



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
 From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
 Date: January 9, 2024 (Regular Meeting)  
 Re: Comprehensive Plan Amendment, Rezoning, and Special Use Permit - 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road (R-1/R-3C/R-7 to R-5C/R-8C) (To Allow Attached Townhomes of Not More Than 8 Units)

**Summary:**

Project name	Tuscan Village
Address/Location	1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road
Tax Map Parcels	72-B-4, 6, and 7
Total Land Area	Comprehensive Plan Map Amendment: +/- 9.3-acres Rezoning: +/- 11.63-acres (4.73-acres to R-5C and 8.56-acres to R-8C) Special Use Permit: +/- 4.69-acres
Property Owner	Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris
Owner's Representative	Colman Engineering
Present Comprehensive Plan Land Use Designation of area requested for change	Low Density Mixed Residential
Proposed Comprehensive Plan Land Use Designation of area requested for change	Medium Density Residential
Present Zoning of area requested for change	R-1, Single Family Residential District, R-3, Medium Density Residential District, and R-7, Medium Density Mixed Residential Planned Community District
Proposed Zoning of area requested for change	R-5C, High Density Residential District Conditional and R-8C, Small Lot Residential District Conditional
Special Use Permit Request	To allow attached townhomes of not more than eight (8) units per Section 10-3-59.4 (1)
Staff Recommendation	Approval of all three requests

Planning Commission Recommendation	December 13, 2023 (Public Hearing) Approval of all three requests (7-0)
City Council	January 9, 2024 (First Reading/Public Hearing) Anticipated January 23, 2024 (Second Reading)

**Background:**

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

- Site: Single-family detached dwellings on large acreages, zoned R-1, R-3C, and R-7
- North: Contractor services, zoned M-1
- East: Single-family detached dwelling and vacant land, zoned R-1
- South: Offices and across Keezletown Road, single-family detached dwellings, zoned R-3C, and R-1
- West: Single-family detached dwellings and across Country Club Road, shopping center, zoned R-3C and B-2

With regard to the existing R-3C-zoned property, in August 1994, City Council approved the rezoning of +/- 3.04-acres identified today as tax map parcel 72-B-4 (1820 Country Club Road) from R-1, Single Family Residential District to R-3C, Multiple Dwelling Residential District Conditional. The existing, regulating proffers, include (written verbatim):

1. The property shall not be used for any of the following uses which are otherwise permissible in the R-3 zone under the Harrisonburg Zoning Ordinance:
  - (a) Multiple family buildings or townhouses
  - (b) College or university buildings and functions, including fraternities and sororities.
  - (c) Hospitals, convalescent or nursing homes, or funeral homes
  - (d) Charitable or benevolent institutions.

With regard to the existing R-7-zoned property, in March 2020, City Council approved the rezoning of +/- 5.5-acres addressed as 640, 650, 660, 970, 680, 690, 700, and 710 Keezletown Road and identified as tax map parcel 72-B-6 from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The project for this site was known as Juniper Hill Commons and the R-7 zoning requires the community to be developed under an approved master plan that incorporates regulatory text for the community. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, an R-7-approved master plan is the “zoning” by which development must abide. In other words, the Juniper Hill Commons Master Plan regulates the type of development and where it can occur on this parcel. The developers of Juniper Hill Commons planned to construct 28 dwelling units including eight multi-family (apartment) units, 15 townhouse units, two duplex structures (four units), and one single-family detached dwelling. The maximum allowed density allowed by Juniper Hill Commons is six units per acre.

**Key Issues:**

The applicant has submitted three applications that are associated with portions or the entirety of three parcels addressed as 1816 and 1820 Country Club Road and 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road. The first application is to amend the Comprehensive Plan’s Land Use Guide map, specifically to amend +/- 9.3-acres of land from the Low Density Mixed Residential to Medium Density

Residential. The second is to rezone +/- 11.63-acres from R-3C, Medium Density Residential District and R-7, Medium Density Mixed Residential Planned Community District to R-5C, High Density Residential District Conditional and to R-8C, Small Lot Residential District Conditional. The third application is for a special use permit (SUP) to allow attached townhomes of not more than eight (8) units in the R-8C zoned areas. If the requests are approved, the applicant plans to construct 57 townhomes, 54 multi-family dwelling units, and one single-family detached dwelling. One of the existing single-family detached dwellings on the property would remain.

If the requests are approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage. During the preliminary plat process, the developer could also request other variances of the Subdivision Ordinance or the Design and Construction Standards Manual (DCSM) that might be needed to build the project. These matters should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variances that would be requested during the platting phase.

