



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: February 28, 2023 (Regular Meeting)
Re: Special Use Permit – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)

Summary:

Public hearing to consider a request from James Madison University Real Estate Foundation Inc. for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District under conditions set forth in subsection 10-3-93 (d). The +/- 9.91-acre property is addressed as Peach Grove Avenue and 1071 Port Republic Road (although the property only has frontage on Peach Grove Avenue) and is identified as tax map parcel 92-F-6.

Staff and Planning Commission (4-1) recommended approval.

Background:

The Comprehensive Plan designates this site as Governmental/Quasi-Governmental. These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental /quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are not subject to some of the City's land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of the 2018 Comprehensive Plan, is every zoning district in the City.

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

Site: Undeveloped/vacant property, zoned B-2

North: Multiple-family dwellings, zoned R-3

- East: Commercial uses, zoned B-2 and undeveloped/vacant property planned for multiple-family development, zoned R-5C
- South: Common area for multiple-family dwellings, zoned R-3; and across Peach Grove Avenue, undeveloped/vacant property, zoned R-1
- West: Multiple-family dwellings, zoned R-3

Key Issues:

The applicant is requesting a special use permit (SUP) to allow multiple-family dwellings in the B-2 district. The property is +/- 9.91 acres, has frontage along Peach Grove Avenue, and is located approximately 650 feet west from the intersection of Peach Grove Avenue and Port Republic Road. If the SUP request is approved, the applicant intends to develop up to 376 multiple-family dwelling units within three structures and to provide surface parking and a two-level parking deck.

With regard to the details of the proposal, as specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan to be in accord with the requirements of the SUP. 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 that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to 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 an engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures as illustrated.
2. The general number of stories within proposed buildings and structures as illustrated.
3. The general location of parking areas as illustrated.
4. The general location of pedestrian connections as illustrated.
5. The general location of the emergency access as illustrated.

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

1. The number of dwelling units on the property shall not exceed 376 units.
 - a. A minimum of 30% of all dwelling units will consist of either studio or one-bedroom apartments.
 - b. A maximum of 20% of all dwelling units will consist of three-bedroom apartments.
2. The property shall not contain dwelling units that have more than three (3) bedrooms.
3. Owner/developer, at the time of development, will obtain necessary easements and construct the proposed pedestrian connection to the existing “Port Crossing Shopping Center” (TM 092 F 11).
4. A minimum of 1.3 parking spaces per dwelling unit shall be provided.
5. Solar panels shall be installed and maintained on a minimum of 10,000 square feet of the building roof area (approximately 15% of the total roof area).

6. Owner/developer shall install and maintain a minimum of four (4) “Level 2” (equivalent or better technology at the time of construction) electric vehicle charging stations on the property.
7. Owner/developer shall construct along Peach Grove Ave just west of the subject property a bus pull off and a concrete pad for a bus shelter on TM 091-H-1 at a location acceptable to the Department of Public Transportation. However, if the owner of TM 091-H-1 has provided in writing that they are unable/unwilling to provide an easement or public right-of-way at fair market value for a bus pull off and concrete pad, then the owner/developer shall only be responsible for constructing a concrete pad for a bus shelter within the existing 80’ wide ROW in front of TM 091-H-1.
8. Owner/developer shall provide a right turn lane at project entrance with a minimum of 20’ storage and 75’ taper.
9. The special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within 24 months from the approval date of the special use permit.

If the site contained the proposed maximum 376 units, and if the development met the minimum and maximum bedroom percentage breakdowns as described above, the site would contain 113 one-bedroom units, 187 two-bedroom units, and 76 three-bedroom units. With regard to minimum off-street parking requirements, the ZO allows one parking space per unit for multi-family development in the B-2 district. The developer’s proposed conditions would require a ratio of 1.3 parking spaces per unit, which would require a minimum of 489 parking spaces for 376 units. The plan of development shows 504 spaces, where 222 spaces would be located within the parking deck.

As previously stated, the property is designated by the Comprehensive Plan’s Land Use Guide (LUG) as Governmental/Quasi-Governmental; this is because it is owned by the James Madison University (JMU) Real Estate Foundation. The LUG designates the adjacent property to the northwest as Mixed Use and the adjacent property to the southwest as High Density Residential. The Comprehensive Plan states that Mixed Use areas outside of the downtown area should be around 24 units per acre while High Density Residential is planned to allow up to 24 units per acre. The subject proposal of 376 units is a density of 37 dwelling units per acre, which is just under the maximum allowed 38 units per acre permitted in the B-2 district regulations. Given the site’s size, the maximum number of allowed units would be 385 without condition # 1.

The property is located adjacent to existing multiple-family complexes (The Hills Southview to the west and Deer Run to the north). Likely the subject site will end up adjacent to another multi-family development—probably marketed for student housing—to the northeast of the site at 1051 Peach Grove Avenue identified as tax map parcel 92-F-10. That site was rezoned to R-5C in 2019 and then again with a proffer amendment in 2021. The developer of that project recently began the prerequisite submittals to continue with the project and to move toward an engineered comprehensive site plan review.

From a design and site layout perspective, staff typically prefers to have buildings massed closer to the public street, however, we acknowledge that there are limitations with the subject site’s elevations and narrow property frontage. We appreciate the idea to provide structured parking. We questioned whether the applicant would consider building units on top of the structured parking with the hope that more open green space could be provided on site, but it appears that it would not be economically feasible for their desired project.

