



# 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 B & A Group LLC to rezone a 290, 294, and 298 Lucy Drive.*

*Consider a request from B & A Group LLC for a special use permit to allow attached townhomes of not more than eight (8) units at 290, 294, and 298 Lucy Drive.*

**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 the applicant is requesting to rezone a +/- 1-acre parcel from R-3, Medium Density Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance (ZO) to allow attached townhomes of not more than eight units.

The purpose of the two applications is to increase the number of townhomes that can be built at this location. The site's existing R-3 zoning allows townhomes by right, but requires a minimum of 18 feet of lot width and 112 feet of lot depth and 2,000 square feet of lot area for each unit. The R-8 regulations require a minimum of 18 feet of lot width and only 60 feet of lot depth and 1,800 square feet of lot area per townhouse unit. In R-3, given the lot area requirements, the maximum density for townhomes could be 21 units per acre. In R-8, lot area requirements for townhomes could allow 24 units per acre. A conceptual layout provided by the applicant demonstrates 17 townhomes on the subject site. If the requests are approved, at some point the developer must complete a preliminary subdivision plat. To achieve a density similar to the conceptual layout, among other things, they must request a variance from the Subdivision Ordinance to allow some lots to not have public street frontage. The Subdivision Ordinance variance should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

Should the rezoning and SUP requests receive approval, the conceptual layout of the townhomes, which was drawn by the applicant, could change significantly. The submitted layout does not take

into consideration the likely needed location for utilities nor does it accommodate necessary stormwater management infrastructure. Furthermore, staff has concerns about the disorderly dimensional lot configurations that are conceptually shown.

### *Proffers*

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

1. No parking lot (including travel lanes and drive aisles) shall be located between Lucy Drive and Deyerle Avenue and the closest buildings to either public street.
2. All dwellings adjacent to a public street shall have their front facades face the public street.
3. There shall be only one vehicular access point along Deyerle Avenue.
4. If vehicular access is provided along Lucy Drive, no more than one access shall be provided and such access shall be either right-in/right-out or right-out only.
5. A minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Lucy Drive and a minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Deyerle Avenue. All trees shall be at least 6 feet in height at the time of planting.

The conceptual site layout is not proffered.

### *Land Use*

The Comprehensive Plan designates this site as Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

While parcels across Lucy Drive are designated in the Comprehensive Plan as Commercial, the parcel to the east is designated Mixed Use, and the parcels to the south and west are designed Medium Density Residential.

The Comprehensive Plan describes the Mixed Use and Medium Density Residential areas as:

#### Mixed Use

The Mixed Use category 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 multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

#### 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.

#### *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 TIA. Therefore, a TIA was not required for the rezoning request.

The conceptual site layout illustrates an entrance only access on Deyerle Avenue and an exit only access onto Lucy Drive. Proffers 4 and 5 do not hold the design to those details but rather restrict the total number and types of entrances that may be provided along the two public streets. At this time, staff has concerns about the conceptually shown access along Lucy Drive due to the nearby Lucy Drive and Deyerle Avenue intersection. Spacing between entrances and intersections is important for access management and transportation safety; close spacing between unsignalized entrances forces drivers to watch for ingress and egress traffic at several locations simultaneously. Staff encourages the applicant to consider site layouts that would have no access on Lucy Drive. If a Lucy Drive access point is ultimately desired, such access must meet all location and design criteria, which would be reviewed during the preliminary plat and engineered comprehensive site plan phases of the project.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. The applicant has been advised that public water and public sanitary sewer extensions will likely be necessary to provide each townhome access to public water and sewer.

This will be addressed during the preliminary plat and engineered comprehensive site plan review.

#### *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 17 residential units is estimated to be four 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 7<sup>th</sup> elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

#### *Recommendation*

Although the subject site is designated Limited Commercial, given the site's location among existing land uses, the Land Use Guide designations of adjacent properties, and the by right land use permissions under the existing R-3 zoning district, staff believes that approving the rezoning and SUP to allow for increased townhome density does not detract from the overall goals of the City's Comprehensive Plan. Furthermore, the requests for the project utilize one of the Housing Study's identified appropriate policies for Market Type A properties, which is to rezone properties for increased density.

