



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Planning Commission  
From: Department of Community Development  
Date: January 11, 2023 (Regular Meeting)  
Re: Tabled Request from December 14, 2022 Regular Meeting – Special Use Permit – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)

### **Summary:**

Consider a request from James Madison University Real Estate Foundation Inc. for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District under conditions set forth in subsection 10-3-93 (d). The +/- 9.91-acre property is addressed as Peach Grove Avenue and 1071 Port Republic Road (although the property only has frontage on Peach Grove Avenue) and is identified as tax map parcel 92-F-6.

### **Background:**

On December 14, 2022, Planning Commission held a public hearing to consider the subject request and tabled the request (6-1) because it was unknown how the developer would accommodate the need for a bus pull off for public transportation needs and safety. Please refer to the December 14, 2022, agenda packet and staff memorandum for more details about the request.

### **Key Issues:**

Since the December 14<sup>th</sup> Planning Commission meeting, the applicant has updated the traffic impact analysis (TIA) to include the impacts expected from a 376 multifamily residential dwelling unit count. The Department of Public Works reviewed and accepted the updated TIA and the TIA acceptance letter is attached.

The applicant has also identified a new contact for the property owner of The Hills Southview and is working with the City Attorney's Office for their assistance in obtaining cooperation from The Hills Southview. The applicant and staff have also worked together to revise condition #7, and the applicant has proposed the following:

Owner/developer shall construct along Peach Grove Ave just west of the subject property a bus pull off and a concrete pad for a bus shelter on TM 091-H-1 at a location acceptable to the Department of Public Transportation. However, if the owner of TM 091-H-1 has provided in writing that they are unable/unwilling to provide an easement or public right-of-way at fair market value for a bus pull off and concrete pad, then the owner/developer shall only be responsible for constructing a concrete pad for a bus shelter within the existing 80' wide ROW in front of TM 091-H-1.

As previously described in the December 14<sup>th</sup> staff report, the property is adjacent to existing and planned multiple-family complexes. Staff believes that the request is consistent with the Comprehensive Plan's Land Use Guide and is helping meet the need for providing more housing in the City with respect to the points made in the Comprehensive Housing Assessment and Market Study. Given these points, staff believes that providing multi-family units at this location can be a positive result for the community and for those that might reside in such units. While the ideal arrangement for a bus stop along Peach Grove Avenue is to include a bus pull off, staff recognizes that this can only be possible with the participation of the adjacent property owner, to which the applicant does not have control. Similarly, staff preferred for the subject property owner and the property owner of tax map parcel 92-F-10 (1351 Peach Grove Avenue) to share an entrance to accommodate safe entering and exiting for both developments, yet staff did not have the authority to force both property owners to share a common entrance.

Given the updated TIA and revised condition #7, staff recommends approval of the SUP with the following conditions:

1. The number of dwelling units on the property shall not exceed 376 units.
  - a. A minimum of 30% of all dwelling units will consist of either studio or one-bedroom apartments.
  - b. A maximum of 20% of all dwelling units will consist of three-bedroom apartments.
2. The property shall not contain dwelling units that have more than three (3) bedrooms.
3. Owner/developer, at the time of development, will obtain necessary easements and construct the proposed pedestrian connection to the existing "Port Crossing Shopping Center" (TM 092 F 11).
4. A minimum of 1.3 parking spaces per dwelling unit shall be provided.
5. Solar panels shall be installed and maintained on a minimum of 10,000 square feet of the building roof area (approximately 15% of the total roof area).
6. Owner/developer shall install and maintain a minimum of four (4) "Level 2" (equivalent or better technology at the time of construction) electric vehicle charging stations on the property.
7. Owner/developer shall construct along Peach Grove Ave just west of the subject property a bus pull off and a concrete pad for a bus shelter on TM 091-H-1 at a location acceptable to the Department of Public Transportation. However, if the owner of TM 091-H-1 has provided in writing that they are unable/unwilling to provide an easement or public right-of-way at fair market value for a bus pull off and concrete pad, then the owner/developer shall only be responsible for constructing a concrete pad for a bus shelter within the existing 80' wide ROW in front of TM 091-H-1.
8. Owner/developer shall provide a right turn lane at project entrance with a minimum of 20' storage and 75' taper.
9. The special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within 24 months from the approval date of the special use permit.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s); or
- (d) Recommend denial.

**Community Engagement:**

As required, the request was published twice in the local newspaper prior to the December 14, 2022 regular meeting for Planning Commission’s public hearing. The advertisement was published as shown below:

***Special Use Permit – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)***

Public hearing to consider a request from James Madison University Real Estate Foundation Inc. per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District under conditions set forth in subsection 10-3-93 (d). The +/- 9.91-acre property is addressed as Peach Grove Avenue and 1071 Port Republic Road (although the property only has frontage on Peach Grove Avenue) and is identified as tax map parcel 92-F-6.

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 special use permit request as submitted by the applicant.

**Attachments:**

- January 5, 2023 Traffic Impact Analysis (TIA) Acceptance Letter

**Review:**

N/A