



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

To: Planning Commission
From: Department of Community Development
Date: January 12, 2022 (Regular Meeting)
Re: Comprehensive Plan Amendment, Rezoning (R-3 to R-5C), and Special Use Permit (Section 10-3-55.4 (1) to Allow Multi-Family Dwellings of More Than Twelve Units Per Building) for Property on Lucy Drive located between Deyerle Avenue and Evelyn Byrd Avenue

Summary:

Public hearings to consider three requests from Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc.:

1. To amend the Comprehensive Plan's Land Use Guide map within Chapter 6, Land Use and Development Quality. The proposal is to amend the Land Use Guide designation for a +/- 4.7-acre parcel from Limited Commercial to Mixed Use.
2. To rezone a +/- 4.7-acre parcel from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional.
3. 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 +/- 4.7-acre property is located on Lucy Drive between the intersections of Deyerle Avenue and Evelyn Byrd Avenue and is identified as tax map parcel 77-A-1.

Background:

The property is designated Limited Commercial. The Comprehensive Plan states that 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.

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

Site: Undeveloped site, zoned R-3

North: Across Lucy Drive, professional offices, retail uses, and Fire Station 3, zoned B-2

East: Professional offices, zoned R-3

South: Townhomes, zoned R-3

West: Undeveloped site, zoned R-3

In 2018, another developer, Madison Lucy Realty LLC, requested to rezone the subject site and an adjacent parcel (totaling 5.7 +/- acres) addressed as 290, 294, and 298 Lucy Drive, from R-3, Medium Density Residential to R-5C, High Density Residential District Conditional, and for two special use permits to allow multi-family dwellings of more than 12 units per building and to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities). Staff recommended approval of all three requests. Planning Commission recommended (6-0) denial of all three requests, and on October 1, 2018, City Council (5-0) denied all three requests. More information about these requests can be found at <https://harrisonburg-va.legistar.com/Calendar.aspx>.

Key Issues:

The applicant, Woda Cooper Companies (who is currently under contract to purchase the property), has submitted three separate applications. The first is to amend the Comprehensive Plan's Land Use Guide map for the 4.7 +/- acre property. The second is to rezone the same parcel and acreage from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The third 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. If all three requests are approved, the applicant plans to construct three-story multiple-family (apartment) buildings containing a total of 111 dwelling units on the site.

Comprehensive Plan Amendment

As noted earlier, the applicant is requesting a Comprehensive Plan amendment to change the designation of the property from Limited Commercial (see the designation description within the Background section above) to Mixed Use. The Comprehensive Plan describes the proposed Mixed Use Land Use Guide designation as follows:

“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.”

With regard to the adjacent properties’ Land Use Guide designations, properties to the south are planned for Medium Density Residential, Limited Commercial (as described earlier) to the east and west, and Commercial to the north, across Lucy Drive. The Comprehensive Plan describes the Medium Density Residential designation as:

“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.”

The Commercial designation is then described as:

“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.”

While a use and site designed for Limited Commercial operations could function at this location, the same uses planned for within that designation could also function on property designated as Mixed Use. Furthermore, changing the designation to Mixed Use also promotes the idea to encourage residential development and staff believes that a mixed use building or multiple-family development at this site with higher density could be beneficial for those that want to reside in the City. From north to south, within a quarter-mile radius of the subject site, if the Comprehensive Plan Land Use Guide map amendment is approved, this area would transition from Commercial, to Mixed Use, to Medium Density Residential, to Low Density Residential made up of townhomes and duplexes, to lesser density of single family detached homes. (See attached Quarter--Mile Buffer Maps.) Staff supports the Land Use Guide amendment change from Limited Commercial to Mixed Use.

Rezoning and Special Use Permit

Before getting into the specifics of the rezoning and SUP requests, it is important to understand the uses and densities permitted by right on the subject site. The subject property is zoned, R-3, Medium Density Residential District. The R-3 district is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible with the district by means of architectural expression, landscaping, and restrained traffic flow. The R-3 district allows medical and professional offices by right as well as other non-residential uses. The R-3 district’s by right residential uses include single-family detached dwellings, duplex dwellings, and attached townhouses of no more than eight units in a row within one structure. Among other SUPs, multiple-family dwellings of up to 12 units per building and personal service establishments may be requested.

If this site were to be developed with the current R-3 zoning, the property could construct a combination of the following by right as lot dimension, setback, and off-street parking requirements allow:

- Residential uses:
 - By-right: 34 single-family detached units, 25 duplexes (50 units), or 102 townhouse units, or any workable combination. (Note: Given all current regulations, including but not limited to, subdivision regulations, off-street parking and landscaping regulations, and stormwater management regulations, as well as needed utilities, it can be difficult to actually achieve the maximum density that is allowed.)
- Non-residential uses:
 - Churches and other places of worship;
 - Governmental uses such as community centers, parks, and playgrounds;
 - College and university buildings;
 - Hospitals, convalescent or nursing homes, funeral homes, medical offices, and professional offices;
 - Charitable or benevolent institutions;
 - Child day care centers;
 - Private clubs; and/or
 - Public uses.

With approval of a SUP to allow for multi-family units, the site could contain 68 units.

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

1. No parking lot (including travel lanes and drive aisles) shall be located between any building and Lucy Drive. A bus pull-off lane shall be exempt from this requirement.
2. The Property shall not contain residential units that have greater than three (3) bedrooms.
3. The one-bedroom dwelling units on the Property shall make up at least 10% of the total dwelling units on the Property. The three-bedroom dwelling units on the Property shall make up no more than 30% of the total dwelling units on the Property.
4. The Property shall contain a playground for use by residents. The playground shall be a minimum of 600 square feet and shall include a slide, a swing, and climbing features.
5. A sidewalk shall be constructed along Lucy Drive for the length of the Property. Additionally, the property owner will dedicate right-of-way or a public sidewalk easement to be located a minimum of 0.5-ft behind the sidewalk.
6. A minimum of 16 deciduous trees or a minimum 26 small/ornamental deciduous trees shall be planted and maintained between the sidewalk and the building(s). At the time of planting, tree sizes shall meet the minimum size requirements defined in the Zoning Ordinance.
7. No building shall exceed three (3) stories in height.
8. The existing vegetation (trees and shrubbery) parallel to and within 23 feet of the southern property line shall be maintained to provide a vegetative buffer between adjacent residential uses

and uses on the subject site. If any vegetation needs to be removed for construction of the property, it shall be replaced with an equivalent planting. Trees that are replaced must be at least 6 feet in height at the time of planting.

9. Dwelling units may be occupied by single family or no more than three (3) unrelated persons. Exceptions may be made in instances when complying with this occupancy standard would result in violation of Title 42 of the U.S. Code, Chapter 45 – Fair Housing.
10. A minimum of 1.5 parking spaces per dwelling unit shall be provided.
11. Dwelling units shall not be occupied by households that are made up of only full-time students.
12. The development shall be served by only one entrance. This entrance shall align with either Pro Pointe Lane or the entrance serving tax map parcel 77-K-6.
13. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off and concrete pad shall be constructed to HDPT's specifications.
14. Exterior lighting of the site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. Light fixtures in parking areas shall not exceed fifteen (15) feet in height.

Note that the submitted conceptual layouts are not proffered.

Proffer #1 is intended to promote pedestrian friendly design by placing the buildings close to the street and prohibiting parking between the multiple-family buildings and Lucy Drive. 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. The applicant has also proffered to construct new sidewalks and to dedicate right-of-way or a public sidewalk easement along the frontage of Lucy Drive during development (Proffer #5) and to add street trees between the sidewalk and buildings (Proffer #6), which will enhance the pedestrian environment.

Staff is very appreciative that the proposed development would consist of one, two, and three-bedroom units. Proffer #2 restricts the property to dwelling units with no more than three bedrooms. Proffer #3 establishes a minimum number of one-bedroom dwelling units at 10 percent of the total number of dwelling units on the property while also setting a maximum number of three-bedroom dwelling units at no more than 30 percent of the total number of dwelling units.

Proffer #4 requires a playground on the property that shall be a minimum of 600 square feet in size and that would include a slide, swing, and climbing features.

Within the current R-3, Medium Density Residential District, uses may be three stories, where the maximum height is 35-feet for single-family dwellings and duplexes, and 40-feet for townhouses, multi-family buildings, and other uses. The requested R-5 district's maximum by-right height is 52 feet with the ability to have four stories for multi-family structures and mixed-use buildings. While not proffering a specific height, the applicant has proffered that no building shall exceed three stories (Proffer #7).

