



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: December 13, 2022 (Regular Meeting)  
Re: Rezoning (R-2 and M-1 to R-8C and R-5C), a Special Use Permit (To allow townhomes of not more than eight units with R-8), a Special Use Permit to Allow Multi-family Dwellings of More than 12 Units, and a Public Street Right-Of-Way Closing – The site includes eight parcels and portions of four other parcels. The eight parcels are addressed as 36, 40, 44, and 81 Wilson Avenue, 25, 35, 45, and 55 Mt. Clinton Pike. The four parcels with portions impacted include 75 Wilson Avenue, and 1411, 1421, 1431, and 1441 North Main Street

### **Summary:**

Public hearings to consider four requests from Northside LLC and Joseph H. and Linda H. Moore (note that the fourth application is not a public hearing):

1. To rezone a +/- 3.8-acre site from R-2, Residential District to R-8C, Small Lot Residential District Conditional and to rezone a +/- 1.44-acre site from R-2, Residential District and M-1, General Industrial to R-5C, High Density Residential District Conditional.
2. For a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance on +/- 1.44 acres to allow multiple-family dwellings of more than twelve (12) units per building within the R-5, High Density Residential District.
3. For a special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance on +/- 3.8 acres to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.
4. Consider a request from Northside LLC to close a +/- 5,529 square foot portion of Wilson Avenue adjacent to tax map parcels 42-B-32, 33, 34, & 36, and a portion of 42-B-9A. The proposed portion to be closed is +/- 10 feet wide and +/- 553 feet in length.

The site includes eight parcels and portions of four other parcels. The eight parcels are addressed as 36, 40, 44, and 81 Wilson Avenue, and 25, 35, 45, and 55 Mt. Clinton Pike. The four parcels with portions of lots impacted have addresses that include: 75 Wilson Avenue and 1411, 1421, 1431, and 1441 North Main Street.

Staff recommended denial of the rezoning, special use permits, and street closing. Motions to approve each of the requests by Planning Commission resulted in tie votes (3-3) (Councilmember Dent abstained due to leaving the Planning Commission for the City Council meeting that took place during this time.)

**Background:**

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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.

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

- Site:** Undeveloped and vacant parcels, zoned R-2 and M-1, and a portion of a single family detached home lot, zoned R-2
- North:** Across Mt. Clinton Pike, industrial uses, zoned M-1 and M-1 with the Technology Zone Overlay, and vacant property, zoned B-2C
- East:** Undeveloped property fronting along North Main Street, zoned M-1 and R-2
- South:** Remaining portion of a single family detached home lot and undeveloped and vacant parcels, zoned R-2
- West:** Industrial property, zoned M-1, the Community Services Board property, zoned B-2 and B-2C, and undeveloped parcels, zoned R-2

**Key Issues:**

The applicant is requesting approval of four separate applications with plans to construct improvements to portions of Wilson Avenue and to construct a shared use path along Mt. Clinton Pike both as part of a planned residential development to include 60 subdivided townhome parcels and up to 34 multi-family units. The site includes eight parcels and portions of four other lots, which in total contains +/- 5.23 acres located along both sides of portions of Wilson Avenue (currently a dead-end, substandard public street) and along an almost 500-foot section of frontage along Mt. Clinton Pike. The project also includes closing portions of the Wilson Avenue public street right-of-way (ROW) in exchange for land the applicant would dedicate to the City for the shared use path they would construct along Mt. Clinton Pike.

