



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: March 11, 2020 (Regular Meeting)  
Re: Rezoning – 200-294 Rocco Avenue and 1690 South Main Street (R-3, M-1 and B-2C to R-5C)

### **Summary:**

Public hearing to consider a request from Park Apartments LLC and Faith Community Free Methodist Church to rezone a +/- 11.02-acre site consisting of one parcel zoned R-3, Multiple-Dwelling Residential District and M-1, General Industrial District and a portion of a second parcel zoned B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional. The first parcel is +/- 8.86-acres is addressed as 200-294 Rocco Avenue and is identified as tax map parcel 10-C-5A. The +/- 2.16-acre portion of the second parcel involved in the request, which is a total of +/- 3.29-acres, is addressed as 1690 South Main Street and is identified as tax map parcel 10-C-5.

### **Background:**

The Comprehensive Plan designates this area as High Density Residential and Commercial. High Density Residential areas have been developed or are planned for development that have the highest residential density ranges outside of the downtown area and properties designated Mixed Use by the Land Use Guide. Density is planned to allow up to 24 dwelling units per acre. While a number of existing multi-family developments and areas adjacent to such developments are identified as High Density Residential, residential land use could include small-lot single-family detached and single-family attached neighborhoods. In special circumstances, non-residential uses may be appropriate. Commercial areas may 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.

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

Site: Multi-family dwelling units and parking for a house of worship, zoned R-3, M-1, and B-2C

North: Industrial uses, zoned M-1

East: Purcell Park, zoned R-1

South: Townhomes zoned, R-3C

West: Industrial uses, zoned M-1; a house of worship and vacant property, zoned B-2C; and across Rocco Avenue, commercial and industrial uses, zoned M-1

**Key Issues:**

The applicants, Park Apartments, LLC and Faith Community Free Methodist Church (FCFMC), are requesting to rezone a +/- 11.02-acre site to R-5C, High Density Residential District Conditional. The site consists of two parcels. The first parcel is owned by Park Apartments, LLC and is +/- 8.86-acres. This parcel is split zoned R-3, Multiple-Dwelling Residential District and M-1, General Industrial District. Approximately 4,200 square feet of that parcel is zoned M-1. The second parcel is owned by Faith Community Free Methodist Church and totals +/- 3.29-acres and is zoned B-2C, General Business District Conditional. The request would rezone a 2.16-acre portion of this parcel, where the remaining 1.13-acres would maintain the B-2C zoning.

If the rezoning is approved, the applicants plan to complete a subdivision so that Park Apartments will receive the rezoned 2.16-acre portion of the FCFMC property. Park Apartments will also pay for the construction of a parking lot for FCFMC. Park Apartments plans to maintain the existing 140 multi-family units on their property and then construct 60 additional units consisting of 24 one-bedroom units and 36 two-bedroom units on the newly acquired +/- 2.16-acres.

The existing Park Apartments property (TM 10-C-5A) was rezoned from M-1, General Industrial District to R-3, Multiple Dwelling Residential District in 1970 and there were no proffers associated with that rezoning. This +/- 8.86-acre property is nonconforming to the current R-3 district regulations because there are currently 140 multi-family dwelling units and the current R-3 district only allows up to 128 multi-family dwelling units. The R-3 district used to allow a density of 2,000 square feet of lot area per unit, but now requires 3,000 square feet of lot area per unit. Rezoning the +/- 8.86-acre property from R-3 to R-5 will make the parcel conforming to the density requirements of the Zoning Ordinance (ZO).

The FCFMC property (TM 10-C-5) was rezoned from M-1, General Industrial District and R-3, Multiple Dwelling Residential District to B-2C, General Business District Conditional in 2002. The proffers on the property are as follows (written verbatim):

1. "Rocco Enterprises, Inc. and or assigns will install an evergreen buffer between Rocco Apartments and the common boundaries of the subject. (evergreens planted at ten-foot intervals.)
2. Rocco Enterprises, Inc. and or assigns will maintain a 50 (fifty) foot building setback between Purcell Park and Rocco Apartments common boundary. The current existing landscaping buffer between Purcell Park and the subject will be maintained."

At that time, the applicant proffered to maintain the current landscaping along the Purcell Park boundary and to place a landscape buffer between 10-C-5 and 10-C-5A to separate future commercial uses from the existing residential uses at Park Apartments. Additionally, the applicant had proffered a 50 foot building setback where 10-5-C is adjacent to Purcell Park and 10-C-5A (Park Apartments).

