



Legislation Details (With Text)

**File #:** 19-874      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 9/5/2019      **In control:** City Council  
**On agenda:** 9/17/2019      **Final action:** 9/17/2019  
**Title:** Pass the ordinance granting a temporary use to permit a religious institution to remain in place until March 17, 2022 or until the petitioner relocates to a permitted location, whichever occurs first, for the property located at 710 E. Ogden (Shiv Durga Hindu Cultural Center) - PZC 19-1-096

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Shiv Durga Hindu Temple - Ordinance, 2. Exhibit A - Legal Description, 3. Exhibit B - Site Plan, 4. Application, 5. Letter from Petitioner, 6. Location Map

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 9/17/2019 | 1    | City Council | passed |        |

**CITY COUNCIL AGENDA ITEM**

**ACTION REQUESTED:**

Pass the ordinance granting a temporary use to permit a religious institution to remain in place until March 17, 2022 or until the petitioner relocates to a permitted location, whichever occurs first, for the property located at 710 E. Ogden (Shiv Durga Hindu Cultural Center) - PZC 19-1-096

**DEPARTMENT:** Transportation, Engineering and Development

**SUBMITTED BY:** Erin Venard

**BOARD/COMMISSION REVIEW:**

Not Required.

**BACKGROUND:**

The petitioner, Shiv Durga Hindu Cultural Center, is operating a religious institution at the subject property located southeast of Ogden Avenue and Columbia Avenue and known as 710 E. Ogden. The tenant space, Unit 200C, is approximately 3,500 square feet in size. The property is zoned B3 (General Commercial District) and is improved with a single-story brick building.

In February of 2019, the City issued a permit (19-0139) for a simple occupancy to allow the petitioner to occupy Unit 200C (note: the permit application did not specify the user as a religious institution). In June of 2019, staff received a complaint that the petitioner was operating a religious institution, which is not permitted in B3, on the site.

**DISCUSSION:**

A religious institution is defined as “a building or structure which is occupied by a religious nonprofit corporation or organization and which is operated for public or semipublic use including, but not

limited to, churches, synagogues, rectories and convents.” Shiv Durga Hindu Cultural Center, which provides religious and spiritual services, classes, and a private prayer center, is classified as a religious institution. A religious institution is not a permitted nor a conditional use in B3.

The petitioner is requesting a temporary use to allow the center to remain on the property until the expiration of the current lease (March 17, 2022) or until a permitted location can be found. Per Section 6-2-11 (Temporary Buildings, Structures and Uses of Land), City Council must approve a temporary use which exceeds a 6-month period of time. The subject property is located behind an existing commercial building and does not have frontage on Ogden Avenue. As such, staff finds that a religious institution will not affect the commercial nature of the corridor and supports the request for a temporary use.

*Key Takeaways*

The petitioner requests approval of a temporary use for a religious institution until March 17, 2022 or until the petitioner relocates to a permitted location, whichever occurs first.

**FISCAL IMPACT:**

N/A