While staff has concerns about the conceptual layout of the site, we believe townhouse development is appropriate and trust more details regarding the appropriate site layout will occur when the final site layout is completed.

Although the applicant has not requested an extension of approval for the SUP, staff believes consideration should be given to extend approval of the SUP from 12 months to 48 months. As identified by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes additional time is appropriate for this project.

Chair Finnegan asked why 48 [months], why not two or three years?

Ms. Dang said it can honestly be any number of months we were just considering that the last couple of townhome developments had requested 48 [months] and those were granted so that was my recommendation for staff to consider.

Chair Finnegan said it is just how long it takes sometimes to move things through?

Ms. Dang said I would say... I will not venture to guess how long individual projects might take to move through and it will depend on the individual circumstances that the property owner has to do to make their project.

Mr. Fletcher said it is very circumstantial. In fact, we will see projects like this and literally a month later they are turning in something. They are still working so high-level conceptual layout and we specifically talked about the number of months. The ones that have been recently approved that requested the 48 months had their personal reasons for it. They were like “well, this is sort of like a later phase”, they just wanted to get their ducks in a row to have it lined up. We debated it a bit back and forth about the appropriate time. If you believe it is too much, by any means you have the ability to change that.

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

Bashdar Aziz, applicant, came forward to speak to the request. He said we are trying to build more affordable townhouses for the community. We appreciate your time.

Chair Finnegan said some of us were on the site tour yesterday, there was a neighbor that had a question, and that neighbor might call in, but it was about the slab of concrete, sidewalk, I am not quite sure what that is.

Ms. Dang said there is some kind of drainage structure under them.

Mr. Fletcher said it is an underground storage facility.

Chair Finnegan said on the property that is a little bit uphill from this where those other town houses are they were saying there is some incongruence between where this concrete slab is and where the property line is. I am assuming you will work with the neighbors to determine where the property line is.

Mr. Aziz said of course, yes.

Vice Chair Byrd said in line with that, because I was also out there and I saw it and even in these drawings it is drawn on here, it looks like it crosses multiple property lines, that is just a thing to be aware of. The idea of having an exit on to Lucy [Drive], that is tough for you. Mr. Aziz said that is why we would like to have the right out on that. We can make whoever resides there to just go right out. I think even for the fire department maybe it is better to have the access right out on Lucy Drive.

Chair Finnegan asked if there were any questions for the applicant’s representative. Hearing none, he 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 I see no issue if we allowed this particular parcel of land to have the special use permit for 48 months so they can figure out if they can actually build the townhouses there. Especially with this odd thing that borders the neighboring property that they are going to have to figure out where they get their engineers. The roads, deciding how they want the road in which means how you want to put all of your parcels in place will be decided based on that as well. In light of that, I would be in favor of the special use permit. This is the first time I have seen a large lot that needed an R-8, I see no issue with that.

Chair Finnegan said I share staff's concern about this layout that was shown, it is kind of messy. I understand they were just trying to max out how many units could go in there. I am certainly hopeful that is not the final layout.

Vice Mayor Dent said I also see there is a substantial amount of land needed for the drainage easement. I saw there were kind of bowls in there.

Chair Finnegan said it is right at the bottom of the hill.

Vice Mayor Dent said my guess is they might not be able to build as many units once they really work out the engineering.

Vice Chair Byrd said which is why I am in favor of keeping the special use permit for that amount of time to give them an idea of how to work with that density. In light of that, I will make a motion to approve the rezoning to R-8C.

Commissioner Baugh seconded the motion.

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 rezoning request passed (5-0). The recommendation will move forward to City Council on May 14, 2024.

Vice Chair Byrd said I would like to make a motion to approve the special use permit with suggested conditions for allowing attached townhomes of not more than eight units in R-8.

Commissioner Baugh seconded the motion.

Ms. Dang said may I just ask for clarification that approval of the special use permit as well as staff's recommendation to extend it to 48 months.

Vice Chair Byrd said oh, that was not in the conditions?

Ms. Dang said it is not a condition, it is just this added ability.

Vice Chair Byrd said I would like to amend my earlier statement to include the 48 months.

Commissioner Baugh seconded the amendment.

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 request passed (5-0). The recommendation will move forward to City Council on May 14, 2024.