With the current request to rezone the properties to R-5, the applicant has proffered the following (written verbatim):

“In connection with the rezoning request for the +/- 8.86-acre parcel identified as tax map parcel 10-C-5A and for the +/- 2.2-acre portion of the parcel identified as 10-C-5, the following is proffered:

Dwelling units may be occupied by a single family or no more than two (2) unrelated persons.

Townhouse and multi-family dwelling units shall provide 1.5 parking spaces per unit.”

Note that the submitted conceptual site layout and the number and type of dwelling units described in the applicant’s letter are not proffered.

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. The first proffer reduces the occupancy of dwelling units to either a family or no more than two unrelated persons. With this proffer, and because the minimum off-street parking requirements of Section 10-3-25 (7) allow for reduced parking when occupancy is restricted, the site does not have to have as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they proffered that they will restrict themselves to providing 1.5 parking spaces per unit because that is the approximate ratio they have provided for their current tenants. (There are currently 216 off-street parking spaces serving 140 dwelling units, which equals 1.54 parking spaces per dwelling unit.)

The applicant has not proffered to retain any of the previous proffers associated with the 2002 rezoning, which staff believes is appropriate. A buffer between TM 10-C-5 and TM 10-C-5A would unnecessarily separate existing and future residential uses that would be owned and operated by a single entity, Park Apartments. Additionally, FCFMC, the co-applicant on this request, does not desire a buffer between its properties and Park Apartments. However, the 2002 proffer requiring an evergreen buffer along the FCFMC property, zoned B-2C, that is not part of this rezoning request will remain. Presently, there are no evergreen trees planted at this location and staff is working with the applicants to rectify this matter.

In the conceptual site layout, the applicant has shown a scenario in how they might organize travel ways and off-street parking spaces. The applicant understands that turning radii, parking requirements, stormwater management, and other details, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met. The applicants are also aware that to join the +/- 2.16-acre area with the +/- 8.86-acre parcel, they will need to complete a property boundary adjustment (minor subdivision). Additionally, new sidewalk construction along Park Apartment’s entire frontage of Rocco Avenue will not be required at the time of subdivision, but will be required at the engineered comprehensive site plan and construction phase of the project.

The entirety of TM 10-C-5 is designated in the 2018 Comprehensive Plan’s Land Use Guide as Commercial and the entirety of TM 10-C-5A is designated High Density Residential. Attached Exhibit A shows the Land Use Guide designations for these parcels. While the request to rezone the +/- 2.16-acre portion of TM 10-C-5, which is designated Commercial, is for residential uses, staff believes that the rezoning request generally conforms with the Comprehensive Plan because the +/- 2.16-acre site is adjacent to areas designated High Density Residential. Furthermore, adding one and two bedroom units is beneficial to the City given recent conversations about housing. Approving this request could also

work towards achieving Goal 6 of the Comprehensive Plan, which is “[t]o meet the current and future needs of residents for affordable housing.”

Staff recommends approval of the rezoning request as submitted.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning request as submitted; or
- (b) Recommend denial.

**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:

***Rezoning – 200-294 Rocco Avenue and 1690 South Main Street (R-3, M-1 and B-2C to R-5C)***

Public hearing to consider a request from Park Apartments LLC and Faith Community Free Methodist Church to rezone a +/- 11.02-acre site consisting of one parcel zoned R-3, Multiple-Dwelling Residential District and M-1, General Industrial District and a portion of a second parcel zoned B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional. The R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The Comprehensive Plan designates this area as High Density Residential and Commercial. High Density Residential areas have been developed or are planned for development that have the highest residential density ranges outside of the downtown area and properties designated Mixed Use by the Land Use Guide. Density is planned to allow up to 24 dwelling units per acre. While a number of existing multi-family developments and areas adjacent to such developments are identified as High Density Residential, residential land use could include small-lot single-family detached and single-family attached neighborhoods. In special circumstances, non-residential uses may be appropriate. Commercial areas may 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. The first parcel is +/- 8.86-acres, is addressed as 200, 204, 208, 210, 212, 216, 220, 224, 228, 232, 236, 240, 244, 248, 252, 256, 260, 264, 268, 272, 276, 280, 284, 286, 288, 290, 292, and 294 Rocco Avenue and is identified as tax map parcel 10-C-5A. A +/- 2.16-acre portion of the second parcel involved in the request, which is a total of +/- 3.29-acres, is addressed as 1690 South Main Street and is identified as tax map parcel 10-C-5.

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 rezoning request as submitted.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents
3. Conceptual site development layout
4. Exhibit A. 2018 Comprehensive Plan Land Use Guide

**Review:**

N/A