



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and
Harrisonburg Planning Commission
Date: June 12, 2018
Re: Special Use Permit (Increased Occupancy) 257 Old South High Street

Summary:

Public hearing to consider a request from ILEX LLC for a special use permit per Section 10-3-40 (7) of the R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site. The 5,908 +/- square foot property is located at 257 Old South High Street and is identified as tax map parcel 25-G-16.

Background:

In February 2017, Planning Commission heard this same special use permit (SUP) request for the subject property. At that time, the property had been cited for being in violation of occupancy regulations for the R-2, Residential District by having five individuals residing in the dwelling. The applicant appealed staff's decision regarding occupancy to the Board of Zoning Appeals (BZA), and at the same time, applied for the SUP for occupancy of not more than four (4) persons. The BZA denied the appeal regarding occupancy; and while city staff and Planning Commission recommended in favor of the SUP for increased occupancy, City Council ultimately denied the request.

Section 10-3-127 (b) of the Zoning Ordinance states – “If the request for a special use permit has been denied by City Council, a request in substantially the same form shall not be resubmitted within one year of the date of denial.” The previous SUP request was denied by City Council in March 2017 and the applicant reapplied in April 2018.

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

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

Site: Single-family dwelling; zoned R-2

North: Vacant warehouse building; zoned M-1

East: Across Old South High Street, multiple tenant residential uses; zoned R-2 and lumber yard warehouse/mercantile; zoned M-1

South: Multiple tenant residential uses; zoned R-2

West: Across South High Street, (Route 42), James Madison University athletic fields; zoned R-2

Key Issues:

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (7) of the Zoning Ordinance to allow occupancy of up to four persons within a single-family detached dwelling, zoned R-2,

Residential District. The 5,908+/- square foot property is located on the west side of Old South High Street, and is a through lot, meaning it has road frontage along Old South High Street as well as South High Street (Route 42). The parcel has vehicular access from both public streets. The site is non-conforming to lot size and setback requirements for a single-family dwelling in the R-2 district.

The Old South High Street cul-de-sac is a mix of residential housing types and almost all the dwellings are rental properties, with many units appearing to be occupied by James Madison University (JMU) students. The subject parcel is designated as Planned Business in the Comprehensive Plan's Land Use Guide, while the remainder of the street to the south is designated Neighborhood Residential, a designation that more closely resembles the area's larger, older homes on small lots, and is often associated with the R-2 district.

Within the proposed draft Comprehensive Plan's Land Use Guide, it is recommended to expand the downtown Mixed Use land use designation further west from Liberty Street to South High Street, and extending from Grace Street to West Wolfe Street; if approved, this would include all of Old South High Street. The Mixed Use land use designation is often associated with the B-1, Central Business District, where occupancy is allowed to be up to four individuals per unit.

Recent rezonings to B-1, Central Business District and redevelopment along South Liberty Street, West Bruce Street, and Chesapeake Avenue, have brought the City's "downtown" closer to this area; making it convenient for residents of Old South High Street to walk to shops and restaurants. The expansion of the B-1 district combined with the easy access to JMU facilities across Martin Luther King, Jr. Way and South High Street, have made this area desirable for JMU student housing and higher occupancies. Within the last five months, two SUPs for increased occupancy along Old South High Street (333 and 352 Old South High Street), have been approved by City Council, after favorable recommendations from both staff and Planning Commission.

As part of the SUP request for increased occupancy, the applicant is required to provide one on-site parking space per tenant. As previously noted, the subject parcel is a through lot and has a driveway that extends from Old South High Street to South High Street, with a large area available for parking. The applicant has provided a site sketch showing where parking spaces would be designated. During staff review of the request it was discussed with the applicant that all maneuvering of vehicles must take place on the property, because of concerns with vehicles backing out onto South High Street. If approved, staff recommends the following condition:

- All vehicles shall be able to turn around on the property and cannot back out onto South High Street.

The proposed use 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 in the district.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the special use request as submitted by the applicant;
- (b) Approve the special use request with the following condition:
 - All vehicles shall be able to turn around on the property and cannot back out onto South High Street.
- (c) Approve the special use request with other conditions;
- (d) Deny the special use permit request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing for the special use permit and twice advertising for City Council's public hearing. The advertisement was published as shown below:

Special Use Permit – 257 Old South High Street (10-3-40 (7), Increased Occupancy)

Public hearing to consider a request from ILEX LLC for a special use permit per Section 10-3-40 (7) of the R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site. The 5,908 +/- square foot property is located at 257 Old South High Street and is identified as tax map parcel 25-G-16.

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) to approve the special use request with the following condition:

- All vehicles shall be able to turn around on the property and cannot back out onto South High Street.

Attachments:

1. Extract (4 pages)
2. Site maps (2 pages)
3. Application, applicant letter, and supporting documents (4 pages)
4. Proposed site development layout (2 pages)

Review:

Planning Commission recommended to approve (7-0) the special use permit at 257 Old South High Street (10-3-40 (7), Increased Occupancy) as presented by staff.