



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 31, 2023

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

SUBJECT:

Consider a request from Harrisonburg Redevelopment and Housing Authority to rezone 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street.

Consider a request from Harrisonburg Redevelopment and Housing Authority for a special use permit to allow multiple-family dwellings of no more than twelve (12) units per building at 11, 21, 31 Elon Rhodes Lane, 241 Commerce Drive, and 298 East Washington Street.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 9, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in August 2004, City Council approved a requested rezoning from the Harrisonburg Redevelopment and Housing Authority (HRHA) of four B-2 parcels (tax maps 41-Q-4, 4A, 6, and 7) totaling +/- 2.5-acres with specific proffers. One of the proffers noted that the development would be built substantially conforming to the submitted site layout. The corner parcel, made up of tax maps 41-Q-4 and 4A, was rezoned to B-2C with all business uses being restricted to 2,000 square feet in size and no business could operate vehicle repair or sales, general service or repair shops, or warehousing and other storage facilities. During the same 2004 rezoning, tax maps 41-Q-6 and 7 were rezoned to R-3C, Multiple Dwelling Residential Conditional (a district now often referred to as the “old R-3 district”).

After the above noted rezoning, the properties remained undeveloped. Then, in June 2013, HRHA requested rezoning tax map parcel 41-Q-6 from R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District and a small portion of 41-Q-4 from B-2C to R-3, Medium Density Residential District, to create enough lot area to construct 30 multiple-family dwelling units. There were no proffers submitted. At this same time, HRHA requested two special use permits. The first was to allow multi-family dwellings of up to 12 units per building, which was (and still is) required when desiring to build multi-family units within the “new R-3 district.” The second SUP was to allow for the reduction of required parking spaces, which requires

any area that would have been used for parking to remain as open space. City Council approved the rezoning request and also approved the two SUPs with the following conditions:

With regard to the SUP to allow multi-family family dwellings:

- No more than two (2) unrelated persons shall occupy any dwelling on the property, including the multi-family dwellings permitted by this special use permit.
- The special use permits shall be valid for five years from the date of approval by City Council.

Regarding the SUP to reduce required parking:

- The site shall provide not less than 60 percent of the required minimum amount of parking spaces.
- If, in the opinion of Planning Commission or City Council, the implementation of this special use permit becomes a nuisance, the permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
- The special use permits shall be valid for five years from the date of approval by City Council.
- In the event that they (the developer) are not able to get a transit stop on the property, they (the developer) must construct sidewalk or some equivalent pedestrian walkway out to East Washington Street.

Presently, the 2004-approved proffers related to the B-2C zoned portion of the subject rezoning site are still in effect. The R-3 zoned portion of the subject rezoning has no proffers but has two SUP conditions that remain in effect.

The applicant has submitted two separate applications. The first is to rezone three parcels totaling +/- 2.5- acres from R-3 and B-2C to R-5C. Because the applicant would like to construct new 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 (ZO) to allow multi-family dwellings of more than 12 units per building in the R-5. (Note: Constructing multi-family dwellings with up to 12 units per building is a by right ability in the R-5 district.) The SUP is only applicable to the undeveloped portion. If both requests are approved, the applicant plans to construct a 16-unit multi-family building at the corner of Commerce Drive and East Washington Street, described herein as Commerce Village II.

If the subject rezoning is approved, it would supersede and replace the previously approved 2004 and 2013 rezonings and proffers, and it will void the 2013 SUPs and conditions for the existing Commerce Village development as those SUPs would no longer be necessary under the proposed R-5C zoning and submitted proffers and the requested SUP.

Know that if the rezoning is approved, it will increase the required minimum side yard setback on the adjacent parcel addressed as 296 East Washington Street and identified as 41-Q-3. This is because that property is zoned B-2, where the side and rear yard setbacks are different depending upon the zoning district of adjacent parcels. The B-2 district regulations require a 10-foot side and

rear yard setback when the adjacent parcels are not zoned residentially. However, when B-2 property boundaries abut residential districts, the side and rear yard setback increases to 30 feet and when structures on the B-2 property are taller than 35 feet, an additional foot of setback is required for each foot above 35 feet. Unless the structure located on 296 East Washington Street is already nonconforming to setback regulations, it will likely become nonconforming if the subject rezoning request is approved. Additionally, any new buildings or additions on that property will need to meet the increased minimum setback requirement.

