



# 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: June 13, 2023 (Regular Meeting)  
Re: Special Use Permit – 1846 Evelyn Byrd Avenue (To allow multiple-family dwellings and/or mixed-use buildings)

## **Summary:**

Project name	NERD Apartments
Address/Location	1846 Evelyn Byrd Avenue
Tax Map Parcels	79-A-4
Total Land Area	+/- 23,522 square feet
Property Owner	Sahara III LC
Owner's Representative	Nathan Blackwell, Land & Home
Present Zoning	B-2, General Business District
Special Use Permit Request	Multiple-family dwellings and/or mixed-use buildings per Section 10-3-91 (17)
Staff Recommendation	Approval
Planning Commission Recommendation	May 10, 2023 (Public Hearing) Approval (5-0)
City Council	June 13, 2023 (Public Hearing)

## **Background:**

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

- Site: Vacant land, zoned B-2  
North: Vacant land and commercial uses, zoned B-2 and B-2C  
East: Restaurant, zoned B-2  
South: Across Evelyn Byrd Avenue, commercial uses, zoned B-2  
West: Stormwater management facility and commercial uses, zoned B-2

**Key Issues:**

The applicant is requesting a special use permit (SUP) to allow multiple-family dwellings and/or mixed use buildings in the B-2 district. The +/- 23,352 square foot property is addressed as 1846 Evelyn Byrd Avenue and is located on the northern side of the street between Reservoir Street and Burgess Road. If the SUP request is approved, the applicant intends to develop up to 20 multiple-family dwelling units.

As required by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan. 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 the multi-family and/or mixed use project that was evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, then the property owner must 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 engineered comprehensive site plan approval include, but are not limited to:

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

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

1. The property shall not contain dwelling units that have more than three (3) bedrooms.
2. The site shall contain no more than 1.45 parking spaces per dwelling unit.
3. One-Bedroom dwelling units shall make up at least 10% of the total number of units.
4. One dwelling unit will be constructed to be fully handicap accessible, Type A.
5. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off shall be constructed to HDPT’s specifications.
6. Maximum of 20 dwelling units to be constructed, up to five stories above grade, excluding the basement.

Regarding minimum off-street parking requirements, the ZO allows one off-street parking space per unit in the B-2 district. The applicant, however, plans to provide more than the minimum, but no more than 1.45 parking spaces per dwelling unit as noted within Condition #2. Given that the ZO provides for the flexibility to provide as little as one space per unit, staff encouraged the applicant to consider reducing the maximum permitted parking ratio to less than 1.45 spaces per unit.

As noted in Condition #4, the development would have at least one handicap unit built to Type A standards. The Building Code defines Type A units as: “[a] dwelling unit or sleeping unit designed and constructed for accessibility in accordance with [Virginia Construction Code] and the provisions for Type A units in ICC A117.1.” The mentioned ICC A117.1 refers to the Accessible and Usable Buildings and

Facilities standard of the International Code Council (ICC). Type A units are fully accessible and are built with the necessary accommodations such as, but not limited to, the appropriate turning radiuses, lower shelving, and grab bars.

#### *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.”

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life’s other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

In February 2022, the property addressed as 381 University Boulevard, located across Evelyn Byrd Avenue from the subject site, was granted a SUP to allow multifamily in B-2 for up to 274 units with a parking garage. The property is also designated as commercial in the Comprehensive Plan.

#### *Transportation and Traffic*

Although the Design and Construction Manual (DCSM) allows for two entrances to serve the site, staff recommended providing only one entrance to reduce points of conflict and to put space between entrances along Evelyn Byrd Avenue to further reduce the potential for vehicular crashes. The applicant believes that due to the property’s size and topographic features on the property that the most favorable layout for their site would be to have parking on both sides of their building with separate entrances.

With regard to public transportation, residents of the proposed multiple-family development would be well served by public transit as Route 1 serves Evelyn Byrd Avenue. As noted in Condition #5, the developer would provide a bus pull off, a concrete pad for a bus shelter, and an easement to serve the site.

#### *Public Water and Sanitary Sewer*

Staff has minimal concerns with the requested special use with regard to water and sewer. The applicant will be required to perform a downstream sewer capacity analysis through a Preliminary Engineering Report (PER) prior to engineered comprehensive site plan submittal. The PER will address both water and sewer capacity at the site.

#### *Housing Study*

The City’s Comprehensive Housing Assessment and Market Study places the subject site within Market Type A. 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.”

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

*Public Schools*

The student generation attributed to the proposed 20 residential units is estimated to be two students. Based on the School Board’s current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

*Recommendation*

Although staff would prefer one entrance onto Evelyn Byrd Avenue, given the size of the parcel, the DCSM permits a two-entrance design. While staff encouraged the applicant to consider different site layouts so that only one entrance was needed to serve the site, staff understands that the applicant prefers to have two entrances serving the two sides of the building due to the size and topographic features of the site. Staff recommends approval of the SUP with the conditions submitted by the applicant.

**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 special use permit with other conditions(s); or
- (c) Deny the special use permit.

**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 – 1846 Evelyn Byrd Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)***

Public hearing to consider a request from Sahara III LC 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 +/- 23,352 square foot property is addressed as 1846 Evelyn Byrd Avenue and identified as tax map parcel 79-A-4.

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 of the special use permit (5-0) as submitted by the applicant including their proposed conditions. Commissioner Washington was absent and there is one vacancy on the Planning Commission.