



# 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: October 9, 2024 (Regular Meeting)  
 Re: Comprehensive Plan Amendment, Rezoning, and Special Use Permits - 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court (R-1/R-2/B-2/M-1 to R-5C/R-8C) (To allow multiple-family dwellings of more than 12 in R-5) (To allow attached townhomes of not more than 8 units in R-8) (To allow reduced setbacks for townhomes in R-8)

**Summary:**

Project name	Quarry Heights
Address/Location	51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court
Tax Map Parcels	36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9
Total Land Area	Comprehensive Plan Map Amendment: +/- 154.15-acres Rezoning: +/- 161.4-acres Special Use Permit in R-5: +/- 28.8-acres Special Use Permits in R-8: +/- 136.7-acres
Property Owner	Liberty Hall LC, Ordovician, L.C., and Aichus LLC
Owner's Representative	Waterman Investments LLC
Present Comprehensive Plan Land Use Designation of area requested for change	Low Density Mixed Residential, Commercial, and Industrial
Proposed Comprehensive Plan Land Use Designation of area requested for change	Medium Density Mixed Residential
Present Zoning	R-1, Single Family Residential District; R-2, Residential District; B-2, General Business District; M-1, General Industrial District
Proposed Zoning	R-5C, High Density Residential District Conditional; R-8C, Small Lot Residential District Conditional
Special Use Permit Requests	To allow multiple-family dwellings of more than 12 units per building per Section 10-5-55.4 (1) To allow attached townhomes of not more than eight (8) units per Section 10-3-59.4 (1) To allow reduced side yard setbacks per Section 10-3-59.4 (11)
Staff Recommendation	Approval of all five requests
Planning Commission	October 9, 2024 (Public Hearing)

City Council	Anticipated November 26, 2024 (First Reading/Public Hearing) Anticipated December 10, 2024 (Second Reading)
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**Background:**

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

Site: Frazier Quarry; zoned R-1, R-2, B-2, and M-1

North: Residential and industrial uses; zoned R-2 and M-1

East: Across Waterman Drive, commercial and industrial uses; zoned B-2 and M-1

South: Commercial uses; zoned B-2

West: Residential uses; zoned R-3 (City of Harrisonburg) and undeveloped land; zoned R3-Conditional (Rockingham County)

**Key Issues:**

The applicant has submitted five applications that are associated with portions or the entirety of five parcels addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court. The applications are:

1. To amend the Comprehensive Plan’s Land Use Guide map, specifically to amend +/- 154.15-acres from Low Density Mixed Residential, Commercial, and Industrial to Medium Density Mixed Residential. (Note: a +/- 7-acre portion of the Quarry Heights development located at the end of Brickstone Court is currently designated Medium Density Mixed Residential.)
2. To rezone +/- 161.4-acres of property from R-1, Single Family Residential District; R-2, Residential District; B-2, General Business District, and M-1, General Industrial District to R-5C, High Density Residential District Conditional; R-8C, Small Lot Residential District Conditional.
3. For a special use permit (SUP) to allow multiple-family dwellings of more than 12 units per building in the R-5 district per Section 10-3-55.4 (1).
4. For a SUP to allow attached townhomes of not more than eight (8) units in the R-8 district per Section 10-3-59.4 (1).
5. For a SUP to allow reduced side yard setbacks for townhomes in the R-8 district per Section 10-3-59.4 (11). (Note: this staff report is written with the presumption that the applicant’s proposed Zoning Ordinance (ZO) amendments to the R-8 zoning district to allow townhomes to have reduced side yard setbacks have been approved. The details of the ZO amendments are described in a separate staff report.)

If the requests are approved, the applicant plans to construct multifamily units, townhomes, and single-family detached dwellings. The development would contain no more than 953 dwelling units. The submitted proffers identify that there would be a maximum of 300 multifamily dwelling units and a no more than 653 dwelling units would be attached and detached dwelling units, of which no fewer than 45 shall be detached single-family dwelling units. The applicant’s supporting documentation describes that the Quarry Heights development plan “includes 653 townhouse and villa style units, 264 apartment units, and 48 single family units (917 total), internal street network, clubhouses, open space, and other amenities.” Other than the Quarry Flats (multifamily) section of the development that would contain rental units, all other dwellings in the other sections of the development are planned to be for sale.

