



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: May 9, 2023 (Regular Meeting)  
Re: Special Use Permit – 1180 Virginia Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)

## **Summary:**

Project name	Virginia Avenue Development
Address/Location	1180 Virginia Avenue
Tax Map Parcels	47-O-65
Total Land Area	+/- 27,697 square feet
Property Owner(s)	Mainali & Gil Properties LLC
Owner's Representative	Blackwell Engineering
Present Zoning	B-2, General Business District
Special Use Permit Request	10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings
Staff Recommendation	Approval
Planning Commission Recommendation	April 12, 2023 (Public Hearing) (4-0)
City Council	May 9, 2023 (Public Hearing)

## **Background:**

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

**Site:** Vacant structures, zoned B-2

**North:** Mobile/manufactured homes, zoned B-2

**East:** Across railroad, industrial use, zoned M-1

**South:** Fuel station and commercial use, zoned B-2

**West:** Across Virginia Avenue, institutional uses, zoned B-2/Institutional Overlay

## **Key Issues:**

The applicant is requesting a special use permit (SUP) per Section 10-3-91 (17) to allow multi-family dwellings and/or mixed use buildings in the B-2, General Business District. The property is +/- 27,697

square feet, has frontage on Virginia Avenue, and is located approximately 250 feet north from the intersection of Virginia Avenue and Mount Clinton Pike. If the SUP is approved, the applicant intends to construct a single structure containing commercial uses on the first floor and up to a total of 12 multiple-family dwellings with units on the second, third, and fourth floors. In this case, while the applicant intends to provide by-right commercial uses on the first floor of the building, approval of the SUP would give permission to construct a building with only residential uses so long as the development complies with the associated development plan and SUP conditions.

With regard to the details of the proposal, as specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for an engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures as illustrated.
2. The general number of stories within proposed buildings and structures as illustrated.
3. The general location of parking areas as illustrated.
4. The general location of pedestrian connections as illustrated.

Additionally, the applicant has proposed the following conditions, which are described on the development plan as “Developer Self-Imposed Conditions” (written verbatim):

1. Development will not exceed 12 residential units.
2. Units will be a combination of studio, 1-bedroom, & 2-bedroom units.
3. The development shall be no more than 4 stories.

Regarding minimum off-street parking requirements for the multiple-family dwellings, the ZO allows one off-street parking space per unit in the B-2 district and the applicant is showing 12 residential parking spaces. Retail parking is calculated based on a ratio of 1 off-street parking space for every 200 square feet of gross floor area and the applicant is showing 19 retail parking spaces.

#### *Land Use*

The Comprehensive Plan designates this site as Commercial and states that:

“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.”

Given the small size of the subject site and its location between a nonconforming residential use (mobile/manufactured home park) and a parcel containing commercial uses (convenience store/fueling

station), staff believes that multiple-family units at this location can be a positive outcome and function well with the nonresidential uses that could also be provided on the subject parcel and with the other uses along this section of Virginia Avenue.

*Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed SUP is attached. The TIA determination form indicated that the project will not generate 100 or more peak hour trips, which is the threshold for city staff to require a TIA. As always, however, Section 10-3-127(a)(3)(b) of the ZO gives Planning Commission and City Council the authority to require a TIA for SUP requests when they believe it is necessary.

Additionally, as required by the Subdivision Ordinance, the development will be required to construct, and where necessary dedicate land for, a sidewalk on the property because the adjacent property to the south has existing sidewalk.

*Housing Study*

Generally, approval of the SUP provides an opportunity for the community to create more housing as called for in the City’s Comprehensive Housing Assessment and Market Study (The Housing Study). The Housing Study places the subject property within Market Type D. Among other things, the study notes that “Market 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.”

When considering the need for providing more housing in the City, providing multi-family units at this location can be a positive result for the community and for those individuals who might reside in such units.

*Public Schools*

The student generation attributed to the proposed 12 residential units is estimated to be four students. Based on the School Board’s current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted in their review comments that schools are over capacity in many of the schools.

*Recommendation*

Staff recommends approval of the SUP as submitted by the applicant including their proposed conditions.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the special use permit request as submitted by the applicant including the applicant's proposed conditions;
- (b) Approve the special use permit with other conditions(s); or
- (c) Deny the special use permit request.

**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:

***Special Use Permit – 1180 Virginia Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)***

Public hearing to consider a request from Mainali & Gil Properties LLC for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings within the B-2, General Business District. The +/- 27,697 square foot property is identified as tax map parcel 47-O-65 and is addressed as 1180 Virginia Avenue.

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) approval of the special use permit request as submitted by the applicant including their proposed conditions.

**Attachments:**

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents

**Review:**

Planning Commission recommended approval (4-0) of the special use permit including the applicant's proposed conditions.