



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

February 1, 2021

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

Public hearing to consider a request from Bluestone of Harrisonburg LLC to amend the Comprehensive Plan's Land Use Guide map within Chapter 6 Land Use & Development Quality. The proposal is to amend +/- 5.54 acres of land from the Commercial designation to Medium Density Residential. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings. Medium Density Residential areas have been developed or are planned for development of a variety of housing types which in special circumstances may include multi-family dwellings (apartments). Densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate. The land area consists of portions of parcels addressed as 3485, 3491, 3585, and 3611 South Main Street and identified as tax map parcels 108-B-1, 2, and 6.

Public hearing to consider a request from Bluestone of Harrisonburg LLC to rezone +/- 5.54 acres from B-2, General Business District to R-5C, High Density Residential District Conditional and to rezone +/- 20.76 acres from B-2, General Business District to B-2C, General Business District Conditional. The Zoning Ordinance states the B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. 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 Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Note that within a separate application submitted concurrently with this request, the applicant is requesting to amend +/- 5.54 acres of land from the Commercial designation to Medium Density Residential. The property is located at 3485, 3491, 3585, and 3611 South Main Street and identified as tax map parcels 108-B-1, 2, and 6.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: January 13, 2021**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

Site: Vacant land, zoned B-2

North: Commercial uses, zoned B-2

East: Across South Main Street, industrial and commercial uses, zoned M-1 and B-2

South: United States Postal Service facility, zoned B-2

West: Undeveloped agricultural land in Rockingham County, zoned R-5C and B-1C

The applicant has submitted two applications. The first is to amend the Comprehensive Plan's Land Use Guide map, specifically to amend +/- 5.54 acres of land from the Commercial designation to Medium Density Residential. The second is to rezone the same +/- 5.54 acres from B-2, General Business District to R-5C, High Density Residential District Conditional. Furthermore, the applicant is requesting to rezone +/- 20.76 acres from B-2, General Business District to B-2C, General Business District Conditional. The applicant's latter request voluntarily places more restrictions upon property that is already zoned B-2. If the requests are approved, the applicant plans to construct six multi-family (apartment) buildings consisting of a total of 72 dwelling units on the +/- 5.54 acres proposed for rezoning to R-5C, and to develop commercial uses on the +/- 20.76 acres. There are no development plans yet proposed for the commercial uses on the +/- 20.76 acres.

It is important to understand that the site is part of a larger development plan that includes +/- 132.99 acres located in Rockingham County known together as Stoney Ridge (formerly known as proposals named Ashby Centre and Rockingham Centre). The total acreage of the development in the City and County is +/- 159.29 acres. On January 28, 2009, the Rockingham County Board of Supervisors approved a rezoning of the property to R-3C, General Residential with conditions and B-1C, General Business with conditions and an associated master plan. Since that time, ownership of the property has changed, and on November 18, 2020, the Rockingham County Board of Supervisors approved master plan amendments and rezoning of the +/- 132.99 acres from R-3C, General Residential with conditions and B-1C, General Business with conditions to R-5C, Neighborhood Residential with conditions and B-1C, General Business with conditions. The County staff report describes that that primary reasons for amending the master plan included reduction in the area designated as B-1C, an increase of 344 dwelling units resulting in a total of 728 dwelling units (including apartments as a new housing type within the project), and changing the allocation of units per housing types.

The primary entrances for the proposed development will be served by a new public street intersecting at South Main Street across from Reedy Circle in the City and through interconnection with Emmaus Road, extending to Pike Church Road. Most of the residential development will be located in Rockingham County and the applicant is requesting rezoning of +/- 5.54 acres of land in the City that is adjacent to the City-County line. The applicant's letter states that "[t]he placement and designation of residential use on the designated City parcels, as shown pictorially in the accompanying Exhibits, follows extensive land planning efforts for the entire (City and County) acreage. These efforts resulted in what we feel is the most appropriate highest and best use for the land as a whole, with the newly proposed multi-family residential uses being placed directly behind commercial acreage resized to a most-efficient lot depth."

The Comprehensive Plan designates the entire subject site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings. The applicant proposes to develop +/- 20.76 acres in the City for commercial uses and to maintain the Commercial Land Use Guide designation for that acreage. However, as indicated above, the applicant is requesting to amend the Land Use Guide to designate the +/- 5.54 acre portion of the property adjacent to the City-County line to Medium Density Residential to be consistent with their development project and to appropriately discuss whether this area should be planned for a different land use, and thus to be clearly in conformance with the City's Comprehensive Plan, if approved. Medium Density Residential 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.