### *Proffers*

The applicant has offered the following proffers (written verbatim):

1. Construct Public Street 1 from Country Club Rd to the eastern boundary of the development to provide connectivity for future development of City parcel TM# 70-A-1.
2. Construct Public Street 2 from Keezletown Rd to intersect the proposed Public Street 1.
3. A shared-use path along Public Street 1 will be installed to extend from Country Club Rd to the eastern boundary of the development. The shared-use path outside of the Public Street 1 right-of-way will be located within a 20 feet shared-use path easement.
4. The two large (approx. 50 ft tall) oak trees close to Country Club Road as shown on the Tuscan Village Conceptual Layout, and as located by a field survey; will be protected and preserved by the developer. In the event of the loss of one or both trees, during, or after construction is completed; the property owner will replace each tree with two 15 ft or taller (height at time of planting) deciduous trees.
5. Multi-family units within the R-5 district may be occupied by a single family or no more than two (2) unrelated persons.
6. Multi-family units within the R-5 district shall provide 1 parking space per dwelling unit with one bedroom and/or 1.5 parking spaces per dwelling unit with two or more bedrooms.
7. Ten (10) deciduous trees, no less than 6 feet in height at the time of planting, will be planted along the two proposed public streets, in addition to the trees required by the parking lot landscaping requirements of the zoning ordinance.
8. A playground area, no less than 1,800 sf in size, will be provided within the development.
9. The proposed multifamily buildings will be limited to 3-stories, and will not exceed 45 ft in height.
10. 28 feet and 36 feet of right-of-way will be dedicated from the center of the existing Keezletown

Rd and Country Club Rd respectively. Additionally, a 15 foot temporary construction easements will be provided for the City's future roadway widening for both roadways.

11. The R-5C zoned area of the development shall not exceed 56 dwelling units.
12. The R-8-zoned areas of the development shall not exceed 62 dwelling units.
13. Dwelling units in the R-5 zoned area shall be two-bedroom, one-bedroom, or efficiency units only.

Between publication of the Planning Commission staff report and the Planning Commission public hearing, the applicant submitted a new proffer letter that removed a previous proffer (numbered 4) which read “Public Streets 1 and 2 shall be constructed prior to issuance of any building permits north of Public Street 1.” The applicant removed this proffer because the proffer was more restrictive than they intended. Without the proffer, future plating and construction of the public streets will follow the City’s typical process.

The new proffer letter also included three new proffers numbered 11, 12, and 13.

The conceptual site layout is not proffered.

While most of the remaining proffers are self-explanatory, staff offers additional information on Proffers 11 and 12 in the Land Use section of this report and Proffers 1, 2, 3, and 10 in the Transportation and Traffic section of this report.

#### *Land Use*

The applicant is requesting to amend the Comprehensive Plan’s Land Use Guide (LUG) map, specifically to amend +/- 9.61-acres of land identified as tax map parcels 72-B-6 and 7 that are addressed from Keezletown Road from Low Density Mixed Residential to Medium Density Residential. The remaining +/- 3.04-acres addressed from Country Club Road is designated as Mixed Use and no change to the LUG map designation is requested for that area.

The Comprehensive Plan describes the Low density Mixed Residential, Medium Density Residential, and Mixed Use designations as:

#### Low Density Mixed Residential

These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line

development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and 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.

#### 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.

#### 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 proposed LUG change from Low Density Residential to Medium Density Residential forces the conversation about dwelling unit types and density for this specific area. In analyzing this matter, note that the +/- 3.04-acre area of the subject property that is designated Mixed Use—located to the west of proposed LUG amendment area—anticipates many different residential housing types at around 24 dwelling units per acre while also planning for nonresidential uses. The differences between the types of housing and density anticipated within the existing and proposed LUG change is that Low Density Residential focuses more on providing single family detached dwellings, where in special circumstances duplexes could be appropriate with density around seven units per acre. The Medium Density Residential designation focuses on promoting single family detached units, duplexes, townhomes, and, in special circumstances, allowing multi-family units. Density is planned for around 15 units per acre, which is more than the Low Density Residential Designation, by lower than the adjacent Mixed Use Designation.

Given that much of the subject area is undeveloped, and that much of the adjacent property to the east is undeveloped, and provided that the City's Comprehensive Housing Assessment and Market Study suggested to increase density throughout the City, staff is comfortable recommending approval of the LUG change for this area. Changing the LUG could either serve as a good transitional area from the Mixed Use designation along Country Club Road or serve as a catalyst to discuss other LUG changes for the remainder of the adjacent undeveloped area.

As noted previously, prior to the Planning Commission public hearing, the applicant submitted a new proffer letter that added Proffers 11 and 12. Proffer 11 would restrict the R-5 area of the development to not exceed 56 dwelling units, which would allow up to 11.84 units per acre. Proffer 12 would restrict the R-8 area of the development to not exceed 62 dwelling units, which would allow up to 8.99 units per acre. Both densities are below the planned density for Medium Density Residential and Mixed Use areas.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA.

Proffers 1 and 2 address the construction of proposed Public Streets 1 and 2, specifically that the two streets shall be constructed prior to issuance of any building permits north of Public Street 1.

