



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Community Development and Planning Commission
Date: October 13, 2020 (Regular Meeting)
Re: Special Use Permits – 192 Kelley Street (Section 10-3-40 (5) to Allow for a Community Building) and (Section 10-3-40 (11) to Allow a Reduction in Required Parking Areas

Summary:

Public hearing to consider two requests from the Northeast Neighborhood Association Inc. (NENA) for special use permits per Section 10-3-40(5) of the Zoning Ordinance to allow for a community building within the R-2, Residential District and per Section 10-3-40(11) of the Zoning Ordinance to allow the reduction of required parking areas in the R-2, Residential District. The +/- 5,628 sq. ft. property is addressed as 192 Kelley Street and is identified on tax map parcel 33-C-10.

Staff and Planning Commission (6-0) recommended approval of the special use permit, with conditions, to allow for a community building. In addition, staff and Planning Commission (7-0) recommended approval of the special use permit, with conditions, to allow a reduction in the required parking area.

Background:

In February 2017, Planning Commission heard a request to amend the Zoning Ordinance to allow for Community Buildings by special use permit (SUP) in the R-2, Residential District. That request was followed by a SUP request for a community building at 192 Kelley Street. Staff and Planning Commission (6-0) recommended in favor of the two requests. The recommend approval of the SUP included 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.

City Council approved (4-0) both requests on March 14, 2017.

Section 10-3-130 (c) of the Zoning Ordinance states:

“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.”

The previous approved SUP was not established within the 12 months from the approval date; therefore, the SUP expired.

The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types; but should have more single-family detached homes than other types of housing. 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 desired character of the neighborhood.

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

Site: Single-family detached dwelling, zoned R-2

North: Single-family detached dwelling, zoned R-2

East: Multiple-family attached dwellings operated by Harrisonburg Redevelopment & Housing Authority, zoned R-2

South: Multiple-family attached dwellings operated by Harrisonburg Redevelopment & Housing Authority and single-family detached dwellings, zoned R-2

West: Bethel African Methodist Episcopal Church and single-family detached dwelling, zoned R-2

Key Issues:

The subject property is located on the northwest corner of the intersection of Kelley Street and Myrtle Street. City Real Estate records indicate that the building contains two stories and has approximately 1,408 square feet. The applicant is requesting two special use permits. The first, per Section 10-3-40 (5) would allow for a community building on the subject property. The Zoning Ordinance defines a Community Building as “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.” The second request is per Section 10-3-40 (11) and would allow for a reduction in required parking areas to permit fewer than the required number of vehicle parking spaces. If approved as requested, the applicant would convert the residential dwelling to a community building use and all required off-street parking for the use would not need to be installed.

The applicant, 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 work to make our neighborhood a secure, attractive, and strong community.” NENA’s letter describes that “the plan for the use of the building is to be a community building/museum, meeting space and administrative office for NENA... and that NENA would occupy the building as described in the 2017 application.” The 2017 letter describes that the property is proposed to be used as a museum to collect and display artifacts, to have meeting space available for events and gatherings, provide outreach to the community regarding various programs, and to serve as the association’s administrative offices. Over-night stays within the building will not be permitted. A copy of the letter included with the 2017 special use permit request is attached.

Before using the building as a community building/center, a new certificate of occupancy for a change of use per the Building Code is required. NENA representatives are aware of this and are currently working with a Virginia Registered Design Professional regarding the use change. Until a new

certificate of occupancy is issued, the building remains a residential dwelling. Additionally, the applicant's immediate plans are to get the community building open to the public; however, they do have a long-term plan to add an addition onto the rear of the building.

As part of this request, NENA is also requesting a time extension from Section 10-3-130 (c) of the Zoning Ordinance, which requires that a SUP be established within twelve months from approval date. NENA is asking for an extension of five years to establish the SUP on the site. An approved change of use permit per the Building Code would establish the community building use.

Staff believes that the proposed use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the community building SUP request with the suggested conditions:

- Any community building shall operate substantially the same as the use proposed within this application.
- If in the opinion of Planning Commission or City Council, the community building use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
- The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

Concurrently, the applicant has applied for a SUP per Section 10-3-40 (11) to allow for the reduction in required parking spaces within the R-2, Residential District. Required parking for a community building use at this location is calculated at a ratio of one space for every 250 square feet of gross floor area; the building is +/- 1,408 square feet, thus six off-street parking spaces are required. Behind the existing building there is ample unused area where parking could be installed. As required, a site sketch has been provided indicating that the six off-street parking spaces and landscaping requirements might be possible in this area.

The applicant has stated that they desire to leave the rear of the property as open area to further study the history of the landscaping and garden area, and to create a replica of the original "kitchen garden" for the historic home. Provided is a letter from the Virginia Department of Historic Resources (DHR) indicating the area behind the existing building may yield important archeological information of history and that the area should remain open for further investigation to occur. In 2019, DHR awarded NENA a Threatened Sites grant to allow a professional archaeologist to survey the Dallard-Newman House property which has yielded over a hundred small-scale archaeological finds within the last year.

The applicant should understand that, if approved, the area that would have been used for parking must be recorded in the deed, must remain as open space, and shall not be used to meet any conflicting requirements of the Zoning Ordinance. It should also be understood that if any additions are made to the existing structure, the plans may not be supported by the parking SUP and therefore off-street parking requirements for the use must be re-addressed by NENA.

The intent of the community building is for people from the neighborhood and community to walk to the site. As well, staff understands the importance of the archaeological history and that installation of a parking area would impede that research. Staff recommends approval of the reduction in required parking SUP, specifically to not require off-street parking be provided for a community building use of the existing +/- 1,408 square foot building and suggests the same five-year time extension as previously discussed. There is available on-street parking and a sidewalk along the northern side of Kelley Street. Although Myrtle Street, adjacent to the site, is narrow, on-street parking is available in the 500 block of Myrtle Street, just south of Kelley Street. Staff suggests the applicant direct visitors to park in these locations.

Staff believes that, at this location for a community building use, the proposed reduction/waiving of required parking is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the reduced parking SUP request with the following suggested conditions:

- If the City receives concerns and/or complaints regarding parking 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.
- The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use permit requests as submitted;
- (b) Approve the special use permit requests with suggested conditions;
- (c) Approve the special use permit requests with other conditions;
- (d) Approve one special use permit request, with or without conditions, and deny the other special use permit request; or
- (e) Deny both requests.

Community Engagement:

As required, the requests were published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for the City Council's public hearing. 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 the Northeast Neighborhood Association Inc. 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 +/- 5,628 sq. ft. property is addressed as 192 Kelley Street and is identified on tax map parcel 33-C-10.

Special Use Permit – 192 Kelley Street (Section 10-3-40(11) to Allow Reduction in Required Parking Areas)

Public hearing to consider a request from the Northeast Neighborhood Association Inc. for a special use permit per Section 10-3-40(11) of the Zoning Ordinance to allow the reduction of required parking areas in the R-2, Residential District. The +/- 5,628 sq. ft. property is addressed as 192 Kelley Street and is identified on 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 requests; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (b) approval of the special use permit requests with suggested conditions.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents

Review:

Planning Commission (6-0, Orndoff had technical difficulties and did not vote) recommended approval of the special use permit, with conditions, to allow for a community building. In addition, Planning Commission (7-0) recommended approval of the special use permit, with conditions, to allow a reduction in the required parking area.