



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 31, 2022

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

***SUBJECT: Request from Armada Hoffler Properties to amend the Zoning Ordinance to allow multiple family dwellings and/or mixed use buildings by special use permit in the B 2, General Business District***

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: January 12, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that Article Q of the Zoning Ordinance (ZO) sets forth the B-2, General Business District regulations. The purpose of the B-2 district is described as:

“This district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities generally serving the city, a wide area of the region, and the traveling public, and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, or odor and noise associated with manufacturing.”

The B-2 district does not currently allow residential uses by right or by special use permit.

The applicant is requesting two, separate but simultaneous requests, which include 1) to amend the ZO within the B-2, General Business District Section 10-3-91 by adding multiple-family dwellings and mixed use buildings as an allowable use through approval of a special use permit (SUP), and 2) applying for the SUP to allow multiple-family dwellings on a parcel zoned B-2. The specifics of the requested SUP are addressed in a separate staff report.

In addition to amending the ZO to add a new SUP in Section 10-3-91 of the B-2 district regulations, amendments are also proposed to Section 10-3-92 to add area and dimensional regulations for multiple-family dwellings and mixed use buildings, to Section 10-3-93 to add other regulations for multiple-family dwellings and mixed use buildings, and to 10-3-25 to create off-street parking

requirements for multiple-family dwellings in the B-2 District. The proposed amendments are attached herein.

As previously stated, the B-2 district does not allow residential uses by right or by SUP. If the ZO amendments are approved as proposed, B-2 property owners would be able to apply for a SUP to allow for multiple-family dwellings and mixed use buildings. Additionally, occupancy would be restricted within each dwelling unit to a family or not more than four (4) persons. The proposed occupancy restriction is the same as both R-3 districts as well as the R-4, R-5, and B-1 districts.

The applicant proposes adding a new subsection to 10-3-93 which would state:

“For multi-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.”

This subsection would require that a development plan be submitted with the SUP application and that elements shown on the development plan “shall be used as a basis for subdivision and engineered comprehensive site plan approval.” This regulatory language is similar to master development plans required for the R-6, R-7, and MX-U districts, which are all master plan-controlled districts, where details of the development plan are somewhat locked in to ensure that what is proposed and evaluated at the time of rezoning is what is developed. If approved as presented, 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.

Section 10-3-92 of the ZO provides the area and dimensional regulations for the B-2 district. In the current ZO, all uses in the B-2 district have the same minimum front yard, side yard, and rear yard setbacks, and are allowed a maximum height of 75-feet. As many are aware, the Zoning and Subdivision Ordinances Update Project is currently underway, where the ordinances are being comprehensively reviewed and rewritten. In Summer 2021, Module 1 (part one of three) of the draft ordinances was released for public comment. Module 1 included District Development Standards, which describe area and dimensional requirements for each proposed new zoning district, and Use Standards which describe what uses are allowed by right and by special exception (currently known as a special use permit) in each zoning district. The proposed Auto Urban Commercial (AUC) district most closely resembles the existing B-2 district. As drafted, the AUC district would allow, by special exception, townhouses, apartments, and mixed use building uses. The applicant has chosen to propose the same minimum lot area of 1,120 square feet per dwelling, minimum front yard setback of 20-feet, and maximum height of 75-feet as was presented in draft Module 1. Staff discussed with the applicant that further discussion is needed for proposed side and rear yard setbacks, and therefore the applicant has proposed to keep side and rear yard setbacks the same for all uses as they exist today in the Zoning Ordinance, which requires:

“Ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any structure greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot above thirty-five (35) feet.”

Staff believes that there are some locations where residential uses on B-2 zoned property could be beneficial for the City and recommends approval of the proposed ZO amendments. The proposed ability to develop multiple-family buildings and mixed use buildings in the B-2 district by SUP would allow staff, Planning Commission, and City Council to evaluate and determine if a specific development proposal is appropriate for the proposed location and if the SUP is granted, potential impacts can be addressed through conditions imposed by City Council.

In additional support, the 2018 Comprehensive Plan encourages to the greatest extent possible that all developments throughout the City include traditional neighborhood development (TND) principals. Creating a SUP to allow for multi-family units within the B-2 district would, among other TND principles, allow residents to work, shop, and carry out many of life's other activities within the neighborhood and allow residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Furthermore, the City of Harrisonburg Comprehensive Housing Assessment and Market Study, within recommendation #9, encourages the incorporation of new and updated provisions in the ZO that will facilitate the implementation of the recommendations made in the study. Among other suggestions, recommendation #9 encourages to "[c]onduct zoning map and/or zoning text amendments to increase housing stock, housing type and housing density." Since B-2 properties are located in each Market Type in the City, this amendment should create the opportunity to assist the community in increasing housing stock and options for people who want to live in the City.

