



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: August 25, 2020
Re: Preliminary Plat – 1821 South High Street - Stoneburner Land, LLC Subdivision (Sub. Ord. Variance to Sections 10-2-61 (a), 10-2-66, and 10-2-67) and Special Use Permit – 1821 South High Street (To Allow Business and Professional Offices in M-1)

Summary:

To consider two requests from Stoneburner Land, LLC. The first request is to preliminarily subdivide a +/- 6.4-acre parcel into three parcels and includes variance requests from the Subdivision Ordinance to allow the applicant not to construct required street improvements along road frontages prior to subdividing. This first request does not require a public hearing. The second request is a public hearing to consider a special use permit per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices within the M-1, General Industrial District. The +/- 6.4-acre property is addressed as 1821 South High Street and is identified as tax map parcel 8-F-1. Staff and Planning Commission (5-0) recommended approval of the preliminary plat with variances. In addition, staff and Planning Commission (5-0) recommended approval of the special use permit with conditions.

Background:

The Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

- Site:** Building material sales and lumberyard, zoned M-1
North: Wholesale distributor of HVAC equipment, zoned M-1
East: Across South High Street, financial institution, zoned B-2
South: Across Erickson Avenue, automotive service and vehicle fuel station, zoned B-2
West: Undeveloped land, zoned B-2

Key Issues:

The applicant is requesting to preliminarily subdivide a +/- 6.4-acre parcel into three lots. Proposed lot 1 would be +/-29,109 square feet, proposed lot 2 would be 1.1-acres, and the third lot would be the remainder of the parent tract at +/- 4.6 acres. The subject site is located on the northwest corner of the South High Street (Route 42) and Erickson Avenue intersection. The proposed +/- 4.6-acre parcel will continue operations as a building material sales and lumberyard and there are currently no plans for proposed Lot 2. Proposed Lot 1 is planned to be developed as a medical urgent care facility if the preliminary plat and special use permit to allow business and professional offices within the M-1, General Industrial District are approved.

For both requests, the applicant has included a conceptual layout showing how Lot 1 could be developed. During the engineered comprehensive site plan review, issues such as parking requirements, parking lot landscaping, setbacks, and stormwater management will be reviewed in detail.

Preliminary Plat and Variances Request

The subdivision of the property is required to be reviewed by Planning Commission because the parent tract is larger than five acres and the end result establishes parcels that are less than five acres in size. If the subdivision of the site met all requirements of the Subdivision Ordinance, Planning Commission approval is all that would be needed to allow them to perform an administrative final subdivision plat. However, because the applicants are requesting to deviate from sections of the Subdivision Ordinance, the request must be reviewed and approved by City Council, and thus a recommendation from staff and Planning Commission is necessary.

With regard to public water and sewer utilities, the proposed +/- 4.6-acre parcel has an existing water meter at the entrance off of South High Street. Sanitary sewer service is currently provided by a septic system in the rear of the property and provisions have been made by the City for a future public sanitary sewer connection when Erickson Avenue is widened and the public sanitary sewer lines are extended as part of Phase IV of the Stone Spring Road-Erickson Avenue project. For proposed Lot 2, water is available at the shared parcel line with the pipe stem of the +/- 4.6-acre parcel and sanitary sewer service is available in South High Street. For proposed Lot 1, the owner has illustrated a 50-foot wide private utility easement so that water service may be reached from the existing public main on the +/- 4.6-acre parcel. Sanitary sewer service is available in South High Street.

