



City of Harrisonburg, Virginia

Department of Planning & Community Development

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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: October 9, 2018
Re: Rezoning (R-3 to R-5C), Special Use Permit (Section 10-3-55.4 (1) to Allow Multi-Family Dwellings of More Than Twelve Units Per Building), and Special Use Permit (Section 10-3-55.4 (4) to Allow Retail Stores, Convenience Shops, Personal Service Establishments, and Business and Professional Offices) all related to 5.7 acres of property along Lucy Drive and Deyerle Avenue and addressed at 290, 294, and 298 Lucy Drive

Summary:

Public hearings to consider three requests from Bluestone Land Company and Darrell R. Weaver with representatives Madison Lucy Realty, LLC and LeClairRyan, PLLC to construct a mixed-use development containing non-residential and residential uses. The requests are:

- To rezone two parcels from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional.
- For a special use permit to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District per Section 10-3-55.4 (1).
- For a special use permit to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices in the R-5, High Density Residential District per Section 10-3-55.4 (4).

The site consists of two parcels. The first parcel containing 4.7 +/- acres is owned by Bluestone Land Company, which has about 750 feet of public street frontage along Lucy Drive and is identified as tax map parcel 77-A-1. The second parcel containing 1.0 +/- acres and owned by Darrel R. Weaver, is addressed as 290, 294, and 298 Lucy Drive, has public street frontage along Lucy Drive and Deyerle Avenue, and is identified as tax map parcel 77-A-2.

Background:

The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

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

Site: Undeveloped site, zoned R-3
North: Across Lucy Drive, professional offices, retail uses, and Fire Station 3, zoned B-2
East: Professional offices, zoned R-3
South: Townhomes, zoned R-3

West: Across Deyerle Avenue, a senior living facility, zoned R-3

Key Issues:

The applicant has submitted three separate applications. The first is to rezone two parcels together totaling 5.7 +/- acres from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. Because the applicant would like to construct buildings with more than 12 multi-family units per building, the second request is for a special use permit (SUP) per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multi-family dwellings of more than 12 units per building. (Note: Constructing multi-family dwellings of not more than 12 units per building is a by right ability in the R-5 district.) The third and final application is a SUP request per Section 10-3-55.4 (4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities). If approved, this SUP allows the above noted non-residential uses either within a stand-alone building not exceeding a floorplate of 7,500 square feet or within the entire first floor of any building of any size that is considered a mixed-use building (having residential and non-residential uses).

If all of the requests made by the applicant are approved, Madison Realty LLC (who is currently under contract to purchase the properties) plans to construct three and four-story mixed-use buildings containing the allowable non-residential uses and multi-family residential units.

The rezoning and two special use permit requests were first presented to Planning Commission at their regular meeting on August 8, 2018 and a public hearing was held. Due to an error made by staff regarding the required adjoining property owner public hearing mailing notifications, staff recommended that Planning Commission continue the public hearing to the September 12, 2018 meeting so that staff could rectify the public notice error. Planning Commission accepted staff's recommendation and recommended that the applicant use this opportunity to meet with concerned neighbors.

On September 7, 2018 the applicant hosted a community meeting and invited residents and business owners in the surrounding area. The applicant amended their proffers and the public hearing was continued at Planning Commission's September 12 meeting.

Before getting into the specifics of the requests, it is important to understand the uses and densities permitted by right on the subject site. The subject properties are zoned, R-3, Medium Density Residential District. The R-3 district is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible with the district by means of architectural expression, landscaping, and restrained traffic flow. The R-3 district allows medical and professional offices by right as well as other non-residential uses. The R-3 district's by right residential uses include single-family detached dwellings, duplex dwellings, and attached townhouses of no more than eight units in a row within one structure. Among other SUPs, multiple-family dwellings of up to 12 units per building and personal service establishments may be requested.

If this site were to be developed with the current R-3 zoning, the property could construct a combination of the following by right:

- Non-residential uses:
 - Churches and other places of worship;
 - Governmental uses such as community centers, parks, and playgrounds;
 - College and university buildings;

- Hospitals, convalescent or nursing homes, funeral homes, medical offices, and professional offices;
- Charitable or benevolent institutions;
- Child day care centers;
- Private clubs; and/or
- Public uses.
- Residential uses:
 - Single-family detached units, duplexes, and/or townhouse units.