With regard to the rezoning request, the applicant has submitted the following proffers (written verbatim):

1. Residential Uses associated with R-5C zoning district shall be limited to a maximum of 72 units.
2. A shared use path, measuring at least 10-feet in width, shall be constructed adjacent and concurrent with the main entry road between S Main St and the City-County line, connecting to the shared use path located on the County side of the development.
3. A minimum of two (2) pedestrian connections, inclusive of the shared-use path referenced in Proffer #2, will be made between the residential and business components of the developments. Pedestrian connections shall be constructed concurrently with on-site development.
4. All parcels with S Main St (US Route 11) frontage located north of the Reedy Circle intersection shall be improved with a continuous right turn lane, which shall tie into the existing right turn lane serving TM Parcel 108-B-4. Right turn lane may be constructed in sections, concurrently with development of individual lots.

5. No S Main St entrance shall be located closer than 200 linear feet to Reedy Cir, measured centerline to centerline.
6. S Main St entrances generating more than 1,000 vehicle trips per day (vpd) shall not be located closer than 300 linear feet to Reedy Cir, measured centerline to centerline.
7. S Main St entrances north of Reedy Cir shall restrict left-turn movements.
8. S Main St entrances south of Reedy Cir shall restrict left-turn movements if located within 460 linear feet of Reedy Cir, measured centerline to centerline.
9. Additional right-of-way along entire frontage of S Main St shall be preserved to accommodate future widening of S Main St to a four-lane-divided section. Such additional right-of-way shall be limited in depth to 14.5 feet north of Reedy Circle (inclusive of right-turn lane described in Item 2a. above), and 4.5 feet south of Reedy Circle. "Preservation" of right-of-way shall preclude the improvement of such land with buildings, parking, or other affixed appurtenances not related to public road/pedestrian accommodations. Such land shall be dedicated to the City of Harrisonburg for the explicit purpose of constructing and maintaining public road improvements within 180 days of receipt of written request. Dedication shall be conditional upon affiliated roadway improvements being included in the City's Capital Improvement Program within ten (10) years of this statement's signature date.
10. Prior to opening the primary entrance on S Main St to traffic, Developer shall enter into a Signal Agreement with the City of Harrisonburg, with signal to be installed at time of warrant. Signal warrant analysis shall be prepared in accordance with the Manual of Uniform Traffic Control Devices by a licensed engineer within 90 days of request by City Director of Public Works. Signal warrant analysis requests shall only be prompted by reasonable justification, such as witnessable increases in traffic, frequent traffic-related incidents in direct proximity of the intersection, etc. The City of Harrisonburg may request multiple signal warrant analyses until either a traffic signal is warranted, or the development was completed and fully occupied, but shall not request more than one such analysis within a twelve-month period. Signal design and construction shall include accommodations for future eastbound dual left-turn configuration. Cost of signal design and construction shall be the sole responsibility of the Developer.
11. At time of signal construction, westbound Reedy Circle on the east side of South Main street shall be striped to accommodate a dedicated left-turn lane and a shared right-through lane. Striping shall extend a minimum of 100' beyond existing stop bar.
12. Design and construction of the primary entrance roadway and right-of-way shall include a median measuring at least 16 linear feet in width, for the purpose of accommodating the future construction of an additional left-turn lane.

Note that the submitted exhibits are not proffered.

Regarding proffer 1, on the +/- 5.54 acres being requested to be rezoned to R-5C, the applicant has proffered a maximum of 72 dwelling units.

Proffers 2 and 3, require a shared use path along the main entry road between South Main Street and the City-County line to connect with the shared use path that was proffered with the County rezoning, and requires an additional pedestrian connection to be made between the residential and business components of the development.

Proffers 4 through 12, match almost verbatim the Street Improvement Agreement between the City and the applicant, dated September 30, 2020 that was referenced within the County rezoning application. The following text was added to proffer 9 for clarity of intent: “Preservation” of right-of-way shall preclude the improvement of such land with buildings, parking, or other affixed appurtenances not related to public road/pedestrian accommodations. Such land shall be dedicated to the City of Harrisonburg for the explicit purpose of constructing and maintaining public road improvements within 180 days of receipt of written request. Dedication shall be conditional upon affiliated roadway improvements being included in the City’s Capital Improvement Program within ten (10) years of this statement’s signature date.” And text was added to proffer 11 to clarify that improvements would be on the portion of Reedy Circle located on the east side of South Main Street. (Note that at this time, it is unknown what the public street name will be of the main entry opposite of existing Reedy Circle.)

