



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-332

File ID: ID 19-332 **Type:** PH-Special Use Permit **Status:** Agenda Ready

Version: 1 **Agenda Section:** **In Control:** City Council

File Created: 11/05/2019

Subject: **Final Action:**

Title: Consider a request from Emerihrt Harrisonburg LLC for a special use permit to allow walls and fences greater than the height otherwise permitted at 2101 Deyerle Avenue.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: PC Memorandum, PC Site Maps, PC Application, applicant letter, and supporting documentation

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	11/13/2019	recommended to full council	City Council	12/10/2019		Pass

Action Text: A motion was made by Whitten, seconded by Colman, that this PH-Special Use Permit be recommended to full council to the City Council, due back by 12/10/2019. The motion carried by a voice vote.

Notes: Chair Way read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Medium Density Residential. 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.

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

- Site: Brookdale Senior Living Facility, zoned R-3
- North: Across Lucy Drive, commercial businesses, zoned R-3
- East: Across Deyerle Avenue, vacant land, townhomes, zoned R-3

South: Townhomes, zoned R-3

West: Townhomes, zoned R-3

The applicant is requesting a special use permit (SUP) per Section 10-3-48.4(8) to allow for a fence of eight-feet in height. The fence would be constructed along the western side of the existing building and would enclose an existing patio area.

Brookdale Senior Living in Harrisonburg offers **assisted living facilities** and a memory care unit for Alzheimer's and dementia care residents. The applicant has stated that the existing 6-foot fence around the memory care outdoor patio area does not allow for the proper security for their memory care residents and they desire to increase the fence height to 8 feet. The patio area is a 20-foot by 20-foot space located along the western side of the Brookdale facility, and is approximately 110 feet from Lucy Drive and 70 feet from Charleston Townes townhomes to the west.

The Zoning Ordinance allows for walls and fences in business and industrial districts to be greater in height when they are used for safety or security purposes; however, within residential districts, such as this request, walls and fences are only allowed up to 6 feet in height, unless approved by SUP for a greater height. Staff does not have concerns with approving the SUP for the additional fence height at this location and suggests allowing some flexibility should additional height be needed in the future.

Staff supports approval of the requested special use permit with the following conditions:

1. The special use permit shall only be applicable to the proposed fence located around the 20-foot by 20-foot memory care patio area along the western side of the existing Brookdale facility.
2. The fence shall be no taller than 10 feet in height.
3. If in the opinion of Planning Commission or City Council, the fence 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.

Chair Way asked if there were any questions for staff.

Commissioner Colman asked if there was a gate in the fence to the outside.

Commissioner Finks said yes, he visited the site and there was a gate on further side from the road.

Commissioner Colman asked if there was an emergency or life safety exit. Does this get reviewed by the Building Codes Division? Will it require a building permit?

Ms. Banks said that it would not require a building permit.

Chair Way asked if there were any further questions for staff. Hearing none, he opened the

public hearing and invited the applicant or applicant's representative to speak to the request.

Jennifer McNamara, Business Office Coordinator for Brookdale Harrisonburg, came forward to speak to the request. The Memory Care Patio fence is not used as a fire exit. There are two fire doors plus an exit facing Lucy Drive and two fire doors facing Deyerle Avenue.

Commissioner Finks asked whether the gate was being used as an exit because he noticed that there was a considerable step down from the patio at the fence gate.

Ms. McNamara said that the gate is used for gardening equipment and maintenance access.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten moved to recommend approval, with conditions, as presented.

Commissioner Colman seconded the motion.

All members voted in favor of recommending approval with conditions (4-0). The recommendation will move forward to City Council on December 10, 2019.
