

# Memo

**To:** Planning Commission  
**From:** Bryan Myrkle, Community Development Director  
**Date:** August 31, 2018  
**Re:** Conditional Use – 809 E. Shepherd Street

---

On your agenda for September is a proposed Conditional Use authorization for a portion of a parcel of property at 809 E. Shepherd Street. This is the location of Crossroads United Brethren Church.

Helping Hands Food Pantry proposes to purchase a portion of this site to build a new building to house the pantry and its operations. They have been working for at least a year to find a suitable building site in Charlotte.

This site is zoned R-1 Single Family Residential. However, the R-1 zoning classification does allow, as conditional uses, some non-residential developments. In particular, “Churches, and other facilities normally incidental thereto,” subject to several minor conditions. These include being on a major or secondary street, and keeping at least a 15 foot setback for structures, as well as certain special height allowances for churches.

The Planning Commission can also impose additional conditions it deems necessary to protect the neighborhood.

The first and most important question the Planning Commission will have to answer is whether a faith-based food pantry can be considered a “church, or other facility normally incidental thereto.” This finding is complicated somewhat by Helping Hands’ intention to purchase the property outright, rather than lease. If it were a development undertaken by the church itself, it would be easier to say this is a normal use

incidental to a church. In this case, the question is whether the pantry on its own, by merit of its religious affiliation, can be considered a type of use normally incidental to a church.

If the Planning Commission agrees that it meets this requirement, then it would be appropriate to consider whether there may be additional conditions necessary to protect the neighborhood. I have advised the project's representatives to seek this conditional use authorization before purchasing the property and making serious building plans, because I am not sure this use will qualify. If the use is approved, Helping Hands will be back before Planning Commission at a future meeting for site plan approval.

I have included an aerial photo illustrating the approximate area under consideration. Representatives of the project will be present at your meeting to answer any questions you may have.

