



City of Harrisonburg, Virginia
Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission
Date: August 14, 2018
Re: Special Use Permit – 753 Foley Road (Section 10-3-48.4 (6) to Allow Multiple Family Dwellings Up to 12 Units Per Building)

Summary:

Public hearing to consider a request from H2 Investments, LLC for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family buildings of up to 12 units per building under the conditions set forth under 10-3-48.6 (e) within the R-3, Medium Density Residential District. The 23,348 +/- square foot property is located at 753 Foley Road and is identified as tax map parcel 84-A-9.

Background:

The Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

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

- Site: Single-family detached dwelling, zoned R-3
North: Undeveloped parcel, zoned R-3
East: Single-family detached dwelling, zoned R-3
South: Across Foley Road, multiple family dwelling units, zoned R-3
West: Multiple family dwellings, zoned R-3

Key Issues:

The applicant, H2 Investments, LLC, is requesting a special use permit to allow multiple family dwellings of up to 12 units per building on a 23,378 +/- square feet parcel addressed as 753 Foley Road. (Note: The size of the parcel only allows for a total density of seven units, thus a 12 unit building could not be constructed.) The applicant plans to construct seven townhome-style multiple family (apartment) units. As part of the requirements for obtaining a special use permit to build multiple 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 Section 10-3-48.6 (e) of the Zoning Ordinance 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; or are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or will be provided by the applicant at the 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. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.
4. The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

The applicant has addressed each condition within the letter attached herein.

The layout submitted by the applicant, titled "Concept Site Plan," illustrates seven townhouse-style multiple-family (apartment) units with 19 parking spaces, including five garage spaces, and landscaping. It is important to understand that the layout is conceptual and could change during the engineering design phase. For example:

- The applicant's conceptual site plan illustrates 19 parking spaces, when only 18 are required by the Zoning Ordinance. Additionally, if the applicant chooses not to provide garages, then the parking lot would be enlarged.
- The evergreen shrub screens shown behind the units adjacent to tax map parcel 84-A-10 and the landscaping illustrated to the north adjacent to tax map parcel 84-A-13 are not required by the Zoning Ordinance.
- Private trash collection is required for this development and must meet the requirements of City Code Section 6-2-38. Collection services may be provided with a dumpster or "curb-side" pickup. If a dumpster is provided, then dumpster screening will be required and will be reviewed by staff when the engineered comprehensive site plan is submitted.

The character of this neighborhood, consisting of properties along Foley Road and Ridgeville Lane, has changed over the past two decades from a neighborhood consisting of only single-family detached dwellings to now include duplexes, townhomes, and multiple-family dwelling units. All but one of the multiple-family dwelling units in this neighborhood were developed by right prior to the effective date of the R-3, Medium Density Residential District regulations in 2010 that required special use permits for multiple-family dwellings of up to 12 units per building. The development known as "Loop Modern" (formerly known during development as "The Angle," identified as tax map number 84-B-20, and located across Foley Road from the subject property) was approved for the special use permit for multiple-family dwellings in 2011. At that time, staff recommended denial of that request; it was then recommended for approval by Planning Commission (4-3), and approved by City Council (3-2). Staff recommended denial of the Loop Modern project believing that the development's design was not "compatible with adjacent existing and planned single family, duplex, and townhouse development" and did not believe that the

density of the development was compatible with the surrounding area. With the approval and construction of the Loop Modern development combined with the existence of a few of the other multiple-family dwelling units within this neighborhood, the units proposed within this application are consistent with the surrounding parcels.

While staff would prefer to see this neighborhood redeveloped more cohesively, staff recognizes the difficulty for someone to be able to purchase many of the surrounding parcels and then to implement a master development plan.

Staff recommends approval of the special use permit request to allow multiple-family dwellings on the subject parcel.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit with conditions; or
- (c) Recommend denial of the special use permit request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing for the special use permit and twice for City Council’s public hearing. The advertisement was published as shown below:

Special Use Permit – 753 Foley Road (Section 10-3-48.4 (6) to Allow Multiple Family Dwellings Up to 12 Units Per Building)

Public hearing to consider a request from H2 Investments, LLC for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family buildings of up to 12 units per building under the conditions set forth under 10-3-48.6 (e) within the R-3, Medium Density Residential District. The 23,348 +/- square foot property is located at 753 Foley Road and is identified as tax map parcel 84-A-9.

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 as submitted by the applicant.

Attachments:

- 1. Site maps (2 pages)

2. Application, applicant letter, and supporting documents (5 pages)

Review:

Planning Commission recommended (5-2) alternative (a) to approve the special use permit as submitted by the applicant.