



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 30, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Eastern Mennonite University for a master plan amendment (rezoning) for multiple properties on College Avenue, Hillcrest Drive, Mt. Clinton Pike, Park Road, Parkway Drive, Parkwood Drive, Smith Avenue, West Dogwood Drive, and Woodland Park Circle*

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: September 11, 2024

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the Institutional Overlay District provides for distinctive development of certain nonprofit institutional uses, such as colleges and universities, where upon approval of a master plan, development may deviate from the requirements of the underlying zoning district. If a master plan is approved and the property owner does not want to abide by the permissions of the master plan, a master plan amendment is necessary, which is accommodated through a rezoning process.

EMU's Institutional Overlay Master Plan was originally approved in 1998. This plan provided a layout for existing and proposed buildings, the number of stories and overall heights of those buildings, as well as the proposed parking layout throughout the campus. In 2010, EMU amended the plan by adding a parcel, enlarging the Suter Science Center, and introducing green technology in the form of solar panels, to the overall plan. In 2014, EMU again amended their Master Plan to adjust the maximum heights and location of proposed solar panels at various locations.

The applicant is requesting to rezone +/- 94 acres of property zoned R-2, Residential District, R-3, Medium Density Residential, R-2, Residential District/I-1, Institutional Overlay District, R-3, Medium Density Residential/I-1, Institutional Overlay District to R-2, Residential District/I-1, Institutional Overlay District and R-3, Medium Density Residential/I-1, Institutional Overlay District by amending the Eastern Mennonite University Master Plan.

Master Plan

The applicant is requesting to amend the existing Master Plan, superseding previous amendments made to the original 1998 plan. This iteration adds new parcels to the plan and includes provisions

for defining setbacks, allowing deviations in height for solar and other equipment, and adjustments in parking lot landscaping, and the required number of parking spaces.

While most changes are easily understood, the below information provides clarification on several details.

In "Item 2" of the Master Plan, the applicant proposes height deviations for buildings. Specifically, they request allowing maximum building heights to be increased by 10-feet for solar panels and other equipment. The table below provides a comparison of height requirements of the base zoning district and what is proposed through the master plan.

District	Maximum Height	Maximum within EMU Master Plan
R-2 – Single Family or Duplex	35 feet	45 feet
R-3 – Single Family or Duplex	35 feet	45 feet
R-3 – other	40 feet	50 feet
I-2/ Institutional Building, including hospitals and other medical care facilities (other than residential)	40 feet	50 feet
I-2/ Institutional Residential Buildings, with maximum occupant capacity of Less than 50	40 feet	50 feet
I-2/ Institutional Residential Buildings, with maximum occupant capacity of 50 – 100	45 feet	55 feet
I-2/ Institutional Residential Buildings, with maximum occupant capacity of 101 – 150+	50 feet	60 feet

Additionally, in Item 2, the applicant proposes to deviate from minimum setback requirements. The applicant is proposing that principal buildings be allowed to have a minimum 10-foot setback at external boundaries of the campus as well as along public streets. The master plan would allow accessory structures to have a minimum 5-foot setback along the campus external boundaries, but be limited to a 10-foot setback, along public street right-of-ways.

For internal lot lines, the applicant originally proposed a minimum 0-foot setback. However, staff was concerned about radiant heat and fire spreading as well as the angle of ladder placement for fire and rescue personnel between buildings. In most zoning districts, principal buildings are separated from each other by at least 20-feet because there is a 10-foot or greater side and rear yard setback for both buildings. Reducing the distance between buildings increases the risk of fire

spreading between buildings and reduces the working area for the Fire Department to protect exposures of a building in the event of a fire.

Mimicking the approach adopted when the R-8, Small Lot Residential District, was created, the Master Plan would allow:

“A minimum 0-foot setback applied to all interior lot lines. When interior lot line setbacks are less than 10-feet at least one of the following is required:

- a) National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems will be installed in such buildings; or
- b) Exterior walls adjacent to the aforementioned lot line will be constructed without openings and with a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code and Construction Code.”

In "Item 3," the applicant seeks to deviate from the minimum off-street parking requirements as well as the parking lot landscaping regulations. The applicant is specifically requesting for the flexibility to be able to determine the number of off-street parking spaces they need to serve the university rather than meeting any of the minimums required by the Zoning Ordinance. As to the deviations to parking lot landscaping regulations, EMU is requesting to meet all requirements of Section 10-3-30.1 except they would deviate from subsections (5) and (6) that together require specific landscaping islands and required plantings. Rather than complying with subsections (5) and (6), they will instead provide the otherwise required plantings within other locations internal to the parking lot or within 15 feet of the parking lot.

