



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: January 12, 2021 (Regular Meeting)  
Re: Rezoning and Special Use Permit – 161 and 241 Blue Ridge Drive (R-1 to R-5C and to Allow Multi-Family Dwellings of More Than Twelve Units Per Building)

## **Summary:**

Public hearings to consider two requests from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC:

1. To rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional, and
2. For a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District.

The two parcels totaling +/- 7.0 acres are addressed as 161 and 241 Blue Ridge Drive and are identified as tax map parcels 28-G-2 and 1, respectively.

Staff and Planning Commission (4-2) recommended denial of the rezoning and the special use permit.

## **Background:**

The Comprehensive Plan designates this site as Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could

be around 20 dwelling units per acre. 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.

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

- Site: A nonconforming, nonoperating commercial truck terminal and undeveloped land, zoned R-1
- North: Across Blue Ridge Drive, single-family detached dwellings, zoned R-1
- East: Across Country Club Road, single-family detached dwellings, zoned R-1
- South: Across Country Club Court, vacant parcel, zoned R-3; and across Chesapeake Western Railroad tracks and Country Club Court, townhomes, zoned R-3
- West: Across East Market Street, commercial properties, zoned B-2

**Key Issues:**

The applicant has submitted two separate applications. The first is to rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional. Because the applicant would like to construct buildings with more than 12 multi-family units per building, the second request is for a special use permit (SUP) per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. (Note: Constructing multi-family dwellings of not more than 12 units per building is a by right ability in the R-5 district.) If both requests are approved, Bluestone Land LLC plans to construct 142 multi-family dwelling units within four, 3 and 4-story multi-family buildings as illustrated in the attached conceptual site layout (Exhibit A).

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

1. Occupancy Restrictions and Parking: Dwelling units may be occupied by a single family or no more than three (3) unrelated persons. A minimum of 1.5 parking spaces per dwelling unit shall be provided.
2. Bicycle and Pedestrian Connection: The owner will design and construct a 10-ft wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street (Tax Map Parcel # 028 F 1) as general shown on Exhibit A. In the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street. The final alignment of the connection will be determined and eventually agreed to at the site plan review stage of the project.
3. Road and Sidewalk Improvements: The following improvements will be constructed as part of this development:
  - a. Blue Ridge Drive shall be improved to include 2.5' curb and gutter, 6' planting strip, and 5' sidewalk along the project frontage. The face of the proposed curb shall be located 13' from the centerline of Blue Ridge Drive.
  - b. Country Club Road shall be improved to include 2.5' curb and gutter, 6' planting strip, 10' shared use path, and 2' path shoulder. The face of the proposed curb shall be located 6' from the existing edge of pavement.
  - c. A 5' wide sidewalk with a 2' planting strip shall be installed along the project frontage of

Country Club Court.

4. Donation of Right-of-Way: For the purpose of road improvements to the intersection of Blue Ridge Drive and Country Club Road, the Owners shall provide a right-of-way to the City across 028 G 1 and 028 G 2 as generally shown on the Concept Plan dated 11-25-20, attached as Exhibit A, within 90 days of the issuance of building permits.
5. Donation of Additional Parcels: For the purpose of future improvements to Blue Ridge Drive, MG Harrisonburg LLC has entered into a Development Agreement with the City of Harrisonburg regarding donation of Tax Map Parcels 028 F 1 and 028 F 2 to the City. Those parcels are not included in this Rezoning Application.
6. Density and Unit Mix: The development shall contain a maximum of 142 units. Units shall be limited to 1, 2, and 3 bedroom units, of which a minimum of 75% shall be 2 bedroom units or less.
7. Parking Lot Placement- Parking shall not be located between the proposed apartment buildings and Blue Ridge Drive or Country Club Road. This proffer does not apply to amenity structures, maintenance facilities, and/or other accessory structures.
8. Bus Shelter- The Owner will coordinate with the City to identify and provide a location for a bus shelter if requested during the site plan review phase of the project. Owner shall provide a concrete pad for City-provided shelter at a mutually agreeable location.
9. Playground-A playground will be provided within the development.
10. Street Trees- Street Trees will be provided along Blue Ridge Drive and Country Club Road frontages. Tree spacing will average 60 ft on center for medium or large maturing trees and 30 ft on center for small maturing trees. Location of street trees to be in the proposed planting strip or behind the sidewalk, depending on the location of above or below grade utilities.

