



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 2, 2023

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request from Mainali & Gil Properties LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1180 Virginia Avenue*

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: April 12, 2023

Vice Chair Byrd read the request and asked staff to review.

Ms. Dang said 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.

Vice Chair Byrd asked if there were any questions for staff.

Commissioner Armstrong asked if there is no follow-up on this within a certain time period does the SUP expire?

Ms. Dang said the short answer is yes, the SUP would expire if not diligently pursued. Typically, it is a 12 month period according to the Code. At times you have heard applicants suggest a condition that might extend it further. The General Assembly has adopted an extension for SUPs and other types of plans that extends it to July 1, 2025, beyond the 12 months.

Commissioner Armstrong asked would that apply to this?

Ms. Dang said if this is approved, it would. It would not expire within the typical 12-month period.

Commissioner Baugh said to be the devil’s advocate, as I sit here, I do not like it. I think that it was acknowledging that it was not just a backlog with the developer, but in some jurisdictions, there might have been a backlog in processing.

Commissioner Armstrong asked what is the time period before expiration if there is not due diligence?

Mr. Fletcher said it would be July 1, 2025 that it would expire if there is not due diligence.

Commissioner Armstrong said that is two and half years.

Mr. Fletcher said that will be true for any SUP before this body at least until that time.

Commissioner Armstrong asked can we apply a condition that shortens that?

Mr. Fletcher said you cannot.

Vice Chair Byrd asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Ed Blackwell, Blackwell Engineering, came forward representing the applicant. My client rents the Holtzman Exxon next door. The Holtzman Corporation owns the land and leases it out. The client, the tenant of the Holtzman space who runs that 7-Eleven Exxon, was having trouble getting employee housing for some of his full-time employees in the area. The thought came up to buy the house next door and use it. I told him he cannot. He thought he might buy the old house next door maybe make it a duplex or a triplex or something. The house that is on the property now is non-conforming. He then asked if he could put an apartment there. I said possibly. That is what generated all this. He is trying to get workforce housing for his employees first, then allow the market. That is his intention with this property. The intention is to move relatively quickly because he wants the housing for his employees.

We worked with staff and looked at a couple different options. We looked at putting the building all the way in the back and it had all the parking in the front. I did not like that. We put it up by the front, with all the parking in the back. The client did not quite like because he has the gas station next door, and he wanted to build it about the same level back as the canopy that is at the Exxon Station. That is why the building is in the middle, with parking in the front and back. That made it so that the commercial retail on the first floor has parking in the front and the residents go around the back. Working with staff, they wanted us to run a sidewalk. We are running a sidewalk across our parking lot toward the Exxon. I do not think that we showed the Exxon putting the sidewalk in, but Mr. Holtzman is okay doing that, mainly because his tenant is the one wanting the parking lot for the apartments next door. I think we can work that out.

We think this is a good fit for the neighborhood. There is manufactured housing next door. They are cash cows. It is hard for those types of properties to switch out to regular... The one on Country Club Road has been looked at to be purchased several times over the decades. It makes so much money as a residential mobile home park that it does not flip to non-residential. I have a feeling that may be the same thing I hear on north Route 42, that property next door. I am not sure that in the near future mobile home parks will change to business uses. I appreciate staff looking at that. It may change, but it may not in the near future. This is a good mix, with having some residential and some commercial. We are not quite sure about what we are doing for the commercial. He is thinking about one of the uses to be possibly like a laundromat, but they have not been tied down. If you ask me what he is going to be doing, it will be something that does not compete with the store next to it.

Water is there. Sewer is there. I think all the utilities work out. Entrances do not have issues with other departments. I think it is a good use for the property. I would appreciate your vote.

Vice Chair Byrd asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Baugh said I think you could have a lot of debates about what would be ideal there. This is certainly an improvement over what is there now. I am happy to hear any objections or concerns that anybody else has. I move to recommend approval of the SUP, as presented.

Commissioner Armstrong seconded the motion.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Orndoff	Aye

The motion to recommend approval of the request passed (4-0). The recommendation will move forward to City Council on May 9, 2023.