The calculated maximum number of residential units that can be constructed on site are 41 single-family detached units, 31 duplexes (62 units), or 124 townhouse units, or any workable combination. This calculation does not consider lot dimensions, setback, or off-street parking requirements. For a closer estimate of the maximum number of dwelling units that could fit on the site by-right, staff created a rough layout of townhome lots on the site and estimated that 88 townhome units could fit on the site. This estimate assumes that the townhomes would be served by a private street. A variance request to allow townhome lots to not front on a public street has historically been approved by the City. The 88-townhome layout does not consider physical characteristics on the site or stormwater management design matters that would have to be addressed by an engineer. These issues could reduce the number of units that could be constructed on the site. Regardless of the number of units that could be constructed, by right, R-3 zoning allows for a single family or up to four occupants per unit.

With approval of a SUP, the site could contain 82 multi-family units.

In the R-3, Medium Density Residential District, uses may be three stories, where the maximum height is 35-feet for single-family dwellings and duplexes, and 40-feet for townhouses, multi-family buildings, and other uses. The R-5 maximum by-right height is 52-feet with the ability to have four stories for multi-family structures and mixed-use buildings. The applicant's conceptual site plans show three and four-story buildings. (See Exhibits B, C, and D.) Given the grades on the site, the highest elevation is on the east side of the property and the lowest elevation is about 30-feet lower on the west side of the property. Because of this, the top of the second floor of the easternmost building will be at approximately the same elevation as the top of the fourth floor of the westernmost building. (See Exhibit D.)

After hearing concerns from surrounding neighbors, the applicant submitted a revised list of proffers for Planning Commission's September 12 meeting with a new conceptual site layout (compared to what was originally presented in August), and an explanation of changes made to their proposal. The current proffers are (written verbatim):

- 1) No parking lot (including travel lanes and drive aisles but excluding a bus pull-off lane) shall be located between any building and Lucy Drive.
- 2) The Property shall contain residential and non-residential uses. A minimum of 6,530 square feet of non-residential uses shall be contained on the first floor of buildings along the Lucy Drive side of the buildings. This does not preclude the property from adding non-residential uses up to the entire first floor of any building.
- 3) The calculated number of trips from the site (when evaluated using the ITE Trip Generation Manual) shall not exceed the maximum number of trips in the accepted traffic impact study authored by Timmons Group dated June 2018, revised July 2, 2018 (the "TIA study"). If increases

in the number of trips are proposed, the Department of Public Works may require a new traffic impact study, and the property owner shall be responsible for implementing mitigations identified in the new traffic impact study.

- 4) The property shall not contain residential units that have greater than three (3) bedrooms per unit.
- 5) The height of any buildings shall not exceed forty-seven (47') feet above finished grade.
- 6) The total minimum number of dwelling units shall not exceed one hundred seventeen (117).
- 7) The existing vegetation (trees and shrubbery) parallel to and within 23 feet of a section of the southern property line located between the southeastern property corner and a point 250 feet to the west along the southern property line (as depicted in the Concept Plan) shall be maintained to provide a vegetative buffer between adjacent residential uses and uses on the subject site; or, an evergreen vegetative buffer shall be created and maintained within the same area with the intent to create a dense screen, where such evergreens shall be planted at no less than 5 to 7 feet on center and 6 feet in height at the time of planting.
- 8) A six foot (6') opaque fence shall be erected along the southern boundary of the property to prevent trespassing.

Proffer #1 is intended to promote pedestrian friendly design by placing the buildings and commercial activity close to the street. Concentrating people and places along the public street creates an environment that is more accessible, interesting, and safer for pedestrians. The applicant will be required to construct new sidewalks along the frontage of Lucy Drive during development. There is existing sidewalk along Deyerle Avenue.

