



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: August 14, 2018
Re: Rezoning – Millwood Condominiums (R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional)

Summary:

Public hearing to consider a request from Virginia Valley Homes, Inc. to rezone a 3.47 +/- acre portion of a 6.5 +/- acre parcel from R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional. The parcel is located on West Mosby Road with addresses on Millwood Loop and is identified as tax map parcel 7-E-6. The parcel is currently split-zoned and if the request is approved, the parcel would remain split-zoned with portions zoned as R-3C, Medium Density Residential District Conditional, R-3C, Multiple Dwelling Residential District Conditional, and R-3, Multiple Dwelling Residential District.

Background:

The Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

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

- Site:** Vacant land, zoned R-3C
North: Across West Mosby Road, undeveloped land, zoned B-2C
East: Portion of subject parcel containing multiple-family dwelling units, zoned R-3C and R-3
South: Multiple-family dwelling units, zoned R-3
West: Undeveloped land, zoned R-2 and R-3C

Key Issues:

The applicant, Valley Virginia Homes, Inc., is requesting to rezone a 3.47 +/- acre portion of a 6.5 +/- acre parcel from R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional. The split-zoned parcel is located on West Mosby Road and contains a private street named Millwood Loop. In 2004, 4.6 +/- acres of this parcel was rezoned from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. At that time, the applicant proffered (written verbatim):

1. If rezoned to R-3 conditional, the subject property will be developed in substantial conformity to the existing property under development by contract purchaser lying directly east to the subject property along West Mosby Road for condominium units.
2. Applicant and purchaser further proffer that 4.6 acre +/- subject property will be developed for condominium units in no greater density than that shown in the "Preliminary Master Plan of Millwood Condominium, Harrisonburg, Virginia", dated August 18, 2004, and submitted by the contract purchaser in connection with the application.

The existing, regulating 2004 proffer letter and preliminary master plan are attached herein. The 2004 preliminary master plan illustrates a total of 61.5 units on the 4.6 +/- acre site. The half unit is explained by the split-zoning of the property and because a unit was shown on the preliminary master plan to be built directly through the zoning line. Currently, 15.5 units have been constructed on the 4.6 +/- acre site. The 4.6 +/- acre site has the remaining ability to construct up to 46 units on the site.

The applicant would like to remove existing, regulating proffers that control the development on the vacant area of the property and has submitted new proffers for the 3.47 +/- acre site so that they can build townhomes. The 2004 proffers stated that the units would be condominiums.

During staff's review of this application, staff suggested that the applicant consider rezoning the entire 6.5 +/- acre parcel to R-3C, which would remove the split-zoning of the parcel. Staff has no opinion on the removal of the proffer related to the units being condominiums because the City does not regulate and does not get involved in the establishment or maintenance of condominiums. This is because the Zoning Ordinance makes no distinction between multiple family dwelling units (apartments) and condominiums. The applicant explained that rezoning the entire 6.5 +/- acre parcel would require the approval of a majority or possibly all owners that are part of the Millwood Condominium Unit Owners Association depending on the requirements of the owners association bylaws. However, the applicant, Virginia Valley Homes, Inc. is the sole owner of the 3.47 +/- acre site for which the rezoning is being requested. Approval of this rezoning request would result in the 6.5 +/- acre parcel being split-zoned with 1.9 +/- acres zoned as R-3, Multiple Dwelling Residential District, 1.13 +/- acres zoned as R-3C, Multiple Dwelling Residential District Conditional, and 3.47 +/- acres zoned as R-3C, Medium Density Residential District Conditional.

The applicant has submitted the following proffers for the 3.47 +/- acre site (written verbatim):

1. If rezoned to R-3, Medium Density Residential District, the 3.47 acre portion of the subject property will be developed in no greater density than 39 units, as shown on the "Rezoning Exhibit" dated June 29, 2018, and submitted in connection with the application.

The applicant is proffering to construct seven less units than the existing proffers allow.

The applicant understands that to build townhomes they will have to preliminarily plat the 3.47 +/- acre development and request variances from the subdivision regulations to allow many of the townhome lots to not have public street frontage. As part of the subdivision, the property will be required to meet the

Subdivision Ordinance requirements to construct sidewalk along the West Mosby Road frontage for the entire parcel extending beyond the frontage of the 3.47 +/- acre site that will be developed.

The rezoning request conforms with the Land Use Guide and the applicant has offered assurances on the maximum number of dwelling units that can be constructed on the 3.47 +/- acre site. Therefore, staff recommends the rezoning request to R-3C, Medium Density Residential District Conditional as requested by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the conditional rezoning request as submitted by the applicant; or
- (b) Recommend denial of the conditional rezoning request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing for the rezoning. The advertisement was published as shown below:

Rezoning – Millwood Condominiums (R-3C to R-3)

Public hearing to consider a request from Virginia Valley Homes, Inc. to rezone a 3.6 +/- acre portion of a 5.89 +/- acre parcel from R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District. The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The R-3, Medium Density Residential District is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft/unit; townhouses, 2,000 sq. ft. minimum per unit; other uses, 6,000 sq. ft. minimum and by special use permit multi-family, 3,000 sq. ft. minimum per unit. The parcel is located on West Mosby Road and addressed as 2410, 2412, 2414, 2416, 2418, 2420, 2422, 2424, 2426, 2428, 2421, 2423, 2425, 2427, 2429, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2446, 2448, 2450, 2451, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2481, 2483, 2485, 2487, 2489, 2491, 2493, 2495, 2497, 2499, 2501, 2503, 2511, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528,

2529, 2530, 2531, 2532 and 2533 Millwood Loop and is identified as tax map parcel 7-E-6. The parcel is currently split-zoned and if the request is approved, the parcel would remain split-zoned with portions zoned as R-3, Medium Density Residential District, R-3C, Multiple Dwelling Residential District Conditional, and R-3, Multiple Dwelling Residential District.

As required, the request was published in the local newspaper twice advertising for City Council's public hearing for the rezoning. The advertisement was published as shown below:

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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) to approve the conditional rezoning request as submitted by the applicant.

Attachments:

1. Site maps (2 pages)

2. Application, applicant letter, and supporting documents (10 pages)

Review:

Planning Commission recommended (7-0) to approve the conditional rezoning request as submitted by the applicant.