While the proffers refer to elements within Exhibit A, the conceptual site layout is not specifically proffered.

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three unrelated persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allow for reduced parking when occupancy is restricted, the development does not require as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they proffered that they will provide a minimum of 1.5 parking spaces per unit. If the maximum number of 142 dwelling units (Proffer #6) were constructed, then 213 off-street parking spaces would be required. In the conceptual site layout, the applicant has shown a scenario in how they might organize off-street parking spaces. The applicant understands that parking requirements, among other details, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

With Proffer #2, the applicant has proffered design and construction of a 10-foot wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street. Because the full connection to the intersection of East Market Street and Martin Luther King, Jr. Way will require that the City obtain easements or right-of-way from tax map parcel 28-G-11, which is parallel to East Market Street and not owned by the applicant, the applicant has described in the proffer that “[i]n the

event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street.” It is unknown at this time whether easements or right-of-way will be needed from 28-F-1 (919 Oakland Street) or if the shared use path can be constructed entirely on public right-of-way and 28-G-11. It is understood that if the full connection is not made by the owner, then the City will later complete the connection. Right-of-way acquisition and new crosswalks at the intersection of East Market Street and Martin Luther King Jr. Way will be included with the Virginia Department of Transportation’s (VDOT) Exit 247 project, which is scheduled for construction advertisement in November 2022.

Proffer #3 addresses frontage improvements along Blue Ridge Drive, Country Club Road, and Country Club Court. Staff requested the applicant’s consideration to construct a 10-foot wide shared use path along the Blue Ridge Drive frontage to connect the future shared use path connection to East Market Street and the future shared use path on Country Club Road that would be constructed with the development. At this time, the applicant explained that they are not comfortable committing to a shared use path along Blue Ridge Drive because there are many unknowns still to coordinate with utilities, greenspace, and building setbacks.

Proffers #4 and #5 address dedication of land to the City for right-of-way associated with the Martin Luther King Jr. Way Extension to Country Club Road identified in the 2018 Comprehensive Plan’s Street Improvement Plan as project NE-17. The description within the Street Improvement Plan includes:

“... [c]onstruct new three lane road extension of Martin Luther King Jr Way from East Market Street to Country Club Road, with sidewalk on one side and a shared use path on the other side. Construct transit transfer center and park and ride lot near to East Market Street and the I-81 interchange, accessed by Martin Luther King Jr Way extension...”

While the Martin Luther King, Jr. Way extension project has been in the Comprehensive Plan’s Street Improvement Plan since 2011, when the most recent Comprehensive Plan was adopted in 2018, the addition of a planned transit transfer center on the subject property was added. Included in the packet is an excerpt from the March 2018 “Harrisonburg Downtown Transit Center Conceptual Design Report” that describes and illustrates the proposed Martin Luther King Jr. Way extension. It should be noted that while the City still has interest in the road extension project to improve connectivity, the transit transfer center project is no longer being pursued by the City at this location.

With Proffer #4, the applicant would donate right-of-way for future road improvements by the City at the intersection of Blue Ridge Drive and Country Club Road as conceptually illustrated in Exhibit A within 90 days of building permit issuance. If the rezoning request is approved, but the proposed, conceptual development does not come to fruition, a building permit for any new construction, addition, or renovation on the site would trigger the requirement to dedicate land for public street right-of-way.

Proffer #5 includes donation of properties identified as tax map parcels 28-F-1 and 2 located between Oakland Street and tax map parcel 28-G-11 (which is the parcel that is parallel to East Market Street and stretches the entire block length from Blue Ridge Drive to North Carlton Street) for the future connection between Martin Luther King Jr. Way and Blue Ridge Drive. The two parcels are not part of the proposed development and are not included as part of the rezoning request, but they are owned by the same property owner at this time. Those parcels would remain zoned R-1. Details for the land donation are described in

the attached Development Agreement entered between the applicant and the City. The Development Agreement describes that if the City has funding in place to advertise for construction of the connection between Martin Luther King Jr. Way and Blue Ridge Drive within 15 years of rezoning approval, then the owner of 28-F-1 and 2 would donate those parcels to the City.

Proffer #6 restricts the development to a maximum of 142 dwelling units that are limited to 1, 2, and 3-bedroom units, and of the 142 units, a minimum of 75 percent of them shall be 2-bedroom units or less. This means that at least 107 units will be either one or two bedroom units.