The City's Subdivision Ordinance and Design & Construction Standards Manual require the applicant to dedicate right-of-way and construct street improvements at the time of subdivision. The Erickson Avenue frontage of the proposed parcels was completed with sidewalk and curb and gutter with the Stone Spring Road-Erickson Avenue Phase III project in 2013. The South High Street frontage of the proposed parcels has curb and gutter, but no sidewalks. The applicant is requesting three Subdivision Ordinance variances per Sections 10-2-61 (a), 10-2-66, and 10-2-67, which together require the property owner to construct the street improvements. If approved, the variances would allow the applicant not to construct required street improvements along the South High Street frontage prior to subdividing the properties. As indicated on the preliminary plat, however, as part of this subdivision, the applicant would dedicate 256 sq. ft. of right of way to accommodate future sidewalk construction when the properties are developed. Sidewalks would be constructed by future property owners at the time of development of each parcel; in other words, when Lot 1 develops, the property owner/developer would construct sidewalks along that parcel's street frontage. The applicant understands and acknowledges that when the last of the two new parcels develops, the owner/developer will be responsible for all remaining sidewalks and any necessary entrance improvements across the frontage of the +/- 4.6-acre parcel, which is already developed. The applicant's letter describes that "[b]oth Lot 1 and 2 will require significant

excavation work and need to be incorporated into the overall grading of each lot to maximize the usable space for future tenants.”

The applicant has agreed, as noted on sheet 2 of the preliminary plat, that: “[t]he three lots created by this subdivision shall share one entrance onto South High Street. No additional entrances onto South High Street will be permitted. Other entrances onto Erickson Avenue may be permitted with City approval.” The applicant has also illustrated on the preliminary plat a “New 50’ wide private shared access easement” for a shared entrance and driveway to serve the three proposed parcels.

The applicant has been made aware that the subdivision will reduce the maximum sign allotment for the Stoneburner facilities and may require changes to existing signage. Additionally, addressing of each of the new parcels still needs to be worked out with staff.

Staff recommends approval of the preliminary plat and variances to not construct require street frontage improvements at the time of subdivision. The property owner/developer will be required to construct street frontage improvements when the parcels are developed as described above.

Special Use Permit Request

As previously stated, if the preliminary plat request is approved, Lot 1 is proposed to be developed as a medical urgent care facility and requires approval of a special use permit per Section 10-3-97(3) to allow business and professional offices within the M-1, General Industrial District. The subject site and surrounding parcels that have frontage on South High Street and Erickson Avenue are designated as Commercial in the Comprehensive Plan’s Land Use Guide. In the general area surrounding the subject property, there is a mix of financial institutions, automotive sales and services, and light industrial uses.

Staff believes that the proposed medical urgent care facility is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area. However, rather than to apply the SUP for business and professional offices to the entire +/- 6.4-acre parcel, staff recommends conditions to limit the SUP to proposed Lot 1 and to make the SUP applicable only to a medical urgent care facility or a substantially similar use.

Staff recommends approving the special use permit with the following conditions:

1. The special use permit shall apply only to the area generally shown and described as Lot 1 on the preliminary plat titled Stoneburner Land LLC Subdivision dated June 24, 2020.
2. The special use permit shall be applicable only for the use, or a substantially similar use, as requested in this application.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of both the preliminary plat and variances and special use permit as requested;

- (b) Recommend approval of the preliminary plat and variances as requested and recommend approval of the special use permit with conditions;
- (c) Recommend approval with conditions of both the preliminary plat and variances and the special use permit;
- (d) Recommend approval of the preliminary plat and variances with or without conditions and recommend denial of the special use permit.
- (e) Recommend denial of both requests.

Community Engagement:

As required by the Subdivision Ordinance, a sign was posted giving public notice to the preliminary plat request for a variance to deviate from the standards of the Subdivision Ordinance.

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

Special Use Permit – 1821 South High Street (To Allow Business and Professional Offices in M-1)

Public hearing to consider a request from Stoneburner Land, LLC for a special use permit per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices within the M-1, General Industrial District. The +/- 6.4-acre property is addressed as 1821 South High Street and is identified as tax map parcel 8-F-1.

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 preliminary plat with variances as requested and approve the special use permit with conditions.

Attachments:

- 1. Planning Commission extract
- 2. Site maps
- 3. Applications, applicant letters, preliminary plat, and supporting documents

Review:

Planning Commission recommended (5-0, Jim Orndoff was absent and Zanetta Ford-Byrd resigned) alternative (b) to approve the preliminary plat with variances as requested and approve the special use permit with conditions.