To allow for the planned development, the applicant is requesting four separate applications, a rezoning to two different zoning districts, two special use permits (SUPs)—one within R-5 and one within R-8, and a public street ROW closing, the details all of which include:

- To rezone a +/- 1.44-acre area along Mt. Clinton Pike from R-2 and M-1 to R-5C, High Density Residential District Conditional and to receive approval of a SUP per Section 10-3-55.4 (1) for the same acreage to allow more than 12 units within multi-family buildings in the R-5 district.
- To rezone a +/- 1.94-acre area on the north side of Wilson Avenue and a +/- 1.85-acre area on the south side of Wilson Avenue (totaling approximately 3.8 acres) from R-2 to R-8C, Small Lot Residential District Conditional and to receive approval of a SUP per Section 10-3-59.4 (1) for the same acreage to allow townhomes in the R-8 district.
- To close a +/- 5,529 square foot portion (+/- 10 feet in width for +/- 553 feet in length) of public street ROW on the north side of Wilson Avenue in exchange for a dedication of +/- 5,413 square feet (+/- 10 feet in width for +/- 541 feet in length) along Mt. Clinton Pike for them to construct a shared use path.

With regard to the rezoning, the applicant has proffered the following (written verbatim):

1. As illustrated in the attached exhibit, if City Council approves the Wilson Avenue public street right-of-way closing request to close and convey at no cost the approximate 5,529 square feet of property to the applicant, then the applicant shall convey at no cost approximately 5,413 square feet of property to the City for additional Mt. Clinton Pike public street right-of-way. The applicant shall be responsible for completing all surveys and plats for both conveyances.
2. If the application to close a portion of Wilson Avenue is approved and the ROW exchange is completed, then applicant agrees to install a 10-foot-wide shared use path with 5-ft-wide grass strip along the road and a 2.5-ft grass strip on the opposite side of the path with an associated access easement set 6-inches behind the path's 2.5-ft grass strip.
3. Construct street improvements along Wilson Avenue to meet the minimum standards in the City's Design and Construction Standards Manual, Appendix F, for local street, or as approved by City Council through a preliminary plat with variance(s) request. The street improvements shall be required along the frontage of all parcels as shown on the exhibit.
4. Applicant will construct designated walkways to allow connectivity from the proposed shared-use path to Wilson Ave.
5. There shall be no vehicular entrances connecting the subject site to Mt. Clinton Pike.
6. Applicant will construct an open recreational area of at least 2,000 square feet which may include a playground, dog park, basketball court, benches and tables, or the like.
7. Multi-family units within the R-5 district may be occupied by a single family or no more than three (3) unrelated persons.
8. Multi-family unites [*sic*] within the R-5 district shall provide 1 parking space per dwelling unit with one bedroom or 1.5 parking spaces per dwelling unit with two or more bedrooms.

Aside from the proffered details above, the submitted layout of the project is not proffered and thus the layout could change as allowed by the R-5 and R-8 districts.

Although not proffered, the planned layout illustrates a 60-unit, R-8-zoned townhome development, where 29 units would be subdivided and accessible by private-street-named parking lots on the south side of Wilson Avenue while the remaining 31 townhome lots would be subdivided and accessible by another grouping of private-street-named parking lots on the north side of Wilson Avenue. As required by the Zoning Ordinance, to build the townhomes units in the R-8 district, they must also obtain a SUP per Section 10-3-59.4 (1). With regard to off-street parking, the R-8 district requires a minimum of one off-street parking space per unit for townhomes. The submitted layout illustrates 59 parking spaces for the 29 units on the south side of the street and 65 parking spaces for the 31 units on the north side of the street, which is essentially two spaces per unit. Together, the two sides of the townhome section of the development total about 3.8 acres, which by code of the R-8 district would allow a maximum townhome density of 91 units in this area (or 24 units per acre). However, in recognizing that it can be difficult to maximize density for a townhome project like this, the planned 60-unit project would be about 15 townhome units per acre.

The multi-family component of the project includes the request to rezone the +/- 1.44 acres of property located on the north side of Wilson Avenue, parallel and adjacent to Mt. Clinton Pike to the R-5 district. The units would be accessible by the private-street-named parking lots off Wilson Avenue, where proffer #5 would restrict any vehicular access to Mt. Clinton Pike. As identified by the proffers, since the applicant proffered a reduction in the occupancy, the Zoning Ordinance only requires one parking space per unit. However, the applicant has proffered that they will provide one space for one-bedroom units and 1.5 spaces for each unit with two or more bedrooms. The submitted layout illustrates 52 parking spaces. The maximum permitted multi-family density of the R-5 section of the project would be 34 units (or 24 units per acre). At this time, they plan to construct two buildings, where one building could include 15-18 units and the other building could contain 13-16 units. The plan is to construct three-story multi-family structures that would include one- and two-bedroom units. If they provide an 18-unit and a 16-unit building, they will maximize the R-5 allowed density.