Proffer #7 is intended to promote pedestrian friendly design by placing buildings close to the street by prohibiting parking between the multi-family buildings and Blue Ridge Drive and Country Club Road. Concentrating people and places along the public street creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes.

Proffer #8 would require a bus shelter be installed if requested by the City during the engineered comprehensive site plan phase of the project, while Proffer #9 would require a playground within the development.

If the conceptual layout shown was developed, the City's Parking Lot Landscaping regulations would require street trees along Country Club Court because there is a parking lot adjacent to the public street. However, along Blue Ridge Drive and Country Club Road there is no parking lot adjacent to the public street so no street trees would be required. Proffer #10 would require street trees along the Blue Ridge Drive and Country Club Road frontages. The specific location of the trees and whether they would be within the 6-foot planting strip within public street right-of-way or on private property behind the sidewalk will be determined during the engineered comprehensive site plan phase.

As part of the requirements for obtaining a SUP to allow multi-family dwellings of more than 12 units, City Council is to determine whether certain conditions are met, and therefore, it is in the best interest of the applicant to substantiate that they have met the conditions to justify the development. Those conditions outlined in Section 10-3-55.6 (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 in the Comprehensive Plan, is located adjacent to, across the street from, or in close proximity to the proposed multiple-family 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.

Staff believes that the applicant has adequately addressed Conditions #2 and #4.

Condition #1 states that there should be existing or planned multi-family development located in close proximity to the proposed multi-family development. The subject site is surrounded by developed areas designated Low Density Residential and Medium Density Residential that contain single-family detached dwellings and townhomes, respectively. There are no existing multi-family developments near the site. However, as indicated by the Medium Density Mixed Residential designation, multi-family development can be appropriate in special circumstances. Therefore, one must decide what special circumstances might exist to substantiate this condition.

Condition #3 is likely the most difficult condition for the applicant to prove; arguably, unachievable with the parcel's shape and having three, directly accessible, public street frontages. This condition requires that the applicant demonstrate that the proposed multi-family development's design is compatible with adjacent existing and planned single-family, duplex, and townhouse development and that views from those units and the public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages. The views from adjacent residential uses and from the public street will have views to large buildings (including a 66-unit building, two 24-unit buildings, and a 28-unit building) all of which are taller than the minimum height regulations of the adjacent R-1 zoning district along Blue Ridge Drive and Country Club Road. The project would also create views of a large parking lot from Country Club Court and portions of Country Club Road.

From a design and site layout perspective, staff likes the applicant's proposal to mass buildings close to the public street with off-street parking relegated behind buildings and to create multi-family structures with more than 12-dwelling units. Staff believes that massing buildings close to the public street with parking behind the buildings is more compatible with existing single-family detached development along Blue Ridge Drive than smaller multi-family buildings with parking lots surrounding the buildings and adjacent to public streets.

Staff also agrees with the applicant that a multi-family residential development on this site is more compatible with surrounding land uses than a nonconforming truck terminal. The applicant also makes a compelling argument that several existing conditions, including overhead electric transmission lines and easements, proximity of the Chesapeake Western Railway, and the floodplain present obstacles for development of small lot single-family detached and attached homes, and could be reason for considering this site and proposal as the "special circumstances" referred to in the Comprehensive Plan's Land Use Guide description for Medium Density Mixed Residential, as to where multi-family dwellings could be

appropriate. Additionally, with the proposed layout for the development, the multi-family structures are located mostly outside of the floodplain and away from the railway. It should also be understood that the Medium Density Residential designation that is identified for the Country Club Court townhome community, which is adjacent to the subject site, also specifies that multi-family development could also be appropriate in special circumstances—not a designation that outright promotes multi-family development.

