



# City of Harrisonburg, Virginia

## Planning Commission Meeting

January 12, 2011

7:00 p.m.

Regular Meeting  
409 South Main Street

1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the December 8, 2010 regular meeting and the December 8, 2010 Comprehensive Plan Worksession.**

2) **New Business**

*Preliminary Plat – The Angle (Velocity Property Group)*

Consider a request from Doug Kline with representative Velocity Property Group to preliminarily plat a lot at the corner of Foley Road and Ridgeville Lane. The application includes Subdivision Ordinance variance requests per Sections 10-2-41, 10-2-45, 10-2-66, & 10-2-67. The property is zoned R-3, Medium Density Residential District and is located at 746 and 752 Foley Road and can be found on tax maps 84-B-20 & 21.

*Special Use Permit – The Angle 10-3-48.4 (6) (Velocity Property Group)*

Public hearing to consider a request from Doug Kline with representative Velocity Property Group for a special use permit per Section 10-3-48.4 (6) of the Zoning Ordinance to allow multiple family dwellings in the R-3, Medium Density Residential District. The property is located at 746 and 752 Foley Road and can be found on tax maps 84-B-20 & 21.

*Rezoning – 724 Through 740 Grant Street (B-2 to R-2)*

Public hearing to consider a request from Sonya Shaver, Andrew Collins, Wilson Ewing, and Nancy Wheelbarger to rezone five lots from B-2, General Business District to R-2, Residential District. The properties are located at 724, 728, 732, and 740 Grant Street and can be found on tax maps 39-RR-10, 11, 12, 13, & 14.

3) **Unfinished Business**

4) **Public Input**

5) **Report of secretary and committees**

*Proactive Zoning*

6) **Other Matters**

*Review of 2010 Annual Reports*

7) **Adjournment**

Staff will be available Tuesday February 8, 2011 at 2:30 p.m. for those interested in going on a field trip to view the sites for the February 9, 2011 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**December 8, 2010**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, December 8, 2010, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Charles Chenault, MuAwia Da'Mes, Deb Fitzgerald, Bill Jones and J.M. Snell.

Members absent: Alan Finks.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with six of seven members in attendance. He then stated there were two sets of minutes for review and asked for approval of the minutes from the November 10, 2010 regular Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the regular Planning Commission meeting on November 10, 2010.

Mrs. Fitzgerald seconded the motion.

All voted in favor of approving the minutes. (6-0)

Chairman Jones asked for a motion on the minutes from the November 10<sup>th</sup> work session.

Mr. Snell moved to approve the minutes as presented.

Mr. Chenault seconded the motion.

All voted in favor. (6-0)

**New Business**

***Rezoning and Special Use Permit – Pedcor Inv. (Clark Property)***

Chairman Jones read the next two items and said we will hear these two requests together, he then asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Low-Density Mixed Residential. These large undeveloped areas located at the edge of the city are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces.

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

Site: Undeveloped property, split zoned B-2 and R-3

North: Undeveloped property, zoned R-1 and R-3

East: Hidden Creek Apartments fronting along South Dogwood Drive, zoned R-3 and a non-conforming dwelling fronting Erickson Avenue, zoned B-2

South: Rockingham Family Physicians, zoned B-2 and across Erickson Avenue undeveloped property, zoned B-2

West: May Enterprises, Inc property, zoned B-2 and undeveloped property, zoned R-1

The subject property is a 36.5-acre, split zoned, undeveloped parcel of land located in the western part of the City with two frontages along Erickson Avenue. The western frontage includes almost 18 acres of R-1, Single Family Residential District property. The eastern frontage is a 10.13-acre portion that is zoned B-2, General Business District, which also abuts undeveloped street right-of-way that was established during the property acquisitions for the Erickson Avenue/Stone Spring Road improvement project. The last section of the subject property is an 8.53-acre section zoned R-3, Medium Density Residential District. The sections of the property that are under review include the B-2 and R-3 portions totaling 18.66 +/- acres.

The applicant's representative has filed two separate applications: a rezoning and a special use permit. The rezoning application consists of rezoning the 10.13-acre B-2 portion to R-3C while also requesting to rezone the existing 8.53-acre R-3 portion to R-1. Simultaneously, the applicant is requesting the 10.13-acre portion (the proposed R-3 section) to receive a Special Use Permit (SUP) per Section 10-3-48.4 (6) to allow Multiple Family Dwellings within the R-3, Medium Density Residential District.

As part of the rezoning application, the developer has proffered to eliminate duplexes and townhouses from the permitted uses of the R-3, Medium Density Residential District. The proposed R-1 area would be unconditional and would match the approximate 18-acre western portion of the property, which is already zoned R-1. If the rezoning request is approved, until it is determined what areas of the property Pedcor will subdivide and own, the parcel would remain split zoned with part of the property governed by the R-3C restrictions while the remaining acres would be zoned R-1.

The plan of development as shown on the submitted layout is permissible only through an approved SUP per Section 10-3-48.4 (6), which the applicant is concurrently requesting. The development would consist of six residential buildings with 72 total units; 12 one bedroom units, 36 two bedroom units, and 24 three bedroom units. A clubhouse would also be provided with a rental office, community room with complete kitchen amenities, and a maintenance area. A swimming pool and playground would also be provided for the residents. As explained within their submitted supplemental information, this housing would be built using Low-Income Housing Tax Credits, a similar set-up to the recently completed Colonnades project located downtown, exclusive of that project's commercial space.

The developer has also illustrated a landscaping plan, which includes planting deciduous trees on both sides of the public street, deciduous, ornamental and evergreen trees throughout the development, vegetative buffering adjoining the May Enterprises Inc. lot, and specifics regarding the landscaping around the buildings.

As noted above, the subject property abuts right-of-way that was acquired as part of the negotiations for the Erickson Avenue/Stone Spring Road improvement project. This street right-of-way is aligned with the entrance to Wal-Mart and creates a well-defined intersection with Erickson Avenue, and further, establishes the desired location for a public street extending northeast in the direction of many undeveloped acres of property recommended predominately for low-density mixed residential use. As part of the property acquisition agreements, the City is responsible for the cost of construction of the public street from the intersection of Erickson Avenue to the end of the existing right-of-way. The negotiated agreements also include to install several other improvements

for the Rockingham Family Physician, LLC property. In brief, this means if the proposal is approved, and development occurs prior to the City reaching this phase/area of the street improvement project, the developer would be responsible for the physical construction of the public street and the other agreed upon improvements from Erickson Avenue to the northeastern edge of their property. The City, however, would reimburse the developer for the portions of the work for which the City had previously agreed to be responsible to construct. As illustrated, the developer would provide a temporary turnaround at the end of the public street. If approved, the specifics and scheduling would be hashed out during the comprehensive site plan process with the City and with the Rockingham Family Physicians, LLC group.

It should be understood, that if the requests are approved, the developer would be required to return to Planning Commission at a future date to preliminarily plat the dedication of the extension of right-of-way necessary for the public street. When the street is dedicated, it would split the subject area into two separate sections; an approximate 5.4-acre section on the western side of the street—where the 72-unit complex would be built, and a 4.5-acre portion on the eastern side of the new street—mostly encompassed by the floodplain and floodway.

The subject property is impacted by the floodplain and the floodway. Although more of a comprehensive site plan issue, the developer should be aware of the potential difficulties of building within and near this area. At least two of the proposed buildings are shown within the floodplain meaning those buildings shall be built at a minimum of one foot above the base flood elevation.

Staff appreciates the willingness of the developer to provide as much detail as was submitted. It should be understood, however, that the exact look of the building has not yet been determined and that the provided images illustrate only the look of units they have built in other locations. Despite the detail that was provided, we believe, as we have mentioned in the past, the City is overstrained with multi-family units. One of the main reasons the City approved the R-3 zoning district changes requiring multi-family developments to apply for a SUP is that we wanted to ensure such developments were appropriate and/or necessary. Staff does not believe multi-family units are appropriate in this location. There are other areas of the City which fit more closely with the Comprehensive Plan's intentions to allow multi-family units. For example, the Harman Property along Stone Spring Road, which was rezoned in early 2008 to R-5C, would allow 1,054 total units by-right—none of which have been developed. Furthermore, there are undeveloped R-3 properties along Reservoir Street, and although they would need an approved SUP to be constructed, the Comprehensive Plan recommends these areas for Medium Density or Medium Density Mixed Residential uses, where it may be more appropriate for such proposals.