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 from the Subdivision Ordinance or the Design and Construction Standards Manual (DCSM) that might be needed to build the project. Examples of other variances that might be requested include deviating from minimum public street right-of-way and street width requirements, among others. 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 organized their proffer statement into six sections:

- I. R-5C District Proffers (Multifamily Section)
- II. R-8C District Proffers
- III. Transportation Proffers
- IV. Bike/Ped Proffers
- V. Resident and Public Safety Proffers
- VI. General

Please refer to the attached file titled “Application and supporting documents” which includes a document with the page heading titled “Fraizer Quarry Rezoning – Rezoning Request Proffer (Conditions for this Rezoning Request)” for the full proffer statement. In summary, the proffer statement addresses matters such as: the maximum number of dwelling units allowed in each zoned section; solar installation on club house buildings; electric vehicle charging stations; vegetative buffers and tree plantings; access and safety around the quarry lake; amenities including, but not limited to club houses, open spaces, playgrounds, shared use paths, trails, and sidewalks; the development’s public and private street network; bus shelters; and other transportation facilities and improvements.

The conceptual site layout is not proffered.

In the applicant’s early proposals shared with staff, they proposed only multi-family units and townhomes. Staff encouraged the applicant to consider more diversity of housing types to their proposal; such as to consider more single-family detached dwellings and duplexes. The developer has proffered to provide no fewer than 45 single family detached dwelling units (proffer II.a.), which if this is the minimum that they build and the remaining units are townhomes and multi-family units, then only 4.7-percent of the entire development would be made up of single family detached homes. Said another way, 63.7-percent would be townhomes and 31.6-percent would be multi-family units. In evaluating the R-8 section of the development, which is where the single family detached units would be provided, those unit types would constitute only 6.9-percent of the development with the remaining types (as shown on the concept plan) comprising of townhomes making up 93.1-percent of the housing options.

Further explanation of multiple proffers associated with traffic and streets is provided within the Transportation and Traffic section of this report.

## *Land Use*

The Comprehensive Plan designates this site as General Industrial, Low Density Mixed Residential and Medium Density Mixed Residential. The Comprehensive Plan describes the designations as follows:

### General Industrial

These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

### 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 Mixed Residential

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. 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. Like the Low Density Mixed Residential designation, 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 could be around 20 dwelling units per acre. 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.

Surrounding properties in the City are designated Medium Density Mixed Residential, Neighborhood Residential, Commercial, and Mixed Use. The adjacent property to the west is located in Rockingham County and is designated in the County's Comprehensive Plan as Community Residential, which is described as areas that "encompass existing suburban neighborhoods and the future urban residential neighborhoods in Rockingham County" and are planned for a variety of housing types.

The request to amend the Comprehensive Plan's Land Use Guide map from Low Density Mixed Residential, Industrial, and Commercial to Medium Density Mixed Residential is a reasonable request as such a planned designation would likely fit well within this area and promote uses that would be more compatible with the surrounding area than the General Industrial designation—which is what the majority of the acreage is designated.

With regard to density of the total development, if the quarry lake acreage is excluded, the density is 7.5 units per acre. The R-5C-zoned portion of the property, which does not include the lake acreage, is 12.2 units per acre while the R-8C-zoned portion of the property without the lake acreage is 4.8 units per acre. These densities are within the planned density for the proposed Medium Density Mixed Residential Land Use designation, which is anticipated to be around 20 units per acre. As would be expected, if the quarry lake acreage was included, the overall density of the entire Quarry Heights development would be less at 5.9 units per acre.

#### *Special Use Permits*

As previously noted, the applicant is requesting three SUPs – to allow multiple-family dwellings of more than 12 units per building in the R-5 district, to allow attached townhomes of not more than eight in the R-8 district, and to allow reduced side yard setbacks for townhomes in the R-8 district.

The applicant has proposed the following condition for the SUP to allow attached townhomes per ZO Section 10-3-29.4 (1):

1. The maximum attached townhome groups shall be limited to a maximum of six (6) units.

The applicant has proposed the following condition for the SUP to allow reduced side yard setbacks for townhomes per ZO Section 10-3-59.4 (11):

1. The minimum side yard setback for townhouse groups shall be no less than ten (10) feet.

Note that the requested SUP allowing for the reduction of side yard setbacks is only applicable for townhome units and does not apply to other housing types.

### *Transportation and Traffic*

Proffers within Section III of the proffer statement and the Street Improvement Agreement with the City, provides for the necessary mitigations to address the development's impact on the existing streets, as well as, to create a network of connected streets within the development to distribute traffic.