As required by Section 10-3-118 of the ZO, since the proposed multiple-family development met the threshold for the City to be able to review a traffic impact analysis (TIA), staff requested for traffic to be evaluated. The TIA study concluded that “[a]nalysis indicates that site impacts are not expected to create unacceptable delays or traffic queues within the study area beyond those determined under background plus approved peak hour traffic conditions.” Additionally, “[a]nalysis indicates all site drive movements [at the development’s single entrance at Peach Grove Avenue] are expected to operate at acceptable levels of service upon buildout of the proposed site.” However, the following improvements were recommended by the applicant’s traffic engineer as part of the overall development plan (written verbatim from the TIA study):

- Construct a 50ft southbound right turn lane taper at the intersection of Peach Grove Avenue and Site Drive
- Pedestrian interconnection to adjacent commercial land uses. Current site plans provide a single point of pedestrian interconnection between the subject parcel and adjacent parcels to the north of the subject property.

On November 2, 2022, the Department of Public Works responded that they did not agree with the proposed mitigations because the proposed mitigations seemed to contradict the analysis. Several meetings and phone calls between staff and the applicant took place to discuss possible options. On December 7, the applicant also submitted a TIA addendum that analyzed a design change for a full width of 20-feet in length turn lane with a 75-feet in length taper lane and has described this as requirement of the SUP with condition #8.

With regard to public transit, when routes are in full service, four routes serve Peach Grove Avenue. Residents of the proposed multiple-family development would be well served by public transportation. Between the December 14, 2022 and January 11, 2023 Planning Commission meetings, the applicant continued to make attempts to contact the property owner of The Hills Southview and requested assistance from the City Attorney’s Office in obtaining cooperation from The Hills Southview for an easement or public right-of-way for a bus pull off and concrete pad for a bus shelter. Note that there were plans for a bus pull off in front of 1051 Peach Grove Avenue owned by Skylar & Talli LLC. However, with the proposed entrance for the subject property, there would be too many conflict points as transit bus drivers and other vehicle drivers weave around each other into and out of the turn lanes and into and out of the developments. Therefore, the Harrisonburg Department of Public Transportation (HDPT) wants the bus pull off to be relocated to the west of the subject property’s entrance in front of The Hills Southview. The applicant and staff worked together on condition #7 which describes that the owner/developer shall construct a bus pull off and concrete pad west of the subject property’s entrance, but if the owner of The Hills Southview is unable or unwilling to provide an easement or public right-of-way at fair market value, then the owner/developer shall only be responsible for constructing a concrete pad for a bus shelter within the existing Peach Grove Avenue right-of-way. While the ideal arrangement for a bus stop along Peach Grove Avenue is to include a bus pull off, staff recognizes that this can only be possible with the participation of the adjacent property owner, to which the applicant does not have control. Similarly, staff preferred for the subject property owner and the property owner of tax map parcel 92-F-10 (1351 Peach Grove Avenue) to share an entrance to accommodate safe entering and exiting for both developments, yet staff did not have the authority to force both property owners to share a common entrance.

As most are aware, the City’s Comprehensive Housing Assessment and Market Study (Housing Study) identified a shortage of rental housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% Area Median Income (AMI)) and found that “[t]here is significant mismatch with many higher income households residing in more affordable units and lower income households residing in more costly units.” Among renters, the study noted several key findings of the housing mismatch, which included that there are significantly more households than units in the 0-30% AMI tier; the vast majority of rental units are naturally occurring affordable housing; higher income households occupy rental units that cost less, and thus increasing competition for lower income households; and the vacancy rate is low at 2% (or 3.5% per American Community Survey data), which causes a tight market, “where the lowest income households have the fewest options.”

The Housing Study places the subject property within Market Type C. Along with other details of this market type, it is the smallest but fastest growing market type in the City. Among other characterizations, Market Type C has a large number of university students. The Housing Study states “[L]ike Market Type A, Market Type C has above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” It goes on to say that “Market Type C has above median access to amenities yet is the most affordable market type in the City. The creation and preservation of affordable housing and construction of middle income housing would be appropriate here as there are already amenities in place that would make these areas attractive locations for housing...” The Housing Study also notes that “[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit.”

As previously described, the property is adjacent to existing and planned multiple-family complexes. Staff believes that the request is consistent with the Comprehensive Plan’s Land Use Guide and is helping meet the need for providing more housing in the City with respect to the points made in the Comprehensive Housing Assessment and Market Study. Given these points, staff believes that providing multi-family units at this location can be a positive result for the community and for those that might reside in such units.

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;
- (b) Approve the special use permit request with suggested conditions;
- (c) Approve the special use permit with other conditions(s); or
- (d) Deny the request.

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 – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)

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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) to approve the special use permit request as submitted by the applicant.

Attachments:

1. Extract from Planning Commission
2. Site map
3. Application and supporting documents
4. Updated supporting documents
5. January 5, 2023 Traffic Impact Analysis (TIA) Acceptance Letter
6. Public comments

Review:

On December 14, 2022, staff recommended that Planning Commission table the request. Planning Commission tabled the request (6-1) because it was unknown how the developer would accommodate the need for a bus pull off for public transportation needs and safety.

On January 11, 2023, staff recommended approval and Planning Commission recommended approval (4-1) with conditions as submitted by the applicant. (Vice-Mayor Dent was absent and there was one vacancy on Planning Commission.)