



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: July 14, 2021 (Regular Meeting)  
Re: Special Use Permit – 1181 Harrison Street (Section 10-3-48.4(9) to Allow Public Uses Which Deviate From The Requirements of the Zoning Ordinance)

### **Summary:**

Public hearing to consider a request from the City of Harrisonburg for a special use permit per Section 10-3-48.4(9) to allow public uses which deviate from the requirements of Title 10, Chapter 3 (Zoning Ordinance) within the R-3, Medium Density Residential District. The +/- 4,432 sq. ft. property is addressed as 1181 Harrison Street and is identified as tax map parcel 18-G-90.

### **Background:**

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

**Key Issues:**

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.

**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 of the request.

**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 – 1181 Harrison Street (Section 10-3-48.4(9) to Allow Public Uses Which Deviate From The Requirements of the Zoning Ordinance)***

Public hearing to consider a request from the City of Harrisonburg for a special use permit per Section 10-3-48.4(9) to allow public uses which deviate from the requirements of Title 10, Chapter 3 (Zoning Ordinance) within the R-3, Medium Density Residential District. 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.” The +/- 4,432 sq. ft. property is addressed as 1181 Harrison Street and is identified as tax map parcel 18-G-90.

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 (a) approval of the special use permit request as submitted.

**Attachments:**

- 1. Site maps
- 2. Applicant letter and supporting documents

**Review:**

N/A