



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 6, 2024

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

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

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: April 10, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said on June 13, 2023, City Council approved a special use permit (SUP) to allow multi-family dwellings on the property with the following conditions provided by the applicant:

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.

The project has since undergone two engineered comprehensive site plan reviews. The applicant/developer is now requesting to amend the existing six SUP conditions and to replace them with five new, but similar conditions.

The applicant is requesting to amend the special use permit (SUP) conditions approved in June 2023, by removing the condition related to the bus pull-off, concrete pad, and easement for a bus shelter; by modifying the maximum number of off-street parking spaces allowed on the property; and by modifying the maximum number of allowable dwelling units and number of stories. If the new SUP is approved, it will supersede and replace the 2023 approved SUP.

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.

For the current request, 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 23 parking spaces.
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. Up to 16 dwelling units to be constructed, up to four stories above grade, excluding the basement.

Proposed conditions #1, 3, and 4 remain unchanged from the existing conditions. Proposed condition #2 is similar to the existing condition 2, but rather than providing a maximum ratio of spaces per unit, the proposed condition would regulate parking by stating the maximum number of parking spaces would be 23.

Existing condition #5 has been removed. The applicant was unable to accommodate the design requirements for a bus pull off and concrete pad while also accommodating their desired development plans. The Harrisonburg Department of Public Transportation (HDPT) has no concerns with removing the requirement indicating that there is a bus stop within 450-feet of this development at Forbes Crossing.

Proposed condition #5 is similar to existing condition #6, except that the maximum number of dwelling units allowed has been reduced from 20 to 16 units, and the maximum number of stories above grade has been reduced from five to four.

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.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP 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 TIA. Therefore, a TIA was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

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 16 residential units is estimated to be two students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

Recommendation

Staff has no concerns with the proposed amendments to the SUP conditions and recommends approval of the SUP with the conditions submitted by the applicant.

Chair Finnegan said I just had a question to clarify, Harrisonburg Department of Public Transportation has no concerns with removing the requirement indicating that there is a bus stop

within 450-feet of the development? I guess there is no further information on that. Would there be a crosswalk?

Ms. Dang said I recall discussion with the Department of Public Transportation about the number of housing units at this location is not a lot, up to 16 is what they are proposing now. As well as the distance to the existing bus stop. The closest crosswalks would be up at Reservoir Street. So, they would walk a little bit further to Reservoir Street to cross at that crosswalk.

Vice Mayor Dent said that says they are going to be crossing in the middle of the street most likely.

Ms. Dang said there is a bus stop on both sides of the street. Depending on the direction that the bus is going.

Vice Mayor Dent said Forbes...where are we talking about?

Ms. Dang said it is under the City map, [referring to the site map included with the staff report] here is the Forbes Crossing Shopping Center and you can see Reservoir Street just at the edge of the page.

Chair Finnegan said there is one [crosswalk] on the NERD Apartments side of Evelyn Byrd?

Ms. Dang said correct.

Vice Mayor Dent said NERD Apartments, those are the ones in the parking lot?

Chair Finnegan said that is the name of the request.

Ms. Dang said it is currently a vacant area.

Chair Finnegan said there was a number of years ago a rezoning by Armada Hoffler, I do not remember the name of the applicant, but it was to turn half of that Regal Theatre parking lot into an apartment building with parking. Do you know...

Ms. Dang said they have not advanced any proposal after that special use permit. A similar special use permit to allow multifamily in B-2 within that Regal parking lot to redevelop that area, we have not seen any advanced applications or submittals for that.

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

Nathan Blackwell, applicant, came forward to speak to the request. He said just hear to answer any questions that you have. We are working on the site plan and have been working with the City and coming in to get these things sorted out. I am here to answer any questions that you have.

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

Vice Mayor Dent said I am a little curious about the parking changing from a formula to a number.

Mr. Blackwell said on the site plan, we have 23 parking spaces and we are not going to be able to get any more than that and it just kind of locked it in. Instead of doing a formula it was just easier... because if we do 15 units...we cannot do more than 16 but the way that the site is probably going to work, it might be 15 it might be 16. So, just leaving that little bit of flexibility instead of locking it in with the formula we are just going with a set number and it just works for this site.

Vice Mayor Dent said what would the difference be between the ratio and the maximum number. Not that it matters that much, I mean, I like seeing a parking maximum, frankly.

Mr. Blackwell said 16 units would be 1.4375. 15 units would be 1.53 repeating.

Vice Mayor Dent said what was the ratio?

Ms. Dang said 1.45 was the previous ratio. It is increased by like a tenth.

Chair Finnegan asked if there were any 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.

Chair Finnegan asked if this goes through, the Armada Hoffler building was rezoned for the Regal parking lot sounds like it is not moving forward. So, this would be the first residential in this area.

Vice Mayor Dent said question for staff, what is the Land Use Guide here? Is it Mixed Use or what?

Ms. Dang said the Land Use Guide calls this for Commercial.

Vice Mayor Dent asked but we have also revised it to B-1 can include some residential or however that works?

Ms. Dang said the B-2 zoning district allows the special use permit ability.

Vice Mayor Dent said which in effect makes it mixed use then...

Chair Finnegan said I think these are a part of the bigger conversations that we are going to be having as we look at the Zoning Ordinance as a whole.

Chair Finnegan 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.

Vice Chair Byrd said though it is a reduction in dwelling units therefore an adjustment in parking to account for that and the changing of having a bus pull off. Looking at that piece of property, I can see how engineers are coming up with trying to figure out how to make it all work with any dwelling units there. I would be in favor of this. Seeing no comments, I will make a motion to approve the special use permit as submitted by the applicant.

Commissioner Baugh seconded the motion.

Chair Finnegan said I would just add, yes, the area around the mall and Harrisonburg Crossing has, for a long time, been seen as just commercial and I think this is a step in the right direction to mix commercial and residential. I think if we are doing it parcel by parcel, this is a good first step, so I would be in favor of this.

Vice Chair Byrd said I will add to that when we go around to look at the sites, those are technically public meetings as well and I said it there. As we were near that site, I was noticing in that area you are close to so many grocery stores whereas other parts of the City you might be close to one, maybe.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the special use permit passed (5-0). The recommendation will move forward to City Council on May 14, 2024.