City standards require that all new public streets be constructed with sidewalk on both sides of the street unless a Subdivision Ordinance and Design and Construction Standards Manual (DCSM) variance is approved by City Council providing a specific deviation to this requirement. With Proffer 3, the applicant is committing to construct a shared use path along the entire length of Public Street 1, which would be in lieu of a sidewalk on that side. Additionally, the conceptual layout illustrates there will be no sidewalks on the north side of Public Street 1 adjacent to tax map parcel 72-B-1. The applicant intends to request a Subdivision Ordinance and DCSM variance during the preliminary platting phase of the project.

With Proffer 10, the applicant has committed to dedicating land for public street right-of-way and temporary construction easements along both Country Club Road and Keezletown Road for future street improvements by the City.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which has "neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover." The Housing Study also notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the

housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

*Public Schools*

The student generation attributed to the proposed 57 townhome units, 54 multifamily dwelling units, and one single family detached dwelling unit is estimated to be 60 students. Based on the School Board’s current adopted attendance boundaries, Smithland Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

*Recommendation*

Staff recommends approval of all three requests – (1) the Comprehensive Plan LUG map amendment from Low Density Mixed Residential to Medium Density Residential, (2) rezoning to R-5 and R-8, and (3) the SUP to allow townhomes in R-8.

Furthermore, staff is comfortable recommending an extension of approval from 12 months to 24 months as requested by the applicant. As identified by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes the additional time is appropriate for this project.

Know that prior to receiving the applicant’s new proffer letter, staff had recommended denial of the rezoning to R-5. Additionally, with the SUP to allow townhomes in R-8, staff had recommended a condition to control the density of the area. With the new proffers 11 and 12, staff rescinds the recommended SUP condition to control density in R-5 because the applicant’s proffer will control density.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- a) Approve the requests for the Comprehensive Plan amendment, rezoning, and special use permits as presented by the applicant;
- b) Approve the Comprehensive Plan amendment, rezoning, and approve of the special use permit with conditions;
- c) A combination of approvals and denials with or without conditions on the special use permit; or
- d) Deny all requests.

**Community Engagement:**

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

***Comprehensive Plan Map Amendment –640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road (Low Density Mixed Residential to Medium Density Mixed Residential)***

Public hearing to consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to amend the Comprehensive Plan’s Land Use Guide map within Chapter 6 Land Use & Development Quality. The proposal is to amend +/- 9.3-acres of land from the Low Density Mixed Residential designation to Medium Density Mixed Residential. The first parcel is addressed as 640, 650, 660, 670, 680, 690, 700, & 710 Keezletown Road and is identified as 72-B-6. The second parcel is addressed as 730 Keezletown Road is identified as tax map parcels 72-B-7.

***Rezoning – 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road (R-1/R-3C/R-7 to R-5C/R-8C)***

Public hearing to consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to rezone a +/- 12.63-acre site consisting of three parcels from R-1, Single Family Residential District; R-3, Medium Density Residential District Conditional; and R-7, Medium Density Mixed Residential Planned Community District to R-5C, High Density Residential District Conditional and R-8C, Small Lot Residential District Conditional. The first parcel is addressed as 1816, 1820 Country Club Road and is identified as tax map parcel 72-B-4, and of which a +/- 0.85-acre portion is requested to be rezoned. The second parcel is addressed as 640, 650, 660, 670, 680, 690, 700, & 710 Keezletown Road and is identified as 72-B-6. The third parcel is addressed as 730 Keezletown Road is identified as tax map parcels 72-B-7.

***Special Use Permit – Portions of 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road (To Allow Attached Townhomes of not More than 8 Units in the R-8)***

Public hearing to consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris for a special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight (8) units in the R-8, Small Lot Residential District. The two areas totaling +/-7.94-acres include portions of properties addressed as 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road and identified as tax map parcels 72-B-4, 6, and 7.

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>.

Note that the public notice was updated after the Planning Commission meeting for the City Council meeting to include mention of the R-1, Single Family Residential District, which was mistakenly omitted. The parcel addresses and tax map numbers listed and other details were correct for both sets of public notices.

**Recommendation:**

Staff recommends alternative (a) approval of the requests for the Comprehensive Plan Land Use Guide amendment, rezoning, and the special use permit as presented by the applicant, which also includes granting the approval for establishing the SUP within 24 months.

**Attachments:**



1. Extract from Planning Commission
2. Site maps – Comprehensive Plan Amendment
3. Updated site maps – Rezoning and Special Use Permit
4. Updated proffer letter
5. Application and supporting documentation
6. Public comments

**Review:**

Planning Commission recommended approval (7-0) of the Comprehensive Plan Land Use Guide Map amendment, approval (7-0) of the rezoning, and approval (7-0) of the special use permit as presented by the applicant, which also includes granting approval for establishing the SUP within 24 months.