While staff respects the intentions of building affordable units and understands the need for this type of housing in the region, we do not believe it is in the City's best interest to rezone this property to allow for application and approval for a special use permit to authorize multi-family style affordable housing in this area of the City. A more appropriate use could be single family detached affordable housing units. As suggested for consideration by staff, the developer proffered out duplexes and townhouses as permitted uses thus this R-3C zoning classification is arguably appropriate to allow for detached single family homes, which could be built and marketed affordably. The R-3C request would also continue to allow professional offices, which is not only compatible with the adjacent uses, but fits more closely with the existing Commercial land use designation. Granting the requested special use permit for multi-family housing is inconsistent with the Comprehensive Plan. As noted, this area is designated as Commercial by the Land Use Guide while the majority of the directly impacted surrounding properties are designated as Low-Density

Mixed Residential. Neither of these designations encourages support for the SUP application made by the developer.

The Zoning District, in Section 10-3-48.6 (e), lists several conditions that should be met to demonstrate why a proposed multi-family development should receive a SUP. Subsection (1) specifically states: *“Existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide in the Comprehensive Plan, is located adjacent to, across the street from, or in close proximity to the proposed multiple-family development.”* The closest multi-family development to the subject area is Hidden Creek Apartments, which staff does not believe should be considered as meeting this condition. Hidden Creek Apartments is accessible by Hidden Creek Lane and South Dogwood Drive, where the influence of that use is already established within a completely different neighborhood to the subject area. To reach the proposed development, citizens would have to travel Erickson Avenue and then onto a new public street, which has no connection or influence on Hidden Creek Apartments and its associated neighborhood.

Within the same section of the Zoning Ordinance, part of subsection (3)’s conditions state that a development should be given consideration if *“the applicant has demonstrated that the proposed multiple-family development’s design is compatible with adjacent existing and planned single family development.”* There are no uses nearby to be compatible with and any development that occurs in this area essentially establishes a new neighborhood. Staff contends that allowing such a use would only support future arguments for more multi-family type housing in this area of the City thus establishing a precedent encouraging this type of housing. Staff does not want to set this precedent given there are about 25 acres of undeveloped R-3 property nearby (owned by GSW Investors) and in other areas of the City.

Given the submitted proffers, staff has no objection to the rezoning request as presented. Staff, however, does not support the SUP application, and therefore recommends denial of that request.

If the City desires to approve the SUP application, staff recommends the following conditions be part of the approval:

1. The general layout shall be in substantial compliance to the submitted plan of development. The multi-family development can only be constructed on the western side of the planned public street.
2. The landscaping plan shall be in substantial compliance to the submitted illustration.

Chairman Jones asked if there were any questions for staff.

Mr. Snell said as part of the support for the rezoning request you noted that it would be in compliance with the Land Use Guide; however, the Land Use Guide is for commercial.

Mr. Fletcher said yes, the existing Land Use Guide as shown here is commercial. The R-3 Conditional request in this particular situation would allow for professional offices which are very similar to the adjacent uses and arguably closer to a commercial type land use.

Mr. Snell asked if this area was addressed in the ongoing Land Use Guide update.

Mr. Fletcher said yes, although not public, Planning Commission’s recommendation was to extend the Low Density Mixed Residential Designation within some of this area. Therefore, if the recommended changes to the Land Use Guide were approved, the subject area would be Low Density Mixed Residential.

Chairman Jones said it was mentioned that staff had received a visit from one of the adjacent property owners at the physician's office, is there any input from that?

Mr. Fletcher said yes, there was a concern from one of the doctors. He had questioned whether there would be a physical barrier along the property boundary between the physician's office building and the proposed project. Some of you may recall several years ago there was a proposal before Planning Commission called The Ledges, it was a single-family home development. At that time a representative from the physician's office came in and talked of concerns they had about people cutting across their property to go to Walmart. They felt that if more people were to move in behind their offices that would increase the cut-thru walking traffic. The most recent inquiry was not necessarily regarding a fence buffer; but just some type of buffer, such as the landscaping provided, to impede walk thru traffic.

Chairman Jones asked if there were any further questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Mac Nichols an attorney with Layman & Nichols of Harrisonburg said he is here on behalf of the applicant. We are essentially asking for a down zoning of these two areas by requesting to go from R-3 to R-1 and B-2 to R-3. I would like to address some things within the staff report, particularly with the City being overstrained with multifamily dwelling. I want to make sure that the Planning Commission understands what type of housing we are talking about this evening. Obviously, with James Madison University (JMU), the City has a lot of student housing. We need to distinguish between student housing and other types of housing for families. I do not believe there has been a significant amount of multi-family development for families and that is our focus here. As staff has noted there are other properties available, most notably, the Harman property along Stone Spring Road; but it is my understanding that area is intended for student housing. It is also a large area of about 1,000 plus units; whereas here we are looking at 72 units. There are R-3 areas along Reservoir Street, but again there is a lot of student housing in that area and the parcels that are available there are marketed more towards student housing. The proposal for this development is affordable housing to meet some needs of the City. The land cost for this development is an important element and the land prices that are being asked in some areas of the City make it cost prohibitive for this type of housing.

Mr. Nichols continued by stating that staff believes that this type of development is inconsistent with the Comprehensive Plan in this area. The Comprehensive Plan is only a guide. In Section 3.1 the Introduction, it states that the Comprehensive Plan is not regulatory. Therefore, you need to be flexible, do not just look at the Comprehensive Plan and decide that is it; take other things into consideration.

This is a good location for this project for several reasons. For one it is not within an established neighborhood and that is a good reason. The City changed R-3 zoning to require a special use permit for this type of use because you had large apartment developments moving in next door to residential neighborhoods. Here, this would not happen. The sellers of the property are also the adjoining property owner and they feel very comfortable with this development. Also, this location makes it a good transition from the commercial uses along Erickson Avenue to the low density, single-family residential to the north.

I would like to discuss the four items that need to be taken into consideration when reviewing a special use permit for this type of development in R-3. The first condition, is there existing multi-family development located adjacent to, across the street from, or within close proximity to the

proposed development? Hidden Creek Apartment Complex does touch with this development; note that this condition does not specify that the adjacent apartments be in the same neighborhood. The proposed street for this development would be extended at some point and would ultimately intersect with Hidden Creek Lane. The second condition is not really an issue; it just deals with whether or not there is adequate vehicular, transit, pedestrian, and bicycle facilities to the proposed development. There is, this is not a problem, and based on the number of units a traffic study was not even warranted. The third condition deals with compatibility and how it may be achieved. I would submit that this condition is directed more toward a development that is proposed within an existing neighborhood, which we are not, and we are proposing screenings from the existing uses. The final condition deals with environmental suitability and that is not an issue with this development. Therefore, I submit that the four conditions for issuing a special use permit have been met.

I would like to discuss why this is a good project for the City. This is an affordable housing development that will provide housing for families in the target income range of \$15,000 to \$35,000 per year. There is a need for affordable housing within the City, and the City has recognized this need within its Consolidated Plan issued several years ago where it stated there is a demand for one and two bedroom rental units. The Comprehensive Plan acknowledges the need for affordable housing in the area; so, to a certain extent, by approving this you would be upholding the Comprehensive Plan. We also met with Mr. Michael Wong the Director of Harrisonburg Redevelopment and Housing Authority, to get his perspective on this need. Mr. Wong followed up with a letter stating that the need for affordable housing within Harrisonburg and Rockingham County continues to remain high. He justifies this by pointing out the recent housing choice voucher application process in which 843 individuals applied for housing assistance services in a two day application period. This resulted in an approximately five year waiting list for housing assistance. Based on what Mr. Wong had to say, there is still a need for affordable housing within the City.

Pedcor performed their own survey of area apartment complexes, not including student housing type developments, and the results of that survey are provided as part of your package. The survey shows very high occupancy rates. The one tax credit project that is within the City, Chestnut Ridge, states they have an occupancy rate of 97.3% with only four vacancies. Again, this shows the evidence that the need for this type of housing is present and this project offers that opportunity.

Pedcor is willing to proffer to construct a six foot fence along the southern property boundary, adjacent to the doctor office complexes, along with providing other tree screening. From what we are aware of there are no objections from the adjacent land owners regarding this development. As I mentioned earlier, this will provide a good transition between the B-2 uses and the R-1 uses. Pedcor is a quality developer that has been in business for twenty plus years. They own and manage their own properties. They will not come in and build the project only to sell it. They have a vested interest in this project. I would also like to state that the developer would consider other proffers, if the City deems it necessary.

