

APPLICATION FOR CHANGE OF USE OF 7 HURLBUTT ROAD

I. Introduction

This application is submitted pursuant to Section 14.1 of the Zoning Regulations – *“Changes in Use in Village, Design, and Commercial Districts”*.

It is an application for a Special Permit to change the single-use of 7 Hurlbutt Road [the “property”] by allowing multiple new and replacement uses within the “property” pursuant to Section 4.10.E of the Zoning Regulations, which provides that *“Multiple uses may be combined on a single lot or within a single structure, provided that all standards for each individual use are met.”*

Each individual new use and replacement use within the “property” allowed under this special permit will require a separate zoning application and a zoning permit for that use issued by the Zoning Enforcement Official.

II. Request for Relief From Requirement for a New Sealed Site Plan

The “property” is a 24,138 square foot non-conforming pre-existing building with 45 lined parking spaces plus 2 lined parking spaces for handicapped parking. This application does not propose any changes to the exterior of the building, no changes in the footprint of the building or its accessory uses, and no changes in parking capacity, parking lot design, traffic flow, pedestrian flow, exterior lighting, signage, or waste management.

Pursuant to Section 6.2.H- (1) of the Zoning Regulations, a new sealed site plan is not necessary for the evaluation of this application because there is (a) no need to measure, evaluate, and/or map topographic conditions, (b) no need to know the exact location of boundary lines, interior lot lines, and/or street lines, and (c) no need to know the exact locations of existing buildings to determine compliance with the regulations.

III. Request for Relief from Conformance with the Design Guidelines

The Zoning Regulations (Section 4.10.C) requires the strict architectural syntax of the Design Guidelines to only be *“encouraged”* [not mandated] for changes of use in the GFDD-1 zone. In addition, page 2 (second paragraph) of the Design Guidelines does not impose the Design Guidelines for GFDD-1 because the proposed change of use does not include new development, new construction, substantial reconstruction, rehabilitation, expansion of the parking lot, additional signage, replacement or addition of outdoor lighting, improvement to the existing landscaping, installation of solar panels, or changes in roofing or siding materials or colors.

IV. Special Permit Use and Hours of Operation Conditions

An individual zoning permit may be granted at any time under this special permit for the following new (and replacement) uses within the “property”. Desired uses that are not listed, or a desired increase in the listed hours of operation, will require an amendment to this special permit.

<u>USE</u>	<u>HOURS OF OPERATION</u>
Artist Studio	8 AM to 8 PM
Office	8 AM to 8 PM
Child Day Care Center	7AM to 9 PM
Clubs	9 AM to 11 PM
Community Center	7 AM to 11 PM
Educational Institution	7AM to 11 PM
Equipment Repair – Inside	7 AM to 8 PM
Family Entertainment Center	7 AM to 11 PM
Financial Institution	7 AM to 6 PM
Library	8 AM to 10 PM
Clinic, including medical & dental	6 AM to 12 Midnight
Museums, art gallery, cultural	8 AM to 10 PM
Personal Service Establishments	7 AM to 10 PM
Recreation Facility – Indoor	7 AM to 10 PM
Religious office & services	8 AM to 10 PM
Repair shop (computers, shoes, equiv.)	7 AM to 8 PM
Research & testing – inside	7 AM to 8 PM
Retail Sales	8 AM to 8 PM
Shopping Center	8 AM to 8 PM
Specialized commercial uses – other	8 AM to 8 PM
Theater – inside	8 AM to 10 PM
Veterinary office & clinic	7 AM to 9 PM
Accessory uses to the above principal uses	

V. Prohibited Use Conditions

No zoning permit shall be granted under this special permit for (a) bail bond services, (ii) methadone or drug habilitation clinics, (iii) adult entertainment, (iv) pawnshops, (v) tattoo/body piercing studios, (vi) correctional/incarceration facilities, and/or (vii) halfway houses.

