



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801
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To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission
Date: December 10, 2019 (Regular Meeting)
Re: Special Use Permit – 2101 Deyerle Avenue (To Allow Walls and Fences Greater Than Permitted in R-3)

Summary:

Public hearing to consider a request from Emerihrt Harrisonburg LLC for a special use permit per Section 10-3-48.4(8) to allow walls and fences greater than the height otherwise permitted. The +/- 3.26 acre site is addressed as 2101 Deyerle Avenue and is identified as tax map parcels 80-F-1.

Background:

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

Key Issues:

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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

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. The advertisement was published as shown below:

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In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; 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 request with suggested conditions.

Attachments:

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

Review:

Planning Commission recommended approval (4-0) of the special use permit with the suggested conditions.