A traffic impact analysis (TIA) was accepted by the Department of Public Works on September 23, 2024. The TIA recommended improvements at the intersection of West Market Street (Route 33) and Brickstone Court, at the intersection of West Market Street (Route 33) and Waterman Drive, and at the intersection of West Market Street (Route 33) and North/South High Street (Route 42).

Brickstone Court at West Market Street will serve three neighborhoods (existing Westfield neighborhood, proposed Granite Farm neighborhood, and proposed Quarry Heights). While a right-turn lane from westbound West Market Street onto Brickstone Court is warranted, the TIA describes that that “these warrants are met without the presence of traffic from the Quarry Heights development and are not the result of traffic related to the Quarry Heights development.” Additionally, this area is complicated by an already approved and under construction development at the property addressed as 1250 West Market Street (TM 37-G-10). For the aforementioned reasons, City staff did not feel it was as important for the Quarry Heights applicant to take responsibility for this turn-lane improvement, compared to needed improvements at other locations.

For the West Market Street and Waterman Drive intersection, the TIA identified that the southbound left-turn lane storage needs to be extended from its current length of 100-feet with a 90-ft taper to 180 feet with a 100-foot taper and the need is fully attributable to the Quarry Heights development. In proffer III.j. the applicant has proffered to make improvements to the intersection of Waterman Drive and West Market Street as shown on the attached Development Plan. In addition to the extension of the southbound left-turn lane, the applicant also proffered to construct frontage improvements to include curb, gutter, and sidewalk, and in some locations a retaining wall or similar improvement on the west side of Waterman Drive at the intersection. While the intersection and frontage improvements are anticipated to fit within existing public right-of-way, there is a chance that some easements or public right-of-way could be needed from adjacent property owners (parcels addressed as 910 and 916 West Market Street and 44 and 46 Waterman Drive). The proffers describe that the applicant (“Developer/Owner”) shall attempt to obtain at their cost and at fair market value any necessary easement or public right-of-way. However, if the applicant is not successful in their attempts to obtain easement or public right-of-way, then the City will have an opportunity to attempt to obtain the easement or right-of-way, and if the City is not successful, then the applicant and City will work in good faith to modify that Development Plan to complete the improvements as closely to the Development Plan as possible.

The Street Improvement Agreement (attached herein) addresses the shared responsibility between the applicant and the City for certain transportation infrastructure needs that are necessitated by the development, existing conditions, and background growth in the community, including the West Market Street and North/South High Street intersection and the South High Street and Water Street intersection.

The applicant has also proffered to dedicate right-of-way or easement along Waterman Drive for future street and drainage improvements by the City (proffer III.b), to dedicate easement or right-of-way for bus shelters and to construct concrete pads for the bus shelters (proffers III.f and g), and to provide bicycle and pedestrian amenities throughout the development (various proffers within Section IV).

Proffer IV.a. requires the applicant to construct a 10-foot wide shared use path and to dedicate a 20-foot wide public shared use path easement through the site in the general location denoted in the Concept Plan to allow for a future connection with the existing Friendly City Trail. This public shared use path (referred to in the proffers as the “Public City Trail” or “PCT”) will be dedicated to the City upon completion. It should be noted that construction of a crossing at West Market Street to connect the PCT with the Friendly City Trail will not be the applicant’s responsibility. City staff is exploring funding opportunities for the future crossing and connection.

Construction of a path crossing of West Market Street and a segment of path adjacent to the track at Thomas Harrison Middle School would be required to connect the PCT to the Friendly City Trail

Proffer IV.g. requires the applicant to construct a privately owned shared use path around the balance of the quarry lake as generally shown on the Concept Plan. The shared use path would be maintained by a future homeowners association. Although these paths will be privately owned they will generally be open to the public. Similarly, proffer IV.d. and e. together provide for public access on privately owned sidewalks throughout the development.

Proffer IV.f. requires the applicant to work with the adjoining retail center on West Market Street (tax map parcel 36-T-2, where Food Maxx is located) to construct a pedestrian connection with public access easement. However, if the adjoining property owner rejects the pedestrian connection, then the applicant will not be required to provide the connection.

As noted within the Comprehensive Plan, “to the greatest extent possible, all developments throughout the City shall include Traditional Neighborhood Design (TND) principles.” Specifically associated with transportation systems, the Comprehensive Plan identifies the following principle:

The circulation system [of a development] serves many modes of transportation and provides choices for alternative transportation routes. Streets, alleys, and pedestrian and bike paths connect to the surrounding area. Streets and alleys generally follow a grid pattern to provide these route choices and connections. Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.