The Master Plan also outlines open space locations and lists existing and proposed uses and parking. Note that existing and proposed uses and parking areas listed and illustrated on the Campus Map are not binding.

Land Use

The Comprehensive Plan designates this site as Institutional and states:

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.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Recommendation

Staff believes that the Master Plan changes conform with the I-1 district and is consistent with the Comprehensive Plan's Land Use Guide. Staff does not foresee negative impacts to the surrounding neighborhood. Staff recommends approval of the Master Plan.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said this is maybe more a comment than a question about this letter from Colman Engineering. The second thing, I do not remember where this was in the proffers... adding the maximum building height may exceed the district requirements by 10 feet to allow for roof mounted solar panels or other equipment installations. In a webinar I recently attended with SolSmart about zoning to encourage solar, if I remember correctly, they were saying that the height of solar panels and other equipment should not count towards the maximum building height. That would be a statement for our Zoning [Ordinance] update.

Ms. Dang said right now we do count it as part of the height. This Master Plan would allow them to exceed the maximum building height.

Chair Finnegan said I did have a question about the every 12 spaces landscaping requirement. What is required in that specifically? Trees specifically or just some kind of vegetation of any kind like grasses and shrubs?

Ms. Dang said the City's Landscaping Ordinance requires those landscaping islands to have one tree and three shrubs.

Chair Finnegan 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.

Gil Colman, Colman Engineering and applicant's representative, came forward to speak to the request. He said I am here for any questions you might have. On the questions about the parking landscaping, this is one of the issues that institutions have and it is pretty common. This is a request that we typically ask in most institutional Master Plans is to deviate from the islands and put the landscape around the parking. Instead of being in the middle, it would be out to the sides. One thing also that I was thinking that is also interesting is that EMU at one point was looking at putting solar panels in their parking lot which would be a great idea to utilize that. Having internal landscape can impact the panels so having [the required landscaping] would be outside of that area. If they wanted to use that space for solar panels as canopies for vehicles just to maximize that space. I do not know if there are any questions, but I am happy to answer whatever.

Gene Early, a resident of 1333 Hilcrest Drive, came forward to speak to the request. He said what I would have as a question is simply what is [item] number 4 mean? It is a vague statement and it is not clear what they are intending by that statement. I do not quite understand one, what the Master Plan intends for that and whether there are other purposes that are unexpressed.

Chair Finnegan said your question is what is number 4 mean?

Mr. Early said they have it on the Master Plan as an open space, it has been an open space, it is used as a frisbee golf thing. It is a great space, lots of people use it.

Ms. Dang said when you say number 4, what are you referencing?

Mr. Early said the two major open spaces are Parkwoods and EMU hill but there is no explanation of why that is being considered now.

Ms. Rupkey said the purpose of the open space that is for the open space is showing the general areas. It does not have to have the firm exact boundary, but it is showing what they have now. The existing open space and how they use it.

Mr. Early said I guess my question from that is any intention that is unexpressed to use that EMU hill for anything other than what it is now being used for?

Ms. Rupkey said while talking with the applicant... they may be able to answer that question a little better.

Ms. Dang said there is a description in the Master Plan that describes 12 acres of grassy hillside with some tree cover. That is currently what it is currently used as today, is that right?

Mr. Early said exactly. The thing is we live there and the anticipation if EMU is not doing well financially. Do they then decide they are going to do something with that property? Is it hidden? Do they have a purpose that is not being expressed?

Ms. Rupkey said when I scanned this [the agenda packet] and made a copy for you all it appears that page 5 of the Master Plan is missing.

Ms. Dang said the majority of page 5 includes the continued list of the buildings and their locations and then it starts with item 4. You are not missing very much because it leads into the two bullets that are on the next page.

Chair Finnegan said we will continue with the public hearing but I do want to come back to that. Is there anyone in the room or on the phone wishing to speak to the request? I will allow the applicant's representative to speak to this. It seems like the concern is if this a secret rezoning for the hill side.

