



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 20-060

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Type: PH-Rezoning

Status: Agenda Ready

Version: 1

Agenda Section:

In Control: City Council

File Created: 03/04/2020

Subject:

Final Action:

Title: Consider a request from Park Apartments LLC and Faith Community Free Methodist Church to rezone +/- 11.02-acres at 200-294 Rocco Avenue and 1690 South Main Street

Internal Notes:

Sponsors:

Enactment Date:

Attachments: CC Memorandum RZ (Park Apts - Rocco Drive), CC Site maps, CC Application, applicant letter, and supporting documents, CC Conceptual site development layout, CC Exhibit A. 2018 Comprehensive Plan Land Use Guide, PC Memorandum, PC Site maps, PC Application, applicant letter, and supporting documents, PC Conceptual site development layout, PC Exhibit A. 2018 Comprehensive Plan Land Use Guide

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	03/11/2020	recommended for approval	City Council	04/14/2020		Pass
Action Text: A motion was made by Whitten, seconded by Finks, that this PH-Rezoning be recommended for approval to the City Council, due back by 4/14/2020. The motion carried by a voice vote.							
Notes: Chair Colman read the request and asked staff to review.							

Ms. Dang said that 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

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 feet 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.

Chair Colman asked if there were any questions for staff.

Commissioner Whitten asked what school district is this project in?

Mr. Fletcher said that it is Keister Elementary School.

Commissioner Whitten asked if the schools look at these proposals.

Ms. Dang said that the review sheet is sent to the schools and they let us know if they need additional information.

Vice Mayor Romero asked if there would be an infrastructure meeting regarding the road, with the additional traffic.

Ms. Dang said that a Traffic Impact Assessment (TIA) was not required for this project. When Park Apartment develops the new apartments and when the church redevelops, we consider that a redevelopment and sidewalks would be required along the frontage. I do not know if the church redevelopment will trigger an engineered site plan. The apartments would, as they are new ones, and sidewalks would have to be constructed along the Rocco Drive frontage.

Chair Colman said that there are no foreseen improvements to the intersection, then.

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

David Mitchell, Great Eastern Management Company, owner of Park Apartments, LLC, came forward to speak to the request. About a year ago, one of our partners looked at what we can do with the property that is sitting there vacant. We looked at various options. The church had a strangely shaped property and thought they might be willing to do a swap. From an apartment standpoint, we do not need to be on the road. The church is hemmed in. The building has property lines at 20 feet at either side and their parking lot is up the hill. It is not great. We started talking about what we could do and how we could make it work and came up with this plan. We are going to swap property. Great Eastern/Park Apartments and Faith Community are going to do a common development with the new parking lot, making way for their (Faith Community Church) planned expansion and making sure they have enough parking for that planned expansion. We will do common stormwater facilities. Great Eastern will do all the site work. We will build their new parking lot first, which is downhill and will take all of the stormwater facilities and treatment. We will move them and finish the apartment side of it. This is one of those few projects that might be a win-win for everybody.

Commissioner Finnegan asked why they were proffering no more than two unrelated individuals in an apartment.

Mr. Mitchell said that they are not in the business of renting to students. It is not our market.

Chris Hirtriter, Church Administrator for Faith Community Free Methodist Church, came forward to speak to the request. We are excited about the opportunity to do the land swap. We see opportunity for future expansion of our sanctuary. We are going to make our current sanctuary into six additional education classrooms. We do outreach in the community with Keister Elementary. At one time we were doing English as a Second Language classes, tutoring, and after school classes. We participate in Open Doors. This will give us an opportunity to increase the amount of time that we participate, especially now that it sounds like we will be going to a year-round shelter system. A lot of excitement there. We see this as a win-win.

Commissioner Whitten asked if the church has a plan for expansion.

Mr. Hirtriter said that it is in the thought process. We do not have anything solid, yet. We have been talking with a local general contractor and getting the footprint of what it would take to expand the sanctuary, what we would like to see as seating capacity, what it would look like, so we can start planning out the parking lot as well.

Chair Colman said that this is a great project. You are accommodating two things here, helping the church and providing more housing. Are those affordable rental units?

Mr. Mitchell said that they are. We have gone through a facelift renovation. They were built before the 1970s rezoning. They need better amenities, roof, siding. Our one-bedrooms are in the \$850 range. Our two-bedroom are in the \$1,000 to \$1,500 range. We only have eight three-bedroom units in the older part of the project. Those are about \$1,200. They are in the affordability range. We are not in the market to be at the top of the market. We are happy with our nice "B" product. It serves us well.

Chair Colman said that affordability means different things to different income levels. The City needs affordable housing at all levels. I am happy to see that is happening. I also like the idea of the proffer to keep students out. Hopefully, for families and individuals who cannot afford anywhere else - this is perfect for them.

Mr. Mitchell said that the property manager counted the people getting on the bus. We have about twelve children, elementary to middle school, on the bus every day. That is of the existing 140 units. We have a lot of nurses, young professionals. I would not say that we have a lot of families or a lot of kids, maybe people starting off before the kids get to school age.

Commissioner Whitten thanked the church for the community outreach.

Chair Colman 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 Finnegan said that he was excited about the prospect of turning parking into

housing. I am in favor of this. It seems like it addresses several concerns at the same time. It is good when adjacent property owners can work together.

Vice Mayor Romero said that the location is great. I know the back of the apartments are adjacent to the Bluestone Trail and Purcell Park. It is a nice walk to the park.

Commissioner Whitten made a motion to recommend approval of the request.

Commissioner Finks seconded the motion.

All members voted in favor of recommending approval of the rezoning request (6-0). The recommendation will move forward to City Council on April 14, 2020.