Proffer #2 is to ensure that the property includes non-residential uses and does not develop into a residential only site. The submitted conceptual site plan (Exhibit C) illustrates where non-residential uses are planned on the site adjacent to Lucy Drive. The green color illustrates that the easternmost and westernmost buildings are planned to contain non-residential uses. Site information provided by the applicant on the conceptual site plan describes planned retail and office uses. With the approved SUP, the non-residential uses could include any combination of retail stores, convenience shops, personal service establishments, restaurants (without drive throughs), and offices. Additionally, the second building from the west is shown to contain a fitness center for residents and a leasing office. This area is also illustrated in green and is planned to contain a façade that “looks like commercial façades.” The new proffers would require 6,530 square feet of non-residential space, which is 632 square feet less than the original proffers presented on August 8.

As required by Section 10-3-118 of the Zoning Ordinance, since the allowable uses under the rezoning and SUPs met the threshold for the City to be able to review a traffic impact analysis (TIA), staff requested for traffic to be evaluated. The completed TIA assumed that the development would include 9,562 square feet of shopping center and 107 multi-family residential units. The Institute of Traffic Engineer's (ITE) Trip Generation Manual (a tool used nationally by transportation engineers) states that shopping centers include neighborhood centers, community centers, regional centers, and super regional centers, and these centers could contain non-merchandising facilities, such as office buildings, movie theaters, restaurants, post offices, banks, health clubs, and recreational facilities (such as ice skating rinks or outdoor miniature golf courses). The applicant is aware that using a shopping center for the TIA sets the expectation that the property would contain a mixture of non-residential uses. If the non-residential uses in the future became predominately one use, such as all restaurants, and generated more calculated trips than a shopping center would using the ITE Trip Generation methodology, then this could cause proffer #3 to be utilized.

Additionally, if more than 9,562 square feet of non-residential space was planned to be added in the future, it could also cause proffer #3 to be utilized. The Department of Public Works would determine if a new TIA would be required depending upon the amount and intensity of changes proposed.

The applicant submitted proffer #4 to address neighbors' concerns about the development appealing primarily to college students, who are attracted to living in four-bedroom units. Proffer #5 is a response to neighbors' concerns that the new buildings would negatively impact the viewshed from resident's homes along Emerald Drive and Blue Stone Hills Drive. (Note: the maximum building height allowed in the R-5 district is 52-feet, five feet taller than what has been proffered.) Proffer #6 places a cap on the total number of dwelling units allowed on the site at 117. (Note: The R-5 district requires 1,800 square feet of lot area per multi-family dwelling unit, which would allow this site to have a maximum of 137 dwelling units. This calculation does not consider lot dimensions, setback, height, the number of bedrooms within each dwelling unit, minimum off-street parking requirements, or engineering matters such as stormwater management.) Proffers #7 and #8 responds to adjacent neighbors' concerns about privacy and trespassing. Exhibit B shows the referenced Concept Plan.

The table below compares the Conceptual Site Layout submitted by the applicant in August and September 2018:

	August 2018 Conceptual Site Layout	September 2018 Conceptual Site Layout
Retail total	3,453 sf	3,200 sf
Office total	3,709 sf	3,300 sf
Total units	107 units	117 units
4-bedroom units	57 units (228 bedrooms)	0 units (0 bedrooms)
3-bedroom units	37 units (111 bedrooms)	110 convertible 2/3-BR units (220 to 330 bedrooms)
2-bedroom units	10 units (20 bedrooms)	
1-bedroom units	3 units (3 bedrooms)	7 units (7 bedrooms)
Total bedrooms	362 bedrooms	227 to 337 bedrooms
Total Parking Spaces <u>Required</u> by City Zoning Ordinance (with shared parking calculations)	342 spaces	305 spaces
Total Parking Spaces <u>Illustrated</u>	342 spaces	323 spaces

With regard to minimum off-street parking, requirements are calculated based on uses and can be found in Article G of the Zoning Ordinance. In the conceptual site plans provided in Exhibit B, the applicant has shown a scenario in how they might organize parking spaces on the site. The applicant has indicated that they intend to use the ability granted by Section 10-3-26 (b) of the Zoning Ordinance to reduce the minimum required vehicular parking spaces on the site using shared parking calculations and to use the ability granted by Section 10-3-25 (1) to have up to 25 percent of the total parking provided designated as compact parking spaces. The applicant understands that parking requirements, among other details, would

be reviewed by staff during the engineered comprehensive site plan phase of development to ensure that all regulations are met. For example, the developer will have to find a new location for the westernmost located dumpster that is shown near Deyerle Avenue in the conceptual site plans. Section 10-3-55.6 (d) requires for dumpsters to be screened and treated like accessory buildings and, in residential districts, accessory buildings are not permitted between a principal building and a public street.