Mr. Nichols then asked if there were any questions for him.

Mr. Snell said at some point tonight we are going to consider the two issues – rezoning the parcels and the special use permit, which is really not an option until we do the rezoning. In the letter of proffers, the second paragraph, I get the impression that the proffer for the rezoning is contingent upon the special use permit being granted.

Mr. Nichols said that is correct, more or less it is a package. The developer cannot buy the property if the special use permit is not approved.

Chairman Jones said in the presentation you gave, you referred to families on numerous occasions. Is that going to be the criteria for rental of one of these units?

Mr. Nichols replied no, it is not going to be a criteria. Only in very limited circumstances could students be in this development. They would have to be married and filing a joint tax return. Based on the developers prior experience, having students is not really much of a consideration.

Chairman Jones asked about the crime rate within these and similar developments. My concern is for the adjacent properties, for instance May Supply has a lot of outside storage.

Mr. Nichols said that someone from Pedcor could address that more specifically. To give you a feel from a demographic perspective of what they have residing in their apartments in Lynchburg people who work at Liberty University, teaching assistants in area schools, various people working in retail industry, very few unemployed. I would say these statistics show this housing is geared towards working, low income.

Chairman Jones said you mention police officers in the list. I have seen developments that encourage police officers to be residents, for various reasons. Does Pedcor participate in that sort of idea?

Mr. Nichols said I am not aware of a specific program that targets police officers, but the owners may be able to answer that better.

Mr. Fletcher said he had two quick questions. He then asked Mr. Nichols to verify the survey report he referred to earlier from Patrick Bowen, dated October 11.

Mr. Nichols said the report in the package was the one I was referring to; however, there is additional information that was added to that and I will pass that out now. Additionally there are some other photographs of other Pedcor projects where they have put in developments and then single-family starter home type developments have come in afterwards along with the Pedcor projects.

Mr. Fletcher asked Mr. Nichols to restate the new proffer that the owners agreed to submit.

Mr. Nichols said they proffer to install a six foot privacy fence along the border starting at the west corner of Rockingham Family Physicians and extending west along the same line to the northwest corner with May Supply as well as supply vegetative screening. They are willing to put the vegetative screening on whichever side of the fence that the businesses would prefer.

Mr. Da'Mes asked if they would be opposed to buffering along the May Supply property line.

Mr. Nichols said their project already plans for some vegetative screening along there and there is already a certain amount of screening existing in that area. If any of those are destroyed during the construction process, they would replace those trees. Again, to address the concerns with May Supply, the owner of the property did meet with May Supply and they feel it is a good proposal.

Chairman Jones asked if there were any other questions for Mr. Nichols. Hearing none, he asked if there was anyone wishing to speak in favor of this project.

Mr. Charles Clark said he, along with his sister and aunt, are all owners in the property. One point of order I would like to clarify is that the parent track for this is about 46 acres; the report shows it

as 36 acres. There have been a couple of questions raised tonight regarding the neighbors; we have owned this land for about 55 years and it is our intention to continue to be a good neighbor because this was our home. We want projects to go in that are not only attractive, but are supply and need for the City of Harrisonburg. I did speak with Larry Fanella of May Supply and asked the question about the fencing. There is a complete woven wire fence that surrounds May Supply. Staff spoke about the current use of the property within their report and they mentioned it was currently not being used; that should be corrected because it still is used for the production of cattle, and we raise bees on the property as well.

During these past weeks I have tried to meet with the adjoining property owners and explain what this project entails. The proffers for the fence have come out of those conversations with the adjoining doctor's offices. As property owners, we feel it is a good project.

Mr. Da'Mes said you stated you have a vested interest because it is your home.

Mr. Clark said where May Supply is located was actually where my home place was. It is important to us what goes into this property. We have been on the market for development the last 15 years and you can see what we have done; we have turned down numerous offers on the property because it simply did not meet what we felt was an appropriate use for this land.

Chairman Jones asked if there was anyone else wishing to speak in favor of the request.

Tom Crowe, Executive Vice President of Pedcor Investments, said there was a specific question regarding whether criminal activity would pick-up with this type of development. I would suggest that when we locate our communities and our potential residents, we find that crime rates do not change at all. We do a lot to make certain that the residents of our communities are there to help us make our mortgage payments, so we do things like criminal background checks, sexual offender registry checks, credit checks, and prior landlord checks. If we do get bad offenders in our community, we enforce our lease and we have a tough lease. There is an entire addendum about what can occur in our communities and what cannot; if they break that, we are quick to remove them. We feel that what really distinguishes a development is how the property is managed.

Staff had mentioned that they did not want to set a precedent with a special use for this development. We are distinguished from student housing. When we say we are family housing this does not mean that every unit is going to be occupied with a family; but there is going to be a household there. We feel there is enough of the student type housing in this area, but not enough of the affordable type housing.

Just tonight on the news there was a discussion about the need for helping people out in the community that do not have homes. We do not necessarily house the homeless; however, there is a trickle-down effect when more affordable housing comes to town. People that may be living within the Redevelopment Authority may be able to afford our apartments, which then opens a unit within the Redevelopment Authority, ultimately, perhaps helping those referred to on the news tonight. Also, as mentioned earlier there is a tremendous need for housing in the community as proven by the 800 plus people trying to get on the housing list within Redevelopment Authority.

Mr. Chenault said he hated to interrupt, but he has a question regarding that statement. Do you know what those applications for 843 vouchers were for? Are those simply people that do not have housing? Or, are those people who are simply looking to apply for vouchers, and there are more vouchers than Federal money can fund?

Mr. Crowe said the answer is the latter. They are people who were applying for vouchers and there are many more people looking for vouchers than the Federal Government supplies.

Mr. Chenault replied I believe we need to make that distinction because it is very misleading in the material that we were provided. I think it makes it look like there is a housing shortage, when in fact it is a voucher shortage issue.

Mr. Crowe agreed and said it is a monetary issue. People in these economic times are having difficulty paying the rent. There are several rungs of the ladder of multifamily. The lowest rung of the ladder, so to speak, is public housing where the Government makes payment for the housing that is owned by a not for profit organization. Beyond that you have private owners that have project based section eight housing, where the section eight actually resides with the apartment owner and a portion of the rent is paid by the Government. Then there is the next rung, which is what Pedcor is, the organization that is looking for private pay individuals that would be getting a rent break. The rent break is given because the development has Federal Tax Credits from VHDA, which allows the leverage to stay low. Finally, you have market rate housing, which would include student housing here in Harrisonburg.

Our housing is considered work force housing. When large employers come to town one of the first things they ask is if there is a work force in the area to support the business and does the area have housing to support the work force. The economic impact of this housing would be tremendous for the City. Why would the City not want this type of housing? The Comprehensive Plan calls for more affordable housing and I think this is something that the City should seriously entertain.

Chairman Jones asked if there were any questions for Mr. Crowe

Mr. Snell asked why the 72 units?

Mr. Crowe said there is a maximum number of Federal Tax Credits that any one developer can get. There is also an economic scale that we really need in order to manage a property and the 72-units meets both of those criteria.

Mr. Snell said do any of your other projects use concepts of mixing density. You have this idea of one, two, and three bedrooms units, but they are all similar units that are built apartment style.

Mr. Crowe said for example do some single-family or duplexes mixed with quads?

Mr. Snell said yes, that concept.

Mr. Crowe replied no, we do not have that concept. The multifamily is a product that is geared to making housing affordable. Once you get away from that model, you add costs. We had initially come to the City with the idea of making this an R-5 zoning, but I think staff had recommended that the R-3 would be better.

Mr. Da'Mes asked how long has Pedcor been in business?

Mr. Crowe replied over 20 years.

Mr. Da'Mes said obviously they are in a transition of business cycles of sorts and perhaps it has become advantageous to dispose of some certain properties and venture on to new properties. How long do you see yourself as owning a property before your business models say it is time to move on to the next project. Do you have a projected number you could give us?

Mr. Crowe replied interestingly, the Federal Tax Credits that make this project happen are earned over a 15 year period. One of the main reasons that investors invest in our projects is because they know we are going to be present with the project for the next 15 years. We enter into partnership agreements that basically handcuff us from selling the property for 15 years.

