



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Planning Commission  
From: Department of Community Development  
Date: April 10, 2024 (Regular Meeting)  
Re: Rezoning & Special Use Permit – 290, 294, and 298 Lucy Drive (R-3 to R-8) (To Allow Townhomes in R-8)

### **Summary:**

Project name	N/A
Address/Location	290, 294, and 298 Lucy Drive
Tax Map Parcels	77-A-2
Total Land Area	+/- 1-acre
Property Owner	B & A Group LLC
Owner's Representative	N/A
Present Zoning	R-3, Medium Density Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Special Use Permit Request	Section 10-3-59.4 (1) to allow attached townhomes of not more than eight (8) units in R-8
Staff Recommendation	Approval
Planning Commission	April 10, 2024 (Public Hearing)
City Council	Anticipated May 14, 2024 (First Reading/Public Hearing) Anticipated May 28, 2024 (Second Reading)

### **Background:**

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

Site: Vacant land; zoned R-3

North: Across Lucy Drive, commercial uses; zoned B-2

East: Vacant land; zoned R-5 (Note: Engineered comprehensive site plan in review for multifamily development.)

South: Townhomes; zoned R-3

West: Across Deyerle Avenue, assisted living facility; zoned R-3

### **Key Issues:**

The applicant is requesting to rezone a +/- 1-acre parcel from R-3, Medium Density Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit

(SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance (ZO) to allow attached townhomes of not more than eight units.

The purpose of the two applications is to increase the number of townhomes that can be built at this location. The site's existing R-3 zoning allows townhomes by right, but requires a minimum of 18 feet of lot width and 112 feet of lot depth and 2,000 square feet of lot area for each unit. The R-8 regulations require a minimum of 18 feet of lot width and only 60 feet of lot depth and 1,800 square feet of lot area per townhouse unit. In R-3, given the lot area requirements, the maximum density for townhomes could be 21 units per acre. In R-8, lot area requirements for townhomes could allow 24 units per acre. A conceptual layout provided by the applicant demonstrates 17 townhomes on the subject site.

If the requests are approved, at some point the developer must complete a preliminary subdivision plat. To achieve a density similar to the conceptual layout, among other things, they must request a variance from the Subdivision Ordinance to allow some lots to not have public street frontage. The Subdivision Ordinance variance should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

Should the rezoning and SUP requests receive approval, the conceptual layout of the townhomes, which was drawn by the applicant, could change significantly. The submitted layout does not take into consideration the likely needed location for utilities nor does it accommodate necessary stormwater management infrastructure. Furthermore, staff has concerns about the disorderly dimensional lot configurations that are conceptually shown.

#### *Proffers*

The applicant has offered the following proffers (written verbatim):

1. No parking lot (including travel lanes and drive aisles) shall be located between Lucy Drive and Deyerle Avenue and the closest buildings to either public street.
2. All dwellings adjacent to a public street shall have their front facades face the public street.
3. There shall be only one vehicular access point along Deyerle Avenue.
4. If vehicular access is provided along Lucy Drive, no more than one access shall be provided and such access shall be either right-in/right-out or right-out only.
5. A minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Lucy Drive and a minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Deyerle Avenue. All trees shall be at least 6 feet in height at the time of planting.

The conceptual site layout is not proffered.

#### *Land Use*

The Comprehensive Plan designates this site as Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should

address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

While parcels across Lucy Drive are designated in the Comprehensive Plan as Commercial, the parcel to the east is designated Mixed Use, and the parcels to the south and west are designed Medium Density Residential.

The Comprehensive Plan describes the Mixed Use and Medium Density Residential areas as:

#### Mixed Use

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

#### Medium Density Residential

These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not

generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

The conceptual site layout illustrates an entrance only access on Deyerle Avenue and an exit only access onto Lucy Drive. Proffers 4 and 5 do not hold the design to those details but rather restrict the total number and types of entrances that may be provided along the two public streets. At this time, staff has concerns about the conceptually shown access along Lucy Drive due to the nearby Lucy Drive and Deyerle Avenue intersection. Spacing between entrances and intersections is important for access management and transportation safety; close spacing between unsignalized entrances forces drivers to watch for ingress and egress traffic at several locations simultaneously. Staff encourages the applicant to consider site layouts that would have no access on Lucy Drive. If a Lucy Drive access point is ultimately desired, such access must meet all location and design criteria, which would be reviewed during the preliminary plat and engineered comprehensive site plan phases of the project.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. The applicant has been advised that public water and public sanitary sewer extensions will likely be necessary to provide each townhome access to public water and sewer. This will be addressed during the preliminary plat and engineered comprehensive site plan review.

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

#### *Public Schools*

The student generation attributed to the proposed 17 residential units is estimated to be four students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7<sup>th</sup> elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

#### *Recommendation*

Although the subject site is designated Limited Commercial, given the site's location among existing land uses, the Land Use Guide designations of adjacent properties, and the by right land use permissions under the existing R-3 zoning district, staff believes that approving the rezoning and SUP to allow for increased townhome density does not detract from the overall goals of the City's Comprehensive Plan. Furthermore, the requests for the project utilize one of the Housing Study's identified appropriate policies for Market Type A properties, which is to rezone properties for increased density.

While staff has concerns about the conceptual layout of the site, we believe townhouse development is appropriate and trust more details regarding the appropriate site layout will occur when the final site layout is completed.

Although the applicant has not requested an extension of approval for the SUP, staff believes consideration should be given to extend approval of the SUP from 12 months to 48 months. As identified by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes additional time is appropriate for this project.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

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

**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 – 290, 294, and 298 Lucy Drive (R-3 to R-8)***

Public hearing to consider a request from B & A Group LLC to rezone a +/- 1-acre parcel from R-3, Medium Density Residential District to R-8, Small Lot Residential District. The parcel is addressed as 290, 294, and 298 Lucy Drive and is identified as tax map parcel 77-A-2.

***Special Use Permit - 290, 294, and 298 Lucy Drive (To Allow Townhomes in R-8)***

Public hearing to consider a request from B & A Group LLC for a special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight (8) units in the R-8, Small Lot Residential District. The +/- 1-acre property consists of four parcels addressed as 290, 294, and 298 Lucy Drive and is identified as tax map parcel 77-A-2.

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 and SUP, which also includes granting the approval for establishing the SUP within 48 months.

**Attachments:**

1. Site maps
2. Application and supporting documents

**Review:**

N/A