Additionally, within townhome and multifamily complex (apartment) communities there is often a clubhouse building or separate building for the property manager's office, fitness center, and other amenities for residents. Section 10-3-25 (14) of the Zoning Ordinance requires the provision of one parking space for every 250 square feet of gross floor area for clubhouse/amenity buildings. Staff acknowledges that with the proposed type of development, where the amenities are not in a separate building from residential uses, there is a difference in how a site would be used from traditional apartment complexes where residents drive vehicles between buildings. However, the existing code requirements do not provide enough flexibility to treat the proposed development any differently than a traditional multi-building apartment complex with separate amenity buildings. Staff does believe, however, that it makes good planning and zoning practice to have different requirements for the different designs and is drafting an amendment that will likely be presented to Planning Commission in November.

As currently designed, the subject site does not include the additional needed parking spaces as required by Section 10-3-25 (14). If the planned Zoning Ordinance amendment is not proposed and approved, then, based on the conceptual site plan, 30 additional spaces (for a total of 335 spaces) would be required and must be accommodated on the site. The additional required parking spaces could have an impact on the ultimate design of the project site.

The Comprehensive Plan's Land Use Guide designates this site as Planned Business. This designation states that "these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses." The site is surrounded by areas designated Medium Density Residential and Commercial. The Medium Density Residential 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 Commercial designation states that "these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors." Staff believes that low to medium density housing at this site is not likely or practical as there is an increase in the intensity of commercial uses as you travel Lucy Drive from west to east to this site. With respect to the rezoning request, a mixed-use development such as this proposal could provide a transition from residential to commercial in two directions - from west to east and from south to north.

From a planning perspective, when one considers the subject site and the surrounding neighborhood, which is often associated to a quarter-mile radius around any particular site, the proposed rezoning and SUP allow for this project to blend well within the existing neighborhood. Within a quarter-mile radius from north to south, this area would transition from commercial, to mixed use, to medium density residential made up of townhomes and duplexes, to lesser density of single family detached homes. (See attached ¼-Mile Buffer Maps.) While the subject site on its own does not incorporate all of the ideals and characteristics of Traditional Neighborhood Design (TND) (although some are included), the overall neighborhood would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; allowing residents to walk, ride a

bicycle, or take transit for many trips between home, work, shopping, and school; and having a variety of housing types provided at a range of densities with heterogenous mixes of residences.

The City has experienced significant population growth in the last few decades from 30,707 people in 1990 to 54,698 people in 2017 (a 78 percent increase), and it is anticipated to continue an upward growth. The Weldon Cooper Center for Public Service projects Harrisonburg's population to grow to 67,154 by 2030 and to 74,521 by 2040. Additionally, James Madison University's (JMU) student population continues to grow. Data from the State Council of Higher Education for Virginia (SCHEV) reports that the total campus-based enrollment in Fall 2017 is 20,854 students and is projected to grow to 22,541 students in 2024. JMU's 2017 Campus Master Plan indicates that the University's goal is to house 35 percent of their students on-campus. Therefore, 65 percent of enrolled students would be living in off-campus housing. In knowing that the City's population is expected to continue growing, which includes growth in the student population, the housing needs of the community must be planned for and anticipated. Mixed use developments along certain major thoroughfares and other busy streets in the City could provide the tool necessary to meet housing demands for future population growth and necessary economic development.

Over the past decade, new student housing complexes have opened in Rockingham County and have placed increased pressure and traffic on City streets as students drive longer distances to and from campus. The proposed development is located closer to campus than some of the newer, traditional student housing complexes and it is within commercial areas for shopping and entertainment. Sidewalks and bike lanes on Lucy Drive and Reservoir Street, as well as, available public transit service would provide residents with alternative transportation options to driving. While staff does not believe that more student housing is necessarily needed at this time, when developments that might house students are proposed, from a planning perspective we must evaluate the location and type of facility because having such facilities in appropriate locations may help the City achieve its overall goals such as lessening traffic on already traveled corridors and encouraging other projects to develop in a TND fashion.