Mr. Da'Mes asked if the VHDA Tax Credits that you are applying for are not transferrable.

Mr. Crowe said no, not without VHDA's consent, and we have never done that in 20 years. The answer to your question is that we are going to be around for 15 years and that has always been the case for our communities.

Mr. Da'Mes asked if the City has verified any of the occupancy numbers that have been provided by Pedcor.

Mr. Fletcher replied that the City did not double check what you see in the report. We made contact with a representative of the Colonnades and were informed that it is about 15 percent occupied. We have also had an anonymous contact say that the numbers in the report are not quite accurate and that their occupancy is only around 40 percent. We did not pay a lot of attention to the accuracy of the numbers in the report.

Mrs. Turner said many times when you call a development and just ask what the occupancy is, a lot of times they will over inflate the occupancy. We had one manager who said they felt the numbers were a bit high.

Mr. Crowe said he would like to address that concern. We have been watching this market for five years. Before we went to Lynchburg, this was one of our first choices. We feel pretty comfortable that what we are representing to you is correct. When we call people the tendency we find is for them to say they are at low occupancy because they do not want a competitor. We have been tracking this market for a number of years and we feel it is a strong market. We have also heard the word that there are too many apartments.

What is happening right now across the country is that households are collapsing in this market because they simply do not have the money. Households are doubling up, tripling up, whatever, to make ends meet. What happens when these type of developments and opportunities come is that households begin to unfold. I would have no concern with 72 affordable housing units coming into this market right now and causing any type of disruption to student housing, single-family rental homes, and other.

Mrs. Fitzgerald said are you not making an argument based on this extraordinary demand for affordable housing that is, in a sense, very business cycle driven. You are making the argument at this point in one of the worst recessions.

Mr. Crowe said it is the same argument he would have made five years ago when he was looking at this area. The Redevelopment Housing Authority has made the same argument here as well. In our niche there is always a need for housing units, it is only exacerbated by the economic times right now.

Chairman Jones asked if there were any further questions for Mr. Crowe. Hearing none, he asked if there was anyone else wishing to speak in favor of the proposal. Hearing none, he asked if there was anyone wishing to speak in opposition of the proposal.

Dr. Doug Smith a principle with Rockingham Family Physicians, one of the adjacent property owners, said what I have heard tonight concerns the doctors at Rockingham Family. I am not sure

that the more dense housing is to our benefit as neighbors, I like having single-family homes in the rear of the property. We have talked with the property owner and made the request that, should this pass, we did want a six foot high fence blocking our property from the development. In all, we do have some concerns as to whether this is the best use of the land.

At this time Dr. Smith submitted a letter from Dr. Bradshaw, another adjacent property owner to the south of the proposal.

Mr. Da'Mes explained to Dr. Smith that currently the property is zoned B-2, which is a more intense use and technically they would be able to use the property, by right, as commercial uses.

Chairman Jones asked if there was anyone else wishing to speak against the proposal. Hearing none, he closed the public hearing and asked for comments or discussion.

Mr. Snell said Planning Commission looked at this land about four years ago; did that proposal encompass the B-2 portion of the property with the single-family neighborhood?

Mr. Fletcher replied I honestly do not remember.

Mr. Clark, the property owner had a drawing for the previous proposal, which indeed showed the proposal including the B-2 portion of the property.

Mr. Snell said we had a lot of discussion about the barrier behind Rockingham Family Physicians at that time and that project was low density.

Mr. Baugh said that was a rezoning of some of the B-2 to R-6.

Mr. Snell said to set the precedent in this neighborhood with multi-family is not in accordance with the Comprehensive Plan, contrary to how Mr. Nichols describes it. He did make a good argument that the four conditions that we should consider before approving a special use permit in this location were reasonably met. Just months ago in our Comprehensive Plan review we felt that the Land Use Guide in this area should have more emphasis on Low Density Mixed rather than the Commercial.

To me all of the debate and conversations we had in deciding to put multifamily into a special use category within R-3 centered around the idea that multifamily housing complexes could make a significantly negative impact on an existing neighborhood. To me, I felt we made it a special use in order to protect a neighborhood, are we protecting a neighborhood?

Mrs. Fitzgerald asked if Mr. Snell was saying there is not a neighborhood we need to protect here.

Mr. Snell said there is a plan, but there are not any homes in the neighborhood. I do agree that Hidden Creek will ultimately connect one day.

Mr. Chenault said I am going to vote against the rezoning and the special use permit and I feel compelled to make some comments to justify why I am doing so. Yes, the Comprehensive Plan is a guide, but it is a very important guide to us and once it is ignored it is too late. As we have seen from our Comprehensive Plan review this time, items that are in the Comprehensive Plan often times work their way into the Zoning Ordinance.

I also feel that the transitional argument of this type of development, while understandable, is maybe not completely well placed. It is my belief that this development, rather than be a transitional use, could actually poison the use of the remainder of the land from the use as low density.

Much is made of the need for affordable housing in the City and we recognize in all of our plans, and publications, that is the case; but, the issue is we have a severe shortage of affordable detached and duplex type attached, single-family housing. We are known as the rental capital of the western world and that is no one's fault but our own. The fact of the matter is that rental rates are down severely in our student housing and it occurs to me that unless these rates pick up over the next five years, many of these landlords are going to be forced into other types of rentals for this type of housing. We would then be looking at rental conversion.

Additionally, many of these numbers and statistics that we see here from these projects ignore the fact that a significant portion of our rental property is not encompassed within large rental projects. Park View is a very good example of this; the amount of unoccupied family rental units is disproportionately large to that neighborhood. We have this all around town. As somewhat of an anecdote, and I confirmed this with the Colonnades, is that the issue has not been the number of people applying for the subsidized housing rate, but, the fact that the income levels of the applicants dictate that they are caught in the conundrum of not qualifying for subsidized housing.

Finally, I will say that our new Comprehensive Plan will significantly differ from the last Comprehensive Plan in its treatment of our policy of rental housing in the City, in all types of rental situations. And for the idea of precedent, I am not willing to make a bad zoning decision for the sake of setting precedent one way or another.

Chairman Jones asked if there were any further comments.

Mr. Baugh said going back to a point that staff made that there is a precedential aspect to this. One of the things that I find interesting about the applicant's argument is in effect they want us to grant the rezoning and special use permit, which then creates this development and this buffer from the now adjoining R-1; but, now hold the line on everyone else who may come after this project. Then, what will happen is the next adjoining property owner or perhaps this owner will want a rezoning and special use permit because the precedent has been set. To me that is what the potential precedential value is with this.

Mr. Snell said he contacted staff today to make a couple of clarifications within the staff report. One of the items we discussed is that you cannot use the words detached and affordable in the same sentence in the City of Harrisonburg. The applicant proposes a basic three bedroom, 1,300 square foot apartment home for \$600.00 a month. That equates to a mortgage of roughly \$100,000. Land in the City has not sold for less than \$4 a foot in years. What sparked that thought was that the current land owner could come back in several years and say he cannot market the land as R-1 and request a rezoning. I do think there is a need for affordable housing in the City and I for one, would like to see it as detached single-family. But we have not built any.

Mr. Baugh said you probably will not get any as long as the pressure is to rezone in order to build apartments and you let developers build apartments.

Mr. Snell said how long do we hold out on apartments.

Mr. Baugh responded I do not think we have ever really started holding out. To me, much of this distinction between student and non-student is a mixed bag throughout the City. There are places that are purely student rentals and places that are not; but if you look carefully, there are places that are in between. In fact, market forces during down turns like this have caused those lines to blur.

The applicant is talking in terms of workforce, affordable housing for Harrisonburg. As I am listening to constituents, I have yet to hear of a first year teacher in the City schools, or a law enforcement officer, or a public safety person, say anything about not finding a place to live in Harrisonburg or Rockingham County. To me, a rezoning is brought about because the applicant has demonstrated a need to move in that direction; what is there, is not adequate.

Mr. Snell said I believe there is a need and the real issue for me is if this is the right place to have it. It could set the precedent and sabotage the rest of the idea we are planning for detached low density housing. If we have laid the ground work for something like this, where do we feel it would be most appropriate?

Planning Commission then discussed and came to a consensus that there were areas that were already zoned to allow a development such as this by right.