In Proffer #8, the applicant has detailed that existing vegetation (trees and shrubbery) parallel and within 23 feet of the southern property line shall be maintained during construction and that if any vegetation is

removed for construction of the property, then it shall be replaced with an equivalent planting and that trees replaced must be at least 6-feet in height at the time of planting. It should be understood that the applicant only intends to replace vegetation removed during construction and that the proffer does not require vegetation to be maintained in perpetuity. Staff has discussed with the applicant that in order to enforce this proffer that staff will require the engineered comprehensive site plan to illustrate where all trees and shrubbery exist within 23 feet of the entire length of the southern property line so that when construction is completed, zoning staff will use the engineered comprehensive site plan to verify that trees and shrubbery have been maintained and/or replaced. Additionally, it should be acknowledged that it appears the majority of vegetation between the proposed buildings on the subject site and the townhome buildings along Emerald Drive are located on the townhome properties and would not be disturbed by construction or are outside the 23-foot-wide area. Any vegetation outside of the 23-foot area could be removed during construction without being replaced. (See Exhibit B in attachments.)

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons, which is the same occupancy allowed within the current R-3 district. Proffer #9 reduces the allowable occupancy of dwelling units to either a family or not more than three unrelated persons.

Minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted. Although the applicant could have been allowed the flexibility of providing only one parking space per unit or less, they proffered that they would provide a minimum of 1.5 parking spaces per unit (Proffer #10). If the proposed 111 dwelling units are constructed, then 167 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.

Proffer #11 is intended to address community concerns that the multiple-family dwellings would become off-campus housing for college students. While college-aged students could live here, Proffer #11 would prohibit dwellings from being occupied by households made up of only full-time students.

The Design and Construction Standards Manual (DCSM) would allow this property to have more than one entrance as the number of entrances allowed is based on the length of the property frontage. With Proffer #12, the applicant has proffered that the development shall be served by only one entrance and that the entrance shall align with either Pro Pointe Lane or the entrance serving tax map parcel 77-K-6 (currently BioLife) to limit the number of potential vehicular conflict points.

Proffer #13 would require the developer to provide an easement and to construct a concrete pad for a bus shelter. The Harrisonburg Department of Public Transportation (HDPT) would provide the bus shelter and would approve the shelter and concrete pad's final location during engineered comprehensive site plan review.

To address concerns regarding lighting impacts on neighboring properties, Proffer #14 requires exterior lighting of the site to be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. Additionally, light fixtures in parking areas shall not exceed 15 feet in height.

As demonstrated in the Determination of Need for a Traffic Impact Analysis (TIA) (attached), the development is estimated to generate 51 additional trips in the PM peak hour and does not meet the 100-trip peak-hour threshold that gives City staff the ability to require a TIA. When a development reaches or exceeds 100 trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays and would require the need for a TIA study. Thus, a TIA study was not performed.

While the applicant has not proffered a maximum density, they have described in their letter that they plan to construct 111 multiple-family dwelling units. If the request to rezone the subject property to R-5 is approved, then the maximum number of multiple-family dwelling units allowed would be 114, which equates to a density of 24 dwelling units per acre. If the Land Use Guide map amendment request is approved, the density would align with the description of planned density in the Mixed Use areas outside of the downtown as the Comprehensive Plan states that [r]esidential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre.” The proposed 111 multiple-family dwelling units equates to a density of 23.5 dwelling units per acre.

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. As previously stated, staff believes that massing buildings close to the public street with parking behind the buildings creates an environment that is more accessible, interesting, and safer for pedestrians. Therefore, staff supports the SUP request to allow multi-family dwellings of more than 12 units per building.

While the subject site on its own does not incorporate all of the ideals and characteristics of Traditional Neighborhood Development (TND), the overall neighborhood together would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life’s other activities; allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school; and having a variety of housing types provided at a range of densities with heterogenous mixes of residences. Staff believes that the proposed rezoning and SUP allow for this project to blend well within the existing neighborhood and serve as a transition between Commercial and Medium Density Residential areas. Furthermore, generally adding more one-, two-, and three-bedroom residential units to the market will benefit the community’s need for more housing and for people who want to live in the City.

An additional component of this project is that the developer, as they describe in their letter, “intend to pursue Section 42 tax credits with general occupancy/family target population. The units would be targeted to households that meet the requirements for 30% AMI (area median income) up to 70% AMI. Simms Pointe would utilize income averaging, so the units will have an average AMI of no more than 60%. No market-rate units or student housing units will be included.” The Section 42 tax credit program is also commonly referred to as Low Income Housing Tax Credit program (LIHTC). The applicant also states that “[i]n applying for Section 42 tax credits, there are minimum design and amenity features that applicants include in order to produce a competitive development. As it currently stands, Simms Pointe will have a [*sic*] exterior walls consisting of 50% brick and 50% fiber cement board. There will be a community room of at least 750 square feet. There will also be a playground for children. The development will choose from a select few green building certifications including EarthCraft Gold, LEED green-building certification, or Enterprise Green Communities. There will be a full-time property manager and a fulltime maintenance technician on-site.” While staff supports the applicant’s intent to pursue Section 42 tax credits, it must be acknowledged that the pursuit of tax credits, the average AMI for units, the appearance of exterior walls, and the green building certifications are not proffered. Should

the rezoning and SUP get approved, but pursuit of Section 42 tax credits is unsuccessful, another developer could develop the site for multiple-family dwellings or any use allowed by right in the R-5 district so long as they comply with the Zoning Ordinance and the approved proffers.

If the developer is successful in acquiring Section 42 tax credits, the development could assist with the community's endeavor to provide more affordable housing in the City. The City's Comprehensive Housing Assessment and Market Study (Housing Study), which was completed in January 2021 identified a shortage of rental housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% AMI) and found that "[t]here is significant mismatch with many higher income households residing in more affordable units and lower income households residing in more costly units." Among renters, the study noted several key findings of the housing mismatch, which included:

- "There are significantly more households than units in the 0-30% AMI tier. This tier includes most student households (including dependent and independent students), persons needing supportive housing, elderly households, and other household types that are non-student, non-elderly households.
- The vast majority of rental units are naturally occurring affordable housing, meaning that the unit is affordable to a household earning up to 80% AMI without public subsidy; 81% of all rental units are affordable to households with incomes up to 80% AMI.
- Because there are many more households with incomes above 80% AMI but few available for this income tier, these higher income households occupy rental units that cost less, therefore increasing competition among lower income households for the affordable units.
- The vacancy rate is low; CHAS [Comprehensive Housing Affordability Strategy] data identified that only 2% of rental units were vacant."

The housing study explained that when the rental vacancy rate is low at 2% (or 3.5% per American Community Survey data), it indicates "a very tight market with an inadequate inventory. This creates high levels of competition within the market as renters compete for scarce units and where the lowest income households have the fewest options."

The housing study also identified that "[t]here are only 230 studio and one-bedroom units affordable to 0-30% AMI households, which is a critical unit type needed to meet the needs of households consisting of 1-2 persons and single persons needing supportive housing." The proposed development could contribute to help to address the need for more one-bedroom units in the City. Nonetheless, even if there are more two-bedroom and three-bedroom units rather than one-bedroom units, overall, this project could help the community with the current housing situation because it would add more units to the market and in this case be affordable for certain households.

Another component of the Housing Study places the subject site within Market Type A and notes that "priorities and 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." Staff believes that the proposal utilizes the recommendation by increasing density with the zoning change.

Staff recommends approval of the requests for the Comprehensive Plan Land Use Guide map amendment, rezoning, and SUP as presented by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the Comprehensive Plan Land Use Guide map amendment, rezoning and special use permit as submitted by the applicant;
- (b) Recommend approval of the Comprehensive Plan Land Use Guide map amendment, rezoning and special use permit with conditions;
- (c) Recommend approval of the Comprehensive Plan Land Use Guide map amendment, rezoning and deny the special use permit request;
- (d) Recommend denial of the Comprehensive Plan Land Use Guide map amendment, approval of the rezoning and special use permit with or without conditions;
- (e) Recommend denial of the Comprehensive Plan Land Use Guide map amendment, approval of the rezoning, and denial of the special use permit request; or
- (f) Recommend denial of the Comprehensive Plan Land Use Guide map amendment, rezoning and special use permit.

Community Engagement:

As required, the requests were published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisements were published as shown below:

Comprehensive Plan Amendment – Property on Lucy Drive located between Deyerle Avenue and Evelyn Byrd Avenue (Land Use Change: Limited Commercial to Mixed Use)

Public hearing to consider a request from Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc. to amend the Comprehensive Plan’s Land Use Guide map within Chapter 6, Land Use and Development Quality. The proposal is to amend the Land Use Guide designation for a +/- 4.7-acre parcel from Limited Commercial to Mixed Use. The Limited Commercial designation states that 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. 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 property is located on Lucy Drive between the intersections of Deyerle Avenue and Evelyn Byrd Avenue and is identified as tax map parcel 77-A-1.

Rezoning – Property on Lucy Drive located between Deyerle Avenue and Evelyn Byrd Avenue (R-3 to R-5C)

Public hearing to consider a request from Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc. to rezone a +/- 4.7-acre parcel from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The Zoning Ordinance states the R-3, Medium Density Residential District is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. 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 Limited Commercial. 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. This rezoning is requested simultaneously with a Comprehensive Plan Map Amendment to change the Land Use Designation from Limited Commercial to Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The property is located on Lucy Drive between the intersections of Deyerle Avenue and Evelyn Byrd Avenue and is identified as tax map parcel 77-A-1.