During review of the applications, there was significant conversation among staff and the applicant about creating connections to Hillside Avenue and College Avenue. Ideally, staff believes that vehicular, bicycle, and pedestrian connections to Hillside Avenue and College Avenue should be made. However, staff recognizes that both Hillside Avenue and College Avenue are substandard streets that are narrow and would have difficulty supporting increased vehicular traffic without improvements to those streets. In considering the alternative options to provide connectivity to the surrounding existing neighborhoods, there was recognition that the end of Hillside Avenue includes a significant grade change that would make a street connection difficult. The alternative options are described within proffers IV.b. and c. and require the applicant to construct shared use path connections between the development and the ends of

Hillside Avenue and College Avenue that would allow people to travel between the two neighborhoods on foot or bike. At Hillside Avenue the proffer requires the dedication of 20-foot width of public right-of-way to encompass the shared use path. At College Avenue, however, the proffer requires the dedication of a 50-foot wide standard public street right-of-way and temporary construction/grading easements so that, should the need arise, the City could in the future construct a public street connection between Quarry Heights and College Avenue.

#### *Public Water and Sanitary Sewer*

Staff has advised the applicant that available downstream sanitary sewer capacity may be inadequate for the proposed density and must be evaluated during a Preliminary Engineering Report (PER) prior to submitting an Engineered Comprehensive Site Plans. While a PER will also need to be completed to evaluate water capacity, staff has no concerns with the requested rezoning from a water supply perspective.

#### *Stormwater*

Stormwater and drainage are of concern for many property owners, both upstream and downstream, of the site. The applicant describes in a letter (from their attorney Todd Rhea, dated October 1, 2024) that the engineers for the project evaluated and prepared a drainage schematic, which indicates that the development of the project, as planned, will direct a much greater drainage area of surface water into the quarry and away from Waterman Drive. The drainage schematic is included with the applicant's supporting documentation. City staff has informed the applicant of concerns with this concept not complying with the City's Design & Construction Standards Manual (DCSM) and that the concept will need to be evaluated further during the engineered comprehensive site plan process. It is uncertain at this time whether the drainage patterns can be changed as proposed by the applicant.

Also, earlier this year, the Department of Public Works initiated a study of the Chicago Avenue and Waterman Drive Corridors. The study will evaluate transportation and stormwater needs along Chicago Avenue between Rockingham Drive and Mount Clinton Pike, and along Waterman Drive between West Market Street and Chicago Avenue. This study is ongoing and was initiated in response to heavy public input received during the public involvement process for the Harrisonburg-Rockingham Metropolitan Planning Organization's (HMPRO) Long-Range Transportation Plan (LRTP). More information about the HRMPO LRTP and the City's Corridor Study is available at <https://hrvampo.org/long-range-planning/> and <https://www.harrisonburgva.gov/chicago-waterman-corridors-study>.

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within the Market Type A area as shown in the Housing Study. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

While the proposed development is not planning to provide "affordable housing units," adding market rate housing could assist in addressing the "housing mismatch" in the City. The Housing Study, on page 6, describes that:



There is a “housing mismatch” in which thousands of households live in units that do not align with their income. In other words, many higher income households live in housing “beneath their means” while many lower income households live in units where they must pay 30-50%, or more, of their monthly income for housing costs. While there are numerous reasons why people choose to live where they live, this housing mismatch has a disproportionately greater impact on lower income households. Higher income households have greater choice in the housing market as a result of having more income available for housing. However, when higher income households reside in lower cost housing, they are effectively “squeezing out” lower income households—who, because they are lower income, have the fewest housing options.

### *Public Schools*

Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, the number of students expected from a development of this size and composition may vary significantly depending on the types of homes that will be built. Assuming a split of 635 townhomes, 265 apartments, and 50 single-family homes is estimated to result in 338 additional students in the Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School attendance boundaries. In the adjacent Waterman Elementary School attendance boundary, which is also served by Thomas Harrison Middle School and Harrisonburg High School, the student generation is estimated to be 578 students. Based on the current understanding of the proposed pricing structure of the townhomes in this development, HCPS staff also investigated the student generation rate for the Preston Lake townhome units in Rockingham County. If that generation factor was used for the townhouse portion of the proposed Quarry Heights development, the total number of additional students would be approximately 300. HCPS staff also noted that currently four of the six elementary schools exceed effective capacity.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia’s Weldon Cooper Center for Public Service’s projections. These projections are updated annually and are available at: <https://www.coopercenter.org/virginia-school-data>.

