



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-274

File ID: ID 19-274 Type: PH-Rezoning Status: Approval Review

Version: 1 Agenda Section: In Control: City Council

File Created: 09/03/2019

Subject: Final Action:

Title: Consider a request from Ashok Kunver to rezone 709 and 711 Foley Road.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Memorandum RZ (703 and 711 Foley Road (R-3 to R-5C)), Site maps, Application, applicant letter, and supporting documents

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|------------|---------------------|------------|--------------------------|--------------|------------|--------------|---------|
| 1 | Planning Commission | 09/11/2019 | recommended for approval | City Council | 10/08/2019 | | Pass |

Action Text: A motion was made by Finks, seconded by Colman, that this PH-Rezoning be recommended for approval to the City Council, due back by 10/8/2019. The motion carried by a voice vote.

Notes: Chair Way read the request and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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.

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

- Site: Single-family detached dwelling, zoned R-3
- North: Vacant land, zoned R-3
- East: Single-family detached dwellings, zoned R-3
- South: Single-family detached dwelling, zoned R-3
- West: Across Foley Road, single-family detached dwelling, zoned R-3

The applicant is requesting to rezone a +/-23,500 square foot parcel located on Foley Road in the southeastern section of the City from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The property is addressed as 709 and 711 Foley Road and is located approximately 100-feet from the intersection with Reservoir Street. The applicant proposes to construct a single apartment building comprised of 12 one-bedroom units.

With this request, the applicant has proffered the following (written verbatim):

In connection with the rezoning request for the property located at 709 and 711 Foley Road and identified as tax map parcels 84-A-2 the following permitted uses are hereby proffered:

1. There shall be no more than twelve (12) one-bedroom apartments on this site.
2. Dwelling units may be occupied by a family or not more than two (2) persons.
3. Accessory buildings and uses clearly incidental to the above. Accessory uses incidental to permitted nonresidential uses shall be located within principal buildings when such accessory function serves the public. Parking garages are permitted within the district.
4. Home occupations.

Special use permits shall be permitted as approved by City Council.

Additionally, I proffer that there will be no parking or travelways between any

building and Foley Road.

Note that the submitted conceptual site layout is not proffered.

Proffer #1 limits the property from constructing more than 12 multi-family dwelling units on the site and limits each multi-family dwelling unit to having no more than one-bedroom. Note that the Zoning Ordinance (ZO) requires a lot area of 1,800 square feet per multi-family dwelling unit and the parcel is +/- 23,500 square feet in lot area; therefore, the maximum number of multi-family dwelling units that could be on the site is 13.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. Proffer #2 reduces the occupancy of the proffered multi-family dwelling units to either a family or not more than two persons.

Proffer #3 and 4 are by right uses within the R-5 district that would be retained. Other uses such as townhomes, community buildings associated with townhome or multi-family developments, public and private schools, child and adult day cares, churches, parks, public uses, and small cell facilities have been excluded. All special uses are still allowed as they would require further evaluation, public hearings, and approval by City Council.

The last unnumbered proffer is intended to promote pedestrian friendly design by placing building(s) close to the street. Placing parking lots and drive aisles between buildings and public streets creates barriers for people wanting to walk to uses/buildings. 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, especially for areas designated Mixed Use by the Comprehensive Plans Land Use Guide. The applicant will be required to construct new sidewalks along the frontage of Foley Road and sidewalks to connect the building to Foley Road at the time of development/redevelopment.

Note that while the conceptual layout illustrates +/- 100 ft. length of sidewalk along the Foley Road frontage of the neighboring property identified as tax map 84-A-1 to connect with existing sidewalks on Reservoir Street, the applicant has not proffered to construct that section of sidewalk and the City's regulations would not require the property to construct that length of sidewalk at the time of development/redevelopment.

The applicant's letter describes and the conceptual layout illustrates sixteen off-street parking spaces, which are four more than is required by the recently adopted amendments to Section 10-3-25(7) of the ZO, which requires one off-street parking space for each dwelling unit for townhouses and multi-family units within the R-5 district, where occupancy has been restricted on a conditionally zoned property.