Together, proffers 4 through 12 include mitigations and improvements recommended by the Traffic Impact Analysis (TIA), dated June 2020, which evaluated the entire development in both the City and Rockingham County. Recommended mitigations related to the I-81 Exit 243 Interchange are addressed by the “Exit 243 Interchange Cost Contribution and Escrow Agreement” between the City, Rockingham County, and the applicant and was included as part of the Rockingham County rezoning that was approved in November 2020. The Exit 243 agreement is included within the attached Extract of the Rockingham County Board of Supervisors Agenda Packet from November 18, 2020.

The applicant, City staff, and County staff have acknowledged that City and County staff will coordinate review and permitting for erosion and sediment control and stormwater management for the entire development as it includes both City and County lands. One jurisdiction may ultimately take the lead for plan review and permitting, and the second jurisdiction will be included in plan review similarly to what has been done successfully with other projects bordering the City-County line. Additionally, the applicant is aware that they will be required to submit a preliminary plat and have it reviewed and approved, if no Subdivision Ordinance variances are requested, by Planning Commission. If variances are requested, then City Council approval will be required.

The applicant is encouraged to continue coordinating with City and County school boards to discuss whether students living within the City portion of the residential development will be given the opportunity to choose to attend County schools or not, and in either case how school bus service and pedestrian facilities will be accommodated through the development. The Harrisonburg Department of Public Transportation (HDPT) is aware of this project and will accommodate the needs of students depending upon the final school district determination outcome. Additionally, the applicant is encouraged to continue coordinating with HDPT regarding public transit services in this area. While Route 4 services South Main Street, bus service does not extend past Covenant Drive. HDPT has stated that whether bus service can extend closer to the development within City limits or extend into the development within Rockingham County will depend on ridership density.

While there are no properties within the southern section of the City designated in the Land Use Guide for planned residential uses or zoning districts with residential uses, consideration of how lands in Rockingham County are planned and zoned is important. For reasons noted in the paragraph's below, staff supports the applicant's request to amend the Land Use Guide and to rezone the +/- 5.54 acres within the City for the identified proffered multi-family residential development as well as to further restrict the existing B-2 property with the submitted proffers.

While the proposed residential uses in the City are a small part of the overall development, approving this request could also work towards achieving Goal 6 of the Comprehensive Plan, which is "[t]o meet the current and future needs of residents for affordable housing." In addition, 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 preliminary findings of the housing study also demonstrated that the City's rental unit vacancy rate is 2 to 3.5 percent, which creates high levels of competition for scarce units. While the affordability of the planned units is unknown, the proposed multi-family (apartment) units in the City could contribute to the overall housing situation and help add more units to the rental housing market.

Another important element for staff is that the proposal preserves a significant area in the City for future commercial uses along the entire length of South Main Street. The applicant described to staff that the distance between the frontage along South Main Street to the rear of the commercial area is +/- 350-feet and that the intent is to allow for a rear access drive easement of 50-feet or for equal-sized inter-parcel connections serving the same intent to still allow for a developable lot depth of 300-feet, which they believe is an appropriate lot depth for commercial frontage lots in this type of district

Staff recommends approval of the requests for the Comprehensive Plan amendment and rezoning.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan asked what can go in the front 300-foot space? What sort of buildings do you think could fit in that 300-foot space that is zoned commercial?

Ms. Dang said that it is zoned B-2 and they have not proffered excluding any uses within the B-2 district, so there could be retail, restaurants, service stations, gas stations, anything that you would typically see in the B-2 district could go there. I recommend asking the applicant.

Commissioner Whitten asked if it might accommodate restaurants that have drive-throughs? Do we feel that the Public Works Department has looked at that and considered that?

Ms. Dang said that the most intense uses that could locate on the site have been considered as part of the TIA study. The mitigations that have been proffered are intended to address any of these traffic concerns that may be generated by these uses.

Mr. Fletcher said that travelling northbound on South Main Street towards the Dukes Plaza area, the lots that front there, such as the Taco Bell and the McDonald's, are measuring about 250 feet in depth of the lot itself. What Ms. Dang explained has an additional 100 feet. I am not trying to promote that it would be a drive-through establishment, but it is a frame of reference about the depth of those lots that you can see in those areas.

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.

Seth Roderick, Monteverde Engineering and Design Studio, 250 East Elizabeth Street, called in representing Bluestone of Harrisonburg LLC. Thank you, Ms. Dang, for that thorough review. I would like to highlight a couple of points. This project is largely an extension and reimagining of the property in the County. This is not a stand-alone project and has to be viewed in that context. The original project which was rezoned a little more than a decade ago was known as Ashby Center/Rockingham Center. The project was overly commercially driven and laden with the big box retail mentality that no longer fits today's needs. The failings caused the project to sit dormant which is why you see it so vacant today.

