



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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December 31, 2014

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT:

Public hearing to consider a request from Norma L. Wise and Joan Clasbey with representative David Miller for a special use permit per Section 10-3-187 (1) of the Zoning Ordinance, which allows museums, galleries and art studios, which may include instructional rooms and incidental sales where permitted. The 24,019 +/- square foot property is zoned U-R, Urban Residential District and includes the R-P, Residential Professional Overlay District. The property is located at 57 Paul Street and is identified as tax map parcel 25-M-10.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 10, 2014

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

Site: Single family home, zoned U-R/R-P

North: Across Paul Street, the Elks Lodge, zoned R-3

East: Single family home, zoned U-R/R-P

South: Duplex, zoned U-R/R-P

West: Across Federal Street (which is actually a public alley), single family homes, zoned R-3, and professional offices fronting South Main Street, zoned R-3

The residents of 57 Paul Street, one of which is a co-owner of You Made It! LLC Paint Your Own Pottery and Fused Glass Studio, are requesting a special use permit (SUP) per Section 10-3-187 (1) of the Zoning ordinance to allow an art studio at the identified property. The subject parcel is zoned U-R, Urban Residential District and includes the R-P, Residential Professional Overlay District. David Miller, the other co-owner of You Made It! LLC, is representing the applicants. (To the best of staff's knowledge, this is the first time any U-R/R-P property owner has requested any type of special use permit within Section 10-3-187.)

The property is located mid-block between South Mason Street to the east and South Main Street to the west and at the corner of a 20-foot paved public alley better known as South Federal Street. If approved, the applicants *may* relocate their business to the subject property.

Per Section 10-3-130 (c), “Whenever a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” As the applicants are still planning for the future and are unsure of all circumstances associated with their current location at 163 South Main Street, they are requesting the SUP be allowed to be established, or any construction authorized, until December 31, 2017—more or less a three year window of opportunity if approved by City Council in January 2015.

If the request is approved, the applicants do not plan to continue living at the property; however, Section 10-3-186 (2), a by-right use for properties with the R-P overlay, allows property owners to have a single dwelling unit and operate a permitted non-residential use when the property has, at minimum, 14,000 square feet of lot area. The property exceeds this minimum requirement as it has 24,019 square feet. With the proper renovations, the applicants could remain living in the structure or rent the space as a dwelling unit. If they choose to utilize the mixed use potential of the parcel, they would have to supply two off-street parking spaces for the residential use as well as meet the minimum number of required off-street parking spaces necessary for the art studio.

Off-street parking requirements for the art studio would be regulated by Section 10-3-25 (14), which requires one space per 250 square feet of gross floor area. Per the submitted application, the principal building includes 3,441 square feet, but any amount of square footage utilized within any of the onsite accessory buildings for the art studio must also be included in the calculation to determine the total amount of off-street parking spaces needed to be in compliance with the Zoning Ordinance. Often times a deciding factor into whether U-R/R-P properties can be converted to permitted non-residential uses is if the property is large enough to provide the required off-street parking spaces. After review, staff has no concerns as to whether this property is capable of meeting the off-street parking requirements. The applicants have submitted a general layout demonstrating where they plan to accommodate the required parking area.

If the SUP is approved, regardless of whether the structure is fully utilized as an art studio or if they choose to utilize the mixed use capabilities of the property, several renovations would be needed to the structure to conform to Building Code regulations. The applicants are aware of many of the necessary renovations needed to convert the property from a residential use to a commercial use as they have already met on-site with Building Inspections personnel regarding that conversion. The total number of parking spaces and the renovations needed to the building and property will have to be determined by the applicant prior to building permit application.

With regard to the Comprehensive Plan, although the Land Use Guide designates this property as Neighborhood Residential, a designation staff often times associates with areas that are zoned R-2, it borders property designated Professional, which are areas planned for non-residential uses. The public alley, identified as South Federal Street, is the boundary for properties designated Professional to the west and Neighborhood Residential to the east for the entire block bounded by Paul Street, South Mason Street, East Grattan Street, and South Main Street. South Federal Street also serves as the boundary for properties within the same identified block, where properties to the west of the alley are zoned R-3 and properties to east are zoned U-R/R-P.

It should be known that the U-R and R-P districts were created in 2001; most of the existing properties zoned U-R and those with the R-P overlay were rezoned to those districts when the districts were enacted. In knowing this, and in knowing that the purpose of the R-P district is to provide flexibility in the use of buildings located at the outer limits of traditional residential areas for professional offices and other uses that respect both the residential nature and aesthetic character of the adjacent neighborhood, staff believes the request is justified and is good zoning practice. Being that the applicants plan to maintain much of the historical nature of the structure, the most impactful and noticeable change to the property will be the conversion of part of the back yard to a parking lot. However, staff does not believe this alteration of the property will negatively impact the residential nature or the aesthetic character of the adjacent neighborhood as this neighborhood already has several parking lots adjacent to the subject property. The nearby existing parking lots serve the professional and business offices fronting South Main Street and accessible from South Federal Street, while the largest parking lot in this neighborhood is across the street at the Elks lodge property. The subject property already has an opaque fence in place, which will screen the view of vehicles, and their headlights at nighttime, from adjoining properties. Furthermore, the property owners plan to maintain much of the landscaping that is already in place, which will be in addition to the required parking lot landscaping requirements.

