



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

December 26, 2018

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Community Mennonite Church to rezone 1.29 +/- acres from R-3, Medium Density Residential District and M-1, General Industrial District to B-1, Central Business District. The properties are addressed as 110 Old South High Street, 70 South High Street and 163 and 166 West Water Street and are identified as tax map parcels 25-C-11 and 35-X-14, 15.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 12, 2018

Chair Way read the request and asked staff to discuss.

Mrs. Banks said Community Mennonite Church is located on the northeast corner of South High Street and West Water Street at 70 South High Street. City records show that a church first appears on this property in the 1907 Sanborn map. (The previous 1902 Sanborn map does not show the church.) The property consists of two parcels, one parcel is zoned R-3, Medium Density Residential District and the other is zoned M-1, General Industrial District. The property line also runs directly through the church building; therefore, both the property and the building are split zoned between R-3 and M-1.

In 2007, Community Mennonite Church purchased the property across West Water Street, addressed as 110 Old South High Street, commonly known as the Dean House, to use as assembly space for Sunday school and other church related activities. This property is zoned R-3, which allows a church use by-right. In 2008, the church obtained a change of use permit from a residential use to an assembly use for the Dean House; parking for the use was provided at the 70 South High Street location. In September 2018, Community Mennonite Church applied for a building permit to change the use of the Dean House from assembly to a mixed-use building for assembly and residential, with the intent of creating a residential dwelling on the second floor of the building. In the R-3 zoning district, mixed use buildings are permitted uses, however there are specific minimum lot size requirements that must be met for each use. In this case, the dwelling use would require 6,000 square feet of lot area and the assembly use for the church would require 6,000 square feet of lot area; thus, totaling a need for 12,000 square feet of lot area to allow the two uses on the site. The Dean House property has a lot area of 11,479+/- square feet; therefore, the building permit for the change of use to mixed use could not be approved.

The Comprehensive Plan designates this area 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: 110 Old South High Street, Religious assembly use, zoned R-3
70 South High Street, Religious, assembly use, zoned R-3 and M-1
- North: Rosetta Stone, zoned B-1; and multifamily dwelling units and a private parking lot; zoned R-3
- East: Rosetta Stone, zoned B-1; and private parking lot, zoned B-1C
- South: Duplex dwelling units, zoned R-3
- West: Across South High Street, Dwelling units, zoned R-3

Community Mennonite Church (the Church) is requesting to rezone three parcels located on the northeast and southeast corners of the intersection of West Water Street with Old South High Street and South High Street, from R-3, Medium Density Residential District and M-1, General Industrial District to B-1C, Central Business District Conditional.

The property addressed as 110 Old South High Street, known as the Dean House, is currently used by Community Mennonite Church for Sunday school and other church related activities. These uses take place on the first floor of the building. The applicants desire to renovate and use the second floor of the building for residential purposes. Although both uses are permitted in the R-3 zoning district, the lot size is not sufficient to support both uses in the R-3 district; therefore, the applicants are requesting a rezoning to B-1, which does not have minimum lot size requirements.

During conversations with staff regarding a rezoning, staff noted that the B-1 by-right uses described in Section 10-3-84 of the Zoning Ordinance states:

- (5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities.

Staff believes religious, educational, charitable and benevolent institutional uses should be allowed to provide non-transient housing in the same structure or on the same property just like all other by right uses in the B-1 district. Thus, staff will be proposing an ordinance amendment to Section 10-3-84 (5) to remove the language *which do not provide housing facilities*. (Note: The noted Zoning Ordinance amendment will be heard as a separate agenda item during this month's agenda.)

Also, during the rezoning conversation with the applicant, staff suggested that they might want to consider also rezoning their other parcels, located at 70 South High Street, which are zoned R-3 and M-1 respectively. A rezoning to B-1 would alleviate some setback issues with the church building as well as make the use conforming to the zoning regulations. Religious uses are not a by right use within the M-1 district.

With this rezoning request, the applicant has proffered the following (written verbatim):

- The properties identified as tax map parcels 25-C-11, 35-X-14, and 35-X-15, shall provide at least 25 off-street parking spaces, which may be located on one or any combination of the three properties. Any use on each identified parcel may use the parking spaces proffered herein.

The proffer binds the three parcels together through parking; therefore, as long as there are always 25 parking spaces provided on one or any combination of the three parcels, then the Church is meeting the proffer. If in the future, the Church desired to sell a portion of any of the three parcels to another party, this may be done. The proffer related to parking creates a level of certainty that if other uses are desired for this site, then the plan for off-street parking will have to be considered and accommodated in some way. If a future development were desired for these properties, where structures used all the physical space of the parcels, a rezoning would be necessary to remove the proffer. At that point in time, the City may have a better plan or infrastructure in place to accommodate the noted type of development.

