



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: August 22, 2023 (Regular Meeting)
Re: Rezoning and Special Use Permit - 853 ad 853-A Hillside Avenue (R-2 to R-3C) (To Allow Multi-Family Dwellings in the R-3 District)

Summary:

Project name	N/A
Address/Location	853 ad 853-A Hillside Avenue
Tax Map Parcels	125-C-11 A and B
Total Land Area	+/- 14,495-square feet
Property Owner	Christophel Properties LLC and Abigail J. Christophel
Owner's Representative	Abigail J. Christophel
Present Zoning	R-2, Residential District
Proposed Zoning	R-3C, Medium Density Residential District Conditional
Proposed Special Use Permit	10-3-48.4 (6) To Allow Multi-Family Dwellings
Staff Recommendation	Approval
Planning Commission Recommendation	August 22, 2023 (Public Hearing) Approval (5-0)
City Council	August 22, 2023 (First Reading/Public Hearing) September 12, 2023 (Second Reading)

Background:

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

Site: Duplex dwelling units, zoned R-2

North: Single family detached and duplex dwellings, zoned R-2

East: Across Hillside Avenue, single family detached and multifamily dwelling, zoned R-2

South: Single family detached dwelling units and vacant land, zoned R-2

West: Single family detached dwelling units and vacant land, zoned R-2

Key Issues:

The applicants, Christophel Properties LLC and Abigail J. Christophel, are requesting to rezone a +/- 14,495-square foot property from R-2, Residential District to R-3C, Medium Density Residential District Conditional. Additionally, the applicants are requesting a special use permit (SUP) per Section 10-3-48.4 (6) to allow multiple-family dwellings of up to twelve (12) units per building under conditions set forth in subsection 10-3-48.6 (e).

The applicants are aware that if the requests are approved, to create any additional dwelling unit they would be required to complete a minor subdivision to vacate the internal property line to achieve the necessary lot area to meet zoning requirements. They must also obtain proper building and sub-trade permits.

Proffers

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

1. The property shall only be used for residential dwellings, except that any allowed special use permits shall be permitted as approved by City Council.
2. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
3. Dwelling units shall provide 1.5 parking spaces per unit.

For proffer number one, rezoning to R-3 would create the opportunity to have by right abilities for non-residential uses, including but not limited to, hospitals, convalescent or nursing homes, funeral homes, medical offices, professional offices, and charitable or benevolent institutions. The submitted proffer eliminates the non-residential uses that would be permitted by right. As proffered, any approved SUP would still be allowed.

Regarding the second and third proffers, the R-3 district allows dwellings to be occupied by a family or not more than four persons. Proffer #2 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted, to be in compliance with the ZO for a multiple-family use, only one parking space per unit is required. However, with proffer #3, the applicant has proffered they will provide 1.5 parking spaces per dwelling unit. The applicant is proposing to provide four units and would be required to provide six off-street parking spaces.

The applicant did not proffer a maximum number of dwelling units because the R-3 district's requirement of 3,000 square feet of lot area for each multiple-family dwelling unit would limit the property to a maximum of 4 dwelling units, which is what the applicant plans to provide.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and

densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

Staff believes that this proposal conforms with the Comprehensive Plan and would not cause any major adverse effects to the surrounding neighborhood as the neighborhood currently has a mix of different housing types. Currently, the site contains a side by side, subdivided duplex, where each unit has two bedrooms on the first floor and one bedroom on the second floor. The applicant proposes to create two additional dwelling units by vacating the internal lot line and separating the top and bottom floors in each unit, which would establish two, two-bedroom units on the first floor of the structure and two, one-bedroom units on the top floor of the building, which essentially adds one unit to each existing unit. The applicant does not plan to create any additional bedrooms.

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 described in their letter how they believe the four conditions are met.

Staff believes condition number one outlined in Section 10-3-48.6 (e) is met because there are existing multiple-family structures near the proposed development.

Regarding condition number two, 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. However, the applicant proposes only to convert the current duplex in to four units within an existing structure and will not be disturbing more property, which brings into 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 number two. In this particular situation, staff believes the circumstances of the proposal do not warrant such improvements.

Regarding condition number three, as proposed, and with staff’s recommended condition that the SUP is only applicable to the existing building, we believe the condition is met.

Lastly, regarding condition number four, the proposed conversion of the two current units into four units will not impact the physical environment as the work will be limited to the interior of a building. Additionally, the property does not require additional parking areas to meet off-street parking requirements, the spaces will however need to be delineated.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning and SUP applications. Staff does not have any concerns related to traffic to and from this site.

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 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.”

Public Schools

The student generation attributed to the proposed two new residential units is estimated to be one student. Based on the School Board’s current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison 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 is recommending approval of both rezoning and special use permit. Staff recommends the following condition be attached to the SUP:

1. The SUP shall be limited to the existing structure with 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.)

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning and special use permit as submitted;
- (b) Approve the rezoning and special use permit with conditions;
- (c) Approve the rezoning and special use permit with other conditions;
- (d) Approve the rezoning and deny the special use permit;
- (e) Deny both requests.

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:

Rezoning – 853 and 853-A Hillside Avenue (R-2 to R-3C)

Public hearing to consider a request from Christophel Properties LLC and Abigail J. Christophel to rezone a +/- 14,495-square foot property from R-2, Residential District to R-3C, Medium Density Residential District Conditional. The property is addressed as 853 and 853-A Hillside Avenue and is identified as tax map parcel numbers 125-C-10 and 10A.

Special Use Permit - 853 and 853-A Hillside Avenue (To Allow Multiple-Family Dwellings in R-3)

Public hearing to consider a request from Christophel Properties LLC and Abigail J. Christophel for a special use permit per Section 10-3-458.4(6) to allow multiple-family dwellings of up to twelve (12) units per building under conditions set forth in subsection 10-3-48.6(e). The +/- 14,495-square foot property is addressed as 853 and 853-A Hillside Avenue and is identified as tax map parcel numbers 125-C-10 and 10A.

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 recommends alternative (b) approval of the rezoning and the SUP request with conditions.

Attachments:

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents

Review:

Planning Commission recommended approval of the rezoning (5-0) and the special use permit (5-0) with the following condition:

1. The SUP shall be limited to the existing structure with 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.)

(Vice Mayor Dent and Commissioner Armstrong were absent.)