Special Use Permit - Property on Lucy Drive located between Deyerle Avenue and Evelyn Byrd Avenue (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 Bluestone Land Company, Inc. with representatives Woda Cooper Development, Inc. 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 +/- 4.7-acre property is located on Lucy Drive between the intersections of Deyerle Avenue and Evelyn Byrd Avenue and is identified as tax map parcel 77-A-1.

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

Recommendation:

Staff recommends alternative (a) approval of the Comprehensive Plan Land Use Guide map amendment, rezoning and special use permit as submitted by the applicant.

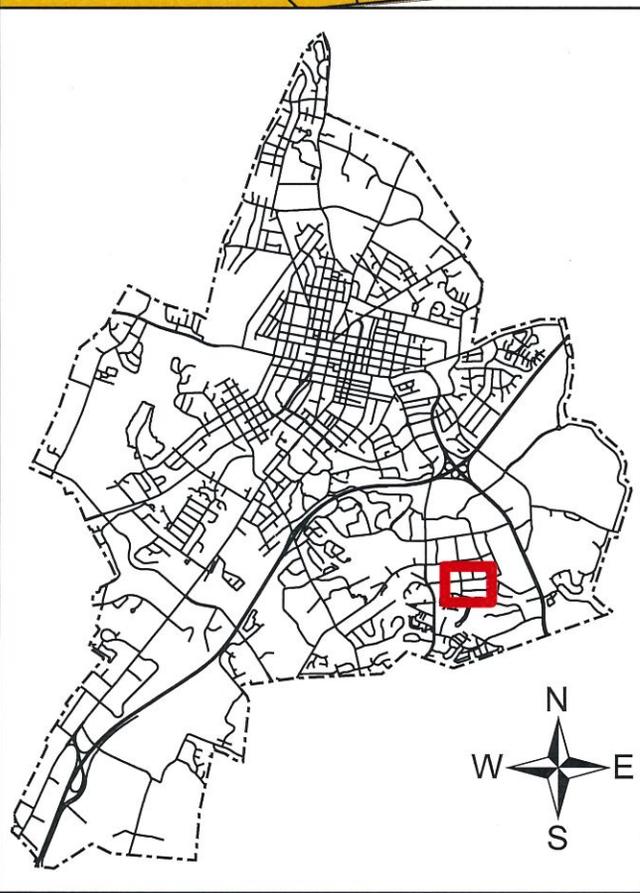
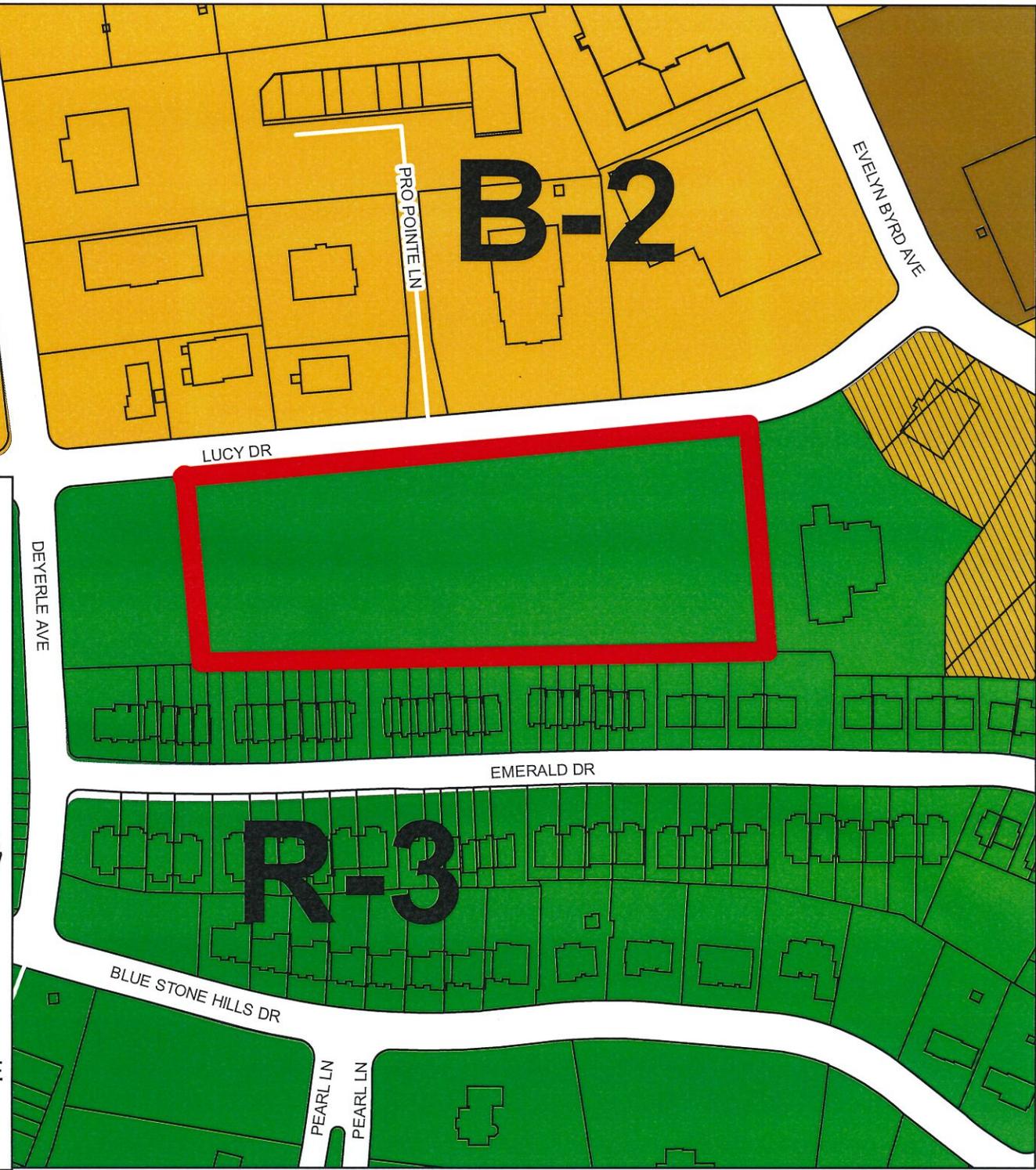
Attachments:

1. Site map
2. Application and supporting documents
3. Exhibit A. Quarter-Mile Buffer Maps
4. Exhibit B. Illustration of Proffer #8 (Site vegetation)
5. Public comments received as of January 7, 2022