As previously stated, the property is located in the Mixed Use area shown and described in the Comprehensive Plan's Land Use Guide. These areas 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. Staff believes that the location of the building close to Foley Road and without a parking lot separating the building and the public street, helps to integrate the use into the larger neighborhood.

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. All but two of the existing and planned multiple-family dwelling units in this neighborhood were developed by right prior to the effective date of the R-3, Medium Density Residential District regulations in 2010 that required special use permits for multiple-family dwellings of up to 12 units per building. The development known as "Loop Modern" (formerly known during development as "The Angle," identified as tax map number 84-B-20 and located at the intersection of Foley Road and Ridgeville Road) was approved for the SUP for multiple-family dwellings in 2011. At that time, staff recommended denial of that request; it was then recommended for approval by Planning Commission (4-3) and approved by City Council (3-2). Staff recommended denial of the Loop Modern project believing that the development's design was not "compatible with adjacent existing and planned single family, duplex, and townhouse development" and did not believe that the density of the development was compatible with the surrounding area. In 2018, a SUP to allow multiple family dwellings of up to 12 units per building on the parcel identified as tax map number 84-A-9, located across Foley Road from the Loop Modern project, was reviewed. With the approval and construction of the Loop Modern development combined with the existence of a few of the other multiple-family dwelling units within this neighborhood, staff believed that the multi-family units proposed within that application were consistent with surrounding parcels and recommended approval of the SUP; it was then recommended for approval by Planning Commission (5-2) and approved by City Council (4-0).

While staff would prefer to see this neighborhood redeveloped more cohesively, staff recognizes the difficulty for someone to be able to purchase many of the surrounding parcels and then to design and build a larger plan of development for residents to share amenity space as well as to provide improved public street access management. Staff believes that the requested rezoning to R-5C is consistent with surrounding parcels and recommends approval.

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

Richard Blackwell, with Blackwell Engineering, came forward to speak to the request. Earlier, I said that Foley Road is different. It is different because it is going from single-family to multifamily homes, unlike Woodland Drive. I was not downgrading Foley Road, only speaking to the difference.

Commissioner Colman said that this project is on a different scale compared to the previous one.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that the previous request proposed 90 four-bedroom apartments. This project has twelve one-bedroom apartments. It is not just the scope that is different, but what they are offering, as well. The one-bedroom apartments are different from the development on the other side of Reservoir where there are four-bedroom units. This is offering something different.

Commissioner Colman said that this project aligns more with affordable housing.

Chair Way said that he is concerned with what it is doing to the south side of the neighborhood. If you look towards Reservoir Street, it fits in. It is more questionable in the other direction. I agree that it is a different scale, a different purpose.

Commissioner Colman said that it is on the edge of the mixed-use designated area.

Commissioner Finks asked if there was a TIA conducted for this project.

Ms. Dang said that the project was too small to trigger a TIA.

Commissioner Finks said that a project of this size should not have much of an impact on this road. I would love to see that sidewalk.

Commissioner Whitten said that it opens the door to the R-5.

Chair Way said that when I was talking about going towards Reservoir Street, it was about opening the doors to the precedent, to the R-5, more broadly.

Commissioner Finnegan asked what was the development that we approved across from the Loop?

Ms. Dang said that it did not have a name. They were proposing townhome style apartments.

Commissioner Whitten said that nothing has happened there.

Ms. Dang said that the design was not proffered, so I do not know what the buildings will look like.

Commissioner Colman said that this is not the same scale. It is reduced. I understand you comment about opening the door, but at the same time, I think it says the precedent that this is more what we are looking for, rather something that has a larger impact.

Chair Way said to be clear, if we are supportive of this, when it comes to a vote, it is for this specific site. It is not a pointer towards what is going to happen or what we want to see happening in the surroundings and around the neighborhood.

Commissioner Finks said I would have more concerns about this if the previous development was approved by City Council. I would have more concerns regarding traffic on Foley Road. Considering the vote that I made tonight, and the vote that this body made, I have less concerns. That might change depending on the vote by City Council.

Commissioner Finks moved to recommend approval of the request to rezone 709 and 711 Foley Road, as presented.

Commissioner Colman seconded the motion.

All members voted in favor of recommending approval (6-0). The recommendation will move forward to City Council on October 8, 2019.
