CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT

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March 25, 2025

TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA

SUBJECT: ***Consider a request from Divine Unity Community Church to rezone 1680 Country Club Road***

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: March 12, 2025

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said on April 14, 2009, City Council approved a special use permit to allow for a religious use at 1680 Country Club Road with the following conditions:

1. The special use permit is limited only to Valley Church at this location;
2. The applicant installs a left turn lane from Country Club Road into the site and that no building permits for the church would be released until plans are approved and bonded, if necessary, for the left turn lane or the left turn lane is constructed;
3. The owner dedicates 10-feet of right-of-way along Country Club Road for future road widening; and
4. If seating capacity increased beyond 700, that the request be presented to Planning Commission for further review and a new special use permit.

Today, the applicant is requesting to rezone a +/- 7.35-acre parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The property is owned and operated by Divine Unity Community Church. If approved the applicant plans to operate half of the available building space for worship and community activities, with the remaining area designated for storage and support functions. The church plans for the building to include expanding the children's ministry, increasing capacity for community events, providing additional resources and support for local families, and developing a gym/athletic space.

Proffers
The applicant has offered the following proffers (written verbatim):

1. The following uses shall be prohibited:
   a. Vehicle, recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road

tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

b. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.

c. Radio and television stations and studios or recording studios.

d. Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.

e. Funeral homes.

f. Vehicle fuel stations, bus terminals or other facilities designed for vehicular convenience. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

g. Drive through facilities

2. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

3. Prior to issuance of any future building permit, the property owner shall dedicate 15-feet of public street right-of-way along Country Club Road.

Land Use

The Comprehensive Plan designates this site as Mixed Use and Low Density Mixed Residential and states:

Mixed Use

The Mixed Use category 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.

Low Density Mixed Residential

These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and 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.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

As noted in Proffer #3, the applicant would dedicate right-of-way along Country Club Road. The reason for the right-of-way dedication is to assist with the improvement plans for Country Club Road, which includes widening the road to three lanes with sidewalk on one side of the street and a shared use path on the other side. Public street right-of-way is still needed along this property's frontage because the 2009-approved SUP condition to dedicate right-of-way was unfortunately not fulfilled by the previous property owner. The applicant is specifically proffering that before any new building permit is issued, they would dedicate 15 feet of right-of-way for future improvements to be made by the City.

Public Water and Sanitary Sewer

Staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed rezoning.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

Recommendation
Staff recommends approval of the rezoning request.

Chair Baugh asked if there were any more questions for staff.

Vice Chair Finnegan said churches do not pay property taxes, is that correct?

Chair Baugh said [you mean] real estate tax.

Vice Chair Finnegan said if they are using this to rent out, would they pay taxes on that?

Mr. Russ said it depends on how the rental relates to the church, how frequent it is. Does that space basically exist for the sole purpose of renting out? Are they using it as well? It is complicated.

Commissioner Porter said if it is consistent with their mission, you can make the case that it would be appropriate.

Chair Baugh said similarly if you just rent it out to a professional office, you have actual income you have to report. Presumably the Commissioner of the Revenue figures this out.

Vice Chair Finnegan said I know that it related tangentially to this, and this proposal is not for housing, but if a faith community wanted to build housing on their property... I can follow up with you about that later. I am curious about the tax revenue if housing was built.

Chair Baugh said I know one instance where if a church does that it is generally consistent with their mission... It is like the City Attorney says it really depends on the details of what exactly they are doing and how consistent it is with their exempt purposes.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Gabe Crider, Associate Pastor at Divine Unity Community Church, came forward to speak to the request. He said I do not have a lot to add but I am here for any questions that you would have for me specifically.

Commissioner Porter said would any of the additional services that you would be providing, or the potential rentals, change the traffic patterns or increase the times of day where you might have more traffic coming in and out of the facility?

Mr. Crider said the mentioned potential of renting out a portion of the warehouse for athletic use would be for…we are under a lease but the lease we are in conversation about would be for a wrestling club that would be there several evenings a week. It would not really change the traffic, and they would not be allowed to be there during times where we would be using the building for church services.

Commissioner Porter said it would increase the population that would be present during your actual service?

Mr. Crider said not during services. There might be other people there in the offices and whatnot but not a significant number of people.

Chair Baugh asked if there were any more questions for the applicant or applicant's representative. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Nardi said I would move to approve based on better utilization of the building, being consistent with the church's mission, and the benefit to the community. They have proffered a number of things that show awareness for the space around them and where the City is coming from.

Commissioner Porter said the right of way is. I think for anybody that travels along Country Club Road, and I do not think they are going to bother any of their other…there is not really anybody else that is going to be bothered by this.

Commissioner Porter seconded the motion.

Chair Baugh said one thing that I like a little bit, that I do not think was really stated, is there is a potential for rental activity in the building now and by going from the M-1 to B-2 it is possible some potentially less intensive uses would no longer be available there.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on April 8, 2025.