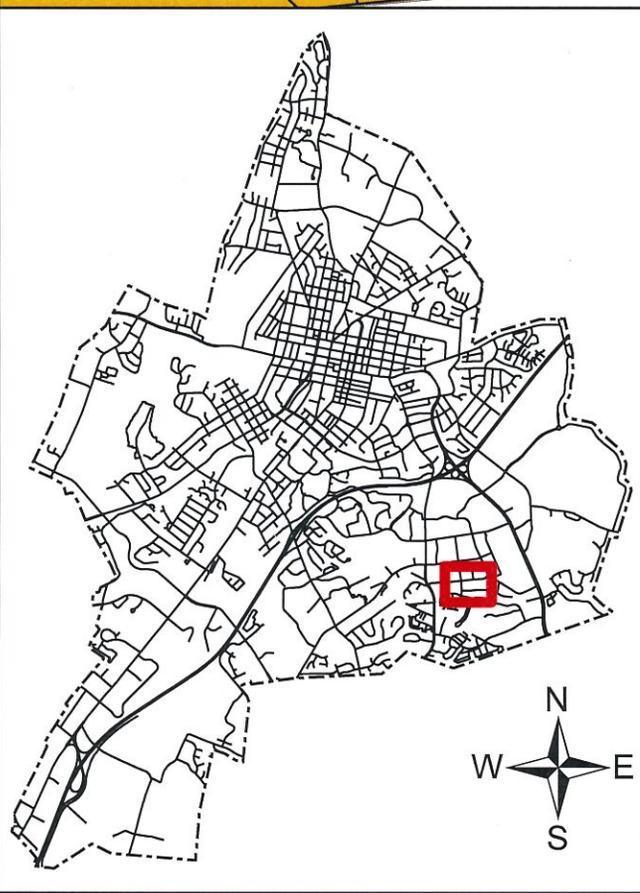
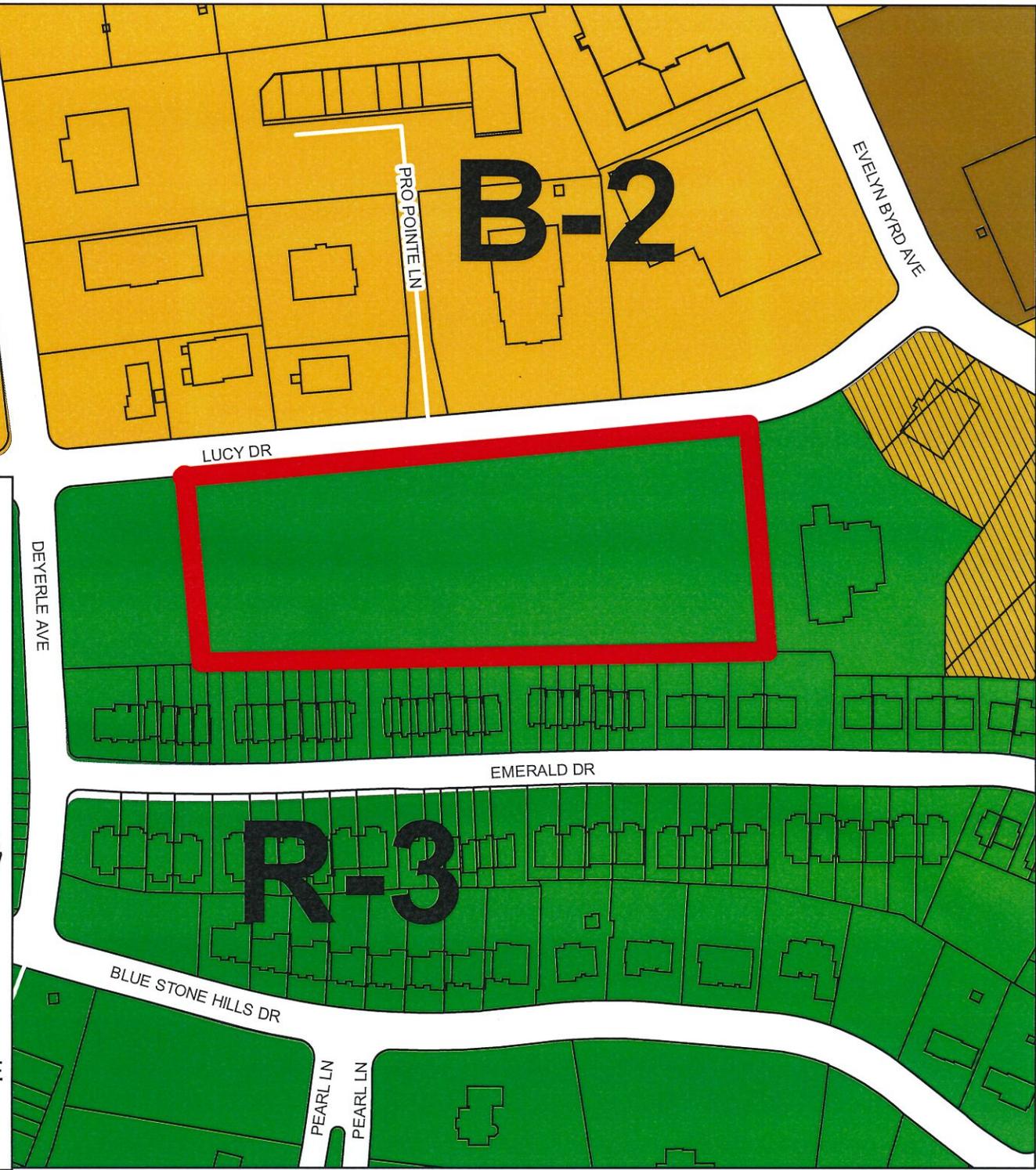
Review:

N/A

CITY OF HARRISONBURG
Comprehensive Plan Amendment -
Limited Commercial to High Density
Residential; Rezoning - R-3 to R-5C;
and Special Use Permit request
10-3-55.4(1) More than 12 Multi-
Family Dwellings Per Building
Property on Lucy Drive between
Deyerle Ave & Evelyn Byrd Ave
Tax Map Parcel(s) 77-A-1
+/-4.7-acres
+/- 2.91 acres



CITY OF HARRISONBURG
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CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

**Change of Zoning District
(Rezoning) Application**
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

Lucy Drive	TM 77 (A) 1	4.731	acres or sq.ft.
Property Address	Tax Map Parcel/ID	Total Land Area	(circle)
Existing Zoning District: <u>R-3</u>	Proposed Zoning District: <u>R-5</u>		
Existing Comprehensive Plan Designation: <u>Limited Commercial</u>			

PROPERTY OWNER INFORMATION

Blue Stone Land Company, Inc.	540-830-7031
Property Owner Name	Telephone
150 West Mosby Rd	nrbrubaker@gmail.com
Street Address	E-Mail
Harrisonburg VA 22801	
City State Zip	

OWNER'S REPRESENTATIVE INFORMATION

Woda Cooper Development, Inc.	540-351-7877
Owner's Representative	Telephone
500 S. Front St, 10th Floor	pzee@wodagroup.com
Street Address	E-Mail
Columbus OH 43215	
City State Zip	

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Daniel W. Brubaker 12/2/2021
PROPERTY OWNER DATE

REQUIRED ATTACHMENTS

- Letter explaining proposed use & reasons for seeking change in zoning.
- Statement on proffers, if applying for conditional rezoning.
- Survey of property or site map.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

<u>12/2/21</u>	Total Fees Due: \$
Date Application and Fee Received	Application Fee: \$550.00 + \$30.00 per acre
Received By	

January 3, 2022

RE: Rezoning and Special Use Permit Application Authorization

Blue Stone Land Company, Inc. hereby authorizes Woda Cooper Development, Inc. to submit the Rezoning Application, the Special Use Permit Application, and the Comprehensive Plan Map Amendment Application for the land on Lucy Drive with the tax map identification number of TM 77 (A) 1. Blue Stone Land Company, Inc. authorizes Woda Cooper Development, Inc. to submit the statement on proffers to apply for conditional rezoning as necessary.

Should you have any questions, please do not hesitate to contact me at 540-830-7031.

Sincerely,

Daniel Brubaker
Blue Stone Land Company, Inc.

DocuSigned by:
Daniel Brubaker
22E3814899974F0...



January 3, 2022

Planning Commission
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

Planning Commission
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

Re: Woda Cooper Development, Inc. Application for Rezoning; Application for Special Use Permit / 10-3-55.4(1); and Application for Comprehensive Plan Map Amendment

Dear City Councilors and Commissioners:

Woda Cooper Development, Inc. (the “Applicant”) is seeking a Rezoning from R-3 to R-5, a Special Use Permit to permit multiple-family dwelling of more than twelve (12) units per building, and a Comprehensive Plan Map Amendment from Limited Commercial land use to Mixed Use on Tax Map parcel 77-A-1 on Lucy Drive. The Applicant submits these applications with authorization from the current landowner, Blue Stone Land Company, Inc.

The Applicant wishes to develop, construct, and manage a multiple-family apartment development, to be known as Simms Pointe, that contains 111 total units on this 4.731-acre parcel, for a density of 23.46 dwelling units per acre. This apartment development would contain only residential uses. The units are going to be targeted at affordable workforce households. The Applicant intends to pursue Section 42 tax credits with general occupancy/family target population. The units would be targeted to households that meet the requirements for 30% AMI (area median income) up to 70% AMI. Simms Pointe would utilize income averaging, so the units will have an average AMI of no more than 60%. No market-rate units or student housing units will be included.

In applying for Section 42 tax credits, there are minimum design and amenity features that applicants include in order to produce a competitive development. As it currently stands, Simms Pointe will have a exterior walls consisting of 50% brick and 50% fiber cement board. There will be a community room of at least 750 square feet. There will also be a playground for children. The development will choose from a select few green building certifications including EarthCraft Gold, LEED green-building certification, or Enterprise Green Communities. There will be a full-time property manager and a full-time maintenance technician on-site.

Simms Pointe could be a valuable asset for the city of Harrisonburg as it acts on the key findings of the Harrisonburg Housing Study. Using income averaging will allow Simms Pointe to target greater than 10% of its units towards the lowest income group (30% AMI), identified as one of the greatest needs in the Housing Study. The Housing Study also identifies that a majority of cost burdened renter households are households that earn between 0% and 80% AMI. Simms Pointe will target various AMI levels within this range. The Housing Study recommends placing affordable housing in areas with high access to amenities and public transit. Simms Pointe will be located directly on a bus line and would like to work with the Harrisonburg Department of Public Transportation to provide a bus shelter and pad. The amenities found in the Valley Mall just down the road, among many more nearby

amenities, will give the residents very high access to amenities and jobs as well. Simms Pointe falls within Market Type A, identified in the Housing Study as an area with an emphasis on increasing density and as an area with above median access to amenities.

The Applicant has received a Determination of Need for a Traffic Impact Analysis that indicates the AM Peak Hour Trips will be 41 total, and the PM Peak Hour Trips will be 51 total. A site map and the recorded plat from 2007 are provided in the application. A conceptual plan is also provided to show a potential site layout and building massing.

The Applicant seeks Rezoning from R-3 to R-5 to permit a greater density. R-3 would allow up to 68 units on this parcel, while R-5 would permit up to 114 units. The increase in density will allow the Applicant to produce a more competitive application in their pursuit of the Section 42 tax credits. The Applicant seeks to conditionally zone this property, subject to the proffer statement below. This conditionally zoned property will restrict occupancy and will condition a minimum of 1.5 parking spaces per dwelling unit.

