-square foot shopping center, and a future school site. Powhatan Plantation, zoned PUD-R, Planned Unit Development Residential, is located southwest of the site. While the size of the proposed church and extensive amount of clearing and grading required by the project are generally inconsistent with surrounding residential development, the church and parking areas are located toward the rear of the site and will not be seen from Ironbound Road. By retaining a large wooded buffer along Ironbound Road, the impact of the large scale development on the surrounding area is greatly minimized. **Staff believes the buffer is wide enough to where the development is consistent with the Meadows subdivision. Staff finds the proposal consistent with the surrounding zoning and development.**

Physical Features and Environmental Considerations

The site is densely wooded by young growth, except for the center of the site which is cleared grassland. The canopy vegetation is primarily loblolly pine and red maple with smaller amounts of sweet gum and beech. The understory is very dense with young pine, red maple, and holly. The area along Mill Creek at the rear of the property contains wetlands, Chesapeake Bay Act Resource Protection Areas (RPA), and RPA buffers. The wetland area canopy is comprised of red maple, iron wood, green ash, and sweet gum with an understory

consisting primarily of holly. These areas have been delineated by the applicant and are shown on the master plan. Should this application be approved, staff proposes a condition that the location of the RPA be verified by County staff prior to preliminary site plan approval.

Stormwater Management

Stormwater will be managed on the site by three facilities. A large BMP will be created adjacent to the entrance road and will be designed to handle about one-half of the overland post development flow. It will receive runoff from undeveloped on-site areas, much of the parking area, and most of the entrance road. Release will flow naturally to the existing pond on the west property line. Flows from portions of the parking lot, the front courtyard area, and one-half of the roof will be channeled through an eight-foot wide dry swale with underlying permeable soil and pea gravel with some attenuation capacity. The remaining parking and roof areas will be piped to a lower elevation with proper outfall protection. Some natural flow will continue to the existing pond or to the creek, but will originate mostly from undisturbed areas.

Public Utilities

The property is within the Primary Service Area (PSA). Public water and sewer are available to the property.

Transportation

Access

The site will have access through a single road aligned with the entrance to Greensprings Chapel on Ironbound Road. Ironbound Road is a two-lane minor arterial which is 24-foot wide with two to six-foot shoulders and a posted speed limit of 45 m.p.h. with no passing allowed in front of the church site. Limited frontage along Ironbound Road precludes the construction of a second entrance.

Traffic Impacts

An analysis of the existing traffic conditions shows that Ironbound Road is currently operating at Level of Service "E" on weekday afternoons and Level of Service "D" on Saturdays and Sundays. Traffic volumes will continue to grow in the surrounding area even after the Monticello Avenue Extension (Alternate Route 5) is opened. When the Monticello Avenue Extension is completed, weekday peak hour volumes on Ironbound Road will continue to be below Level of Service "C" but weekend volumes are expected to operate at Level of Service "C" or better without the project. **The design of Ironbound Road limits the ability to improve the current Level of Service with or without the proposed development.**

The Monticello Avenue Extension is expected to reduce traffic at Five Forks by shifting traffic to Monticello Avenue and reducing the volumes of southbound left turns and westbound right turns at the intersection of Monticello Avenue and News Road. This is expected to reduce traffic at the intersection of News Road and Ironbound Road. The reduced traffic load at Five Forks and at the News Road/Ironbound Road intersection will improve the Level of Service at each intersection. **Should this application be approved, when the church opens, all intersections are forecasted to operate at Level of Service "C" or better on both weekdays and weekends.**

The Virginia Department of Transportation has reviewed the traffic study and concurs with the results. Weekend traffic volumes entering the church will require 200-foot long right- and left-turn lanes into the site from Ironbound Road. A left-turn lane into Greensprings Chapel would be constructed at the same time. A 100 to 150-foot exiting right-turn lane would prevent a Sunday queue from forming for those vehicles waiting to turn left onto Ironbound Road. The proposed church will generate large amounts of traffic during off-peak hours on the surrounding roads, however, on weekday afternoons, when background traffic is highest, trip

generation from the church will be relatively low and should have little effect on the traffic volumes at any of the nearby intersections. **The traffic study concludes that weekend traffic conditions at the surrounding intersections will operate at Level of Service “C” or better with the proposed church included in the analysis.**

For new traffic which will be generated by the church, peak hour traffic volumes have been forecasted by LandMark Design Group for 2001, when the church is expected to open, and for 2005, to account for the opening of the remainder of the Monticello Avenue Extension to Route 5.