Proffers

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

1. Occupancy is restricted to a family or no more than two (2) individuals per dwelling unit.
2. A minimum of 0.75 parking spaces per dwelling unit shall be provided.
3. On tax map parcels 41-Q-4 and 41-Q-4A, no parking lot (including travel lanes and drive aisles) shall be located between any building and public streets (Commerce Drive and East Washington Street).
4. There shall be no entrances on East Washington Street.
5. Future development on tax map parcel(s) 41-Q-4 and 41-Q-4A shall share an entrance with 41-Q-6, as generally depicted on Exhibit A (concept plan).
6. Internal private sidewalk connections shall be provided to public sidewalks along East Washington Street and Commerce Drive at the time of development of tax map parcel(s) 41-Q-4 and 41-Q-4A.

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than two individuals. This occupancy is essentially equivalent to the occupancy condition that City Council placed on the existing Commerce Village development back in 2013. Because they proffered a reduction in occupancy, Section 10-3-25 (7) of the ZO allows for reduced parking when occupancy is restricted at “1 space for each dwelling unit or as may be conditioned by the property owner at the time of rezoning”

Given this provision, the applicant has proffered to provide a minimum of 0.75 parking spaces per dwelling unit. The applicant’s letter describes that all apartment units will be one-bedroom units and they based the proffered occupancy on “careful evaluation of the parking needs and observed demand throughout the history of Commerce Village and beyond.” The applicant further stated that “the phase 1 units occupy less than 50% of the total allocated parking spaces, indicating that the original parking requirement for their specific needs proved excessive and does not align with the actual parking demand that has been observed on-site.”

Proffer #3 is intended to promote pedestrian friendly design by placing buildings close to streets and prohibiting parking between the multiple-family buildings and public streets. Concentrating people and places along public streets creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

“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 multifamily buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.”

Staff believes the rezoning and approving the SUP is in line with Comprehensive Plan. When considering all three parcels, the existing 30 units, and the planned 16 additional units, the development would equate to almost 18 units per acre, which is within the planned density for these parcels. Ultimately, however, the applicant plans to subdivide the property so that the existing 30 units are located on an approximate 1.9-acre parcel (equating to almost 16 units per acre) and positioning the planned 16 additional units on approximately 0.66-acres (which would equate to the planned 24 units per acre).

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a Traffic Impact Analysis (TIA).

The Proffers section of this memorandum describes proffers that enhances pedestrian access and connectivity and proffers that restrict the number of entrances serving the property.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

The student generation attributed to the proposed 16 new residential units is estimated to be nine 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

Staff recommends approval of both the rezoning and special use permit as submitted.

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

Jon Ernest, a landscape architect with Monteverde Engineering and Design Studio, came forward to speak to this request. He said I am here on behalf of the overall design team, which also includes local architects LDDBlueline, we are here representing Harrisonburg Redevelopment and Housing Authority and I want to step back and give a quick summary of what Thanh was speaking towards regarding the rezoning of the entire three parcels, the entirety of the property. If approved, the property would exceed the required density for the existing use. They are on Commerce Village I and therefore, with the boundary line adjustment, we needed an increased square footage to accommodate that density requirements, if approved. Just to summarize briefly what she [referring to Thanh] touched on. Also, she stated we are looking to rezone, it is approximately two and a half acres from B-2C as well as R-3 conditioned to this R-5 condition. I am available to answer any design planning related questions. Executive Director of HRHA, Michael Wong is here as well to speak on operational applicant specific questions if there are any.

Vice Mayor Dent said come to think of it this may be more for staff, so I apologize. I see under public schools "the student generation attributed is estimated to be nine students" well as far as I know that is not the clientele of Commerce Village for single bedroom mostly geared towards veterans, disabled people, affordable housing so that does not sound like it would generate students.

Ms. Dang said I agree with you. Know that these numbers from the public schools are just calculated off of a spreadsheet based on [unintelligible] numbered dwellings. That does not take into account is it college housing or if it is other types of housing. It is just based on data that they have gathered for their different school districts.

Vice Mayor Dent said I hope that does not throw any calculations off because this is not a student generating...

Chair Finnegan said what it makes me do is take that number less seriously the more I see it. Those numbers come from the schools; they are the ones handing over those calculations?