The Applicant seeks Special Use Permit 10-3-55.4(1) to permit multiple-family dwelling of more than twelve (12) units per building. Without the Special Use Permit, R-5 zoning would allow multiple-family dwellings with up to twelve (12) units per building. This Special Use Permit would allow the buildings to be constructed more efficiently and allow for a more efficient site layout. More efficient construction pricing will be beneficial to the Applicant in their application for the Section 42 tax credits.

The Applicant seeks a Comprehensive Plan Map Amendment to change the future land use from Limited Commercial to Mixed Use. A future land use designation of Mixed Use would permit up to 24 dwelling units per acre. Simms Pointe is intended to contain only residential uses, so the Applicant wishes to amend the Comprehensive Plan Map to designate the future land use as Mixed Use as the development will complement the adjacent commercial and residential uses. Simms Pointe will help the city of Harrisonburg meet the current and future needs of residents for affordable housing, one of the key goals of the Comprehensive Plan.

Thank you for your time and consideration, and please feel free to direct any questions or comments to me at pzee@wodagroup.com or 540-351-7877.

Sincerely,



Parker Zee, Assistant Vice President of Development
Woda Cooper Development, Inc.



January 3, 2022

Planning Commission
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

Planning Commission
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

Re: Proffer Statement

Dear City Councilors and Commissioners:

The Applicant hereby voluntarily proffers that, if the City of Harrisonburg City Council acts to rezone the Property as requested, the development of the Property shall be in strict accordance with the following proffered conditions pursuant to Section 15.2-2241, -2297, -2298, or -2303 (as applicable) of the Code of Virginia, 1950, as amended, and pursuant to Section 10-3-123 of the City of Harrisonburg Zoning Ordinance.

1. No parking lot (including travel lanes and drive aisles) shall be located between any building and Lucy Drive. A bus pull-off lane shall be exempt from this requirement.
2. The Property shall not contain residential units that have greater than three (3) bedrooms.
3. The one-bedroom dwelling units on the Property shall make up at least 10% of the total dwelling units on the Property. The three-bedroom dwelling units on the Property shall make up no more than 30% of the total dwelling units on the Property.
4. The Property shall contain a playground for use by residents. The playground shall be a minimum of 600 square feet and shall include a slide, a swing, and climbing features.
5. A sidewalk shall be constructed along Lucy Drive for the length of the Property. Additionally, the property owner will dedicate right-of-way or a public sidewalk easement to be located a minimum of 0.5-ft behind the sidewalk.
6. A minimum of 16 deciduous trees or a minimum 26 small/ornamental deciduous trees shall be planted and maintained between the sidewalk and the building(s). At the time of planting, tree sizes shall meet the minimum size requirements defined in the Zoning Ordinance.
7. No building shall exceed three (3) stories in height.
8. The existing vegetation (trees and shrubbery) parallel to and within 23 feet of the southern property line shall be maintained to provide a vegetative buffer between adjacent residential uses and uses on the subject site. If any vegetation needs to be removed for construction of the property, it shall be replaced with an equivalent planting. Trees that are replaced must be

at least 6 feet in height at the time of planting.

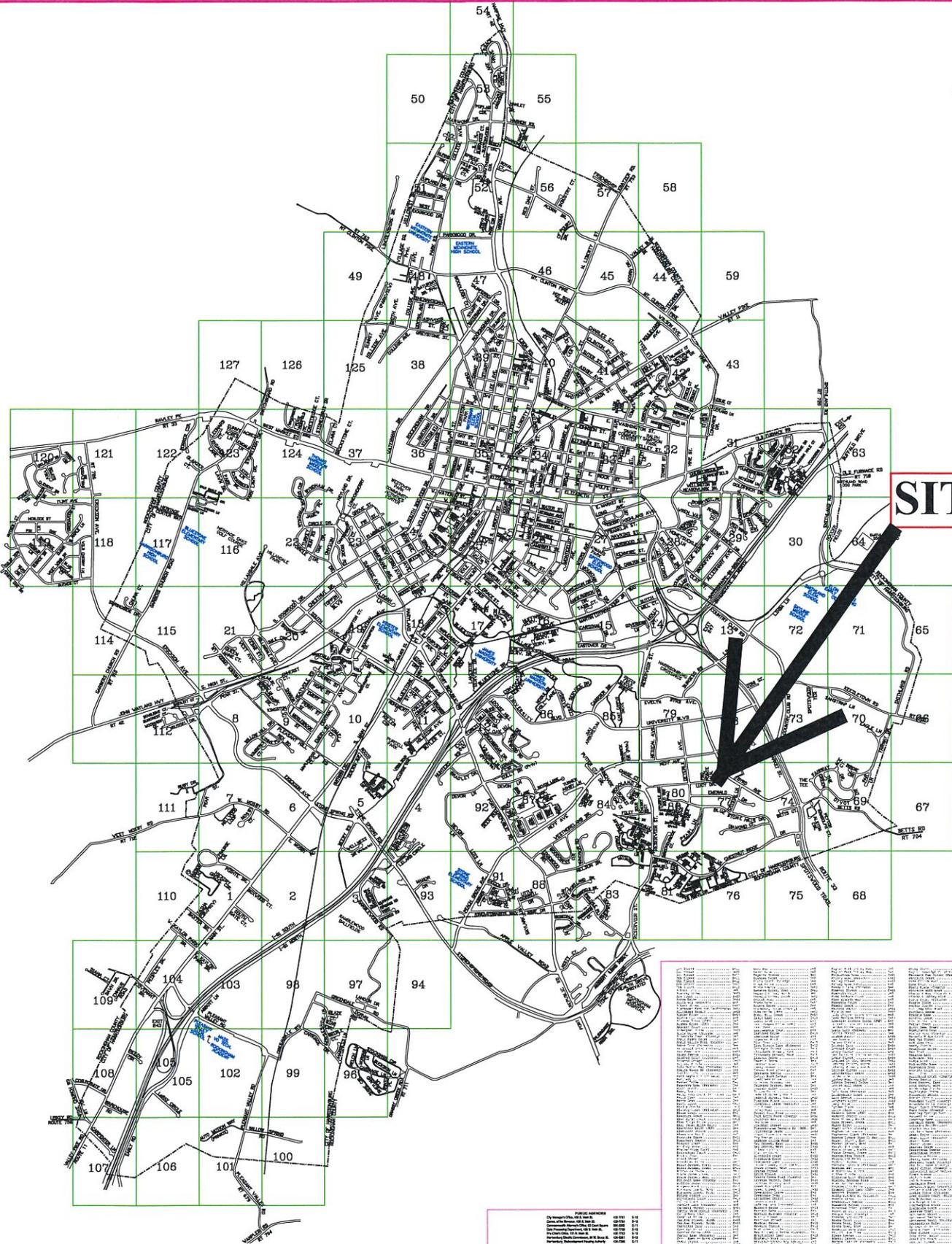
9. Dwelling units may be occupied by single family or no more than three (3) unrelated persons. Exceptions may be made in instances when complying with this occupancy standard would result in violation of Title 42 of the U.S. Code, Chapter 45 – Fair Housing.
10. A minimum of 1.5 parking spaces per dwelling unit shall be provided.
11. Dwelling units shall not be occupied by households that are made up of only full-time students.
12. The development shall be served by only one entrance. This entrance shall align with either Pro Pointe Lane or the entrance serving tax map parcel 77-K-6.
13. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off and concrete pad shall be constructed to HDPT's specifications.
14. Exterior lighting of the site shall be designed so that light is not directed off the site and the light source is shielded from direct offsite viewing. Light fixtures in parking areas shall not exceed fifteen (15) feet in height.

Thank you for your time and consideration, and please feel free to direct any questions or comments to me at pzee@wodagroup.com or 540-351-7877.

Sincerely,



Parker Zee, Assistant Vice President of Development
Woda Cooper Development, Inc.



SITE

Parcel ID	Area (sq. ft.)	Area (Acres)	Owner	Address
101	10,000	0.23	...	...
102	10,000	0.23	...	...
103	10,000	0.23	...	...
104	10,000	0.23	...	...
105	10,000	0.23	...	...
106	10,000	0.23	...	...
107	10,000	0.23	...	...
108	10,000	0.23	...	...
109	10,000	0.23	...	...
110	10,000	0.23	...	...
111	10,000	0.23	...	...
112	10,000	0.23	...	...
113	10,000	0.23	...	...
114	10,000	0.23	...	...
115	10,000	0.23	...	...
116	10,000	0.23	...	...
117	10,000	0.23	...	...
118	10,000	0.23	...	...
119	10,000	0.23	...	...
120	10,000	0.23	...	...
121	10,000	0.23	...	...
122	10,000	0.23	...	...
123	10,000	0.23	...	...
124	10,000	0.23	...	...
125	10,000	0.23	...	...
126	10,000	0.23	...	...
127	10,000	0.23	...	...

