



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 20-034

File ID: ID 20-034

Type: PH-Special Use Permit

Status: Agenda Ready

Version: 1

**Agenda
Section:**

In Control: City Council

File Created: 02/04/2020

Subject:

Final Action:

Title: Consider a request from Virginia Mennonite Retirement Community, Inc. for a special use permit to allow multiple family dwellings at Park Road, Spruce Court, Pine Court, Hawthorne court, and Shank Drive

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Memorandum - VMRC Park Village - Multi-Family Units, Site maps, Application, applicant letter, and supporting documents, Proposed site development layout, PC Memorandum, PC Site maps, PC Application, applicant letter, and supporting documents, PC Proposed site development layout

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	02/12/2020	recommended to full council	City Council	03/10/2020		
	Action Text:	This PH-Special Use Permit was recommended to full council.to the City Council due back on 3/10/2020					
	Notes:	Chair Colman recused himself from this agenda item due to a conflict of interest and left the room.					

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

Ms. Dang said that the Comprehensive Plan designates this site as Institutional. These areas are planned for development by certain institutional uses, like private colleges and universities, hospitals, and retirement communities that operate on large land areas and may function in a campus-like environment.

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

Site: Duplexes and multi-family apartment buildings associated with Virginia Mennonite Retirement Community, Inc., zoned R-3/I-1

North: Duplexes and multi-family apartment buildings, zoned R-3

East: Single-family detached dwelling, and across Virginia avenue, a house of worship, zoned R-3

South: Multi-family apartment buildings and facilities associated with Virginia Mennonite Retirement Community, Inc., zoned R-3/I-1

West: Across Park Road, Park View Mennonite Church and duplexes associated with Virginia Mennonite Retirement Community, Inc., zoned R-2

The area generally referred to as VMRC is a +/- 46.2-acre property comprised of three subsidiaries; Park Village, Inc., Heritage Haven Inc., and Virginia Mennonite Home, Inc. An institutional overlay master plan for the original +/- 45-acre tract of VMRC was approved in March 1997. This master plan described all uses within the campus, but primarily focused on the Virginia Mennonite Home subsidiary and the construction of the five-story Park Gable retirement housing and fitness center. VMRC took advantage of reduced setbacks and greater height for the Park Gable building, as well as relief in parking requirements for the campus. In June 2004, an addition was made to the 1997 master plan when 1.2 +/- acres along Park Road was added to the Park Village, Inc. section of VMRC. In July 2009, the master plan was amended to add a child daycare center as one of the allowable uses for the Woodland Facility, located on a +/- 3.5-acre portion of the Virginia Mennonite Home, Inc. portion of VMRC. The child daycare center never moved into the Woodland Facility and in December of 2009 VMRC again amended the master plan to demolish the Woodland Facility and surrounding cottages in order to construct the Green House Homes, which provides skilled nursing care for up to ten occupants in each building. The homes were to be constructed along a loop road within the Woodland area and relief from the required parking was approved as part of the master plan amendment. In July 2011, VMRC once again amended the Woodland area to allow for a reduction in setback requirements for the Green House Homes after right-of-way was dedicated along Parkwood Road and Virginia Avenue for the public streets.

Then finally, in June 2017, VMRC amended the portion of the master plan associated with the Park Village area of the campus. This amendment incorporated a new area into the R-3 and I-1 zoning classifications and allowed for reduced setbacks and relief in parking requirements for this portion of the campus. At that time, the master plan narrative described that changes to the Park Village neighborhood would be made over many years, as tenant turnover takes place. VMRC desires to tailor renovation and redevelopment to emerging market conditions; therefore, a master plan detailing the future design for the neighborhood has not been developed. Instead, the 2017 master plan amendment provides a framework for the orderly design of the future development.

The applicant, Virginia Mennonite Retirement Community, Inc. (VMRC), is requesting a

special use permit (SUP) to allow for multi-family buildings of up to twelve units. The applicant's letter describes that the SUP is requested to replace three existing multi-family/quad-plex townhouse-style buildings located along Park Road, between Village Drive and Shank Drive, with three new similarly styled buildings with a larger footprint.

The exhibit included with the application illustrates three buildings, each with four dwelling units facing Park Road. As part of the requirements for obtaining a SUP to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in the Zoning Ordinance (ZO) consist of the following:

1. existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide, is located adjacent to, across the street from or in close proximity to the proposed development;
2. the applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities currently serve the site, are planned to serve the site according to a city or state plan, will be provided by the applicant at time of development, or are not needed because of the circumstances of the proposal;
3. the applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development;
4. the applicant has shown that the site is environmentally suitable for multiple-family development.

