



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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August 5, 2014

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

**SUBJECT:** Public hearing to consider a request from Rawley Enterprises LC with representative Evaristo Antonio-Perez-Tomas for a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow religious, educational, charitable, or benevolent institutional uses which do not provide housing facilities within the M-1, General Industrial District. The 8,673 +/- sq. ft. property is addressed as 206 Charles Street and is identified as tax map parcel 41-B-2.

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: July 9, 2014**

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

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

- Site: Mercantile building, zoned M-1
- North: Vacant parcel and tire business, zoned M-1
- East: Vacant parcel and empty building, zoned M-1
- South: Across Charles Street, vehicle repair business, zoned M-1
- West: Mercantile building and farm supply business, zoned M-1

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (9) of the Zoning Ordinance to allow a religious, educational, charitable or benevolent institutional use within the M-1, General Industrial District. The property is situated on the northern side of Charles Street, near the intersection of Charles and Jefferson Streets. If approved, Iglesia Cristiana Monte de Horeb Pentecostes Church would continue to utilize the building on site for worship service. The building would not provide housing facilities for the church.

City staff became aware of the church when they applied for a sign permit for the subject property. Staff informed them that a SUP would be required for the church to continue operating at the site as such a use is not permitted by right. If approved, they could obtain a sign permit.

The applicant has stated that the church has seating for forty-eight members. Based on that number, 10 on-site parking spaces would be required. Currently, there are only four parking spaces located on the property. Section 10-3-25 (11), off-street parking regulations for churches, funeral homes, auditoriums, theaters and similar uses of public assembly, allows Planning Commission, upon site plan review, to

modify these requirements when the assembly use requests borrowing parking from other public or private parking facilities in close proximity. The applicant has permission to borrow parking spaces from Valley Implement Sales, located approximately 70 feet west of the church property, along the same side of Charles Street, should Planning Commission consent. The church conducts services on Sunday mornings and two evenings during the week; whereas Valley Implement Sales is open until 5:00 pm on Monday thru Friday and noon on Saturday.

Staff has also discussed with the applicant that the existing four, on-site parking spaces, which back out directly into Charles Street, create an unsafe maneuver and that the applicants would be responsible for any issues that arise from this use of the parking area.

The applicant has been informed by staff that if they receive approval of the request, they would need to apply for a change of use permit from the Building Inspection Division. This would require that all Building Code regulations be met for the proposed use. The applicants have met with personnel from the Building Inspection Division to discuss the necessary requirements such as needing a plan showing overall usage of the building and a seating plan chart; handicap accessible restrooms and door sizes; and marking the handicap accessible parking space with a wall or pole sign.

During a visit to the site staff observed that a convenience store was located directly adjacent to the subject property. Convenience stores are allowed within the M-1 zoning district as a special use permit; there is no record of a convenience store SUP for this site. Staff is currently working to determine if the use is a non-conforming use. If it is concluded that the use is not, the property owner could be cited in violation of zoning regulations and given 30 days to rectify the non-compliance; which may lead to applying for a SUP for a convenience store use.

Staff does not have any concerns with a religious use at this location. The uses found along this street are not intensive enough that a church at this location would be incompatible with the surrounding uses. Staff supports the special use permit request.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant or the applicant's representative would like to come forward and speak.

Stephanie Floros said she was speaking on behalf of Evaristo Perez-Thomas and wanted to thank Planning Commission for considering this on behalf of the church.

Chair Fitzgerald asked if there were any other persons wishing to speak in favor of, or in opposition of the request. Hearing none, she closed the public hearing and asked Planning Commission for comments or a motion.

Mr. Heatwole said given our consideration to the parking agreement already being worked out, I move to recommend approval of the special use request.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote. All voted in favor of the motion to recommend approval of the special use request with the parking arrangement (5-0).

Chair Fitzgerald said this will move forward to City Council on August 12<sup>th</sup>.

Respectfully Submitted,

Alison Banks  
Senior Planner