Map of the City of Harrisonburg

City of Harrisonburg, VA

Area: 17,394 sq. mi.
11,131.909 Acres
Provided by the City of Harrisonburg Department of Planning & Community Development



September 11, 2019
Scale: 1" = 1500'



Lucy Drive; Tax Map Parcel 77-A-1; 4.731 acres

Site	Multifamily	BLDG #2 SITE DATA				Parking	Master Plan		
Acreage	2.23 Units	47	2 Beds	29	62%	Efficiency	76.3% Stalls	97 Stalls	97
FAR	0.6 Beds	88				Height	38.5 Average	367	
DU/AC	21.1 Baths	88	3 Beds	12	26%	Average	1,015 Ratio	2.06 Ratio	2.06
	Stalls Req.	71	1 Beds	6	12%			Parking Req.	71

Site	Multifamily	BLDG #1 SITE DATA				Parking	Master Plan		
Acreage	2.43 Units	64	2 Beds	45	70%	Efficiency	77.6% Stalls	133 Stalls	133
FAR	0.8 Beds	125				Height	38.5 Average	298	
DU/AC	26.4 Baths	125	3 Beds	13	20%	Average	987 Ratio	2.08 Ratio	2.08
	Stalls Req.	128	1 Beds	6	10%			Parking Req.	128

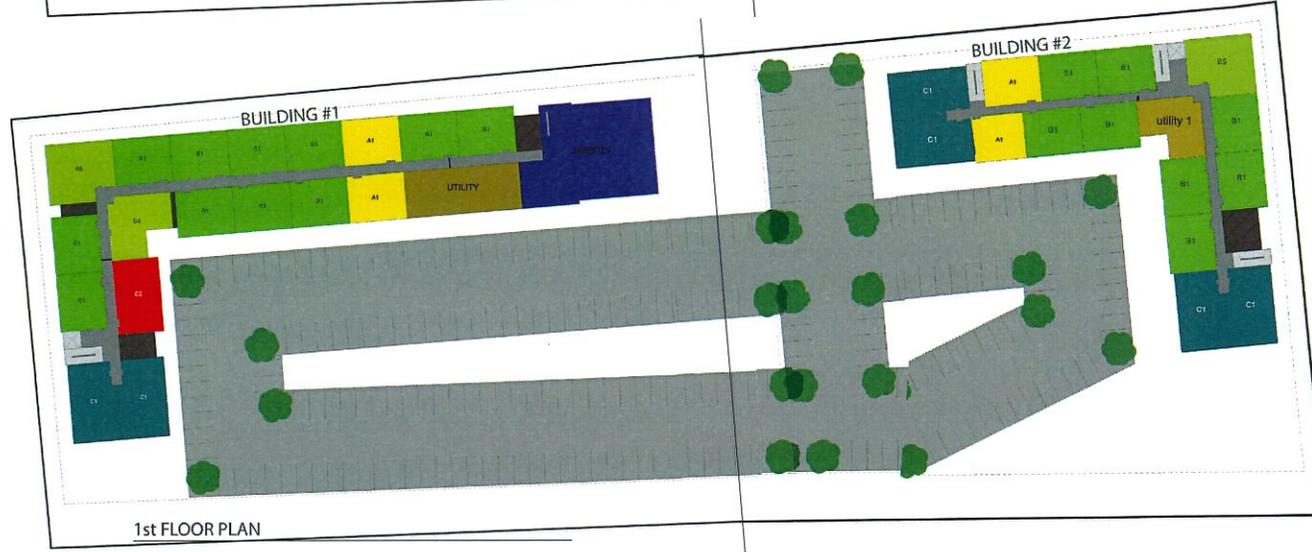
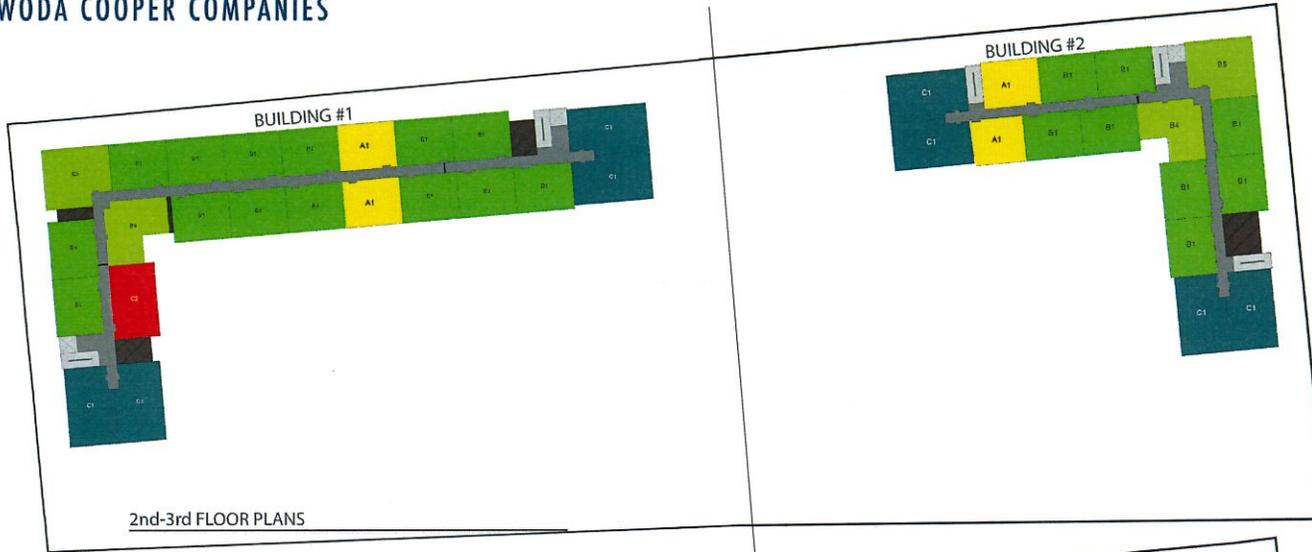
- one bedroom units
- two bedroom units
- two bedroom corner units
- three bedroom end units
- three bedroom units
- amenities
- utilities



2nd-3rd FLOOR PLANS



WODA COOPER COMPANIES



- one bedroom units
- two bedroom units
- two bedroom corner units
- three bedroom end units
- three bedroom units
- amenities
- utilities

BLDG #2 UNIT TABULATION

Unit Type	Net Rentable				
	Units				
	2 Beds		3 Beds		
Size	A1	B1	B4	B5	C1
3rd Floor	2	8	1	1	4
2nd Floor	2	8	1	1	4
1st Floor	2	8	0	1	4
	6	24	2	3	12
Type Sum	6			29	12
Unit Totals					47
%	12%			62%	26%
NRSF Sum	4,350			27,398	14,921

BLDG #1 UNIT TABULATION

Unit Type	Net Rentable					
	Units					
	2 Beds		3 Beds			
Size	A1	B1	B4	B5	C1	C2
3rd Floor	2	14	1	1	4	1
2nd Floor	2	14	1	1	4	1
1st Floor	2	11	1	1	2	1
	6	39	3	3	10	3
Type Sum	6			45		13
Unit Totals						64
%	10%			70%		20%
NRSF Sum	4,350			41,877	15,844	





City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**
www.harrisonburgva.gov/traffic-impact-analysis

For inclusion in an application for Planning Commission review (for Special Use Permit, Rezoning or Preliminary Plat), this form must be submitted to the Public Works Department at least 5 business days prior to the Planning Commission application deadline.

Contact Information	
Consultant Name:	Hoggard-Eure Associates
Telephone:	Jack Claud 757-484-9670
E-mail:	jackc@heapc.com
Owner Name:	Blue Stone Land Company, Inc.
Telephone:	Daniel Brubaker 540-830-7031
E-mail:	nrbrubaker@gmail.com
Project Information	
Project Name:	Simms Pointe
Project Address: TM #:	Lucy Drive, Harrisonburg, VA 22801 Tax Map # 077 (A) 1
Existing Land Use(s):	Vacant
Proposed Land Use(s): (if applicable)	Residential - Affordable Housing
Submission Type:	Comprehensive Site Plan <input type="radio"/> Special Use Permit <input type="radio"/> Rezoning <input checked="" type="radio"/> Preliminary Plat <input type="radio"/>
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)	In addition to Rezoning, this Determination of Need is being submitted for a Special Use Permit as well. The Rezoning is to rezone the property from R-3 to R-5. The Special Use Permit to be applied for is to allow the multifamily buildings to contain more than 12 units in a single building, to allow 64 units in one building and 47 units in a second building. Site plan is attached. This project will be an affordable multifamily development for non-student households. There will be no commercial component of this development. There will be 111 units on the 4.731 acres of land on the parcel. The site plan currently shows a total of 86 two-bedroom units and 25 three-bedroom units. The exact breakdown of two-bedroom vs three-bedroom units may change as we work through site plan, but the 111 units will remain constant. Access is shown on the site plan and will be from Lucy Drive. Currently, we are showing 230 parking spaces for a ratio of 2.07 spaces per unit.
Peak Hour Trip Generation (from row 15 on the second page)	
AM Peak Hour Trips:	41
PM Peak Hour Trips:	51

