



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
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Planning & Zoning

To: Kurt Hodgen – City Manager  
From: Adam Fletcher – Department of Planning and Community Development  
Date: August 22, 2017  
Re: Comprehensive Plan Amendment, Rezoning, and Special Use Permit Requests related to 1340, 1348, and 1356 South Main Street, and 1341 Edgelawn Drive

### **Summary:**

Consider four requests from Marusstodd Properties, LLC with representative Blackwell Engineering to construct a mixed-use building containing non-residential uses on the first floor of any building and a total of 22, one-bedroom residential units. The requests include the following:

- To amend the Comprehensive Plan's Land Use Guide designation for five parcels totaling 1.49 +/- acres from Professional and Low Density Residential to Mixed Use Development Area;
- To rezone three parcels and portions of two parcels totaling 1.25 +/- acres from R-1, Single Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional;
- To receive a special use permit (SUP) per section 10-3-55.4 (1) to allow multi-family dwellings of more than twelve (12) units per building on the 1.25 +/- acre portion of the property; and
- To receive a SUP per section 10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities) on the 1.25 +/- acre portion of the property.

In total, the subject area impacts five parcels and is addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive, and is identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A. (Note: The original requests identified the subject site to be 1.3 +/- acres; the applicant's engineer has supplied more detailed and known information regarding the property sizes. It is now recognized that the subject properties in total equate to 1.49 +/- acres. Geographically, however, the subject area that has been depicted on maps and other illustrations has not changed.)

### **Background:**

On May 10, 2017, Planning Commission held a public hearing for the four requests (a Comprehensive Plan amendment, a rezoning, and two SUPs) to allow for the mixed-use development along South Main Street, East Weaver Avenue, and Edgelawn Drive. At that time, the applicant's submitted proffers included the following (written verbatim):

1. Any building constructed on site shall contain residential and non-residential uses. The first floor of any building shall contain only non-residential uses.
2. The site shall contain no more than 22 one bedroom multiple-family units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any building and the following streets: South Main Street and East Weaver Avenue.

4. Only one vehicular access point to South Main Street shall be permitted, and it shall be only for right-in/right-out traffic movements.
5. No vehicular access shall be permitted from the site to Edgelawn Drive.
6. A 6-foot opaque fence shall be installed at a minimum of 19-feet from the centerline of the existing Edgelawn Drive public street right-of-way.
7. A 6-foot opaque fence shall be installed along the northeastern property line adjoining tax map parcel #18-R-19 & 20.

Although the submitted layout and the building elevation that were provided at that time were not proffered, the engineered layout provided one depiction of what the site could look like with the applied proffers as noted above. (The layout that was provided for this hearing is included herein and is labeled as “Submission #1 Planning Commission 05-10-17.”)

While staff recommended in favor of all four requests, Planning Commission unanimously with a vote of 6-0 recommended denial of each request (Commissioner Whitten was absent).

Following the Planning Commission meeting, and after tabling the request for one month, a public hearing was held for the four items on July 11, 2017 at City Council. In addition to the seven proffers listed above, the applicant further proffered the following details (written verbatim):

1. No structure including accessory buildings shall be constructed within 150 ft. of the shared property line with Edgewood (*sic*) Dr. (excluding a dumpster containment).
2. Twice the number of required street trees shall be planted along Edgelawn Dr. than is required by the zoning ordinance.

During this hearing, the applicant submitted a revised conceptual engineered layout of the site. (The layout provided for this hearing is included herein and is labeled “Submission #2 City Council 07-11-17.”) The two most noticeable differences between Submission #1 and Submission #2 was that the planned location of the mixed-use building changed from being parallel to East Weaver Avenue to parallel to South Main Street and that Submission #2’s non-residential area on the first floor was shown at approximately 158 percent larger than that shown on Submission #1, where the square footage increased from 4,364 to 11,250. As was the case for Submission #1, the layout shown on Submission #2 was not specifically proffered but was one representation of what could be built under the applied proffers.

At the end of the July meeting, City Council tabled the requests to provide an opportunity for the applicant to further discuss the project with property owners and other individuals from the adjacent neighborhood.

**Key Issues:**

After discussing the project further with concerned individuals and discussing options with staff, the applicant has reduced the size of the area in which they are requesting to be rezoned and has submitted slightly revised proffers. Rather than rezoning the entire subject site of 1.3 +/- acres (which as pointed above is now known to be a total of 1.49 +/- acres), the area requested for rezoning now totals 1.25 +/- acres. At this time, the area removed from the subject rezoning would remain zoned R-1. Note that the area they originally requested for modification to the Comprehensive Plan’s Land Use Guide, where they requested the area be changed from Professional and Low Density Residential designations to the

Mixed Use Development Area designation, has remained the same—again, originally thought to be 1.3 +/- acres but is recognized at 1.49 +/- acres.

With regard to the rezoning, the final proffers submitted by the applicant include the following:

1. Any building constructed on site shall contain residential and non-residential uses. The first floor of any building shall contain only residential uses.
2. The site shall contain no more than 22 one bedroom multiple-family units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any buildings and the following streets: South Main Street and East Weaver Avenue.
4. Only one vehicular access point to South Main Street shall be permitted, and it shall be only for right-in/right-out traffic movements.
5. No vehicular access shall be permitted from the site to Edgelawn Drive.
6. A 6-foot opaque fence shall be installed at a minimum of 19-feet from the centerline of the existing Edgelawn Drive public street right-of-way.
7. A 6-foot opaque fence shall be installed along the northeastern property line adjoining tax map parcel #18-R-20.
8. No structure including accessory buildings shall be constructed within 150 ft. of the shared property line with Edgelawn Dr. (excluding a dumpster containment).
9. Twice the number of required street trees shall be planted along Edgelawn Dr. than is required by the zoning ordinance.

The above proffers remain essentially the same as was presented to City Council on July 11<sup>th</sup> except that tax map parcel 18-R-19 was removed from reference within proffer #7 because the area adjacent to that parcel is no longer part of the rezoning request.

Along with slightly revised proffers, and because the area requested for rezoning is now smaller than originally requested, the applicant has also submitted another engineered conceptual layout of the site. (The layout provided for the August 22<sup>nd</sup> agenda is included herein and is labeled “Submission #3 City Council 08-22-17.”) Like the previous layout submissions, Submission #3 is not proffered, but is one representation of what could be built under the revised proffers. The noticeable difference between Submission #2 and Submission #3 is that the revised project area is now almost a quarter of an acre less in size (10,856 square feet smaller).

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

Staff recommended alternative (a) while Planning Commission recommended alternative (d).

**Alternatives:**

- a) Recommend approval of the requests for the Comprehensive Plan amendment, rezoning, and two special use permits as presented by the applicant;
- b) Recommend approval of the Comprehensive Plan amendment, rezoning, and recommend approval of the special use permits with conditions;
- c) Recommend a combination of approvals and denials; or
- d) Recommend denial of all requests.

**Community Engagement:**

Staff had no further community engagement since the City Council hearing on July 11, 2017.

**Recommendation:**

N/A

**Attachments:**

1. Conceptual Site Layouts Submission #1, #2, and #3 (3 pages)
2. Revised Proffers Dated August 8, 2017 (1 page)

**Review:**

N/A