



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

January 31, 2019

### TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from The Club, Inc. to rezone 26,171 sq. ft. from M-1, General Industrial District to B-2, General Business District. The property is addressed as 120 Waterman Drive and is identified as tax map parcel 36-M-10.

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: January 9, 2019

Chair Way read the request and asked staff to discuss.

Ms. Dang said the Comprehensive Plan designates this area as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

- Site: Assembly hall, zoned M-1
- North: Mercantile and warehouse building, zoned B-2
- East: Multi-family dwelling units, zoned R-3
- South: House of worship, zoned B-2
- West: Vacant land, zoned M-1

The Club, Inc. is requesting to rezone property at 120 Waterman Drive from M-1, General Industrial District to B-2, General Business District. The 2,400 square foot building is an assembly hall owned and operated by The Club, Inc. As described in the applicant's letter, "The Club, Inc. was incorporated in 1992 for the purpose of furnishing and providing activities for self-help groups having the primary purpose of recovery from alcoholism." The Club provides space for meetings and social events.

The applicant has plans to replace the front and back glass doors with new steel doors and to create a covered seating area behind the building. While seeking to apply for building permits, the applicant was informed by staff that assembly uses are not a permitted use within the M-1 district, and therefore, The Club has been illegally operating at this location. Staff recommended that the applicant consider rezoning the property to the B-2 district, which allows assembly uses by right and, from a zoning perspective, would allow for The Club to continue legally operating at this location.

The Club currently has 33 active members. Membership is open to any person who attends Alcoholics Anonymous (AA) meetings, has three months of continuous sobriety, and pays dues. However, not all

people who attend meetings hosted at The Club are members. The Club hosts one to three meetings each day of the week, most often at 12noon and 7pm.

Section 10-3-25 (11) of the Zoning Ordinance requires that public assembly uses (except schools) provide one parking space for each 10 fixed seats in the assembly use or two spaces for each ten portable seats in the assembly use for the largest capacity. The maximum occupancy load for the building is 100. Therefore, The Club must provide for a minimum of 20 parking spaces. There are currently 43 marked parking spaces available on the property with an additional gravel area in the rear of the property that can be used for parking. The Club has an arrangement with their adjacent neighbors to the north and south, where their neighbors may also use The Club's parking lot.

The Comprehensive Plan's Land Use Guide designates this area along the eastern side of Waterman Drive as Commercial, which is in line with the requested rezoning. This section of the Waterman Drive corridor has several service-oriented businesses such as those traditionally found in the B-2 zoning district. In addition, and similar to this request, over the years there have been a few rezonings from M-1 to the B-2 district. In 1991, the adjacent +/- 1.19 acres to the south of the subject property was rezoned from M-1 to B-2 (that acreage was later subdivided into three parcels addressed today as 98, 100, and 110 Waterman Drive), and in 2017, the adjacent property addressed as 160 and 164 Waterman Drive was rezoned from M-1 to B-2. About 925 feet to the north, a third property addressed as 450 Waterman Drive was also rezoned in 1992 from M-1 to B-2.

Staff recommends approval of the rezoning request as submitted.

Chair Way asked if there were any questions for staff.

Mr. Finnegan asked were there any comments from the neighboring businesses?

Ms. Dang replied no.

Mrs. Whitten asked were there any comments from the residential neighborhood behind the club.

Ms. Dang replied I did not receive any comments from anybody.

Mr. Colman asked when we rezoned the property north of that, does the shared use parking agreement take away from their parking space numbers.

Ms. Dang replied that the City did not require a parking agreement.

Mrs. Banks added that there is a parking arrangement that was created years ago when the properties were all under one ownership. That particular rezoning had a special use permit at the same time, which allowed them to have a reduction in their required parking, as long as they left the green space in the rear.

Chair Way opened the public hearing.

Mr. Larry Davis, representative and treasurer for The Club, came forward to answer any questions the Commission may have.

Mr. Finks noted that The Club intended to remove the three handicap accessible parking spaces in the front and add handicap accessible parking to the side lot. He asked for clarification regarding the number of spaces that were required per the federal guidelines. You would need to have one standard and one van accessible space, that is two ADA spaces. Is that correct?

Ms. Dang stated that the City's parking regulations only require that they provide 20 spaces. However, the number of handicap accessible parking spaces is based on the number of provided spaces. Since they provided about 40 spaces, they have to provide one handicap accessible parking space for every 25 spaces provided. They would be required to have two handicap accessible spaces.

Mr. Finks said that they currently have three handicap accessible spaces and asked if they plan to have three handicap accessible spaces or keep the minimum.

Mr. Davis responded that the three handicap spots in front of the building are currently illegal. The signs do not meet the requirements and the van accessibility area between the first two spots is too small. We have come to an agreement that we will remove those three parking spots and have no parking in the front to avoid having cars backing out into Waterman Drive. We will restripe all of the parking spots in the middle. The first spot will be 10-feet wide. The second spot will be the van accessibility spot and will be 9-feet wide and an additional handicap spot will be 10-feet wide. These measurements exceed the minimum requirements. Once those three are labeled, we will follow guidelines for the remaining parking spots.

Mrs. Whitten asked regarding the nature of the gathering area behind the building because she was concerned about noise affecting the residential area behind the property.

Mr. Davis responded that the residential area behind the property is at a good distance. The Club has eight picnic tables. We have held functions out there since at least 1986 and never had any noise violations issued. What we do plan on doing is getting a gazebo or similar structure as a covered area for smokers, since The Club building has become a no smoking facility.

Chair Way asked if there were any further questions. Hearing none, he closed the public hearing and opened the matter for discussion.

Mr. Finnegan said that The Club seems like a good service to the community. It is admirable and desirable in the community. In addition, there are other clubs on Waterman Drive, including the VFW. I also agree with removing the parking spots in the front.

Mr. Finnegan moved to recommend approval of the rezoning request.

Mr. Colman seconded the motion.

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

All voted in favor (6-0) of the motion. Ms. Ford-Byrd abstained.

Chair Way said this will move forward to City Council on February 12, 2019.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner