



# City of Harrisonburg, Virginia

Department of Planning & Community Development  
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Harrisonburg, Virginia 22801  
[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

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To: Kurt Hodgen, City Manager  
From: Planning Commission and  
Adam Fletcher, Director - Department of Planning and Community Development  
Date: March 14, 2017 (Regular Meeting)  
Re: Special Use Permit – 192 Kelley Street (Section 10-3-40 (5) to Allow for a Community Building)

## **Summary:**

Public hearing to consider a request from Robin Lyttle with representative Karen Thomas for a special use permit per section 10-3-40 (5) of the Zoning Ordinance, to allow for a community building, as proposed for amendment in a separate application, within the R-2, Residential District. The 5,613 +/- square foot site is addressed as 192 Kelley Street and is identified as tax map parcel 33-C-10.

## **Background:**

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 dwelling, zoned R-2  
**North:** Single-family dwellings, zoned R-2  
**East:** Multiple-family dwellings operated by Harrisonburg Redevelopment & Housing Authority, zoned R-2  
**South:** Multiple-family dwellings operated by Harrisonburg Redevelopment & Housing Authority and single-family dwellings, zoned R-2  
**West:** Bethel African Methodist Episcopal Church and single-family dwellings, zoned R-2

## **Key Issues:**

The subject property is located on the northwest corner of the intersection of Kelley Street and Myrtle Street. Real Estate Office records indicate that the building was constructed in 1885, contains two stories, and has 1,440 square feet. The applicant is requesting a special use permit per Section 10-3-40 (5), as proposed for amendment in a separate application presented simultaneously with this application, to allow for the residential dwelling to be converted to a “community building” use. If the separate application for a Zoning Ordinance amendment is approved, the definition of community building in Section 10-3-24, Definitions would be as shown:

**The City With The Planned Future**

*Building, community:* A building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

Additionally, Zoning Ordinance Section 10-3-40 (5) within the R-2, Residential District’s list of uses permitted only by special use permit would be as shown:

(5) Community buildings.

The Northeast Neighborhood Association (NENA) is a non-profit organization that serves the Northeast Neighborhood in Harrisonburg. NENA’s website says its mission is “to ensure that our neighborhood is safe, attractive, and a strong community.” NENA proposes to use 192 Kelley Street as a museum to collect and display artifacts, to have meeting space available for events and gatherings, and to serve as the association’s administrative offices.

The applicant’s letter states that overnight stays will not be permitted. The applicant also describes NENA’s anticipated hours of operations as being part-time initially (example: 10am-2pm) and/or by appointment, and in the future they anticipate operating at typical 8:00am to 5:00pm business hours with occasional evening events. Since the property is located within a residential neighborhood, staff believes that it is important to limit hours operation to keep in character with the residential district, and that illumination for signs shall keep with the intent and purpose of the residential district.

The applicant is aware that before occupying the building, there are significant renovations required by the Building Code to the change the building from a residential use to a non-residential use. The applicant has met at least once with Building Inspections Division staff. The applicant is aware that advertising signage will be limited to 24 square feet and six feet in height. Parking spaces must be provided onsite at a rate of one parking space per 250 square feet of gross floor area and must meet parking lot landscaping regulations described in Zoning Ordinance Section 10-3-30.1. The building has 1,440 square feet of floor area and will require five parking spaces, one of which must be handicap accessible. The applicant plans to place parking spaces behind the building and to access the site via Myrtle Street.

Staff recommends approval of the special use permit request with the following conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If the City receives concerns and/or complaints regarding parking, noise, or other nuisance issues associated with the community building use, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions or revoke the permit.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use request as submitted by the applicant;
- (b) Approve the special use request with the conditions as presented by staff;
- (c) Approve the special use request with other conditions; or
- (d) Do not approve the special use permit request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing for the special use permit. The advertisement was published as shown below:

***Special Use Permit – 192 Kelley Street (Section 10-3-40 (5) to Allow Community Buildings)***

Public hearing to consider a request from Robin Lyttle with representative Karen Thomas for a special use permit per section 10-3-40 (5) of the Zoning Ordinance to allow for a community building within the R-2, Residential District. The 5,613 +/- square foot site is addressed as 192 Kelley Street and is identified as tax map parcel 33-C-10.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (b) to approve the special use permit request with the following conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If the City receives concerns and/or complaints regarding parking, noise, or other nuisance issues associated with the community building use, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions or revoke the permit.

**Attachments:**

1. Site maps (2)
2. Application, applicant letter, and supporting documents (3)

**Review:**

Planning Commission recommends approval (6-0) of the special use permit request with the following conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If the City receives concerns and/or complaints regarding parking, noise, or other nuisance issues associated with the community building use, Planning Commission or City Council may request to re-evaluate the permit, and if necessary, add conditions or revoke the permit.