Mr. Fletcher said [inaudible] so much because what they are doing is, they have taken a deep dive study of how many students were generated out of the different types of housing units in each of the districts.

Ms. Dang said different housing units being single family detached...

Mr. Fletcher said duplexes, townhomes, multi-family so each school district has a different ratio because it is real world numbers based upon the students that are living in certain types of dwelling units. Yes, if you get into the details for things like this, they are not delineating, and they do not have enough data to tell you how many students might come out of a facility that helps folks in their life and these situations. I do trust the numbers just because I know how they studied the data, because it is real world data. It is where the students are living, and the types of units that they are living in.

Ms. Dang said if you remember the section was added at the request of Planning Commission. If you find it helpful, we will continue to include it and if you do not then please let us know.

Mr. Fletcher said we even questioned them, when we get the comments, we discuss all of this stuff. I even said to Thanh, there was a number that came in and I was like "this seems awfully high" and then she even explained "no, this is this and this is this" and I was like okay makes sense.

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

Michael Wong, Executive Director for the Harrisonburg Redevelopment and Housing Authority, came forward to speak to this request. He said I think it will be another benefit for the applicants for phase one. Within this proposed phase two, we will add an additional office space, not really an office space but a service space for residents, so we anticipate that residents from the Commerce Village may go over there to receive some types of services and activities. One of the activities that we do over at Commerce Village is the suitcase clinic for the homeless. One of the challenges I have is having treatment space, so we have established in the proposed development a office space for the nurses to able to do medical types of reviews and assessments. I would also say that Commerce Village was developed in 2016. It was the very first permanent supportive housing development in our community. It has been the only time that the population of Open Doors has decreased when Commerce Village was opened. The model of Commerce Village received the Governors Housing Conference Award for best affordable housing development. We feel like with Commerce Village II we can build a similar type of product with that level of quality. I am surprised, I understand that they do the study by bed types, but there is uniqueness with this facility and if you talk to any expert there is no exact science in regard to the number of generated students. It is not very truly data quality driven. But we are very excited about the opportunity to be able to provide another option for affordable housing for the residents in our community. Again, this is

targeted towards those that are experiencing homelessness and we just received notice from HUD [Housing and Urban Development] today of an award of 15 additional VASH [Veterans Affairs Supportive Housing] vouchers which is targeted for veterans that are homeless. We anticipate that at least eight of those vouchers at Commerce Village. When we did our analysis of homeless individuals last year, where we submitted our application for the additional vouchers, we identified seventeen homeless veterans in our local community, 33 within our continue of care. It would definitely meet a need with our community. The other eight units will target and working with our local continuing of care to take referrals for individuals that are partly homeless.

Chair Finnegan said in order to qualify to live here, you need to be a veteran?

Mr. Wong said or have a disability and have been referred from the centralized intake process of our continuing care.

Chair Finnegan asked if anyone would like to speak to this request. Hearing none, he closed the public hearing and opened the request for discussion.

Vice Mayor Dent said I for one am thrilled to see this coming back because as you may recall I was advocating for ARPA [American Rescue Plan Act] funding for this and that did not happen where we allocated a fund for the housing, 2 million dollars or so that applicants can apply to That is what we did for housing for ARPA as well as the homeless services center. Anyway, I am glad that HRHA is finding ways to make this happen.

Commissioner Armstrong said I strongly support this, partly because Commerce Village is really a nice development. It reminds me of community pushback from earlier in the year when the affordable housing project was proposed. Where there were a lot of perceptions that affordable housing looks really rundown, and it is really poorly maintained. This shows that is not necessarily true at all. This is really well done.

Chair Finnegan said I would second that sentiment. I think Commerce Village, there is a reason it won an award. I think expanding that and offering more housing options for folks who are veterans or have a disability is a positive.

Vice Chair Byrd said we are making a neighboring property nonconforming, and I see our need for housing to supersede that type of concern. Therefore, I make a motion to approve the rezoning.

Commissioner Armstrong seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the rezoning passed (6-0).

Vice Chair Byrd said I would like to make a motion to approve the special use permit as submitted with the conditions.

Commissioner Armstrong seconded the motion.

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

The motion to recommend approval of the special use permit passed (6-0). The recommendations will move forward to City Council on September 12, 2023.