Currently, there are 48 off-street parking spaces located on the property at 70 South High Street and at least two off-street parking spaces available at 110 Old South High Street. Community Mennonite Church has an agreement with Rosetta Stone for shared parking; where Rosetta Stone utilizes spaces on the church property throughout the week and then the Church uses Rosetta Stone's 25 off-street parking spaces on Sunday. There is also parking available along South High Street within City right-of-way and the Water Street parking deck is one block to the east. (See exhibit A)

Along with the operation of the Church, Community Preschool operates within the building at 70 South High Street. The preschool occupies approximately 785 square feet of the building's space and offers a morning and afternoon (every other day) preschool. The proffer of 25 off-street parking spaces helps to ensure that parking is available throughout the week for persons working within in the Church, for the preschool use, and for uses within the Dean House at 110 Old South High Street.

As previously stated, the Comprehensive Plan designates these properties as Mixed Use, which is 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. Downtown is an existing area that exhibits, and is planned to continue to contain, a mix of land uses.

A church has been established at this location for more than 100 years and Community Mennonite Church continues to grow at this location. The Mixed-Use designation of the Comprehensive Plan supports the request to rezone these parcels to B-1 for the intended uses.

Staff recommends approval of the rezoning request.

Chair Way asked if there were any questions for staff.

Mr. Colman asked whether the church was going to be required to vacate the interior property line.

Mrs. Banks replied that there would not be such a requirement at this time. If there were plans to renovate the property in the future, the Building Inspections Division might require that they vacate the property line. Currently, there is no requirement that the property line be vacated.

Chair Way opened the public hearing and invited the applicant to speak to the proposal.

Mr. Jason Gerlach, associate pastor of Community Mennonite Church (CMC), said that the church has the two properties before you. Initially, the request was just to have the ability to use the second floor of the Dean House for residential purposes.

In 2016, CMC decided to host a voluntary service unit by Mennonite Mission Network. Four young adults, who are college graduates, volunteer a year or two of service to local non-profits. The volunteers will be housed on the second floor of the Dean House. While working on this initial request, it came to

the attention of the Planning & Zoning Division of the Department of Community Development that the Dean House property did not have sufficient square footage. In addition, it was noted that the church's adjacent properties were zoned M-1 and R-3. The recommendation was to include rezoning both properties in the same request.

Chair Way asked if there any questions for the applicant.

Mr. Finks thanked Mr. Gerlach for explaining the use of the second level of the Dean House.

Mr. Gerlach added that once staff was recommending B-1, they noted the housing facilities restriction in Section 10-3-84(5), therefore it was brought forward at the same time as the rezoning request.

Chair Way asked if there were any further speakers.

Mr. Panayotis Giannakaouros came forward to speak in favor of the proposal. Mr. Giannakaouros offered a possible explanation for the restrictions included in Section 10-3-84(5). It is one of many M-1 zoning instances that have been seen recently that occurred in formerly African-American areas. This was a particularly special area of African-American property ownership prior to the Civil War and continued to be a place where important leaders lived after the Civil War. The fact that "fraternal" organization was also struck during the 1987 change is interesting because, immediately after the Civil War, fraternal organizations were a very important element in organizing and establishing the newly freed African-American political power in this community. What connection that may have had is uncertain, however, at the time which the change was made in the previous ordinance, when the use for residential purposes was removed, was a year after Elon Rhodes seconded the addition of welfare to the tall grass and weeds ordinance and reinstated criminal penalties in the tall grass and weeds ordinance. It gives some social context to what may have been happening around 1986-1987.

Mrs. Jennifer Davis Sensenig, pastor of Community Mennonite Church, came forward to speak in favor of the rezoning request. The congregation is grateful to be hosted by this community and hosting young adults who are serving non-profits in the community is a way to say thank you to the community. The initial applicants for voluntary service have been working with Harrisonburg City Public Schools, the Medical Suitcase Clinic which provides medical services to persons living in local shelters, and New Bridges Immigrant Resource Center, among others. These organizations are also willing to provide a small stipend to the volunteers. Thank you for hearing our request.

Chair Way closed the public hearing and asked if there was a motion.

Mr. Colman moved to recommend approval of the rezoning request as presented.

Mrs. Fitzgerald seconded the motion.

Chair Way said that we have a motion and a second to recommend approval of the rezoning request.

All voted in favor (4-0) of the motion.

Chair Way said this will move forward to City Council on January 8, 2019.

Respectfully Submitted,

Alison Banks

Alison Banks

Senior Planner