Mr. Baugh said when something new develops the units are what they are; student housing or non-student housing. We have certainly seen projects come forward to this phase and they are decidedly student housing; but as the market and other forces develop they ended up being something else. The City does not have a lot of this type of new development specifically targeted at non-student rentals because we have work force housing that was student housing at one time, but converted when new student housing came on line. We have this happen a lot in the City.

Mrs. Fitzgerald said then one of the arguments you can make for this is that it makes more sense to plan for work force housing rather than have a development devolve into it.

Mr. Baugh said the problem is you need to let the market place absorb that excess capacity before you develop new.

Mrs. Fitzgerald said you may still need affordable housing, but do you need it right there.

Mr. Da'Mes said he values the fact that Mr. Clark, as the property owner, continues to have a vested interest in the property. I buy Mr. Nichols argument of how the proposal meets the criteria for the special use permit. I do believe it is a transitional space that includes a higher density, which transitions into a single-family neighborhood. Park View is an example of this where you have the shopping center, transitioning to townhomes and apartments, and then on to single-family dwellings. I am trying to understand why this is a bad zoning decision.

Mr. Chenault said I feel for me this would be a bad zoning decision.

Mr. Baugh said we are not sure we need any more apartment type units in general. We are a little more certain that this location was not where we said we wanted apartments. If you allow this, you certainly are going to be creating pressures to hold the line from this point forward. There are two things we need to do and we have tended to do the easy one; which is we plan for stuff that is forward looking, we look at our maps, we update our ordinances and make certain we have flexibility for innovative ideas -- this is all fine. But if you are not going to say no to the stuff that you did not plan for, it is hard to get people looking in the direction of the easy stuff. The saying "no" is the incentive to get people over to the easy stuff and we need to start doing this.

Mr. Da'Mes said should that outweigh the opportunity for the City of Harrisonburg to gain affordable housing. These are not tax credits that transition with localities, they transition with property owners.

Mr. Baugh said there is conflicting evidence on that issue. There is certainly the applicant's position and there is the idea that there is a mix on that point. If there is a mix on that point, then

the applicant has not carried their burden to prove why we should do the rezoning. If we are in doubt, then we should say no. If the applicant can establish the need then fine, but I do not feel the applicant has done that.

Hearing no further discussion, Chairman Jones asked for a motion.

Mr. Chenault said he makes a motion to not approve the rezoning from B-2 to R-3 and from R-3 to R-1 for the subject Clark property.

Mr. Snell seconded the motion.

Chairman Jones asked staff for a point of clarification on the motion. Should this motion to deny pass does that make the second portion, the special use request, moot.

Mr. Fletcher said a motion still needs to be made and seconded for the request because it must go to City Council.

Chairman Jones said there is a motion and a second for denial of the rezoning request, he then called for a roll call vote.

Commissioner Chenault – yes

Vice Mayor Baugh – yes

Commissioner Da'Mes – yes

Commissioner Snell – yes

Commissioner Fitzgerald – yes

Chairman Jones – yes

Chairman Jones said the motion to not approve the rezoning request passes (6-0).

Mr. Chenault then recommended to deny the special use permit.

Mrs. Fitzgerald seconded the motion.

Chairman Jones asked for a roll call vote on the motion.

Commissioner Chenault – yes

Vice Mayor Baugh – yes

Commissioner Da'Mes – yes

Commissioner Snell – yes

Commissioner Fitzgerald – yes

Chairman Jones – yes

Chairman Jones said the motion to deny the special use permit passes (6-0). This will go before City Council on January 11, 2011.

### **Unfinished Business**

None.

### **Public Input**

None.

**Report of secretary and committees**

Mr. Fletcher said City Zoning Inspectors visited the Stone Spring Village/JMU section of the City, where they found no violations. Next, they will be in the Sunset Heights area of the City.

Mr. Baugh said there is nothing to report from City Council. Next week we will be taking up the Health Center requests on Port Republic Road.

**Other Matters**

Mr. Fletcher said we have the election of officers for 2011 on the agenda.

Mr. Baugh nominated Mr. Jones to continue to serve as the Chairman of the Planning Commission.

Mrs. Fitzgerald seconded the motion.

All voted in favor of the motion for Mr. Jones to continue to serve as Chairman.

Chairman Jones asked for nominations for Vice Chairman of the Planning Commission.

Mr. Da'Mes nominated Mrs. Fitzgerald for the position of Vice Chairman.

Chairman Jones seconded the nomination.

All voted in favor of the motion for Mrs. Fitzgerald as Vice Chairman.

Chairman Jones asked for nominations for secretary.

Mr. Baugh nominated Mrs. Banks.

Mr. Chenault seconded the nomination.

All voted in favor of the motion for Mrs. Banks as secretary.

**Adjournment**

The meeting was adjourned at 9:10 p.m.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**Work Session on the Comprehensive Plan Review – December 8, 2010**

The Harrisonburg Planning Commission held a special work session to discuss the Comprehensive Plan Review on Wednesday, December 8, 2010, at 9:15 p.m. in the City Council Chambers, at 409 South Main Street.

Commissioners present: Richard Baugh; Charlie Chenault; Muawia Da'Mes; Deb Fitzgerald; Bill Jones; and J.M. Snell.

Commissioners absent: Alan Finks

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner.

Mr. Fletcher said first let's review the Plan Framework Map. Some of the changes made were those we all agreed upon last month. Also, staff looked into the Neighborhood Conservation Areas as discussed and we added new areas and took away areas. The Sunset Heights area was removed and the four areas we added are Purcell Park; a portion of Pleasant Hill Acres; the eastern sections of Ohio Avenue, New York Avenue, along with Roosevelt Street and Logan Lane; lastly, a small area along Grant Street, Lee Avenue, and Green Street. Other changes include the corridor changes as we discussed last month.

There were no objections to these changes.

Mr. Fletcher continued saying the next part to review is the five year plan within Chapter 16. We kept some of the old strategies and we picked up a few new ones. There used to be 10 strategies and we are now up to 13.

Mrs. Fitzgerald asked for clarification on number 3.2.4.

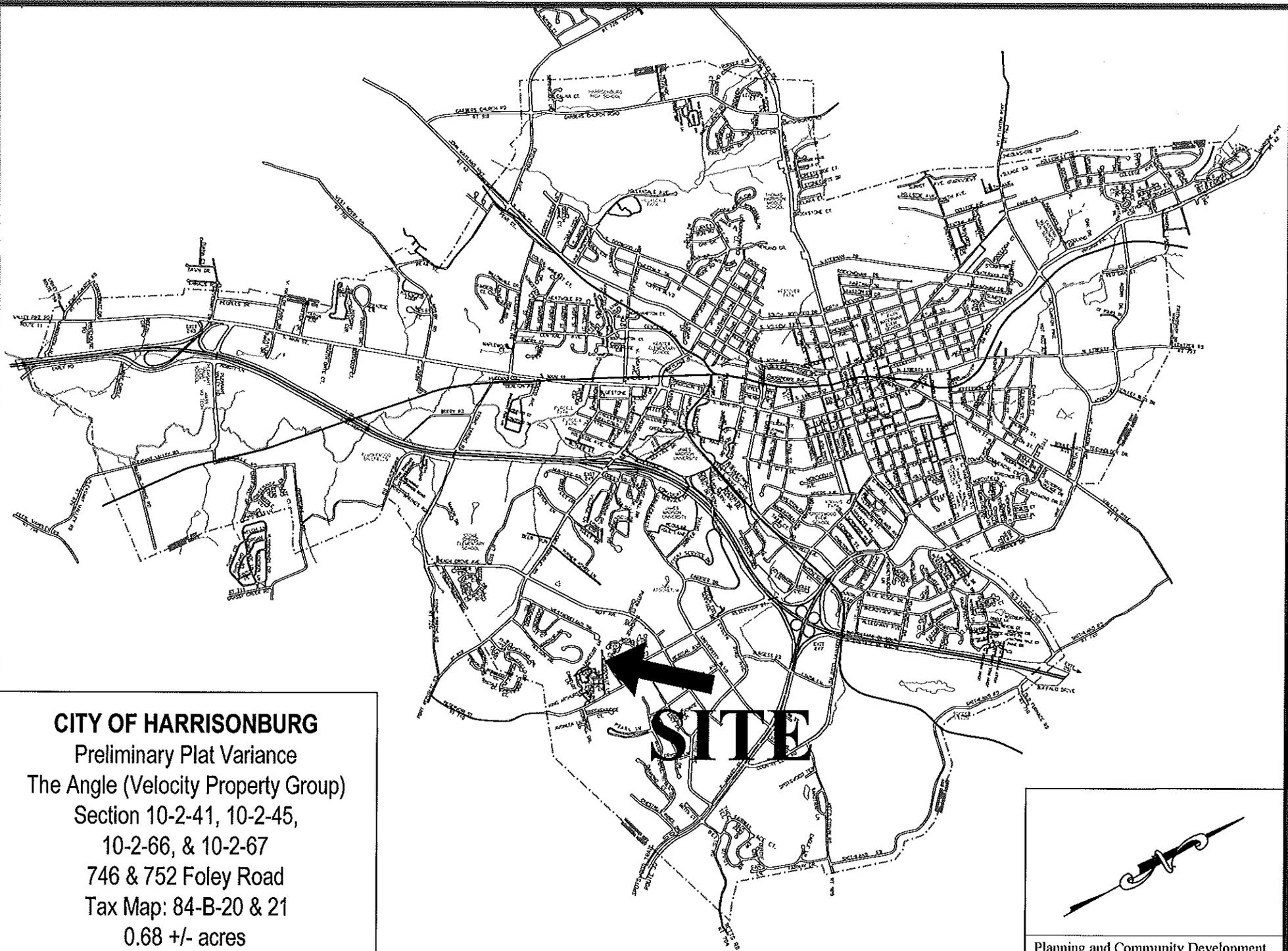
Mr. Fletcher said 3.2.4 is part of the existing Comprehensive Plan. This is a program that other localities already do. It allows for staff inspection personnel to inspect dwellings for mainly building code issues.