Staff recommends approval of the proposed ZO amendments.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said that this request is interesting. I heard rumors about this a year ago. I have questions about this as it relates to parking requirements for places like the Valley Mall, which is also B-2. Every time I drive by the mall, I see all that parking lot and it seems like a misuse of space. Are there other places that you have identified? Have you identified where else this could apply?

Ms. Dang said that appropriateness of multiple-family dwellings in the B-2 district would depend on the location as well as what a particular applicant is proposing to do and how they lay the site out. There are a lot of factors that we would want to evaluate before saying that a particular location is appropriate.

Commissioner Byrd said that Section 10-3-91 line 17, does the "and/or" grant the ability to request a solely residential building within B-2 instead of requesting a residential zoning designation?

Ms. Dang said yes, that is correct. They could request to build an entirely multi-family building.

Commissioner Byrd said that saves them from having to request a change to a residential district

Mr. Fletcher said that there are many other stipulations within the ZO that control different building heights, setback requirements, other uses that come into play when you rezone things to different zoning categories. If you create a residential district in the middle of a commercial district, that

has impacts on the commercial properties because it increases their setbacks and other things. This is creating the ability to possibly do infill development, which is what we are going to be talking about in the next agenda item. It creates new opportunities for increasing housing stock and creating opportunities for people to live in the City if people want to live in the City.

Councilmember Dent said I believe I heard Ms. Dang say that this proposed ZO amendment most closely resembles one of the new Module 1 zoning districts [from the draft Zoning and Subdivision Ordinance rewrite project]. What is it called?

Ms. Dang said it is called Auto-Urban Commercial.

Councilmember Dent asked what that would look like. Are we trending towards it with this amendment?

Ms. Dang asked for clarification.

Councilmember Dent said in this amendment to the existing ZO, are we more or less replicating what it will be in the future with the Auto-Urban Commercial?

Ms. Dang said just this component of it, the multi-family and mixed-use. There are other changes that we are proposing about what uses would be allowed and not allowed, side yard setbacks and rear yard setbacks, that still need to be worked through. I would say that with regard to the ability to have residential uses here, the draft Module 1 proposed for consideration mixed-use and multi-family buildings in the Auto-Urban Commercial district. There was another residential use within that draft for townhomes to be considered, but that was not included here, not because it is not good, but it is still to be vetted, and that was not what the applicant was requesting for this ZO this evening.

Councilmember Dent said I just wanted to verify that this was the direction we were aiming for anyway, to have more mixed-use and multi-family residences to be allowed in business districts. We are patching up the existing ordinance as we are working towards a much more streamlined and inclusive one.

Ms. Dang said my only hesitation to say that is that it has not been fully vetted by the Ordinance Advisory Committee yet. We do recognize that in a way this is coming from work that has already been started, but it has not been fully vetted by all of those involved in the project.

Commissioner Armstrong asked what is the height maximum in the B-2 district now?

Ms. Dang said that it is 75 feet.

Commissioner Armstrong said then there is no change on that.

Commissioner Baugh said I think that it is premature to say that this is entirely in affirmation of things that we have decided. I think I am seeing it more of, if this a direction you like, then you may be wanting to support. It is not that these decisions have been made. This is part, if you support

something like this, of trying to support and create things that have set more of these decisions getting made now in terms of our recommendation to City Council, not so much that we are doing is consistent with things that have already been decided.

Chair Finnegan said when you showed that map of where these zones currently exist in the B-2, is the motor mile part of that?

Ms. Dang said yes, it is.

Chair Finnegan said something to keep in mind for us here is, yes, we are voting on this, and it is related to the next request, but the new high school is being built off of South Main Street where the motor mile is. It is something to keep in mind that there are car dealerships with a lot of empty parking lots over there and more opportunity for possible residential uses there.

Commissioner Whitten said everybody likes the word “hybrid” these days. I see this as a “hybrid.” We take the B-2 and we show some flexibility, particularly because this particular piece of property lends itself to that. It seems like a very good use for the property. We have taken the B-2 and are making it a hybrid. I would be very cautious about saying that this means something in terms of the new ZO. We are way too early, even though it has been a lot of time, thanks to the pandemic, to make any sweeping statements about that.

