



draft 6/8/2023  
Regular Meeting  
Resolution 23-\_\_

**MOTION:**

**SECOND:**

**RE: Granting a special use permit for Saint Mary of the Immaculate Conception parish on 5.4 acres of land located at 1301 William Street and associated lots on Stafford Avenue, Royston Street, and Augustine Avenue**

**ACTION: APPROVED: Ayes: \_; Nays: \_**

Saint Mary of the Immaculate Conception parish has applied for a special use permit for a “Religious Institution” use of its 5.4-acre property, to permit the continuation and expansion of the current religious institution uses, and to support additional accessory uses on the property. The land is zoned R-4, which allows the “Religious Institution” use by special use permit. A “Religious Institution,” as defined by the Unified Development Ordinance, is, “a structure or place in which worship, ceremonies, rituals, and religious education are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Religious institutions include churches, mosques, synagogues, and temples. Accessory uses may include religious school facilities, parking, or caretaker's quarters.”

The proposed future use and development of the property is shown on a Generalized Development Plan by Legacy Engineering, dated February 27, 2023, revised \_\_\_\_\_ (“GDP” or “Generalized Development Plan.”) The property that is the subject of this application is shown on page 2 of 4 of the GDP (“Property.”) Portions of the Property are the subject of previously-issued special use permits as summarized in the application and staff report.

The Council, after notice and a public hearing, has considered the special use permit application in light of its conformity with the City’s Comprehensive Plan, its harmony with the purposes and standards of the zoning district regulations, its compatibility with existing or planned uses of neighboring properties, and whether the proposed special use and related improvements will be designed, sited, landscaped and otherwise configured so that the use will not hinder or discourage the appropriate development or use of adjacent, neighboring or community land and structures, or impair their economic, social or environmental value.

Therefore, the City Council hereby resolves that:

- Council makes the following findings with respect to the special use permit application:  
(a) this request as submitted (or modified) conforms to the City’s Comprehensive Plan, or to specific elements of that plan and to official policies adopted pursuant the plan, (b) this request is in harmony with the purpose and intent of the zoning district regulations, (c) this request will not have an undue adverse impact on the surrounding neighborhood, in terms of public health, safety or general welfare; and (d) this request is appropriately designed, sited, landscaped and otherwise configured.
- Council therefore grants a special use permit to use the Property as a Religious Institution, subject to the following conditions:
  1. The Property will be developed and maintained substantially in conformance with the Generalized Development Plan.
  2. The principal religious assembly use shall be contained within the “Primary Church Use Area” delineated on Sheet 4 of 4 of the GDP.
  3. All school uses shall be contained within the “Primary Church Use Area.” Enrollment shall be limited to 66 preschool students.
  4. Any outdoor playground shall be located within the “Primary Church Use Area.” Any playground installed shall be screened from adjacent residential uses.
  5. Lots within the “Ancillary Church Use Area,” that are currently vacant or used for parking may be developed for single family detached dwelling uses or any other use by-right in the R-4 zoning district. Any other change of use will require an amendment to this special use permit.
  6. The hours of operation of uses located in the Ancillary Church Use Area shall begin at 8:00 a.m. and end at 9:00 p.m., seven days a week, unless a Special Event Permit is issued by the Parks, Recreation, and Events Department or a Temporary Use Permit is issued by the Zoning Administrator. Additional time for set-up/clean-up is permitted

between 7:00 a.m. and 10:00 p.m. seven days a week. The child day care use may begin operations at 6:00 a.m.

7. *Lighting fixtures for interior sidewalks within the Ancillary Church Use Area shall be five feet or less in height and in conformance with City Code.*

8. *Landscaping shall be installed to screen interior sidewalks within the Ancillary Church Use Area from view of the adjacent public streets.*

- This resolution supersedes the special use permits previously issued for portions of the Property.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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***Clerk's Certificate***

*I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 23-\_\_, adopted at a meeting of the City Council held Date, 2023, at which a quorum was present and voted.*

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***Tonya B. Lacey, MMC  
Clerk of Council***