VI. Shared Use Conditions

If any single area, such as a gymnasium, within the “property” is to be allocated for two or more uses, to avoid scheduling conflicts, the application for a zoning permit shall specify the time period(s) for when each has exclusive use of the shared area

VII. Hazardous Waste Conditions

No zoning permit shall be granted under this special permit unless (a) the application includes identification of the hazardous materials and wastes that are associated with the proposed use, and (b) the application shows that the hazardous materials and wastes will be contained or managed in such a manner that the substances will not pollute or degrade natural resources or the surrounding environment, and that all applicable permits and approvals have been obtained.

VIII. Nuisance Conditions

Pursuant to Section 14.2 of the Zoning Regulations, no zoning permit shall be granted under this special permit for any proposed new or replacement use within the “property” that would likely create noise, safety risks, vibration, smoke, fumes, or odors, that may be offensive and/or detrimental to nearby property, to other users of the “property”, or to users of nearby properties.

IX. Parking Conditions

1. Each application for a zoning permit for a new or replacement use within the “property” shall include the square footage allocated to the proposed use, and the number of parking spaces expected for each.
2. The minimum number of parking spaces expected shall be 2 spaces per 1000 square feet of floor space allocated for the use, except that there shall be a minimum of (a) 1 space per 1000 square feet of an artist studio use, museum use, art gallery use, repair shop use, retail sales use, or cultural institution use, (b) 1 space per every 8 children for a child day care center use, (c) 4 spaces per 1000 square feet allocated to a club use, (d) 1 space for each 5 seats for an educational institution use, (e) 1 space for each 5 seats for a religious use, (f) 3 spaces per 1000 square feet allocated for shopping center uses, and (g) 1 space for each 5 seats for theater uses. Prorating and rounding shall be upwards (i.e. 1003 square feet allocated to an artist studio use would require 2 parking spaces).
3. No zoning permit shall be granted under this special permit for a new or replacement use within the “property” unless the cumulative total of parking spaces required is equal or less than 45, or the hours of operation of a use are limited to times when other uses are not active.
4. The parking area shall not be used for the parking or storage of equipment or vehicles that are intended to be available for rent, lease, or sale.
5. The parking area shall not be used to park automobiles, buses, vans, RV’s, or commercial vehicles for more than 24 continuous hours.

6. The parking area shall not be used for merchandise sales, advertising, or inventory storage.

7. The parking spaces shall not be assigned or reserved for any individual person, use, or allocated area of the “property” except when necessary to comply with the Americans With Disabilities Act.

X. Signage Conditions

Identification of each new and replacement use within the “property” shall be limited to the existing kiosk freestanding sign structure. Exterior wall mounted and roof mounted signs for individual uses shall not be allowed. Window glass shall not be used for signage. There may be an exterior wall mounted changeable “bulletin board” near the “property” entrances listing the name of each use and its location within the “property”.

XI. Sewer Conditions

1. No zoning permit shall be granted for a new or replacement use within the “property” under this special permit unless (a) an estimate of the cumulative daily amount of septage that will be generated, including amounts generated by employees, clients, customers, and by the production of goods and services, and (b) the estimate is justified, are provided with the application.

2. No zoning permit shall be granted for a new or replacement use within the “property” unless the cumulative daily total septage expected to be generated is equal or less than 50% (2,415 GPD) of the design capacity (4,830 GPD) of the septic system.

XII. Waste Conditions

1. No zoning permit shall be granted for a new or replacement use within the “property” unless (a) the cumulative weekly total amount of waste expected to go into the dumpster, in cubic feet, is estimated, and the estimate is justified in the application.

2. No zoning permit shall be granted for a new or replacement use within the “property” unless the cumulative weekly total waste is equal or less than 90% of the capacity of the dumpster provided by the “property” owner, or the applicant provides his own dumpster and waste pickup service at his cost.

XIII. Responsibility Condition

The Owner of the “property” shall be responsible for the conformance of the new and replacement uses with the conditions of this special permit and the applicable zoning regulations.