



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: May 12, 2021 (Regular Meeting)
Re: Special Use Permit – 150 Crescent Drive (Short-Term Rental in R-2)

Summary:

Public hearing to consider a request from WGG LLC for a special use permit per Section 10-3-40 (8) of the Zoning Ordinance to allow for a short-term rental within the R-2, Residential District. The +/- 9,484 sq. ft. property is addressed as 150 Crescent Drive and is identified as tax map parcel 27-I-4.

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: Detached single-family dwelling, zoned R-2
North: Detached single-family dwellings, zoned R-2
East: Detached single-family dwellings, zoned R-2
South: Detached single-family dwellings, zoned R-2
West: Detached single-family dwellings, zoned R-2

Key Issues:

The applicant is requesting approval of a short-term rental (STR) operation at 150 Crescent Drive. Crescent Drive is located between East Market Street, Franklin Street-extended, and Reservoir Street. The applicant desires to rent for STR three accommodation spaces within the home that could accommodate a total of six individuals. (“Accommodation spaces” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The accommodation spaces are located within the basement, which has separate entrances from the main level of the home. The applicant describes that the property is their primary residence.

The applicant states that currently they are operating as a homestay; however, homestay uses are limited to four guests during a lodging period and are limited to operating for only 90 nights per calendar year. The applicant desires to increase the rental to six guests during a lodging period and for more than 90 nights per calendar year.

Section 10-3-25(28) of the Zoning Ordinance (ZO) requires STRs to “provide one parking space for each guest room or accommodation space, or as may be more or less restrictive as conditioned by a special use permit.” With a request to rent for STR three accommodation spaces, the property should provide three off-street parking spaces. In addition to the off-street parking spaces required for the STR, the ZO requires one off-street parking space for the non-transient dwelling unit. Therefore, if approved, a total of four off-street parking spaces would be required. Currently, there is a driveway that can accommodate two vehicles. The applicant explains that during lodging periods guests could park on the street in front of the property. However, this section of Crescent Drive is along a curve, where the subject property is located on the inside of the curve. Due to sight distance issues that occur when vehicles are parked along the interior curve, staff has concern with promoting and allowing additional on street parking unrelated to non-transient individuals, directly in front of the property and along the other sections of this side of the street.

If the request is approved, staff recommends the following conditions:

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than three STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to six.
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
5. Minimum off-street parking spaces shall be provided but do not need to be delineated and can be accommodated utilizing the driveway, enlarging the driveway, or by using other areas on the property.
6. If in the opinion of Planning Commission or City Council, the short-term rental 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.

Condition #1 prevents the ability for the STR operator to convert or construct an accessory building into space for a STR that was not previously vetted for impacts to the surrounding properties. If the applicant later wishes to create living spaces within an accessory building for a STR, they must return to Planning Commission (PC) and City Council (CC) with a new SUP request. Condition #2 limits the total number of guest rooms and accommodation spaces on the entire property to three. Condition #3 limits the total number of STR guests to not more than six. Condition #4 requires that prior to beginning operations that the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form and shall maintain compliance with the items identified in the form when STR guests are present. Condition #5 requires the applicant to provide off-street parking spaces due to issues with sight distance concerns that can occur with vehicles parking on the inside curve of this section of the public street while also providing flexibility for the property owner to maintain the residential appearance of their property by not requiring them to create delineated parking spaces. Condition #6 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

It should be acknowledged that while the applicants have explained their plans for using this property, the SUP is not restricted to the applicants or operator, and transfers to future property owners. If the

applicants were to sell the property, then future property owners could operate a STR so long as they meet the conditions for the SUP as approved. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

Because the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations, staff recommends approval of the request with the suggested conditions. Staff believes that the proposed use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district.

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. The advertisement was published as shown below:

Special Use Permit – 150 Crescent Drive (To Allow Short-Term Rental in the R-2 District)

Public hearing to consider a request from WGG LLC for a special use permit per Section 10-3-40 (8) of the Zoning Ordinance to allow for a short-term rental within the R-2, Residential District. A short-term rental is defined in the Zoning Ordinance as “[t]he provision of a dwelling unit, a guest room or accommodation space within the dwelling unit, or any accessory building that is suitable or intended for transient occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy.” Short-term rentals are further regulated by Article DD of the Zoning Ordinance. The +/- 9,484 sq. ft. property is addressed as 150 Crescent Drive and is identified as tax map parcel 27-I-4.

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. Site maps
- 2. Application, applicant letter, and supporting documents
- 3. Public input as of May 7, 2021

Review:
N/A