



# City of Harrisonburg, Virginia

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To: Kurt Hodgen  
From: Planning Commission and  
Adam Fletcher, Director - Department of Planning and Community Development  
Date: December 13, 2016  
Re: Street Closings and Special Use Permit – Virginia Mennonite Retirement Community, Inc.

## **Summary:**

Public hearing to consider a request from Virginia Mennonite Retirement Community, Inc. to close 124,700 +/- square feet of developed public street right-of-way. Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road) are contained within the Park Village area of the Virginia Mennonite Retirement Community complex and are adjacent to tax map parcels 52-D-4, 7-10 & 13.

Public hearing to consider a request from Virginia Mennonite Retirement Community, Inc. for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow a multiple-family dwelling of up to 12 units per building under the conditions set forth under 10-3-48.6 (e). The 3.3 +/- acre parcel is part of the Virginia Mennonite Retirement Community master planned complex known as Park Village and is zoned R-3, Medium Density Residential District. The property is identified as tax map parcel 52-D-9 and addressed as 1610, 1612, 1614, and 1616 Park Road.

## **Background:**

The Comprehensive Plan designates this area as Institutional. This designation states that these areas are for development by certain nonprofit and public institutional uses such as private colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions that provide for the shelter and care of people.

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

- Site:** Duplexes and multi-family apartment buildings associated with Virginia Mennonite Retirement Community, Inc, zoned R-3/I-1
- North:** Multi-family apartment buildings, zoned R-3
- East:** Pleasant View Home Residences and single-family dwelling, zoned R-3
- South:** Multi-family apartment buildings and facilities associated with Virginia Mennonite Retirement Community, Inc., zoned R-3/I-1
- West:** Across Park Road, Park View Mennonite Church and duplexes associated with Virginia Mennonite Retirement Community, Inc., zoned R-2

## **Key Issues:**

The applicant, Virginia Mennonite Retirement Community, Inc. (VMRC), is requesting to close multiple public streets and to obtain a special use permit (SUP) to allow for a multi-family building of up to twelve

units. Both requests are within the Park Village neighborhood of the VMRC master planned complex, which is located in the north portion of the campus. If approved, VMRC plans to add the square footage of the public streets into the complex acreage; however, they do not have immediate plans to change the function of the streets. VMRC would also demolish the existing quadplex located on the northeast corner of the intersection of Park Road and Villa Drive and construct a new, six unit multi-family building. The requests are being heard together because to meet setback and parking requirements for the proposed new construction, VMRC needs to obtain the public right-of-way and vacate the property lines accordingly.

The 124,700 +/- square feet of developed, public street right-of-way requested for closure is located entirely within the boundary of VMRC's Park Village neighborhood and includes: Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road). VMRC is in the process of recasting its vision for the Park Village neighborhood, and intends to redevelop current residential structures and update amenities. As stated in their letter of request for street closure (attached within), "Integrating the current streets into their campus will allow VMRC to have the option in the future of reconfiguring the Park Village section, and to provide safe walkable facilities for their residents by modifying the use of the existing streets."

Staff met with the applicant on several occasions to discuss the street closures, and while staff has no objections with the request, there are multiple utilities within the right-of-way that will need to be placed within specific easements. Public Utilities will require public sanitary sewer and water easements over existing and proposed water and sanitary sewer lines; HEC will require an easement on all primary electric facilities and over what is now the street lighting circuits; and there may be other utilities in the right-of-way (cable, gas, etc.) that will require public utility easements. It will be the applicant's responsibility to ensure that all of this is surveyed and the appropriate easements are in place.

Staff also informed the applicant that there are numerous storm drains/lines within this area and it will be VMRC's responsibility to maintain this infrastructure. Placing an easement over storm lines and drains is acceptable; however, they should simply be called "Private Drainage Easements." The Fire Department requires a minimum 20-foot wide fire lane with adequate turning radii for apparatus be maintained for access to all structures and maintained through all of these streets.

If approved, the streets would transfer in "as is" condition, as Public Works currently has no maintenance planned for the streets. As well, the applicant has been made aware that the impervious area that will transfer with the change of ownership will be included in its stormwater utility fee calculation, thus they can expect a fee increase.

As noted above the applicant is requesting a SUP to allow for a multi-family dwelling with up to 12 units. The applicant desires to demolish an existing four-unit multi-family apartment building located at 1610 – 1616 Park Road and reconstruct a new six-unit building in its place.

In August 2007, the Zoning Ordinance was amended to create the R-3, Medium Density Residential District (Article J.2), which removed multi-family buildings as a use permitted by right and allowed them only by SUP. The R-3, Multiple Dwelling Residential District remained, but was amended to apply only "to multi-family buildings constructed by or with Comprehensive Site Plans approved before August 14, 2010." It also noted that "[e]ffective this date, all other construction must comply with Article J.2." The multi-family building at 1610 – 1616 Park Road was constructed prior to the effective date; however, the applicant desires to increase the number of units from four to six within the proposed new building and therefore, a SUP is required.

As part of the requirements for obtaining a special use permit to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in the Zoning Ordinance consist of the following:

1. existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide, is located adjacent to, across the street from or in close proximity to the proposed development;
2. the applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities currently serve the site, are planned to serve the site according to a city or state plan, will be provided by the applicant at time of development, or are not needed because of the circumstances of the proposal;
3. the applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development;
4. the applicant has shown that the site is environmentally suitable for multiple-family development.