Staff is very appreciative that the proposed development would consist of one, two, and three-bedroom units, where at least 75 percent of the units will be one and two-bedroom units (Proffer #6). The City's Comprehensive Housing Assessment and Market Study (housing study) is under development and the consultants have stated in their preliminary findings that "[t]here is a shortage of [rental] housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% AMI [area median income])" and that "[s]ome households are cost burdened because they live in a unit that is more expensive and other households are living below their means. When higher income households live in units that are affordable to lower-income households due to limited housing supply, it increases competition for the limited units that are more affordable." The consultants also found that "[t]here are relatively few efficiency one-bedroom units city wide" and that "[a] lack of smaller units within the rental market across the income spectrum makes it difficult for various populations to find suitable housing." The proposed development could contribute to help to address the need for more one-bedroom units in the City. Even if there were more two-bedroom units rather than one-bedroom units constructed, overall this project could help the City with the current housing situation because it would add more units to the market. The preliminary findings of the housing study also demonstrated that the City's rental unit vacancy rate is two percent, which creates high levels of competition for scarce units. For the "special circumstances" and reasons stated in this paragraph, multi-family development could be appropriate for this site.

As indicated above, staff believes that the applicant's proposal for one, two, and three-bedroom unit multi-family buildings has merit. Unfortunately, staff finds it difficult to believe that the conditions within Section 10-3-55.6 (e) (1) and (3) of the ZO have been met, and therefore staff cannot support the applicant's request for rezoning and SUP, and recommends denial of both requests. However, staff believes consideration should be given to whether or not the regulatory controls within Section 10-3-55.6 (e) should be alleviated or removed. These regulations were created in 2007 and could no longer be relevant or needed. Additionally, if Planning Commission desires, staff can also review the Land Use Guide and evaluate whether amendments should be made for this site. This may be appropriate to do after the housing study is completed in January 2021.

If the rezoning request is approved, staff recommends approving the SUP as requested and has no suggested conditions.

Lastly, as demonstrated in the Determination of Need for a Traffic Impact Analysis (attached), the development did not meet the 100-trip peak-hour threshold that gives City staff the ability to require a Traffic Impact Analysis. When a development reaches or exceeds 100-trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays. The development is estimated to generate only 51 additional trips in the PM peak hour. The development is estimated to generate approximately 760 trips per day, on both weekdays and weekends, according to the Institute of Transportation Engineers' Trip Generation Manual, 10<sup>th</sup> Edition. Distributing the traffic between two entrances, both located on side streets, and not on a primary thoroughfare, further reduces these concerns, as does the provision of multimodal options for the residents. Any increased traffic at the Blue Ridge

Drive/Country Club Road and East Market Street/North Carlton Street intersections can be accommodated by signal timing modifications. The overall Level of Service (LOS) (a measure of delay) should not be significantly impacted. Spotswood Drive, Oakland Street, and Country Club Court can absorb additional traffic within an acceptable LOS at these unsignalized intersections. Staff acknowledges that the proposed development will cause an increase in traffic volume on surrounding streets, especially Oakland Street and Spotswood Drive, and that while small lot single-family detached, duplex, or townhome development on the subject site may not result in as many dwelling units, those types of developments would also cause an increase in traffic volume.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approval of the rezoning and SUP request as submitted;
- (b) Approval of the rezoning and SUP request with conditions on the SUP;
- (c) Approval of the rezoning request and denial of the SUP request;
- (d) Denial of the rezoning and SUP request.

**Community Engagement:**

As required, the requests were published in the local newspaper twice advertising for Planning Commission's public hearings and twice advertising for City Council's public hearings. The advertisements were published as shown below:

***Rezoning – 161 and 241 Blue Ridge Drive (R-1 to R-5C)***

Public hearing to consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC to rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional. The R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The Comprehensive Plan designates this site as Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. The gross density of development in these areas could be around 20 dwelling units per acre. The two parcels totaling +/- 7.0 acres are addressed as 161 and 241 Blue Ridge Drive and are identified as tax map parcels 28-G-2 and 1, respectively.



***Special Use Permit - 161 and 241 Blue Ridge Drive (Section 10-3-55.4 (1) to Allow Multi-Family Dwellings of More Than Twelve Units Per Building)***

Public hearing to consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC for a special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. The two parcels totaling +/- 7.0 acres are addressed as 161 and 241 Blue Ridge Drive and are identified as tax map parcels 28-G-2 and 1, respectively.

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

**Recommendation:**

Staff recommends alternative (d) denial of the rezoning and SUP request.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents
4. Conceptual site development layout and site illustrations
5. Harrisonburg Downtown Transit Center Conceptual Design Report, March 2018

**Review:**

Planning Commission recommended denial (4-2) of the request to rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional.

Planning Commission recommended denial (4-2) of the special use permit per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District.