



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 1, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Wampler Martin Properties for a special use permit to allow personal service establishments at 220 Reservoir Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: March 13, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-48.4 (5) of the Zoning Ordinance (ZO) to allow a personal service establishment, specifically a tattoo shop, in the R-3, Medium Density Residential District. The +/- 22,377-square foot property is addressed as 220 Reservoir Street and is identified as tax map parcel 27-S-74.

The applicant is under contract to purchase the property pending the SUP approval. If the SUP is approved the applicant plans to relocate Alley Cat Tattoo (currently located at 990 Reservoir Street) to this location. According to the applicant's letter they have been leasing their current location for the last 23 years and would like to move to a location that they own. They currently operate seven days a week from 12pm to 8pm Monday through Saturday and 12pm to 7pm on Sunday.

A personal service establishment requires 23 parking spaces based on the calculation of 1 space for every 200 square feet of gross floor area. The property currently has 18 delineated parking spaces in the front of the existing building and appears to have the space in the rear of the building to delineate the additional five spaces that are required.

Land Use

The Comprehensive Plan designates this site as Medium Density Residential and states:

These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

Staff believes a personal service establishment should not have any more impact on the surrounding area as other by-right nonresidential uses allowed in the R-3 District. By right, the R-3 district allows for hospitals, medical offices, professional offices, churches, schools, day cares, governmental uses, and charitable and benevolent institutions. The site has been used as a medical office for the last 32 years as Wampler and Associates Rehabilitation.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed SUP is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Recommendation

Staff has no concerns with the operation of a personal service establishment at this property and recommends approval of the SUP request with no conditions.

Chair Finnegan asked if there any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant’s representative to speak to their request.

Nick Swartz, owner of Alley Cat Tattoo and applicant’s representative, came forward to speak to the request. He said I have operated Alley Cat Tattoo for 23 years about a quarter mile down the street. We need more space and better parking. We want to own our building as opposed to renting, which we have for so many years. Mr. Wampler owns the building now and we would just like to come up the street a little bit.

Chair Finnegan said I am assuming this is going to be better than...I have definitely seen some people running across from the CVS and I am like “I hope they make it.”

Mr. Swartz said I was telling my brother when we got here, I have had four people tell me in the past couple of months that they do not come here because the parking lot gives them anxiety. It is very tight where we are right now. This is going to be much more spacious as you can see in the pictures above. It is bigger, we have grown over the years as well. We have more artists than we ever had and the business is strong.

Chair Finnegan asked if there were any questions for the applicant representative. Hearing none, he 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.

Vice Chair Byrd said the building looks like a building for a personal services establishment. I just found that interesting that is what this gets classified as.

Chair Finnegan said it does look like a doctor’s office.

Vice Chair Byrd said I would be in favor of approving the special use permit. Therefore, I make a motion to approve the special use permit.

Commissioner Washington seconded.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (4-0). The recommendation will move forward to City Council on April 9, 2024.