The applicant has addressed each condition within their attached letter; and has provided an elevation of the proposed building. Park Village is an existing multi-family dwelling neighborhood within the VMRC Master Plan and staff believes they meet the criteria of each of the listed conditions. Approval of this SUP would allow for the redevelopment of the aforementioned unit only; any future redevelopment of existing buildings would require the applicant to go through the SUP process again.

As indicated above, the street closing request is associated to the SUP due to setback and parking requirements. The Zoning Ordinance requires that structures meet a 30-foot setback from all public streets; therefore, if Villa Drive were to remain open as public right-of-way, the new building constructed at 1610 – 1616 Park Road would need to be setback 30-feet from Villa Drive and Park Road. Currently, the structure is only 27.9 feet from Villa Drive and redevelopment of the site may place the building even closer to Villa Drive. Additionally, new parking spaces will be required for the new building and several garages are planned; however the needed total is not met.

The closure of the interior streets, such as Villa Drive, would allow for VMRC to utilize parking along the streets to meet parking requirements and still maintain the needed access for emergency vehicles. If the streets are closed and the property is added to the VMRC campus, there is no longer the need for a 30-foot setback from Villa Drive; only a 10-foot side setback from property lines would be required. This SUP request would facilitate the redevelopment of the one building only. VMRC will soon propose amending their overall master plan to allow for additional setback and parking relief in the Park Village neighborhood as they move through re-envisioning and redeveloping this area of their campus.

Because the street closings and the SUP are intertwined, staff recommends that a condition be placed upon the SUP requiring the street closures to be recorded and the additional acreage added to the VMRC campus as necessary, before approval of a building permit for the multi-family building at 1610-1616 Park Road.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

Denial of the requests would require VMRC to re-evaluate their vision for the Park Village neighborhood in order to update and redevelop the site.

**Community Engagement:**

With regard to the street closings request, although not required for the Planning Commission review but a standard practice by Planning staff to assist in the awareness that the street closings request was made, signs were posted giving notice that an application was submitted to close the public street right-of-ways prior to the Planning Commission review.

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

*Street Closing – Villa Drive, Pine Court, Spruce Court, Hawthorne Court, and Shank Drive (east of Park Road)*

Consider a request from Virginia Mennonite Retirement Community, Inc. to close 124,700 +/- square feet of developed public street right of way. Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road) are contained within the Park Village area of the Virginia Mennonite Retirement Community complex and are adjacent to tax map parcels 52-D-4, 7-10 & 13.

In addition, adjoining property owners were notified of the public hearing; the property remained posted with signage advertising the requests for the City Council hearing; and a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

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

*Special Use Permit – Virginia Mennonite Retirement Community Master Plan Amendment (Park Village) (Multiple-Family Dwellings up to 12 units per building)*

Public hearing to consider a request from Virginia Mennonite Retirement Community, Inc. for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple-family dwellings of up to 12 units per building under the conditions set forth under 10-3-48.6 (e). The 13.35 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex known as Park Village includes properties to be rezoned in a separate request to R-3, Medium Density Residential District with the I-1, Institutional Overlay and are identified as tax map parcels 52-D-4, 6-10. Properties within this section of VMRC are addressed as 1530, 1532, 1534, 1536, 1538, 1540, 1542, 1550, 1552, 1554, 1556, 1572, 1574, 1576, 1590, 1592, 1594, 1596, 1610, 1612, 1614, and 1616 Park Road; 1605, 1609, 1606, 1607, 1608, 1610, 1615, 1617, and 1619 Spruce Court; 1571, 1573, 1575, 1577, 1584, 1585, 1586, 1587, 1589, 1588, 1589, 1590, and 1591 Pine Court; and 1504, 1508, 1525, 1516, 1520, 1524, 1528, 1532, 1536, 1540, 1544, 1548, 1552, 1556, 1560, 1564, 1568, 1572, 1578, 1582, and 1586 Hawthorne Circle; and 1238, 1240, 1241, 1244, 1245, 1248, 1249, 1252, 1256, 1260, 1264, 1268, 1272, 1276, 1280, 1284, 1288, and 1292 Shank Drive.

In addition, adjoining property owners were notified of the special use permit public hearings; 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 approval of the street closures of Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road), provided that easements are reserved for:

- a. Public Sanitary Sewer and Water infrastructure

- b. Public Utility Easements for primary electric facilities and street lighting circuits (coordinated with HEC)
- c. Public Utility Easements as necessary for other utilities (cable, gas, etc.)

Staff recommends approval of the special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple-family dwellings of up to 12 units per building with the following condition:

The requested street closing of Villa Drive, Pine Court, Spruce Court, Hawthorne Circle, and Shank Drive (east of Park Road) be recorded and the additional acreage added to the VMRC campus, as necessary, before approval of a building permit for the multi-family building at 1610-1616 Park Road.

**Attachments:**

- 1. Site maps (2 pages)
- 2. Applications, applicant letters, and supporting documents (10 pages)
- 3. Proposed site development layout (2 pages)

**Review:**

Planning Commission recommended approval (6-0) of the street closure requests as presented by staff with the appropriate easements reserved as noted above. Planning Commission recommended approval (6-0) of the SUP request as presented by staff with the suggested condition.