The subject property also lies within the Comprehensive Plan's identified Downtown Revitalization Area, which draws attention to the City wanting "to revive downtown as the heart of the City and region, an economic engine, source of civic pride, arts and entertainment center, and quality place to shop, work and live." Staff believes the conversion of this property to an art studio, or even to a mixed use, conforms to the Comprehensive Plan and could even strengthen the integrity of this area of downtown.

As noted above, the applicants plan to maintain much of the historical nature of the structure; however, future property owners and/or operators of an art studio at this location may choose a different approach. Staff believes maintaining the historical nature of the property accomplishes the R-P district's intent of respecting both the residential nature and aesthetic character of the adjacent neighborhood.

Staff suggests the following two conditions be added to the approval of the application:

1. The permit shall be applicable only for the property and the existing historical structure, or a substantially similar structure, including all existing accessory structures. New accessory structures may be permitted so long as they are in keeping with the surrounding neighborhood. (This condition shall be flexible in allowing renovations to occur to accommodate the art studio. If the Zoning Administrator believes proposed renovations, additions, or new structures do not meet the intent of this condition, the property owner may appeal the decision to the Board of Zoning Appeals.)
2. All parking areas shall be located to the rear of the principal building and opaquely screened from adjacent properties. The height of the screening shall be no less than 4-feet in height. (Note: If any section of the existing opaque fence is less than 4-feet in height, it shall meet the intent of this condition.)

Staff recommends approving the SUP with the above noted conditions to allow an art studio at the property per Section 10-3-187 (1) and supports their request to be given until December 31, 2017 to establish the authorized use or for construction to have commenced and diligently pursued by the same date.

Chair Fitzgerald asked if there were any question for staff.

Dr. Dilts said I have a question regarding the first condition; it reads it is only applicable for the property and the existing historical structure, or a substantially similar structure. Does that mean they could tear the house down and build another four square (house)?

Mr. Fletcher replied it does and that is because there is nothing that could prevent them from doing that now and there is no regulation that says you cannot tear down a historical structure. These conditions are only associated with it being an art studio, which is why we put in the terminology of “or a substantially similar structure.” We are hoping this condition captures the intent that if anyone would ever tear down the historical structure, they would have to build something back that is of the historical nature, appearance, and in keeping with the surrounding neighborhood.

Dr. Dilts asked how old the house was.

Mr. Fletcher said the house was constructed in 1937.

Mr. Da’Mes said he was looking at the permitted uses in the U-R/R-P zoning district and it allows professional businesses, with which you associate Monday through Friday business hours. Has there been any consideration given to conditioning the hours of operation or days?

Mr. Fletcher replied there was not. We did not have any concerns with any odd hours of operation that the art studio would permit. The applicants can speak more to what the hours of operation are currently.

Mr. Da’Mes said as far as exiting the parking lot, there appears to be a building off to the left and the opaque fence to the right; are there any sight distance concerns when exiting onto Federal Street?

Mr. Fletcher said it was not thoroughly vetted for sight distance concerns. The applicants will have to meet the standard no matter what.

Chair Fitzgerald said are there any issues about Federal Street and perhaps turning it into something else?

Mr. Fletcher replied no, Public Works had no concerns about the current use.

Chair Fitzgerald said hearing nothing further I will open the public hearing and ask the applicant or the applicant’s representative to come forward and speak.

Mr. David Miller, 57 Paul Street, we would be very willing to answer any questions regarding the specifics of the hypothetical use of this, should you have any specific concerns that have not been addressed. We can also answer questions about the layout or anything of that nature.

Mr. Da’Mes said it looks like you have a lot of challenges in terms of meeting the building code requirements.

Mr. Miller said the City has been very helpful with this. We have met twice with building inspectors for a walk-thru of the property to show us exactly what we are up against. Because so much work has already been done to the property, the changes are what we consider minor. There is one doorway into the restroom that will have to be widened.

Mr. Colman asked what is the reason for asking for the SUP to be “opened” until 2017.

Mr. Miller replied that is when our lease at our current location expires and our new landlord has not made it clear to us as to what his plans are for our building. Being in business for the last eleven years we have become very cautious as to the future; so this is our planning stages for the future.

Chair Fitzgerald asked if there was anyone wishing to speak in favor of this proposal.

Roberta Fernandez, 95 Campbell Street, said her home is zoned R-3 and is just beyond the Elks Lodge. I think this is a wonderful use for our community at this location. I fully support integrated uses with people coming in the day and evening. I certainly support wholesome family activities, and in our neighborhood we sometimes do not have that. I know the applicants to be honorable people and great business people and I fully support this. Thank you.

Chair Fitzgerald asked if there was any one else wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked for questions, comments, or a motion.

Mr. Way move to recommend approving the special use permit with the conditions provided.

Mr. Colman seconded the motion.

Chair Fitzgerald said we have a motion and a second; is there any further discussion.

Mr. Da'Mes said this is a great transition from the business area along Main Street to the residential area, which is probably overly consumed with night time activities. I look forward to this project.

Mr. Way said with that being said, I like the second condition about the location of parking. I feel this keeps the integrity of Paul Street.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of recommending for the SUP request with the two conditions provided.

Chair Fitzgerald said this will move forward to City Council on January 13th, 2015 with a favorable recommendation.

Respectfully Submitted,

Alison Banks
Senior Planner