



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

July 30, 2021

**TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA**

**SUBJECT: *Consider a request for a special use permit to allow public uses to deviate from the requirements of the Zoning Ordinance at 1181 Harrison Street***

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: July 14, 2021**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

Site: Public utility structures including a sanitary sewer lift station and a natural gas station; zoned R-3  
North: Parking lot owned by James Madison University; zoned R-3  
East: Across Harrison Street, parking lot owned by James Madison University; zoned R-2  
South: Single-family detached dwelling; zoned R-3C  
West: Across railroad tracks, Harrisonburg Electric Commission substation; zoned R-3

The City is requesting a special use permit (SUP) per Section 10-3-48.4(9) of the Zoning Ordinance to deviate from requirements of the City's Zoning Ordinance. Specifically, the request is to deviate from the minimum front, side, and rear yard setback requirements of the R-3, Medium Density Residential District and to deviate from parking lot landscaping requirements. The property is located at the intersection of Harrison Street and West Fairview Drive. If approved, the Department of Public Utilities would replace the existing sanitary sewer pump station by relocating the pumps to an elevated pump house above the floodplain and to replace existing wet and dry wells in their current location as illustrated on the enclosed site layout.

Section 10-3-48.4(9) is a SUP option that allows for any use defined as a "public use" to deviate from any requirement of Title 10 Chapter 3, which is the City's Zoning Ordinance. A public use is defined as "[a]ny instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the city, or (2) another governmental entity having a contractual relationship with the city for the use of such lot or parcel or improvement."

Section 10-3-48.5 of the R-3, Medium Density Residential District requires "Other uses," such as the pump station, to have a 30 feet front yard setback, a 10 feet side yard setback, and a 25 feet rear yard setback. The enclosed site layout shows that the new proposed building would have a 21.98 feet front yard setback, a 1.4 feet side yard setback from the northern property line, and a 9.18 feet rear yard setback, which are all less than the required minimum setbacks. If the SUP request is approved as submitted, then future buildings on the property could have zero setbacks.

Section 10-3-24 of the ZO defines a "parking lot" as "[a] defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive throughs, except public street ingress and egress." Section 10-3-30.1 contains parking lot landscaping regulations and the City is requesting to deviate from the following requirements (summarized and abbreviated): for parking lots to be separated from public street right-of-way lines by a landscaping border of not less than 10 feet in width; for parking lots to be separated from all side and rear property lines by a landscaping border not less than 10 feet in width or by a wall or fence of at least 3 feet in height; for parking lots to include landscaping areas equal to at least 15 percent of the total area of the parking lot; and for trees to be planted and maintained within landscaping borders adjacent to the public street right-of-way.

Given the small size of the property, the amount of utilities and supporting structures on the property, the necessity of making improvements to the sanitary sewer pump, and given the location and that the property is adjacent to the railroad and James Madison University, who does not have

to meet the City's zoning setback requirements, staff recommends approval of the special use permit request.

Chair Finnegan asked if there any questions for staff.

Commissioner Whitten requested to view the photograph in the presentation. I am trying to imagine why there could not be shrubbery to block some of that view because it is not attractive. I am in favor of the special use permit. It is something that we need to do. My understanding is that the building will be elevated so that it is out of the floodplain, correct? It is going to be moved over on the lot and be higher than the smaller building.

Ms. Dang said that the equipment and the floor of the building would have to be elevated. I do not recall how tall it will be.

Commissioner Whitten said I understand that trees cannot be used due to the plumbing issues and pipes, but I wonder why there could not be a hedge or some sort of shrubbery to soften that street scape a little bit.

Ms. Dang said that she hesitates to commit Public Utilities to that but can encourage them to consider shrubbery as long as the utility lines are deep enough. Those things would have to be evaluated.

Commissioner Whitten said that it would soften it. It would be nice for the environment to have something green there even if it is a flower bed or something.

Chair Finnegan said that this is located in the R-3 zoning district. If the SUP is approved as submitted, you stated that future buildings on the property could have zero setbacks. Presumably this will be City property that is needed for the pump station in perpetuity.

Ms. Dang said that is the perspective that we took. We do not foresee that the City's utilities would move away from here. We expect them to stay at this location. It is likely to be owned and operated by the City.

Mr. Fletcher said that the setback is only for public uses.

Councilmember Dent said that it is interesting to see the City applying for a SUP from the City.

Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing. No one came forward or called to make any comments, therefore he closed the public hearing and opened the matter for discussion.

Chair Finnegan asked Commissioner Whitten if she intended to propose any conditions. Commissioner Whitten said I hesitate to do that because I do not know what went into the decision making. I hope that they gave consideration to that. If not, I would like them to, but I do not want to tie their hands. I do think that it would be an improvement.

Chair Finnegan said that he agrees. Around islands like that or buildings like that, it is nice to have some sort of greenery. We have too few trees in the City.

Commissioner Whitten said I understand not being able to plant trees there, but some form of shrubbery would be nice. How could we say that without making it absolute?

Ms. Dang said that the comments and discussions here are important. I will convey that to the Public Utilities Department.

Commissioner Whitten moved to recommend approval of the SUP request, as presented.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Whitten	Aye
Commissioner Byrd	Aye
Commissioner Orndoff	Aye
Councilmember Dent	Aye
Commissioner Hull	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP passed (6-0). The recommendation will move forward to City Council on August 10, 2021.