<u>2001</u>	<u>Time</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Weekday	AM Peak	15	13	28
Weekday	PM Peak	14	11	25
Saturday	PM Peak	92	32	124
Sunday	AM Peak	185	178	363
<u>2005</u>	<u>Time</u>	<u>Enter</u>	<u>Exit</u>	<u>Total</u>
Weekday	AM Peak	19	16	35
Weekday	PM Peak	17	15	32
Saturday	PM Peak	115	41	156
Sunday	AM Peak	232	224	456

The proposed church expansions would not likely occur until after the opening of the Monticello Avenue Extension and analysis of the 2005 weekend conditions continues to show Ironbound Road operating at a Level of Service of “C” or better. As VDOT approval would be required for any expansion on the church site, staff does not see a need to include a future traffic study as a condition. VDOT will assess the conditions on Ironbound Road during the review of any proposed expansion and recommend a traffic study if conditions warrant further review. The Church is willing to meet all requirements imposed by VDOT as part of their review of this proposal.

Ironbound Road is planned for improvements on the Bicycle Plan and CMAQ funds are approved for a shoulder bike lane for the roadway in this vicinity. Staff has included a condition requiring installation of the bike lane along the Ironbound Road frontage of the church site. The condition requires installation of the bike lanes along the VDOT required turn lanes or other improvements.

Comprehensive Plan

Land Use Designation

The Comprehensive Plan designates the site and the adjacent properties as Low Density Residential. Examples of acceptable land uses within this designation include single-family homes, duplexes, cluster housing, recreation areas, schools, churches, community-oriented public facilities, and very limited commercial establishments. The plan states that nonresidential uses should compliment the residential character of the low-density residential area in which they are located. **Since churches are a recommended use and with sufficient buffering would not alter the character of the surrounding residential area, staff finds this proposal to be consistent with the comprehensive plan land use designation.** The plan further states that very limited commercial establishments, schools, churches, and community-oriented facilities should be generally located on collector roads at intersections where adequate buffering and screening can be provided to protect nearby residential uses and the character of the surrounding area. Although not located at the intersection of collector

roads, it is near the intersection of the News Road/Ironbound Road intersection and staff believes that with the proposed conditions, sufficient buffering exists to adequately screen the use from adjacent properties.

Community Character and Aesthetics

Ironbound Road is designated as a Community Character Corridor (CCC) in the Comprehensive Plan. The CCC designation is intended to preserve and protect the unique qualities and characteristics of these roadways. The only disturbance of the CCC buffer along the frontage of the site will be the entrance and entry road. The proposed church building is located nearly 1,300 feet and the parking areas are over 500 feet from the entrance to the site. By locating all development to the interior portions of the site, a significant portion of the densely wooded CCC buffer will be protected.

Historical and Archaeological Impacts

The site is not identified as a highly sensitive area on the James City County Archaeological Assessment and does not require any additional study.

Land Use Standards

The General Land Use Standards outline the recommendations for guiding land uses in a manner harmonious with the natural and built environment and provide a framework for evaluating special use permit proposals. One standard recommends that the County permit the location of new uses only where public services, utilities, and facilities are adequate to support such uses. This proposal meets the standard. Another standard recommends the County permit new development only where such developments are compatible with the character of adjoining uses and where the impacts of such new developments can be adequately mitigated. Staff worked with the applicant to address concerns over the width of the buffer between the church parking and the adjacent properties in The Meadows. The applicant originally proposed a permanent buffer that averaged 52-feet with a minimum width of 30-feet with understory planting throughout the area. Staff proposed a minimum undisturbed buffer of 50 feet along this area with a wall, solid fence or landscaping a minimum height of 48-inches to shield adjacent residential lots from headlight glare. Following the initial Planning Commission public hearing, the Master Plan was revised to address the concerns raised by Commission members and residents of the adjacent properties by increasing the undisturbed buffer along The Meadows to a minimum of 50-feet and, where the edge of pavement of a proposed parking area is closer than 70 feet to an adjacent residential lot, adding a wall or solid fence a minimum height of 60-inches and additional landscaping. Staff believes that the revised Condition No. 3, along with the other conditions, provide assurances that the development will mitigate the concerns raised by Commission members and residents of the adjacent properties. **Staff finds this proposal, with the staff recommended conditions, consistent with the General Land Use Standards.**

Recently, the United States government enacted the Religious Land Use and Institutionalized Persons Act of 2000 (the "Act"). The Act prohibits imposing a substantial burden on the free exercise of religion through land use regulations unless there is a compelling government interest. It is staff's opinion that the conditions contained in this special use permit are reasonably related to the impacts caused by the use of the property and do not constitute a substantial burden on the free exercise of religion.

