



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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June 5, 2023

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

SUBJECT: *Consider a request from Sahara III LC for a special use permit request to allow multiple-family dwellings and/or mixed use buildings at 1846 Evelyn Byrd Avenue*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: May 10, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) to allow multiple-family dwellings and/or mixed use buildings in the B-2 district. The +/- 23,352 square foot property is addressed as 1846 Evelyn Byrd Avenue and is located on the northern side of the street between Reservoir Street and Burgess Road. If the SUP request is approved, the applicant intends to develop up to 20 multiple-family dwelling units.

As required by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan. 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 the multi-family and/or mixed use project that was evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, then the property owner must 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 engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

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

1. The property shall not contain dwelling units that have more than three (3) bedrooms.
2. The site shall contain no more than 1.45 parking spaces per dwelling unit.
3. One-Bedroom dwelling units shall make up at least 10% of the total number of units.
4. One dwelling unit will be constructed to be fully handicap accessible, Type A.
5. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off shall be constructed to HDPT’s specifications.
6. Maximum of 20 dwelling units to be constructed, up to five stories above grade, excluding the basement.

Regarding minimum off-street parking requirements, the ZO allows one off-street parking space per unit in the B-2 district. The applicant, however, plans to provide more than the minimum, but no more than 1.45 parking spaces per dwelling unit as noted within Condition #2. Given that the ZO provides for the flexibility to provide as little as one space per unit, staff encouraged the applicant to consider reducing the maximum permitted parking ratio to less than 1.45 spaces per unit.

As noted in Condition #4, the development would have at least one handicap unit built to Type A standards. The Building Code defines Type A units as: “[a] dwelling unit or sleeping unit designed and constructed for accessibility in accordance with [Virginia Construction Code] and the provisions for Type A units in ICC A117.1.” The mentioned ICC A117.1 refers to the Accessible and Usable Buildings and Facilities standard of the International Code Council (ICC). Type A units are fully accessible and are built with the necessary accommodations such as, but not limited to, the appropriate turning radiuses, lower shelving, and grab bars.

Land Use

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

“Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.”

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location 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; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

In February 2022, the property addressed as 381 University Boulevard, located across Evelyn Byrd Avenue from the subject site, was granted a SUP to allow multifamily in B-2 for up to 274 units with a parking garage. The property is also designated as commercial in the Comprehensive Plan.

Transportation and Traffic

Although the Design and Construction Manual (DCSM) allows for two entrances to serve the site, staff recommended providing only one entrance to reduce points of conflict and to put space between entrances along Evelyn Byrd Avenue to further reduce the potential for vehicular crashes. The applicant believes that due to the property's size and topographic features on the property that the most favorable layout for their site would be to have parking on both sides of their building with separate entrances.

With regard to public transportation, residents of the proposed multiple-family development would be well served by public transit as Route 1 serves Evelyn Byrd Avenue. As noted in Condition #5, the developer would provide a bus pull off, a concrete pad for a bus shelter, and an easement to serve the site.

Public Water and Sanitary Sewer

Staff has minimal concerns with the requested special use with regard to water and sewer. The applicant will be required to perform a downstream sewer capacity analysis through a Preliminary Engineering Report (PER) prior to engineered comprehensive site plan submittal. The PER will address both water and sewer capacity at the site.

Housing Study

The City's Comprehensive Housing Assessment and Market 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."

When considering the need for providing more housing in the City, providing multi-family units at this location can be a positive result for this area of the City and for those individuals who want to reside in the City.

Public Schools

The student generation attributed to the proposed 20 residential units is estimated to be two students. Based on the School Board's current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Although staff would prefer one entrance onto Evelyn Byrd Avenue, given the size of the parcel, the DCSM permits a two-entrance design. While staff encouraged the applicant to consider different site layouts so that only one entrance was needed to serve the site, staff understands that the applicant prefers to have two entrances serving the two sides of the building due to the size

and topographic features of the site. Staff recommends approval of the SUP with the conditions submitted by the applicant.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent asked the staff to clarify what exactly they meant about lessening the submitted 1.45 parking spaces suggested by the applicant.

Ms. Rupkey stated that the Zoning Ordinance allows for the minimum to be the one parking space per unit. The one space is a minimum and they can have up to that 1.45 parking space per unit with their conditions.