Mrs. Turner said this is not intended to be a zoning oriented type of inspection, it is more for building code – health, safety, welfare of occupants. It is not done City wide, you may choose an area that has a lot of older single-family homes that were not really intended for multiple occupancy, and multiple computers, appliances, and so forth.

Mr. Fletcher asked if there were any other thoughts regarding Chapter 16. Hearing none, he said we will then make these changes official. The next step is to update the Executive Summary, Chapter 1, and Chapter 2.

Planning Commission asked that the entire draft Comprehensive Plan be emailed to them in January for review immediately following their regular Planning Commission meeting on January 12, 2011.

With no further comments the meeting adjourned at 9:30 p.m.

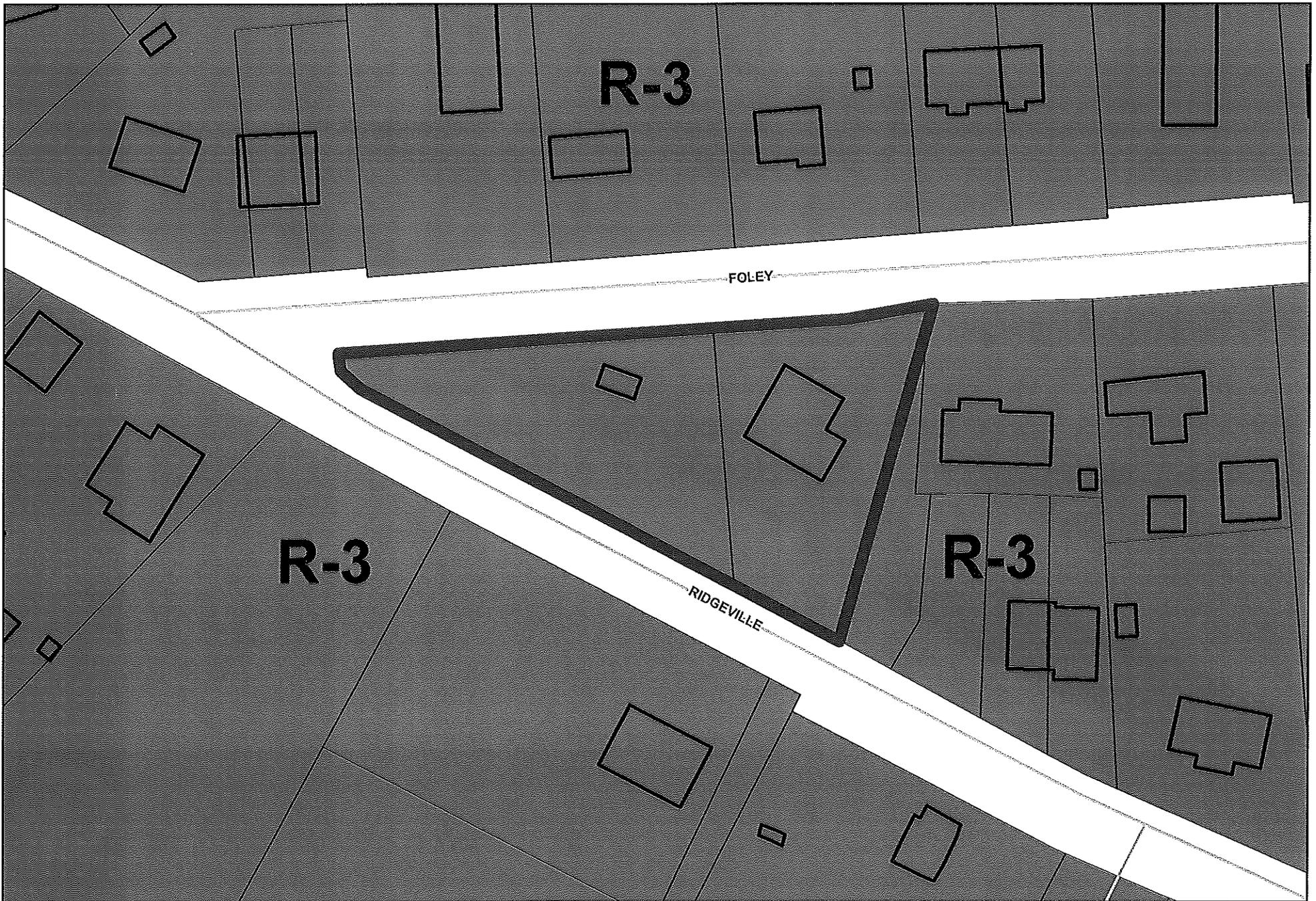


**CITY OF HARRISONBURG**

Preliminary Plat Variance  
The Angle (Velocity Property Group)  
Section 10-2-41, 10-2-45,  
10-2-66, & 10-2-67  
746 & 752 Foley Road  
Tax Map: 84-B-20 & 21  
0.68 +/- acres  
**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**Preliminary Plat Variance & SUP (10-3-48.4 (6))  
The Angle - 746 & 752 Foley Road**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

January 12, 2011

### **PRELIMINARY PLAT - THE ANGLE PLAT VARIANCE (VELOCITY PROPERTY GROUP)** **GENERAL INFORMATION**

**Applicant:** Doug Kline, with representative Velocity Property Group  
**Tax Map:** 84-B-20 & 21  
**Acreage:** 0.68 +/- acres  
**Location:** 746 and 752 Foley Road  
**Request:** Consider a request to preliminarily plat a lot at the corner of Foley Road and Ridgeville Lane with Subdivision Ordinance variance requests per Sections 10-2-41, 10-2-45, 10-2-66, and 10-2-67.

### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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

**Site:** Duplex dwelling, zoned R-3  
**North:** Across Foley Road, single family homes, a duplex, and apartments, zoned R-3  
**East:** Single family home and a duplex, zoned R-3  
**South:** Across Ridgeville Lane, single family home, zoned R-3  
**West:** Across the intersection of Foley Road and Ridgeville Lane, single family homes, zoned R-3

### **EVALUATION**

The applicant is requesting to preliminarily subdivide two properties located in the southeastern portion of the City at the intersection of Foley Road and Ridgeville Lane. Both properties are zoned R-3, Medium Density Residential District. The applicant would like to remove the dividing lot line to establish a 0.68-acre piece of property to potentially allow for the construction of nine apartment units. (A special use permit requesting the allowance for multi-family units will immediately follow this request.) The subdivision is a preliminary plat because the applicant is requesting variances from the Subdivision Ordinance.