(reserved for City staff)

TIA required? Yes _____ No TIA

Comments:

The only changes are to keep in line with ITE TripGen 11th Edition

Accepted by: *Timothy Mason*

Date: 11/29/2021

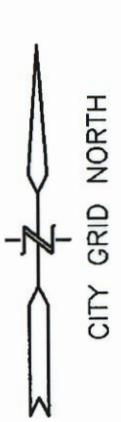
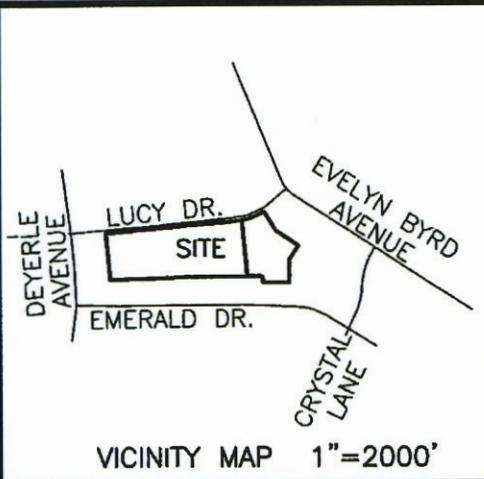
Peak Hour Trip Generation by Land Use

Row	ITE Land Use		ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1	Residential - Affordable Housing	223	Dwelling Units	111	41	51
2	Proposed #2						
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					41	51
8	Existing #1	Vacant				0	0
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14	Total Existing Trips					0	0
15	Final Total (Total New – Total Existing)					41	51

Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.

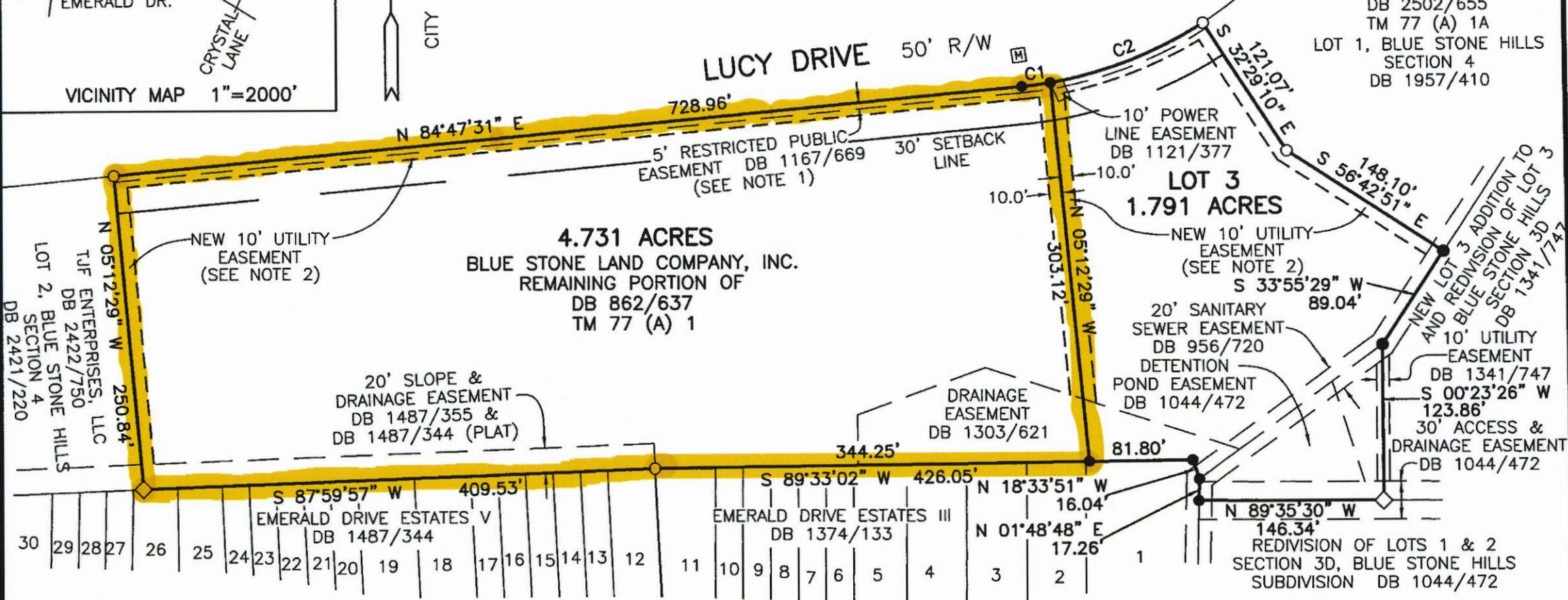


SCALE: 1"=100'

- = IRON PIN SET
- = FOUND IRON PIN
- ◇ = FOUND P.K. NAIL
- ⊠ = CITY MONUMENT
- △ = POINT

NOTE 1:
NO PRIVATE SIGNS, STRUCTURES OR PLANTS MORE THAN 2' IN HEIGHT TO BE PLACED WITHIN THIS AREA.
NOTE 2:
THE NEW 10' UTILITY EASEMENTS SHOWN HEREON ARE HEREBY DEDICATED TO PUBLIC USE.

PJP, LLC
DB 2502/655
TM 77 (A) 1A
LOT 1, BLUE STONE HILLS
SECTION 4
DB 1957/410



BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 091506
091506-DIV.DWG

SHEET 2 OF 3

CURVE	DELTA	RADIUS	ARC	CHORD	CHORD BEARING	TANGENT
C1	04°03'29"	325.00'	23.02'	23.01'	N 82°45'46" E	11.51'
C2	23°09'22"	325.00'	131.35'	130.46'	N 69°09'21" E	66.58'