Other details of the project include closing about 5,529 square feet of Wilson Avenue public street ROW in exchange for dedicating about 5,413 square feet of property to become Mt. Clinton Pike public street ROW, where the applicant would then construct a shared use path along the frontage of their property along Mt. Clinton Pike. As noted earlier, Wilson Avenue is currently a substandard City street and the applicant has proffered to improve Wilson Avenue along both sides of the street along the subject site's frontage with curb, gutter, and sidewalk. They would then provide a temporary turnaround at the end of Wilson Avenue. At this time, the applicant is unsure as to the exact width of the public street and whether it would be built to allow on-street parking. Note that they proffered to construct private sidewalk connections from the site to the shared use path and plan to construct a sidewalk connection to the Community Services Board property to the south of the development. An open/recreational area for residents has also been proffered for the site.

Note that the submitted layout illustrates a number of trees and other vegetation scattered throughout the project. Certain trees within the parking lot and along the public street ROW would eventually be required by the parking lot landscaping regulations of the Zoning Ordinance. However, the vegetation shown around the open/recreational area is not required and is not proffered. Furthermore, although the applicant wanted to proffer the street trees along Wilson Avenue and along Mt. Clinton Pike as shown within the 5-foot-wide landscaped area that separates the shared use path from Mt. Clinton Pike, the applicant was unsure of the ability to provide all of the illustrated trees at this early stage of the process.

If the applications requested herein are approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow townhome parcels to not have public street frontage. During the preliminary plat process, the developer can also request other variances of the Subdivision Ordinance or the Design and Construction Standards Manual that might be needed to build the project. While not an exhaustive list, they might request deviating from public general utility easement dedication requirements, street width requirements, and others. These matters should be considered when making a recommendation for this project as approving the rezoning and SUPs could be perceived as also providing an endorsement for the subdivision matters during the platting phase.

Staff is grateful the applicant was willing to include changes to the project that were suggested throughout the project's preliminary and official review. Some of the incorporated changes include providing open/recreational space for the residents, to construct the shared use path along Mt. Clinton Pike, to provide sidewalk connections to the adjacent areas, and to provide multi-family units along Mt. Clinton Pike. While we appreciate the open/recreational space that is illustrated on the plan, we further suggested for them to accommodate a design that would relocate this space away from Mt. Clinton Pike, potentially more central and internal to the site. The developer understood this suggestion and might make accommodations once they complete more engineering for the design. Staff would like to see less parking than what is shown as the Zoning Ordinance allows for more flexibility by supplying only one space per unit for both the R-5 and R-8 sections, yet the project proposes to provide more than the minimum at an overall rate of 1.8 spaces per unit. Staff was also hopeful that they could have proffered specifics associated with street tree planting, but understands some of their hesitations with some uncertainties during the early stages of a project.

As most are aware, the City needs more housing in the City, and while this project would add more units, staff does not believe this project at this location should be approved at this time. While staff understands that the style of buildings and unit types is what is desired by the current developer and is what makes sense for them economically, at this time staff does not believe this particular design and development is what is best for this area of the City. Staff is concerned with:

- the project not maximizing the site's potential density;
- the scale, design, and residential unit types clashing with the adjacent forthcoming commercial and planned mixed use spaces as well as the potential out of place context, detachment, or isolation of the residential neighborhood from the surrounding area; and
- the overall precedent this development could establish for how the rest of the North Main Street and Mt. Clinton Pike corridors could develop.