Chair Finnegan asked if the Planning Commission had any more questions for staff. Hearing none he opened the public hearing.

Nathan Blackwell, agent for the applicant, came forward regarding the request. We are excited for this project. I am here to answer any questions that you have. I think the one question about the hatched-out areas on the parking, if we went with less parking that would show where we would remove those parking spaces.

Chair Finnegan asked if Mr. Blackwell had considered parking expansion.

Mr. Blackwell said they considered it. If we do 20 units, most people drive and a lot of the time you will have two vehicles. So, we want to be aware of that. Do the least amount of parking that we can and still feel comfortable with parking. What we submit for the special use permit is what we have to build, so we put some options on here to reduce parking and show what could be.

Chair Finnegan asked I do not know if you are able to speak at all on financing behind these. Is there pressure from the financing side of things to provide a certain amount of parking? Like in cities where they've done away with parking minimums for example. Often times, the banks have their own requirements to make things marketable.

Mr. Blackwell said I have not really thought about it too much, but I know that if you have got an apartment building and it does not have adequate parking, it can get complicated pretty quickly. The reason for having off-street parking is to encourage people to park in their own area so it does not spill out onto the public roads. I would imagine that is taken into consideration, but that has not come up on this project.

Chair Finnegan asked if there were any more questions for the applicant. 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.

Mr. Fletcher offered some context. The conditions say that the site should not contain more than, it is not a minimum right? It is the opposite; it is the maximum. This kind of evolved over time as we discussed with the applicant for this project because there were originally 16 units and there were 29 parking spaces and we thought that was an exorbitant amount of parking for 16 units.

Then the idea of increasing the number of units came to be and we continued to encourage less parking, but in this particular case, because it is such a small scale, the 1.45 number will cap it based upon the number of units that are provided. They cannot have more than 1.45 based on the number of units. If they do not put in 20 units and put in 16 units, rather, you would do the calculations and it would reduce the number of parking spaces. We kind of took reverse regulatory way to think about it in this case.

Chair Finnegan said I will say you know when we think about these requests that come forth to this body, I feel as though there are places in the city and this part of town that do not have many ways to get around other than a car. On one hand, I do not love the idea of making a place that is more car centric even more car centric, but on the other hand it is a good use for housing on this land.

Vice Chair Byrd said concerning domestic residences in commercial areas, we are still trying to see if this will actually happen. So, I am in favor of this as I have no reason to be against it.

Vice Chair Byrd motioned for the approval of the SUP submitted by the applicant.

Commissioner Baugh seconded the motion.

Vice Mayor Dent said this is an interesting trend. Across the street is the Regal Theatre parking lot where we wanted to put the housing in the parking lot as a better use of land. So, this could become a quasi-residential pocket within the commercial zone with the caveat of people getting around. That would mean more cars and not very much pedestrian or bike infrastructure.

Chair Finnegan said there is technically pedestrian infrastructure. There are sidewalks there. They are not pleasant sidewalks to walk on with cars zooming past inches from your body.

Commissioner Baugh said when you start asking about things like lender requirements you would be involved with that long enough and what lenders cared about 30 years ago may not have been what they cared about 15 years ago and may not be what it is now, but at this point lenders are not really a check on this. They are basically looking at it to see if it has the appropriate government approval. I am not even aware if a lender has even gotten into that level of analysis of trying to determine the adequate parking. They have their things on their checklist at least at this point in history and that is not on it.

Chair Finnegan said one last thought is that I hope there is some thoughts to the connectivity to adjacent properties.

Mr. Blackwell said the existing sidewalk on Evelyn Byrd Avenue is 4 feet wide. Our section is 5 feet. We are doing a bus stop and working with the City on that. I am sure there will be some walking paths connecting to other areas to the north, but working with that landowner to coordinate that is not as easy as possible. We are very excited about this. The City is taking Evelyn Bird Avenue down to two lanes and putting bike paths in, so our bus stop is thought through with that in mind. I think this will be a good walkable area as it moves forward.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Chair Finnegan	Aye

The motion to recommend approval of the request passed (5-0). The recommendation will move forward to City Council on June 13th, 2023