The applicant has addressed each condition within their attached letter. Park Village is an existing multi-family dwelling neighborhood within the VMRC Master Plan and staff believes they meet the criteria of each of the listed conditions.

Staff understands VMRC's desire to tailor renovation and redevelopment to emerging market conditions and that VMRC is not able to plan for redevelopment of the entire Park Village neighborhood. As staff has only vetted a proposal for 12 multi-family dwelling units in the general vicinity illustrated in the attached exhibit, staff recommends the following condition for the requested SUP:

The special use permit allows up to 12 multi-family dwelling units in the general location shown in the exhibit submitted by the applicant.

This restricts VMRC to having only up to 12 multi-family dwelling units in the general location shown in the exhibit. There is no restriction or requirement on the number of buildings allowed within this general location. The applicant understands that in the future, if more than 12 multi-family dwelling units are desired in this general location or if there is future development or redevelopment of multi-family buildings on other portions of VMRC's campus, the applicant will be required to go through the SUP process again.

Within their letter, the applicant has requested that the City allow them five years from SUP

approval to obtain any necessary land disturbing permit or building permits for the multi-family buildings. Section 10-3-130 (c) of the ZO states that “[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” Staff is comfortable recommending an extension from 12 months to five years with the following condition:

The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

If the SUP is approved with this condition, the property owner should plan their submission schedules accordingly for engineered comprehensive site plan review and/or building permit review to ensure that the special use is established or the construction of at least one multi-family building is commenced and diligently pursued within five years.

During the engineered comprehensive site plan review, issues such as parking requirements, parking lot landscaping, setbacks, stormwater, and street entrances, will be reviewed.

Staff recommends approving the SUP request with the following conditions:

- The special use permit allows up to 12 multi-family dwelling units in the general location shown in the exhibit submitted by the applicant.

The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

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

Commissioner Finks asked if there was any discussion among staff of the possibility that this five-year condition would set a precedent.

Ms. Dang said that she is aware of one other instance where this has been done. I am not concerned about precedent. Most people have been comfortable with the 12 months, as they usually have a development project in mind that they are willing to start with the SUP.

Mr. Fletcher asked for clarification of the question.

Commissioner Finks asked if there has been any discussion among staff about concern that allowing this sets some sort of precedent. I know it is covered, that there is an allowance for City Council to change the time, but since we have not done it that often, I wondered if there was some sort of discussion over the concern of a precedent.

Mr. Fletcher said that Ms. Dang's response is appropriate. If we would have had concern, we would have stated it in our report.

Ms. Dang said that she had a statement from Commissioner Whitten, who was unable to attend the meeting. She says that she supports the request, but she is not sure that five years seems reasonable. "I do not want to open the door for others to apply in this way. I understand the latitude in working with applicants, but I feel that two years should be adequate." Staff does not have concerns about extending it to five years.

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

Scott Kleist, Vice President of Technology and Facilities at VMRC, 5101 Virginia Avenue, came forward to speak to his request. In response to concerns regarding the five-year request, I would like a clarification. Is it five years to complete three buildings or to start?

Ms. Dang said that it would be to start.

Mr. Kleist said that the intent is that we start as soon as we get the site plans and building permits approved. I am sure that will be within five years. Hopefully, it will be six months. Are there any questions?

Panayotis Giannakaouros, resident of Harrisonburg, came forward to speak to the request. Having participated in a number of the discussions that went on around short-term rentals, I am familiar with the discussion about time limitations on SUPs. I would urge you, if you can, to remove the time condition on this SUP permit because, as I have observed, it opens the door to saying "it is okay for you to do this because you are special." I think that is something we should absolutely avoid. That was well discussed and well deliberated at previous times. I would call that back to your memory. If it is okay for this developer to do it, I think it should be okay to do it. I suggest removing that condition, if you can, because it is a bigger precedent that you have deliberated.

Vice Chair Finnegan asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finks addressed the concerns regarding setting a precedent. From Ms. Dang's presentation, there is already the ability for City Council to allow more time, as it stands today. While I do hold concerns, there is already the mechanism, the ability for that to be done. Whether it sets a precedent or not, it is something that would be allowable regardless.

Commissioner Finks moved to recommend approval of the request, with conditions, as presented.

Commissioner Orndoff seconded the motion.

All members voted in favor of recommending approval of the request (5-0), with conditions, as presented. The recommendation will move forward to City Council on March 10, 2020.