Although the proposed request is only vacating a property line, the Subdivision Ordinance defines such action as a "subdivision," thus the applicant must fulfill all obligations as specified in that part of the City Code. Due to the shape of the lot caused by the intersection of Foley Road and Ridgeville lane,

and because of the topography of the area, the applicant is requesting four variances. The variances are associated with the requirements to dedicate right-of-way and the obligations to construct street improvements when subdividing property. The first variance request is from Section 10-2-41, which specifies design standards for streets and alleys. Specifically, sub-section (i) (3) of that section denotes that minor streets, such as Foley Road and Ridgeville Lane, shall have a right-of-way width of 50-feet. The second request is to deviate from Section 10-2-45, which requires the applicant to dedicate all land designated for future street widening. The third request is from Section 10-2-66 that states street improvements shall be provided with each new subdivision in accordance with standards and specifications of the City. These improvements could include pavement, curb, gutter, sidewalk, storm sewer, and/or other enhancements. The final variance is to deviate from Section 10-2-67, which requires the subdivider to finance all street improvements that are required per Section 10-2-66, at their own expense.

The above mentioned sections of the Subdivision Ordinance work collaboratively to require developers to dedicate right-of-way and build the required street improvements to ensure City streets are constructed and improved for the benefit of all citizens. This is not the first application that has requested the same four variances. Some Commissioners may recall the application from Scott Kettelkamp during the spring of 2009, where he proposed to develop three townhomes along Norwood Street. Ultimately, City Council approved his variance requests; one can see this development being constructed today.

Neither Foley Road nor Ridgeville Lane has the required amount of right-of-way for minor streets; as a result, almost all subdivisions along these streets must dedicate right-of-way on their side of the street to help establish the required 50-feet of right-of-way. The right-of-way is variable along both streets—measuring from as little as 35-feet to as wide as 47-feet. The streets' widths are closer to 50-feet where other subdivisions have occurred, where the subdividers dedicated the right-of-way during their subdivision processes. Examples include Wishing Well Estates Subdivision and Tamarack Townhomes, both along Ridgeville Lane, and Foley Road Townhomes located on Foley Road. Those developments also built street improvements per the City's requirements at their time of construction. Not every development dedicated the required amount of right-of-way, however. Immediately adjacent to the east of the subject property, Scott and Mendy Miller built a duplex along Ridgeville Lane. Instead of dedicating right-of-way, in 2005 the City allowed the Miller's to dedicate a five-foot easement to the City, where the easement grants the City the permission to use that property's frontage to construct street improvements, when necessary.

For this subdivision, the applicant is dedicating the required five-feet of right-of-way along Foley Road and is also building the required street improvements. In this case, they will provide street widening, curb, gutter, and sidewalk. They would also cost-share with the City to install the appropriate infrastructure to help control stormwater. The variance requests come into play for the Ridgeville Road frontage. As noted above, due to the property's shape caused by the intersection of the two streets, the applicant is requesting to not dedicate the required right-of-way. The developer is also requesting to not build the street improvements. Similar to the Miller's development, the applicant has proposed to dedicate a five-foot easement to the City for future improvements. Because of the unusual and difficult layout of the intersection of the streets, and due to the topography of the area and the uncertainty of the most appropriate design of this stretch of the street and how it should intersect with Foley Road, staff believes the variance requests are justifiable. Staff believes street improvements to this section of Ridgeville Lane and to the intersection should be comprehensively evaluated and constructed.

Staff recommends supporting the variance requests, as presented and described, from Sections 10-2-41 (i) (3), 10-2-45, 10-2-66, and 10-2-67.

December 2, 2010

City Staff, Planning Commission, and Council

345 S. Main St.

Harrisonburg, VA 22801

Dear City leaders and staff,

I write this letter to discuss a potential future subdivision located at 752 and 746 Foley Rd. Our firm has pursued several different concepts and layouts in working with these two parcels and has had multiple conversations with staff planners, engineers, and city leaders over the last few months. This site and location has certainly presented a multitude of challenges due to its unique shape, (triangular parcel of land) as well as that it fronts on 2 city streets, Foley Rd. and Ridgeville LN. Additional challenges include relatively small unique parcels with 2 front setbacks as well as city requirements for street dedication and improvements on 2 streets have made viability a challenge. The nature of this particular property is truly challenging and unique. The triangular shape with sloping topography compounded with 2 street fronts/front setbacks certainly limits the available building envelope and corresponding architectural creativity. If our firm was to dedicate land for improvements on both frontages the setback condition would be further compounded making the properties' "buildable envelope" very restrictive and challenging.

In preliminary meetings with staff we have discussed and have reached general consensus in principal to the following areas required by the City of Harrisonburg subdivision ordinance. Our firm has proposed the following (see attached engineered preliminary site and subdivision layout). We will dedicate a 5' right of way and necessary improvements along Foley Rd. Improvements to include approved entrance, curb, gutter, sidewalks, and installation of new storm water drainage system. Along Ridgeville Ln. our firm plans to dedicate a 5' easement to allow the City to make future improvements as they see needed. Additionally, new storm water drainage inlets on Ridgeville Lane will be sized to meet future needs of properties above and beside proposed development.

Our firm is asking for relief from the following sections of the subdivision ordinance. Compliance with all of these matters would create unnecessary hardship and make the project not possible.

#### 10-2-41 Streets and alleys

- Our firm does not intend to construct improvements (widening, curb, gutter, and sidewalk) along Ridgeville Ln. Doing so would further compound set back requirements and "buildable envelope" of the property making viability impossible.

#### 10-2-45 Land dedication

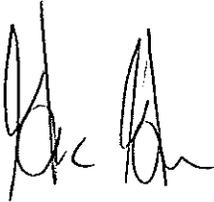
- Our firm intends to provide the city with an easement for future infrastructure improvements but cannot dedicate the land compounding setback and buildable envelope impacting viability.

10-2-66 Compliance with city standards and 10-2-67 Responsibility for cost

- Our firm has agreed to absorb cost for dedication of right away, curb, gutter, and sidewalks along Foley Rd. as well as for all storm water drainage measures which are located on our site. City public works has agreed in principal to share cost of storm water drainage measures which are not located on our site.

Other elements of consideration including information about our firm, intent of use, market strategy etc. will be included in a corresponding application for a special use permit which is also necessary to facilitate this project.

Regards,

A handwritten signature in black ink, appearing to read 'Hans C. Harman', written in a cursive style.

Hans C. Harman

President

Velocity Property Group.

Date Application Received: \_\_\_\_\_

Total Paid: \_\_\_\_\_

# Application for Preliminary Subdivision Plat Approval

## City of Harrisonburg, Virginia

Fee: w/o Variance Request \$150.00 plus \$10.00 per lot  
Variance Request \$175.00 plus \$10.00 per lot  
Plus fees for TIA reviews where applicable (see back for details)

I, Hans Harman, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

### Description of Property

Title of Subdivision: The Apple

Location (Street Address): 7527796 Foley Rd. Sheet: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_

Total Acreage: .68 Number of Lots Proposed: 2 Zoning Classification: R3

Proposed Use of Property: Develop/Build 9 luxury loft style Condo Units

Property Owner's Name: Doug Kline

Street Address: 5425 Jesse Bennett way Email: \_\_\_\_\_

City: Linville State: VA Zip: 22801

Telephone: Work 833-6104 Fax \_\_\_\_\_ Mobile 810-6104

Owner's Representative (if applicable): Hans Harman

Street Address: 1024 Pleasant Valley Rd Email: hans@velocityfg.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 437-0482 Fax \_\_\_\_\_ Mobile 746-8826

Developer: Harman Development Inc. DBA Velocity Property Group

Telephone: 437-0482 Email: hans@velocityfg.com

Surveyor/Engineer: Blackwell Engineering (E) Blackwell

Telephone: 432-9535 Email: E2@blackwellengineering.com

### VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section 10-2-61c of the City of Harrisonburg Subdivision Ordinance and/or Section \_\_\_\_\_ of the City of Harrisonburg Design and Construction Standards Manual, which require(s):

curb gutter and street widening to Ridgeville Rd. (see attached letter)

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

(see attached letter)

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance, Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: [Signature] Property Owner  
Signature: [Signature] Applicant, if different from owner

**See Back for Additional Application Fees Regarding TIA Reviews**

TIA Review Fees

- (a). Would the development from this preliminary plat require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No