Staff had expressed to the applicant that there appears to be a need in Harrisonburg for more one- and two-bedroom dwelling units for students and non-students. The applicant explained to staff that "[t]he residential floors of the buildings have been designed so that the two- and three-bedroom apartments can be converted into one-bedroom with den and two-bedroom with den apartments, respectively, in the event that the market calls for apartments with future bedrooms." If the applicant develops the site this way, they could be better equipped to respond to changing market demands in the future.

Considering the details of the proffers submitted by the applicant, staff has no suggested conditions for either of the SUP applications. Staff recommends approval of the requests for the rezoning, and two special use permits as presented by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning and two special use permit requests as submitted by the applicant;
- (b) Recommend approval of the rezoning and two special use permit requests with conditions;
- (c) Recommend approval of the rezoning, but deny one or both of the SUPs; or
- (d) Recommend denial of the rezoning and two special use permit requests.

Community Engagement:

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

Rezoning – Lucy Drive and 290, 294, and 298 Lucy Drive (R-3 to R-5C)

Public hearing to consider a request from Bluestone Land Company and Darrell R. Weaver with representatives Madison Lucy Realty, LLC and LeClairRyan, PLLC to rezone two parcels from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The Zoning Ordinance states that the R-3, Medium Density Residential District is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft./unit; townhouses, 2,000 sq. ft. minimum per unit; other uses, 6,000 sq. ft. minimum and by special use permit multi-family, 3,000 sq. ft. minimum per unit. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The residential density ranges for R-5 district are multifamily, 1,800 sq. ft. minimum; multifamily quadraplex, 3,000 sq. ft./unit minimum; and townhouse, 2,000 sq. ft./unit minimum. The Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The first parcel containing 4.7 +/- acres is owned by Bluestone Land Company, is addressed as Lucy Drive, and is identified as tax map parcel 77-A-1. The second parcel containing 1.0 +/- acres and owned by Darrel R. Weaver, is addressed as 290, 294, and 298 Lucy Drive, and is identified as tax map parcel 77-A-2.

Special Use Permit - Lucy Drive and 290, 294, and 298 Lucy Drive (Section 10-3-55.4 (1) to Allow Multi-Family Dwellings of More Than Twelve Units Per Building)

Public hearing to consider a request from Bluestone Land Company and Darrell R. Weaver with representatives Madison Lucy Realty, LLC and LeClairRyan, PLLC for a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. The site consists of two parcels. The first parcel containing 4.7 +/- acres is owned by Bluestone Land Company, is addressed as Lucy Drive, and is identified as tax map parcel 77-A-1. The second parcel containing 1.0 +/- acres and owned by Darrel R. Weaver, is addressed as 290, 294, and 298 Lucy Drive, and is identified as tax map parcel 77-A-2.

Special Use Permit - Lucy Drive and 290, 294, and 298 Lucy Drive (Section 10-3-55.4 (4) to Allow Retail Stores, Convenience Shops, Personal Service Establishments, and Business and Professional Offices)

Public hearing to consider a request from Bluestone Land Company and Darrell R. Weaver with representatives Madison Lucy Realty, LLC and LeClairRyan, PLLC for a special use permit per Section

10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices in the R-5, High Density Residential District. The site consists of two parcels. The first parcel containing 4.7 +/- acres is owned by Bluestone Land Company, is addressed as Lucy Drive, and is identified as tax map parcel 77-A-1. The second parcel containing 1.0 +/- acres and owned by Darrel R. Weaver, is 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 two special use permit requests as submitted by the applicant.

Attachments:

1. Site maps (2 pages)
2. Extract from Planning Commission public hearings in August and September (40 pages)
3. Application, applicant letter, and supporting documents (14 pages)
4. ¼-Buffer Maps (3 pages)
5. Public comments (36 pages)

Review:

Planning Commission recommended (6-0) alternative (d) to deny the rezoning and two special use permit requests.