Mr. Colman said there are no plans in that regard. The update is two-fold in some ways. EMU was looking at potentially expanding the Suter Science Center, we showed that on the map. There is another future building in the back. Some of the things around parking were not a part of the Master Plan. We wanted to make sure that we adjusted the Mater Plan to account for that and as we were working on that we discussed with staff...the Master Plan has so many things into it that it was being more restrictive instead of being more flexible, which is not the intent of the Master Plan. We went through a major search to clean it up and make it as simple as possible to address directly what it says in the Zoning Ordinance regarding Master Plans, so we address each one of those things and try to minimize it to that. For the most part, it was a clean up and just addressing some things and creating some actual flexibility with setbacks and things like that. In terms of the open space, we delineated generally where they are but in some ways. There are no requirements that the open space be a certain size or anything at all. The zoning asked the question "Is there open space?" this is the open space we have. I will say that also in itself, when you look at the plan and the map and look at the narrative, there are no plans for anything. If there was anything it would

have to be on that map. With the open space it is the same way, it does not preserve open space. It could change but to change we would have to come back for a Master Plan amendment to say we are going to change this open space into something else. Right now, we are saying that is an open space so it will not be changed unless we come back saying we want to do something different.

Vice Chair Byrd said just to be clear, it is being classified as open space but the areas that are classified as residences are residences and the things that are being classified for these educational buildings are classified that way. Everything is being named what it is.

Mr. Colman said what is being named are the buildings that are there and some future expansions and future buildings and where do we allow setbacks to expand the buildings in that direction. When it comes down to open spaces and saying “we are preserving this as open space. Right now, there are no stated plans.” That does not mean that tomorrow EMU decides we are going to sell half of this and then come back and apply for an update to the Master Plan, but it will have to go through this process to be able to do that.

Ms. Dang said I want to look at Ms. Rupkey and Mr. Colman here to confirm that this is what you all had discussed. This campus map is conceptual, it is not binding with the exception of the locations of the open space that are illustrated there. This is their plan, this is what EMU hopes to do, they may or may not build these new buildings. They can reconfigure the lot layouts of existing and proposed things that are there.

Chair Finnegan said similar to our Land Use Guide map that it is what we would like, it is what we think but it does not always end up that way.

Ms. Dang said similar to when we get more traditional rezonings, unless it is proffered or spelled out in the Master Plan that those things are binding in their exact locations, we do not intend to hold them to that. This is for an illustrative purpose.

Mr. Colman said that said, we also have a narrative that is pretty robust in terms of these buildings are being used for this and this and that. Unless EMU came into a billion dollars and wanted to redo the whole campus, for the most part this is going to stay pretty much the same. As I mentioned, the plan of the expansion of the Suter Science Center engineering lab in the backside is the most regional thing they are looking at and at this point I do not know where that is at either.

Chair Finnegan said can I get staff to maybe clarify you just said that is nonbinding in a similar way...

Ms. Dang said we use the Comprehensive Plan as a guide to help us make decisions.

Chair Finnegan said is this being used as a guide in a similar sense.

Ms. Rupkey said similar to the last rezoning request there was a conceptual layout but there were portions of it that were...

Ms. Dang said referenced in proffered statements that would be binding. The applicant wrote these tables in detail here of what buildings and parking lot locations. Our Ordinance requires that they tell us about what their plans are and what their existing and proposed facilities are.

Chair Finnegan said as it currently stands, the last master plan amendment was in 2014, does EMU have to seek a rezoning if they wanted to change the land use?

Ms. Dang said why this particular Master Plan amendment was initiated was because we found that some prior Master Plan and Master Plan Amendment was prescriptive and binding on certain elements and it would have made it prohibited for them to do some of the additions or changes that they were seeking to do. We began working with them on this new Master Plan amendment that would supersede all the other ones.

Chair Finnegan 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 essentially it is an overlay. So in some respects it has restrictions but the underlying zoning on all but a small part of it is R-3. It would default to those types of units except for the small part that is R-2.

Ms. Dang said not necessarily because in the I-1, Institutional Overlay district, we do allow institutional buildings. In the R-2 district you usually think single-family and duplex but the institutional overlay allows institutional building uses.

Commissioner Baugh said is the institutional overlay that allows that. If the Institutional Overlay went away, then they just have R-3 property. With that, I will move approval of the [Master] Plan amendment as presented.

Vice Chair Byrd seconded the motion.

Vice Chair Byrd said I think it got a little complicated. My only concern was if it is saying it is open space, is the plan stating that it is open space.

Ms. Dang said yes because in the Master Plan under item 4 which is on page 6, those two bulleted items describe the open space area.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the Master Plan amendment passed (7-0). The recommendation will move forward to City Council on October 8, 2024.