RECOMMENDATION:

Staff finds the proposal, with conditions, consistent with the surrounding zoning and development and consistent with the Comprehensive Plan. On June 5, 2000, the Planning Commission recommended approval of the SUP application, with conditions, by a vote of 6-0. Staff recommends that the Board of Supervisors adopt the attached resolution which grants approval of the height limitation waiver for the proposed structure to a maximum height of 78 feet. Staff also recommends that the Board of Supervisors approve the SUP application with the following conditions:

1. Development and land clearing of the site shall be generally in accordance with the “Master Plan for Special Use Permit, St. Bede Catholic Church” prepared by LandMark Design Group, March 21, 2000, with corrections dated May 18, 2000, with such accessory structures and minor changes as the Development Review Committee determines does not change the basic concept or character of the development. Structures to be built on the Property in the future which are described on the master plan shall not require a special use permit.
2. The location of any Resource Protection Area shall be identified by the developer and shall be indicated on any site plan or development plan which is submitted to James City County for approval. This identification must be approved by the James City County Environmental Division prior to the issuance of preliminary site plan approval.
3. A minimum 50-foot wide undisturbed buffer shall be maintained along the property lines for adjoining lots in The Meadows, however, where the edge of pavement of a proposed parking area is closer than 70-feet to an adjacent residential lot, a wall or solid fence a minimum height of 60-inches and additional landscaping placed on the outside of the wall or fence shall be provided between the edge of pavement of the proposed parking area and the undisturbed buffer. The wall or solid fence and additional landscaping shall be approved by the Planning Director or his designee.
4. The applicant shall provide and construct a four-foot wide paved sidewalk along Ironbound Road adjacent to any turn lanes and associated improvements required by the Virginia Department of Transportation (“VDOT”) or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to insure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
5. The applicant shall construct a five-foot wide VDOT standard shoulder bike lane along the front of the property adjacent to Ironbound Road (State Route 615). If turn lanes or other road, drainage, or utility improvements are required by VDOT along other portions of Ironbound Road (“Ironbound Road Improvements”), the applicant shall either construct additional five-foot wide VDOT standard shoulder bike lanes along the Ironbound Road Improvements, as required by the Planning Director or his designee, or construct the Ironbound Road Improvements in such a way that subsequent installation of the bike lanes shall not require relocation of the Ironbound Road Improvements. The intent of this condition is that the County will only need to add base material and pavement for the additional bike lanes that do not adjoin the front property line. The construction of the required bike lanes shall be completed prior to issuance of a Certificate of Occupancy or, in the alternative, the applicant may provide and maintain a cash escrow account with an agreement in a form suitable to the County Attorney to ensure the construction of the improvements when similar improvements are completed on both sides of the Property along Ironbound Road at which time the cash escrow account shall be released.
6. All exterior light fixtures, including building lighting, on the Property shall have recessed fixtures with no lens, bulb, or globe extending below the casing. In addition, a lighting plan shall be submitted to, and approved by, the Planning Director or his designee which indicates no glare outside the property lines. “Glare” shall be defined as more than 0.1 footcandle at the property line or any direct view of the lighting source from the adjoining residential properties.
7. The applicant shall implement the road improvements recommended by the traffic study “St. Bede Catholic Church Traffic Impact Study, James City County, Virginia” prepared by LandMark Design Group, March 20, 2000. If additional right-of-way and/or improvements are required by the Virginia Department of Transportation, the additional right-of-way shall be acquired and dedicated prior to final

site plan approval and the additional improvements shall be constructed prior to the issuance of any Certificate of Occupancy.

8. The building elevations for any structure on the site shall be approved by the Planning Director or his designee prior to final site plan approval. The intent of this condition is to ensure that all future buildings on the site are uniform and compatible with the design, materials and colors of the main structure.
9. All dumpsters shall be screened by landscaping and fencing in a location approved by the Planning Director or his designee prior to final site plan approval.
10. Free-standing signs within 50-feet of the Ironbound Road right of way as may exist from time to time shall be ground mounted, monument style and shall be approved by the Planning Director or his designee prior to final site plan approval.
11. A landscaping plan shall be approved by the Planning Director or his designee prior to final site plan approval.
12. A land disturbing permit shall be obtained by the developer for this project within 36 months from the date of approval of this special use permit or the permit shall become void.
13. This special use permit is not severable. Invalidation of any word, phrase, clause, sentence or paragraph shall invalidate the remainder.

Christopher M. Johnson

CONCUR:

O. Marvin Sowers, Jr.

CMJ/tlc
sup-15-00.wpd

Attachments:

1. Planning Commission Minutes from May 1, 2000
2. Planning Commission Minutes from June 5, 2000
3. Location Map
4. Aerial View of Site
5. Rendering of the Church
6. Master Plan (separate attachment)
7. Special Use Permit Resolution
8. Height Limitation Waiver Resolution