The Comprehensive Plan's Land Use Guide (LUG) designates this site as Mixed Use, which among other things, recommends for these areas to have around 24 units per acre. The LUG recognizes that any type of residential unit could be appropriate in Mixed Use areas, however, in this corridor and on this acreage, staff believes that more multi-family units within taller structures and overall larger buildings would be more appropriate for the site. As noted, the project is not maximizing the site's potential density capabilities, which could be realized with larger and taller buildings with less parking—potentially creating more open, recreational space. More units would also support the greater concept of planning for more mixed-use opportunities along the North Main Street corridor, where the people residing in the units support the commercial uses and vice versa. (Although adjacent properties planned for commercial and mixed use are currently undeveloped, many will remember the nearby corner property on the north side of Mt. Clinton Pike and North Main Street was recently rezoned to B-2C to

allow for a convenience store, gas station, and other commercial uses. Staff welcomed the commercial uses, but did not support that rezoning application due to concerns with the site layout.)

The subject site slopes from the east to the west, where it is about 18 feet lower than North Main Street on the eastern side and then is about 36 feet lower than North Main Street on the western side of the property. Since the site is lower than the adjacent properties along North Main Street, where development could include non-residential uses and/or could include taller mixed-use buildings, staff believes larger and taller multi-family buildings would be more compatible with the physical and built environment and should also assist with the transition space between the eastern side of the subject site, where the rear of the townhome parcels would be located, and the adjacent properties that would front along North Main Street. In comparison, if the site is developed as proposed, then people utilizing the small backyard areas of the townhomes could be located adjacent to large parking lots serving the uses on the adjacent properties. As noted within the Comprehensive Plan's LUG description for Mixed Use areas, "[t]he scale and massing of buildings is an important consideration when developing in Mixed Use areas." Staff does not believe the scale and massing of the proposed development will work cohesively with the surrounding area. Moreover, the residential neighborhood could be out of place or disconnected from the surrounding area due to the adjacent development that could occur on the east and west sides of the subject site, essentially isolating the residential development.

While considering this project, we must also take into consideration the City's Comprehensive Housing Assessment and Market Study (Housing Study). The Housing Study places the subject site within Market Type D, which is characterized by the lowest growth of any of the four market types identified by the study. Market Type D has "below median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities" (page 7 of the Housing Study Executive Summary). Among other things, the Housing Study also notes:

Market Type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City. (Page 7 of the Housing Study Executive Summary)

The Housing Study also notes (on page 98) that the City "has a limited supply of residentially zoned properties that allow for higher intensity housing densities and types." The Housing Study goes on to state that "[z]oning map amendments can create an additional supply of higher-density residential zoning, which would allow for more affordable units." As noted above, staff does not believe the proposed development is utilizing the property's potential density or opportunity to establish residential housing types for the North Main Street corridor.

On page 48, the Housing Study notes that "Harrisonburg cannot build its way out of a housing crisis if the economy continues to lose higher-paying jobs while creating more low-wage-jobs." In other words, this is an example that there is no single answer to improve the housing environment; it is a combination of many different tools and actions. Since the completion of the Housing Study, there have been multiple residential developments that have received use-approval by City Council. Table 1 below lists many of those projects and their current status (stage of development).

Staff recognizes the difficulty and the complexity of recommending denial of residential development during a time when the City needs more housing. However, we cannot ignore the greater concepts and planning efforts, which ultimately could provide more housing, enhanced quality of life, and improved

compatibility with the built environment for people that might live in this area. As shown in Table 1, if the private industry continues forward with projects that have already been given use-approval, more housing units should be on the way. (Note: Projects listed in Table 1 that received a SUP approval could have expired or are nearing the expiration date.)