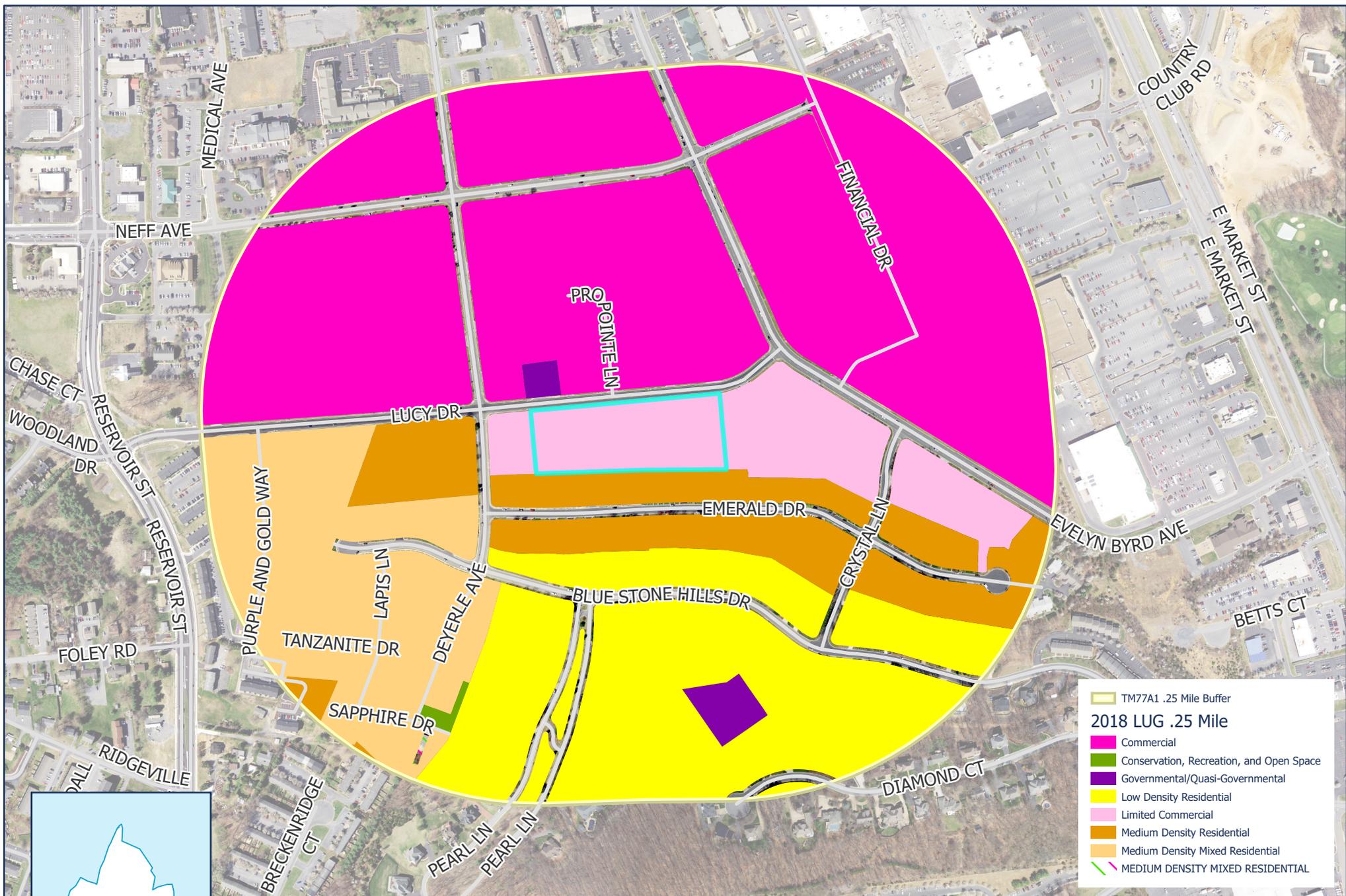
77 A 1 - Quarter Mile Buffer Map

 TM77A1 .25 Mile Buffer



**THE CITY OF
HARRISONBURG
VIRGINIA**



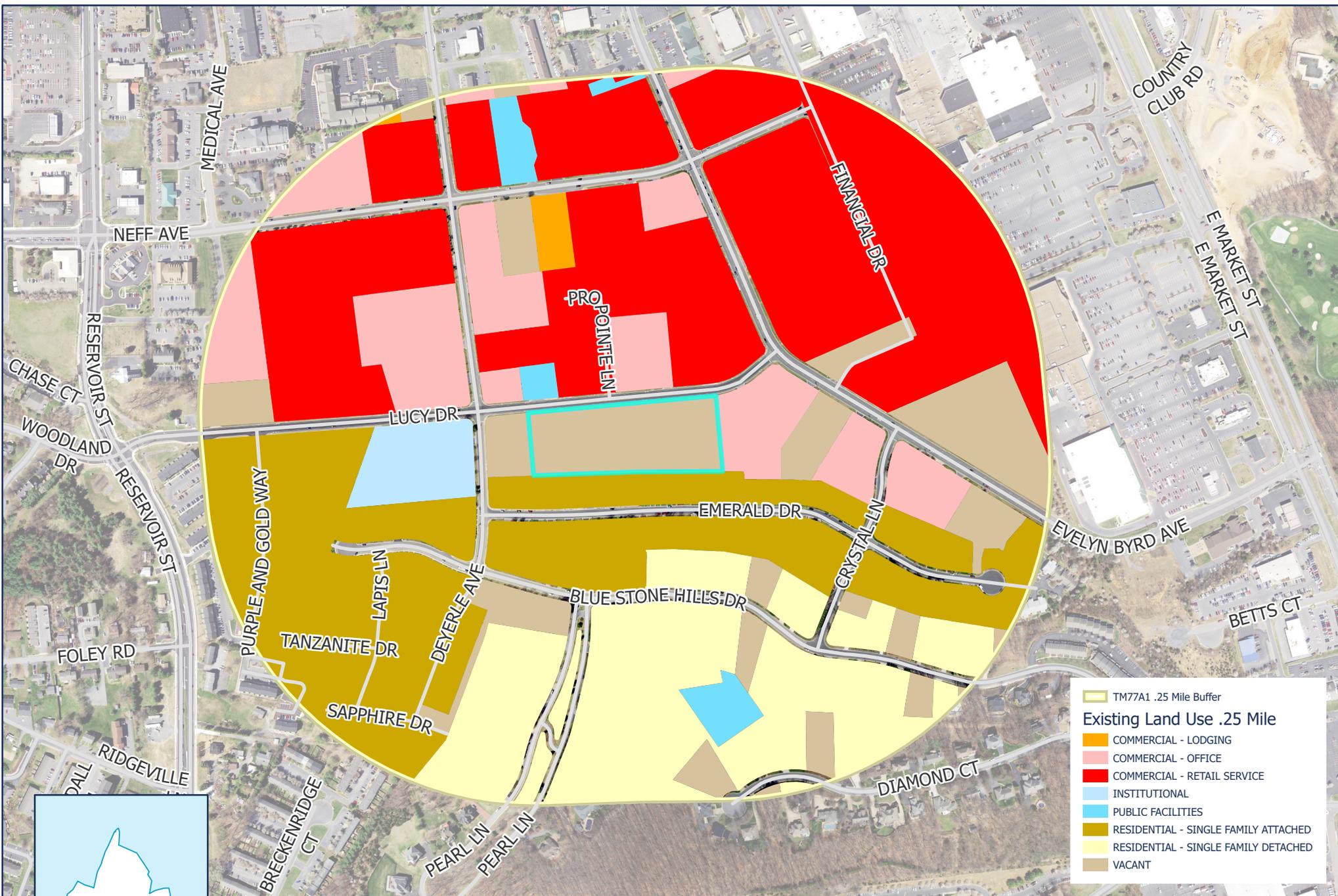


**77 A 1 Quarter Mile Buffer Map
2018 Land Use Guide**



**THE CITY OF
HARRISONBURG
VIRGINIA**



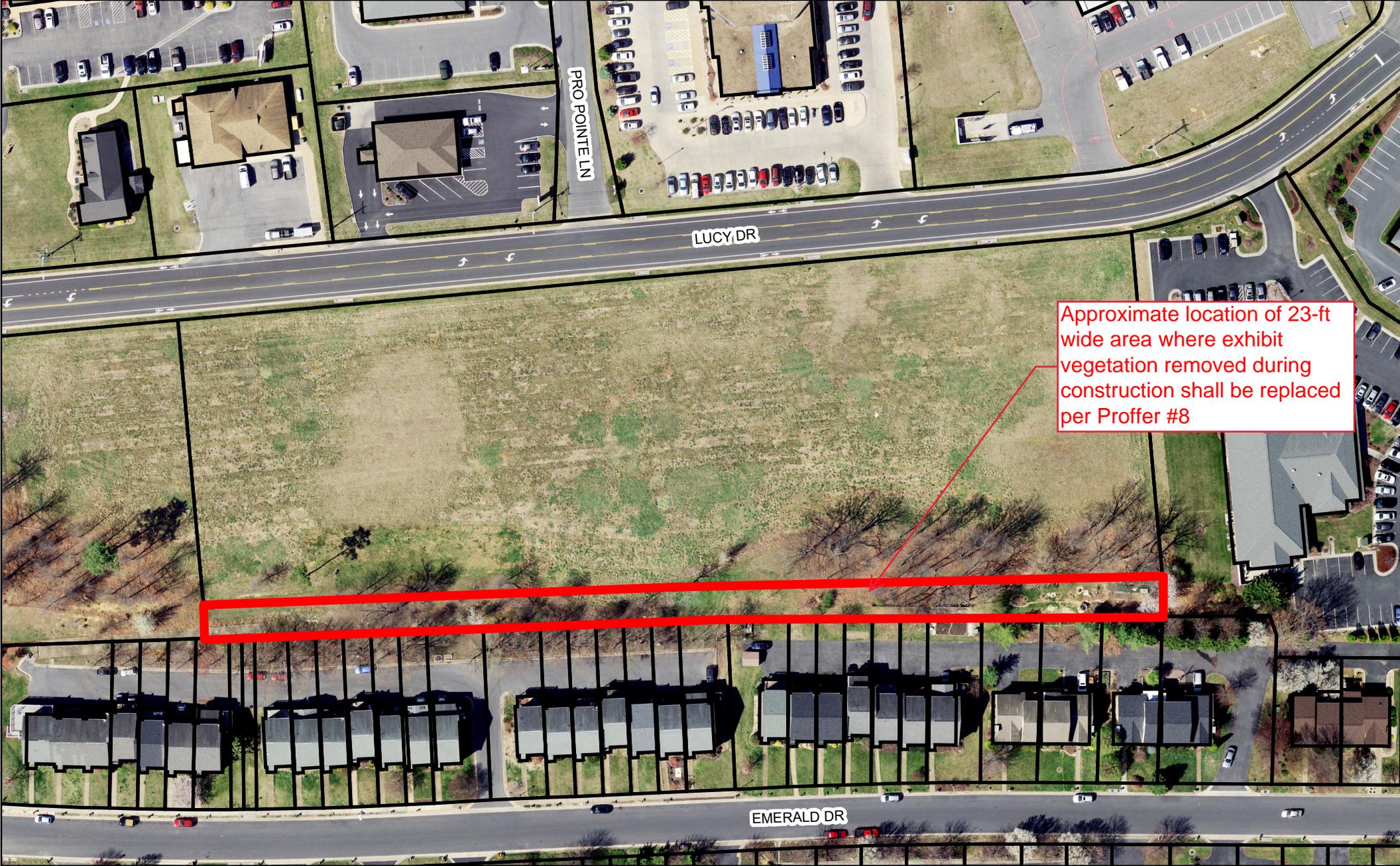


**77 A 1 Quarter Mile Buffer Map
Existing Land Use**



**THE CITY OF
HARRISONBURG
VIRGINIA**





Approximate location of 23-ft wide area where exhibit vegetation removed during construction shall be replaced per Proffer #8



Exhibit B. Illustration of Proffer #8 (Site Vegetation)