Commissioner Armstrong said I do not know when it is appropriate to interject this, but I will jump in. I have been reading a United Nations report that is a strategic plan for climate change for urban planners. It is dated 2014. They definitely support mixed-use planning, but they point out that most urban planning is focused on access to jobs, housing, goods and services which is what we see in this application here. Mixed-use planning typically is not including or specifying local access to neighborhood parks and green spaces. This means that parks and recreation are accessed often, as observed in this UN report, by private vehicles. This adds to the greenhouse gas emissions that we have been trying to work with in EPSAC [Environmental Performance Standards Advisory Committee] with the greenhouse gas inventory. We see this for the Purcell Park neighborhood. There are lots of vehicles coming through the neighborhood driving to the park. One thing that I want to put in there is that people are envisioning a transition from impermeable surfaces like parking lots to housing which are impermeable surfaces. The Comprehensive Plan states that the availability and distribution of mini-parks is deficient. The plan calls for the creation of a network of pocket parks and green spaces. We need to deliberately include in the mixed-use planning idea walkability to local neighborhood parks and green spaces. That currently does not exist. It is just not playing out. Related to the need for a system of neighborhood parks is what the UN report calls “risk inequity.” One of the questions I have is, as we promote and higher density development, do we increase the risk of flooding for other properties, particularly those on the west part of town that border on Blacks Run creek and for all lower elevation properties? I think that what has to happen is we need to push forward this City-wide plan for a system of mini-parks and green spaces that will cope with heavier rainfalls and as we do higher density planning, the increased stormwater runoff that is going to from those spaces. The UN report supports mixed use and so do I. I want to put in place here the idea that, along with this, it has to be accompanied by local green spaces. These City access parks that everybody drives to are not walkable. You cannot get to them by walking. Very few people can. I want to put on the table that what needs to track along with this

is a deliberate plan to create a City-wide network and system of mini-parks and neighborhood parks. I want to see that in the list of what we are multi-use planning for.

Commissioner Whitten said this particular location, maybe not for everybody but for most people, you can walk easily to the JMU Arboretum from this location. You would not need to get in your car.

Commissioner Armstrong said there are a lot of people that would.

Commissioner Whitten said it is the same with the Dream Come True playground. To me, it would be walkable. I am not sure if you are suggesting that these mini-parks are going to somehow manage the flooding because I am not sure of that. The stormwater is part of any plan. I agree with you in spirit, but I am not quite sure.

Commissioner Armstrong said in the last few months, Richmond had a five-inch rainfall within hours. The public report was that it overwhelmed the stormwater system because the stormwater system was not designed that level of rainfall. We are seeing that all over the country.

Chair Finnegan said I agree with Commissioner Armstrong. I fully support pocket-parks and green spaces. I am concerned about flooding. The issue at hand here, for this ZO amendment, are you suggesting further changes to the ZO amendment about pocket-parks?

Commissioner Armstrong said I do not know the answer to that. I find that this is so off the radar screen that I do not know how to introduce it and I do not know how to propose it. I am putting it on the table. I think it is important. We are going to see unimaginable levels of rainfall in the future. That is a given now. We are seeing it all over the country.

Chair Finnegan said fully I agree with you. I am saying that this is about a ZO amendment, so we are going a little off track on this, unless we are trying to add something in here about pocket-parks. I suggest that we take that under advisement and figure out where else we can use those ideas. I am fully in support of them, but we need to stay focused on this item.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Nathan Miller, applicant's representative, called to speak to the request. I am local counsel to Armada Hoffler. I have here with me online a number of staff members of Armada Hoffler to answer questions. I will introduce Jennifer Harris who will make comments about the rezoning portion of the project and Mr. Donaghvan Brown.

Jennifer Harris, Vice President of Development for Armada Hoffler Properties, spoke in support of the request. I am happy to be here tonight. I look forward to the discussion. We have the whole team on the call tonight, with the architect, engineer, and traffic engineer to answer any questions or concerns that the Commission or the callers have.

Donaghvan Brown, Assistant Manager of Multi-Family Operations for Armada Hoffer Properties, spoke in support of the request. It is a pleasure to meet everyone. Thank you for having us.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that the City grows older and we continue to change the uses in the City. At one point the parking lot next to Jack Brown's was a movie theater, now it is a parking lot. There are many empty parking lots on the east side of town. I think this is a good adaptation and use of space to open up this option for residential uses in the B-2 district.

Commissioner Whitten made a motion to recommend approval of the ZO request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye, with reservations.
Commissioner Baugh	Aye, with general support for the points made by Commissioner Armstrong, but that is part of a larger discussion and has a much broader application for all housing rather than just this.
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the ZO request passed (7-0). The recommendation will move forward to City Council on February 8, 2022.