Table 1: Post-Housing Study Planned Residential Developments Presented to City Council  
(Excludes Developments that Plan to Specifically Cater to College Students)

Development Name	Street Location	Type of Development	Number of Units Proposed	Stage of Development (As of 11-04-22)
Simms Point	Lucy Drive	Multi-family	80	Approved by City Council
Regal Apartments (Armada Hoffer)	Evelyn Byrd	Multi-family	270	Fire Review <sup>1</sup>
The Edge	East Market Street	Multi-family	156	Approved by City Council
Two41 Central	Country Club Road	Multi-family	142	Fire Review
Vine Street Townhomes	Vine Street	Townhomes	29	Approved for Construction <sup>2</sup>
Pleasant Hill Townhomes	Pleasant Hill Road	Townhomes	16	ECSP <sup>3</sup> Review
Cobbler's Valley	Pear Street	Townhomes	35	ECSP Review
Suter Street	Suter Street	Duplexes and Townhomes	21	Approved for Construction
Foley Road	Foley Road	Multi-family	11	ECSP Review
Park Apartments	Rocco Drive	Multi-family	60	Approved for Construction
907 North Main Street	North Main Street	Multi-Family/Mixed Use	9	Approved by City Council
Chicago Avenue Apartments	Chicago Avenue	Multi-family	48	Approved by City Council
<b>Total</b>			<b>877</b>	

As should be understood, staff is not opposed to rezoning the subject sites or approving necessary SUPs to provide more housing in this area. We believe in this case that withholding approval of the subject requests creates opportunity to potentially provide more housing and housing with improved compatibility with future surrounding development through a different concept. For all the reasons described above, staff recommends denial of the project.

However, if there is a desire to approve the rezonings, which establishes the ability to apply for the SUPs to allow for more than 12 units within multi-family buildings in the R-5 district and to allow townhomes in the R-8 district, staff could support the SUPs because it creates the ability for these areas to have higher density in those districts. Staff could also support the street closing request as it creates the ability to construct a narrower street while gaining the opportunity to have the developer construct a shared use path along Mt. Clinton Pike.

<sup>1</sup> Fire Review refers to a pre-requisite that must be completed prior to officially being accepted into the engineered comprehensive site plan (ECSP) review.

<sup>2</sup> While a project might receive ECSP “Accepted for Construction” status (casually known as approved), the developer might not immediately begin construction or complete the project.

<sup>3</sup> ECSP is the acronym for engineered comprehensive site plan.

As with all special use permits, Section 10-3-130 (c) states that “[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” Therefore, unless the applicant requests for a SUP condition to allow for a longer period of time for the SUP to remain valid, then the applicant must continue to demonstrate diligent pursuit of the project starting within 12 months of City Council approval. Diligent pursuit can be demonstrated with submittals, including but not limited to: a preliminary plat, a preliminary Fire Review, a preliminary engineering report (PER), an engineered comprehensive site plan, or a building permit.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezonings, two SUPs, and the street ROW closing request as submitted;
- (b) Approve the rezonings, two SUPs with conditions on either application, and the street ROW closing request;
- (c) Approve the rezonings, but recommend denial of one or both of the SUPs with or without conditions, and approve the street ROW closing request;
- (d) Approve the rezoning only the R-5 portion or the R-8 portion, and approve or deny the associated SUP with or without conditions, and approve or deny the street ROW closing request;
- (e) Approve the rezonings, but deny the SUPs and the street ROW closing request; or
- (f) Deny the rezonings, SUPs, and the street ROW closing request.

**Community Engagement:**

As required, the requests were published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisements were published as shown below:

***Rezoning – 36, 40, 44, 75, 81 Wilson Avenue, 25, 35, 45, and 55 Mount Clinton Pike, and portions of 1411, 1421, 1431, and 1441 North Main Street (Wilson Avenue Development) (R-2 and M-1 to R-8C and R-5C)***