When I was brought on to this project, I was given the opportunity to take a fresh vision. That started with a conversion of the retail big box options to smaller retail and inclusion of additional residential density in the form of those apartments. We feel that the additional residential density will help spur the commercial development of the project as a whole within its own limits, but also on the commercial redevelopment of South Main Street within the City limits. The City land was examined as part of that process, with the fresh lens that was taken, for the appropriate lot depth. On the right side of the entrance, we have not offered that because it bleeds into further commercial development on the County portion. Where it abuts the apartment section, we feel that it was too deep. It measures out to the City line at about 600 feet. Shorten that by 350 feet to allow for 50 feet for cross access and 300 to allow for pad development of that section and encourage something that is more residentially friendly. At 600 feet deep, especially in this section of the City, there are not enough users that will demand as much retail as what was shown there for a double loaded entryway. At 600 feet, you will get a lot more of the automotive and light industrial type uses that you are seeing surrounding it. Since we are pushing the residential use closer, we wanted to try to emphasize something that would be more appropriate and more desirable for pad development instead.

As part of this process, and one of the most significant aspects of this reimagining, was the length that was applied to the site's traffic impact. The original study that was done for the County rezoning of 2009 showed significant impact to the Exit 243 interchange and South Main Street intersection but allocated zero dollars towards its improvement. As part of this project, not only were we able to convert a lot of the commercial usage to residential which alone cut the total traffic generation of the project in half, but also reallocates some of the dollars that were driven elsewhere into County projects that did not serve a greater good, towards the Exit 243 improvements. We

have proffered \$700,000 as a three-way agreement between the City, County and developer towards that mitigation strategy. As part of this rezoning proffer request, we are proffering an additional traffic mitigation, which was recommended by the TIA, which accounts for access restriction within proximity to the proposed signalized intersection and the construction of a full length right turn lane that will feed that entrance and helps everything function at a higher level than what was previously analyzed.

This project addresses the need for some additional housing, especially on the southern side of the City where there is a dearth of rooftops, while allowing for the primary amenities and a lot of the infrastructure to be located within the County. It is a win-win for the City's process while still providing a need that is greatly needed on this end of town. I am available for any questions as they relate to the land planning activities and the thought process that went behind it. Todd Rhea, Clark & Bradshaw, is available for additional questions, as well.

Chair Finnegan asked if there is a plan for that front section along the frontage road that is being kept for business. Is there any thought as to what that might become?

Mr. Roderick said not specifically. While we do not have any users in place, I have seen a couple of interested parties that have approached the developer of the site. These parties have been more akin to the development that is across the street, the light industrial and automotive type use. Those inquiries have been rebuffed. The intent is that once the residential is in place there will be a need for a higher caliber of user that would be more conducive to the residential development that will be adjacent to it. We do not have any allocated lots at this point, but that is the thought process that I have seen.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten said that she is happy to see an agreement like this between the City and the County. It seems like a very appropriate place. We hate to see farmland go to development, but, if we are going to grow and have what we hope is affordable housing, this is a best case scenario. We did not ask about affordability, but if they cannot tell us much about what the commercial development is going to be, I do not know that they will have much of a guess as to what the affordability of these units will be.

Chair Finnegan said that he is not an economist or a builder, but I do know that construction costs are an all-time high. If we build new housing that is to modern standards, I do not know that these would be what we might consider to be affordable. As we heard in the presentation to City Council, yesterday, we need more units all around. What I do like about this is that there is a mix of housing types. If you look at the larger plan there are single-family houses, townhouses and apartments.

Commissioner Baugh said that one aspect of the affordable housing issue is simply a near term supply problem. As someone who recalls the vision of what they were talking about putting out there eleven or twelve years ago, this is preferable.

Commissioner Baugh moved to recommend approval of the Comprehensive Plan's Land Use Guide map amendment, as presented.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Commissioner Byrd	Aye
Commissioner Hull	Aye
Commissioner Whitten	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Chair Finnegan	Aye

The motion to recommend approval of Comprehensive Plan's Land Use Guide map amendment, as presented passed (7-0). The recommendation will move forward to City Council on February 9, 2021.

Commissioner Baugh moved to recommend approval of the rezoning request, as presented.

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Commissioner Hull	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request, as presented passed (7-0). The recommendation will move forward to City Council on February 9, 2021.