



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-212

File ID: ID 19-212 Type: PH-Special Use Permit Status: Agenda Ready

Version: 1 Agenda Section: In Control: City Council

File Created: 06/28/2019

Subject: Final Action:

Title: Consider a request from the Northeast Neighborhood Association for a special use permit to allow for a community building at 481, 491, and 505 Broad Street.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Staff Report SUP (481, 491, 505 Broad Street) (3 pages), Site maps (2 pages), Application, applicant letter, and supporting documents (5 pages), Public Hearing notice, Surrounding property owners notice

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1	Planning Commission	07/10/2019	recommended to full council	City Council	08/13/2019		Pass
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Action Text: Commissioner Whitten moved to recommend approval with the conditions, as stated. Commissioner Colman seconded the motion. All members voted in favor of the recommendation, as presented (6-0). The recommendation for approval will move forward to City Council on August 13, 2019.

Notes: Chair Way read the request and asked staff to review. Ms. Dang said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine

residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The following land uses are located on and adjacent to the property:

- Site: House of worship, zoned R-2
- North: Single-Family Detached Dwelling, zoned R-2
- East: Duplex Dwelling and Multi-Family Dwellings, zoned R-2
- South: Single-Family Detached Dwelling, zoned R-2
- West: Commercial Uses, zoned B-1

Ms. Dang said that the subject property is located at the intersection of Broad Street and Effinger Street. The applicant is requesting a special use permit per Section 10-3-40(5) to allow for a community building use. The building was previously owned and used by Broad Street Mennonite Church, who in October 2018 donated the property to the Northeast Neighborhood Association (NENA).

NENA is a non-profit organization that serves the Northeast Neighborhood in Harrisonburg. NENA's website says its mission is "to work to make our neighborhood a secure, attractive, and strong community." NENA describes in their letter that in addition to continuing to use the building for worship services, they "would like to create a Community Center where residents of the community and city come for special gatherings, recreational, educational, and cultural activities." They describe that they have plans for a music room, art room, meeting spaces, and to host special occasions such as weddings, church concerts, and special programs.

NENA representatives are aware that before using the building as a community center, a new certificate of occupancy for a change of use per the Building Code is required. Additionally, off-street parking requirements will be reviewed by Zoning staff prior to the issuance of a new certificate of occupancy. Parking spaces must be provided at a rate of one parking space per 250 square feet of gross floor area and must meet parking lot landscaping regulations described in Zoning Ordinance Section 10-3-30.1. The building has +/- 3,120 square feet of gross floor area and will require a minimum of 13 off-street parking spaces, one of which must be handicap accessible. Additionally, either a shared parking agreement or a subdivision to vacate the property line between parcels identified as 34-G-10 and 11, which respectively contain the parking lot and building, will be required to

meet off-street parking requirements.

Additionally, signage for the site will remain limited to 24 square feet and six feet in height.

Staff believes that the proposed use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit request with the suggested conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If in the opinion of Planning Commission or City Council, parking, noise, or other issues associated with the community building becomes a nuisance, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions, restrictions, or revoke the permit.

Chair Way asked if there were any questions for staff.

Commissioner Ford-Byrd said that there was a mixed-use application last month that did not have the nuisance condition. Why does this application have this condition?

Ms. Dang said that although there was concern regarding noise from the tasting room, however restaurants are already permitted by-right in the B-1 zoning district.

Commissioner Finnegan said that churches often have many community events. The current use is already similar to the SUP.

Ms. Dang agreed. Churches can also have classes and other community activities. The owner and use of the property is not a church, it is a community group, therefore they have to get a SUP.

Mr. Fletcher said that SUPs go with the land, not with the operator, so if they wish to sell the property, a new community organization can come in and operate in a way that is different from how they operate.

Chair Way asked if there were any further questions for staff. Hearing none, he opened the public hearing and invited the applicant to speak.

Steven Thomas, representative of the Northeast Neighborhood Association (NENA), came forward to speak to the request. I would like to acknowledge board member Mrs. Meldorise Jordan. The Broad Street Mennonite Church is a very historic building. Its history in our community spans almost 100 years. Next year is the 75th anniversary of the opening of the Broad Street Mennonite Church and we look forward to honoring the legacy of that structure. The trustees that have bestowed upon us such an amazing responsibility to take what they have built and expand on what they have done in our community for so many decades. I thank the Assistant Director for her remarks and we appreciate your recommendation. You can be assured that what we said that we are going to do with the structure is exactly what we are going to do. We look forward to using this space to transform our community and the lives of those who would utilize the community center that we envision.

Commissioner Whitten asked if there was a manager for the building.

Mr. Thomas answered that NENA, as most non-profit organizations, has a board and they manage the property.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none,

he closed the public hearing and opened the matter for discussion.

Commissioner Whitten moved to recommend approval with the conditions, as stated.

Commissioner Colman seconded the motion.

All members voted in favor of the recommendation, as presented (6-0). The recommendation for approval will move forward to City Council on August 13, 2019.