Public hearing to consider a request from Northside LLC and Joseph H. and Linda H. Moore to rezone a +/- 3.8-acre site from R-2, Residential District to R-8C, Small Lot Residential District Conditional and to rezone a +/- 1.44-acre site from R-2, Residential District and M-1, General Industrial to R-5C, High Density Residential Conditional. The Zoning Ordinance states that the R-2, Residential District is intended for medium-density, single-family and duplex residential development. The M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. 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 the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadrplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The R-8, Small Lot Residential District is intended for medium- to high-density residential development that includes single-family detached, duplex, and in special circumstances townhouse development. The residential density ranges for R-8 are single-family, 2,800 sq. ft. minimum; duplex, 1,800 sq. ft. minimum/unit; townhouses, 1,800 sq. ft. minimum/unit; and other uses, 6,000 sq. ft. minimum. The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The site includes eight parcels and portions of four other parcels. The eight parcels are addressed as 36, 40, 44, and 81 Wilson Avenue, 25, 35, 45, and 55 Mount Clinton Pike. The four parcels with portions being rezoned include 75 Wilson Avenue, and 1411, 1421, 1431, and 1441 North Main Street. The eight parcels are identified as tax map parcels 42-B-8B, 42-B-8C, 42-B-32 through 36, and 42-B-35A,. The four parcels with portions being rezoned are identified as tax map parcels 42-B-8A, 42-B-9A, 42-B-10, and 42-B-11.

***Special Use Permit – 81 Wilson Avenue, portions of 36, 44, and 75 Wilson Avenue, portions of 45 and 55 Mount Clinton Pike, and portions of 1411, and 1421 North Main Street (To allow townhomes of not more than eight units in R-8)***

Public hearing to consider a request from Northside LLC and Joseph H. and Linda H. Moore 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 units within the R-8, Small Lot Residential District. The site totals +/- 3.8-acres, has whole or portions of properties addressed as 36, 44, 75, and 81 Wilson Avenue, 45 and 55 Mount Clinton Pike, and 1411 and 1421 North Main Street, and whole or portions of parcels identified as tax map parcels 42-B-8A, 8B, & 8C, 42-B-32 through 34, & 36, and 42-B-9A & 10.

***Special Use Permit – 40 Wilson Avenue, and portions of 36 and 44 Wilson Avenue, 35 Mount Clinton Pike and portions of 45 and 55 Mount Clinton Pike, and portions of 1411, 1421,1431, and 1441 North Main Street (To allow more than 12 dwelling units per multi-family building in R-5)***

Public hearing to consider a request from Northside LLC and Joseph H. and Linda H. Moore for a special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance to allow multiple-family dwellings of more than twelve (12) units per building. The site totals +/- 1.44-acres, has whole or portions of properties addressed as 36, 40, & 44 Wilson Avenue, 25, 35, 45, and 55 Mount Clinton Pike, and 1421, 1431, and 1441 North Main Street and whole or portions of parcels identified as tax map parcels 42-B-32 through 36, 42-B-35A,, 42-B-10 &11.

In addition, adjoining property owners were notified of the required public hearings; the property was posted with signage advertising the requests; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Although not problematic, staff mistakenly advertised for the Street Closing request even though that application is not a public hearing for the Planning Commission review. The advertisement was

provided as shown below (Note: Wilson “Boulevard” should have been “Avenue” and the length to be closed should have been “+/- 553 feet” and not “+/- 405 feet”):

***Street Closing – Portion of Wilson Boulevard***

Consider a request from Northside LLC to close a +/- 5,529 square feet portion of Wilson Avenue adjacent to tax map parcels 42-B-32, 33, 34, & 36, and a portion of 42-B-9A. The proposed portion to be closed is +/- 10 feet wide and +/- 405 feet in length.

**Recommendation:**

Staff recommends alternative (e) to recommend denial of the project.

**Attachments:**

1. Extract from Planning Commission
2. Site map
3. Application and supporting documents

**Review:**

During the meeting, the applicant requested the following condition be approved with the special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance on +/- 1.44 acres to allow multiple-family dwellings of more than twelve (12) units per building within the R-5, High Density Residential District:

1. The special use shall be established, or any construction authorized shall be commenced and diligently pursued within 36 months from the approval date of the special use permit.

During the meeting, the applicant requested the following condition be approved with the special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance on +/- 3.8 acres to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.

1. The special use shall be established, or any construction authorized shall be commenced and diligently pursued within 36 months from the approval date of the special use permit.

Motions to approve each of the requests (rezoning, two special use permits with conditions, and street closing) by Planning Commission resulted in tie votes (3-3) (Councilmember Dent abstained due to leaving the Planning Commission for the City Council meeting that took place during this time.)