### *Recommendation*

Staff believes that the repurposing of the Frazier Quarry property for housing is more compatible with the surrounding area than industrial uses that are allowed in the M-1, General Industrial District (which the majority of the property is presently zoned) and which are supported by the Comprehensive Plan’s Land Use Guide designation of General Industrial. The proposal also makes significant efforts to provide vehicular, bicycle, and pedestrian connections within the development and with existing neighborhoods and commercial uses. Therefore, staff recommends approval of all five requests – the Comprehensive Plan Map amendment, the rezoning, and the three SUPs with the following conditions.

For a special use permit (SUP) to allow multiple-family dwellings of more than 12 units per building in the R-5 district per Section 10-3-55.4 (1):

- Staff recommends no conditions.

For a SUP to allow attached townhomes of not more than eight (8) units in the R-8 district per Section 10-3-59.4 (1):

1. The maximum attached townhome groups shall be limited to a maximum of six (6) units.

For a SUP to allow reduced side yard setbacks for townhomes in the R-8 district per Section 10-3-59.4 (11):

1. The minimum side yard setback for townhouse groups shall be no less than ten (10) feet.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the requests for the Comprehensive Plan amendment, rezoning, and special use permits as presented by the applicant including SUP conditions;
- (b) Recommend approval of the Comprehensive Plan amendment, rezoning, and recommend approval of the special use permit with alternative conditions;
- (c) Recommend a combination of approvals and denials with or without conditions on the special use permit; or
- (d) Recommend denial of all requests.

**Community Engagement:**

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

***Comprehensive Plan Map Amendment – 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court***

A request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a Comprehensive Plan Map amendment +/- 161.54-acres of property from Low Density Mixed Residential, Medium Density Mixed Residential, Commercial, and Industrial to Medium Density Mixed Residential. The property is addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court and is identified as tax map parcel numbers 36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9.

***Rezoning - 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court (R-1/R-2/M-1 to R-5C and R-8C)***

A request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC to rezone +/- 161.54-acres of property from R-1, Single Family Residential District; R-2, Residential District; and M-1, General Industrial District to R-5C, High Density Residential District Conditional (+/- 24.8-acres) and R-8C, Small Lot Residential District Conditional (+/- 136.7-acres). The property is addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court and is identified as tax map parcel numbers 36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9.

***Special Use Permit – 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court  
(To allow multiple-family dwellings of more than 12 units per building in R-5)***

A request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a special use permit per Section 10-3-55.4 (1) to allow multiple-family dwellings of more than 12 units per building in the R-5, High Density Residential District. The +/- 24.8-acres is part of a larger +/- 161.54-acre development project that is addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court and is identified as tax map parcel numbers 36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9.

***Special Use Permit – 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court  
(To allow attached townhouses of no more than eight units in R-8)***

A request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a special use permit per Section 10-3-59.4 (1) to allow attached townhouses of no more than eight units in the R-8, Small Lot Residential District. The +/- 136.7-acres is part of a larger +/- 161.54-acre development project that is addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court and is identified as tax map parcel numbers 36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9.

***Special Use Permit – 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court  
(To allow reduced setbacks in R-8)***

A request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a special use permit per Section 10-3-59.4 (11) to allow reduced side yard setbacks in the R-8, Small Lot Residential District. The +/- 136.7-acres is part of a larger +/- 161.54-acre development project that is addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court and is identified as tax map parcel numbers 36-T-1, 36-T-5, 37-C-2, 37-C-3, and 37-G-9. Note that there is a separate Zoning Ordinance amendment application being considered concurrently that, if approved, would allow townhomes to have a 0-foot setback when specified standards related to fire sprinkler systems or fire resistance rating are met.

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: In the public hearing notice for the rezoning, staff omitted that existing parcels are also zoned B-2, General Business District. The public notice meets State Code requirements, does not affect the Planning Commission public hearing, and will be corrected with the public hearing notice for the City Council meeting.

**Recommendation:**

Staff recommends alternative (a) approval of requests for the Comprehensive Plan amendment, rezoning, and three special use permits as presented by the applicant including SUP conditions.

**Attachments:**

1. Site maps
2. Application and supporting documents
3. Public comments received before October 4, 2024

**Review:**

N/A