



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801  
OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development, and Harrisonburg Planning Commission  
Date: December 8, 2020 (Regular Meeting)  
Re: Special Use Permit – 728 Foley Road (Section 10-3-48.4 (6) to allow multiple family dwellings up to 12 units per building)

### **Summary:**

Public hearing to consider a request from Waseem, Nadeem, and Sohail Alfridi for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family dwellings of up to 12 units per building under the conditions set forth under 10-3-48.6 (e) within the R-3, Medium Density Residential District. The 22,380 +/- square foot property is located at 728 Foley Road and is identified as tax map parcel 84-B-17.

City Staff and Planning Commission (7-0) recommended approval of the special use permit with the suggested conditions.

### **Background:**

The Comprehensive Plan designates this site as Medium Density Residential. These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

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

- Site:** Single-family detached dwelling; zoned R-3  
**North:** Across Foley Road, single-family detached and multiple family dwellings; zoned R-3  
**East:** Single-family detached dwelling; zoned R-3  
**South:** Single-family detached and duplex dwellings; zoned R-3  
**West:** Single-family detached dwelling; zoned R-3

### **Key Issues:**

The applicant is requesting a special use permit (SUP) to allow multiple family dwellings of up to 12 units per building on a +/- 22,380 square foot parcel addressed as 728 Foley Road. If approved, the

applicant desires to convert the existing single family detached dwelling structure into a multi-family (apartment) building with four dwelling units. In the past nine years, there have been several SUP requests, of the same nature, approved along Foley Road; however, those requests have all been for the construction of new structures within new developments and not a change of use for an existing structure, such as this request.

With this request, the parcel has sufficient lot area for the property to contain seven dwelling units, but as described in the applicant's letter, only four dwelling units are planned.

When converting a single-family dwelling structure to a multi-family dwelling structure, the Zoning Ordinance (ZO) does not allow parking spaces to be located within the established front yard area between the front property line and the building. Parking regulations within the R-3, Medium Density Residential District also requires that when any parking lot containing five or more spaces is to be constructed within an established single-family or duplex neighborhood, such as this, such parking lots cannot be located between principal buildings and public streets. These parking requirements are being met, as illustrated on the conceptual site layout submitted with the request, where a new driveway is planned along the western boundary of the property with parking in the rear. Additionally, the ZO requires that parking lots in the R-3 district that abut single-family detached or duplex parcels, must be screened from such parcels by a minimum 5-foot buffer containing either a 6-foot high masonry wall, solid wood fence, or evergreen hedge. The submitted conceptual site layout illustrates a 5-foot wide buffer along the western boundary, which will need to contain the wall, fence or evergreen hedge.

Although not shown on the submitted conceptual site layout, staff has discussed with the applicant that the existing driveway entrance will need to be removed, because, if approved, the ZO would not allow parking in the front of the structure. The applicant is also aware that all parking lot landscaping requirements within Section 10-3-30.1 of the ZO must be met.

As part of the requirements for obtaining a SUP for multiple family development in the R-3, Medium Density Residential District, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in Section 10-3-48.6 (e) of the ZO consist of the following:

1. Existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide, is located adjacent to, across the street from, or in close proximity to the proposed development;
2. The applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities:
  - currently serve the site; or
  - are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
  - will be provided by the applicant at the time of development; or
  - are not needed because of the circumstances of the proposal.
3. The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex

and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

4. The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

The applicant has addressed each condition within the letter attached herein.

Specifically with regard to Section 10-3-48.6 (e)'s condition #2 as stated above, staff would typically expect for the applicant to construct street frontage improvements of curb, gutter, sidewalk, and any other necessary improvements at the time of development to meet the condition of adequate pedestrian facilities. The conversion of the existing structure into multi-family units rather than demolishing the existing building and constructing a new multi-family structure, and thus disturbing more property, however, brings in to question whether the circumstances of the proposal negate the need for such improvements to be made as is allowed in the last bullet of condition #2. If the applicant demolished the existing structure and constructed a new multiple family dwelling structure, the scale of the project would likely require an engineered comprehensive site plan (ECSP), and therefore, frontage improvements would also be required. The current plan to convert the existing building would not necessitate an ECSP. If curb, gutter, and sidewalk were to be constructed, the existing fire hydrant in front of this property would likely need to be relocated, creating the need for more financial investments in design and construction. While staff contemplated whether the applicant must construct curb, gutter, and sidewalk along the frontage to meet the requirements of condition #2, and further debated whether a condition should be attached to the SUP to achieve the same, in this particular case, staff believes the circumstances of the proposal do not warrant such improvements.

The character of this neighborhood, consisting of properties along Foley Road and Ridgeville Lane, has changed over the past two decades from a neighborhood consisting of only single-family detached dwellings to now include duplexes, townhomes, and multiple family dwelling units. As proposed, the units within this application are consistent with the surrounding parcels.

Staff recommends approval of the special use permit to allow multiple family dwellings on the subject parcel with the following conditions:

1. The SUP shall be limited to the existing structure and no more than four multiple family dwelling units. (Note: Small additions to the existing structure for housing improvements may be allowed at the discretion of the Zoning Administrator.)
2. The existing driveway and entrance shall be removed; however, portions of the paved area may remain and be repurposed.

Condition one is proposed because other ideas and scenarios for multiple family development on this parcel were not discussed and staff believed it was appropriate to limit the SUP as proposed in this application. This condition also allows for consistency in the understanding for the surrounding community to know what development could actually be allowed under the approved SUP. If in the future, the property owner wishes to add more dwelling units or to redevelop the site for other multi-family development, then a SUP will be required.

The second condition requires that the existing driveway and entrance between the structure and the public street be removed to comply with Section 10-3-25(3)a. and acknowledges that portions of the paved area may remain and be repurposed for things such as, but not limited to, a paved area for a walkway or a patio.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approval of the special use permit request as submitted;
- (b) Approval of the special use permit request with suggested conditions;
- (c) Approval of the special use permit with other conditions(s); or
- (d) Denial of the special use permit request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for City Council's public hearing. The advertisement was published as shown below:

***Special Use Permit – 728 Foley Road (Section 10-3-48.4 (6) to Allow Multiple Family Dwellings Up to 12 Units Per Building)***

Public hearing to consider a request from Waseem, Nadeem, and Sohail Alfridi for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family dwellings of up to 12 units per building under the conditions set forth under 10-3-48.6 (e) within the R-3, Medium Density Residential District. The 22,380 +/- square foot property is located at 728 Foley Road and is identified as tax map parcel 84-B-17.

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

**Recommendation:**

Staff and Planning Commission (7-0) recommends alternative (b) approval of the special use permit request with suggested conditions.

**Attachments:**

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application, applicant letter, and supporting documents
- 4. Conceptual site layout

**Review:**

Planning Commission recommended (7-0) to approve the special use permit with the suggested conditions of:

- The SUP shall be limited to the existing structure and no more than four multiple family dwelling units. (Note: Small additions to the existing structure for housing improvements may be allowed at the discretion of the Zoning Administrator.)
- The existing driveway and entrance shall be removed; however, portions of the paved area may remain and be repurposed.