



City of Harrisonburg, Virginia

Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

To: Kurt Hodgen – City Manager
From: Adam Fletcher – Department of Planning and Community Development and Planning Commission
Date: July 11, 2017
Re: Zoning Ordinance Amendment – Section 10-3-55.4, Uses permitted by special use permit

Summary:

Public hearing to consider a request from Marrusstodd Properties, LLC with representative Blackwell Engineering to amend Section 10-3-55.4, Uses permitted by special use permit in the R-5, High Density Residential District. The amendment would add “business and professional offices” as additional uses permitted by special use permit in the R-5 zoning district.

Background:

The R-5, High Density Residential District was added to the Zoning Ordinance in April 2007. At the time of its adoption, no properties were proactively rezoned to the R-5 district. Because there were no proactive rezonings, property owners wishing to develop using the R-5 regulations must submit a rezoning application; a process which allows the City greater evaluation of the potential impacts of the rezoning and proposed development. To date, there have been six requests approved to rezone properties to R-5.

The R-5, High Density Residential district’s purpose as stated in the Zoning Ordinance “is intended for medium to high density residential development, including townhouses and multiple-family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and shared use paths, so as to provide many choices with regard to mode and route, and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.”

Key Issues:

Zoning Ordinance Section 10-3-55.4 (4) of the R-5, High Density Residential District currently allows by special use permit “[r]etail stores, convenience shops, personal service establishments, [and] restaurants (excluding those with drive-through facilities) under conditions set forth in subsections 10-3-55.6(f) and (g) and such other conditions deemed necessary by city council.”

Subsection 10-3-55.6(f) states that the uses allowed by special use permit “shall be integrated into the residential community so as to not adversely affect local traffic patterns and levels and views from surrounding residential areas and public streets. Such integration shall be achieved through effective site planning, compatible architectural design, and landscaping and screening of parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions. Buildings shall be residential in design and scale with floorplates not exceeding seven thousand five hundred (7,500) square feet.”

Furthermore, Subsection 10-3-55.6(g) states that mixed use buildings comprised of nonresidential uses allowed by special use permit and multiple-family dwellings are to have “[a]n area of the building up to the entire first floor may be devoted to nonresidential uses, whatever the size of the building floorplate. The multiple-family dwelling units within mixed use buildings shall be included in the total number of dwelling units in the development and therefore in the calculation of the density for the development. The maximum total number of stories and maximum height of mixed use buildings shall be the same as for buildings comprised entirely of multiple-family dwellings. The standards of subsection (f) shall apply to mixed use buildings, except for the limitations on maximum floorplate.”

The applicant is requesting to amend the Zoning Ordinance Section 10-3-55.4 (4) to add “business and professional offices” as additional uses permitted by special use permit as shown:

“Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices under conditions set forth in subsections 10-3-55.6(f) and (g) and such other conditions deemed necessary by city council.”

Staff is comfortable with this amendment because there is a requirement for property owners to apply for a special use permit in order to add business and professional offices. Additionally, business and professional offices generally have less impact than would the other uses permitted by special use in 10-3-55.4 (4). Through the special use permit process, proposals would be reviewed on a case-by-case basis for potential impacts to surrounding residential areas and would require City Council approval.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the Zoning Ordinance Amendment as submitted by the applicant and presented by staff;
- (b) Do not approve the Zoning Ordinance Amendment.

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 Zoning Ordinance amendment. The advertisement was published as shown below:

Zoning Ordinance Amendment – Section 10-3-55.4, Uses permitted only by Special Use Permit, to allow Business and Professional Offices

Public hearing to consider a request from Marusstodd, Properties, LLC with representative Blackwell Engineering to amend the Zoning Ordinance Section 10-3-55.4, Uses permitted by Special Use Permit in the R-5, High Density Residential District. The amendment would add “business and professional offices” as a use permitted by special use permit in the R-5 zoning

district. Specifically, the amendment would add “business and professional offices” to the existing uses listed in Section 10-3-55.4 (4), which currently includes “Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities).” All uses permitted by Section 10-3-55.4 (4) must adhere to the conditions set forth in subsections 10-3-55.6 (f) and (g).

In addition, a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (a) to approve the proposed Zoning Ordinance amendment as presented.

Attachments:

1. Extract (4 pages)
2. Application and applicant letter (2)
3. Proposed Zoning Ordinance Amendment text (2)

Review:

Planning Commission recommended approval (6-0) of the request for the Zoning Ordinance amendment – Section 10-3-55.4, Uses permitted only by special Use Permit, to allow Business and Professional Offices as presented by staff.