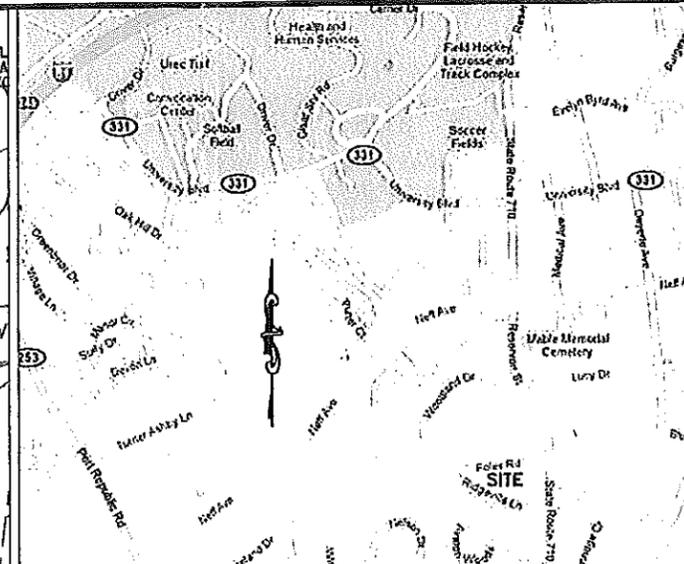
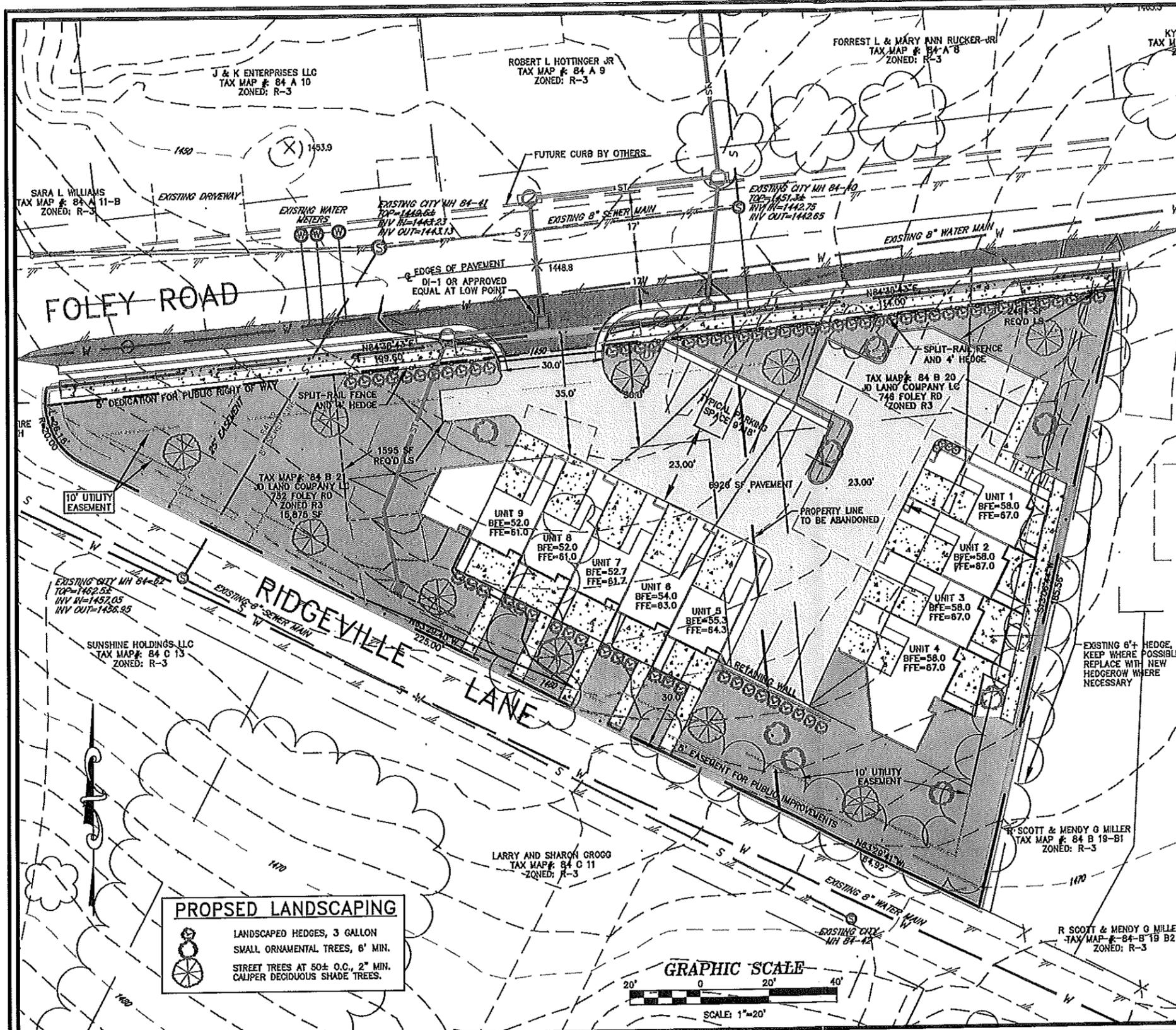
*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

**PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.**

- (b). Would the development from this preliminary plat require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

**PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.**



VICINITY MAP  
1"=800'

**PARKING TABLE**

NINE 2 AND 3 BEDROOM APARTMENTS  
2 1/2 SPACES PER DWELLING  
REQUIRED PARKING: 23  
PARKING PROVIDED: 24

**SITE DESIGN:**  
BLACKWELL ENGINEERING, PLC  
ATTN: ED BLACKWELL  
566 EAST MARKET STREET  
HARRISONBURG, VA 22801  
540-432-9555

**OWNER:**  
JD LAND COMPANY, LC  
/DOUG KLINE  
5425 JESSE BENNETT WAY  
LINVILLE, VA 22834

**DEVELOPER:**  
HARMAN DEVELOPMENT, INC.  
1024 PLEASANT VALLEY ROAD  
HARRISONBURG, VA 22801

**PROPERTY INFO:**  
TM# 84-B-20  
84-B-21  
0.68 TOTAL ACRES  
ZONED: R-3,  
USE: TOWNHOUSES  
FEMA FLOOD ZONE: X

**BUILDING INFO:**  
NINE APARTMENTS  
USE: RESIDENTIAL  
MAX SINGLE FLOOR AREAS  
544 SF(2BR) 654 SF(3BR)  
2 STORY  
UNIT HEIGHT = 40'  
IBC CLASS = 310.1  
IBC USE GROUP = R-2  
ISO 2005 NFF= 750 GPM

**LEGEND**

- CENTER LINE
- E/T — EXISTING ELECTRIC/TELEPHONE
- EXISTING UTILITY POLE
- EXISTING LIGHT POLES
- PROPOSED LIGHTING
- EXISTING WATER LINES
- PROPOSED WATER LINES
- EXISTING SANITARY LINES
- PROPOSED SANITARY LINES
- SANITARY SEWER CLEANOUT
- EXISTING STORM SYSTEM
- PROPOSED STORM SYSTEM
- GAS LINES
- PROPOSED PROPERTY LINE
- EXISTING PROPERTY LINE
- SETBACK LINE
- EASEMENT LINE
- PROPOSED ROAD/EOP
- EXISTING ROAD
- EXISTING PARKING
- CURBING: CG-6
- DUMPSTER
- HANDICAP PARKING
- CG-12/ASPHALT RAMP
- PROPOSED FIRE HYDRANT
- EXISTING FIRE HYDRANT
- PROPOSED FENCE
- EXISTING FENCE LINE
- HEAVY PAVEMENT SECTION
- LIGHT PAVEMENT SECTION
- PROPOSED SIDEWALKS
- GRASS AREA

**PROPOSED LANDSCAPING**

- LANDSCAPED HEDGES, 3 GALLON
- SMALL ORNAMENTAL TREES, 6" MIN.
- STREET TREES AT 50± O.C., 2" MIN.
- CALLIPER DECIDUOUS SHADE TREES.



**BLACKWELL ENGINEERING, PLC**

566 East Market Street  
Harrisonburg, Virginia 22801

Phone: (640) 432-9555 BE@BlackwellEngineering.com Fax: (640) 434-7604

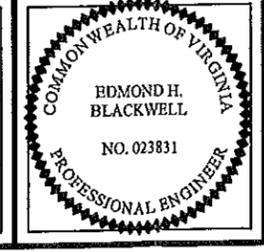
Date: 12/06/10

Revision Date: 1/5/11

Designed by: EHB  
Scale: 1"=20'

Drawn by: TBF

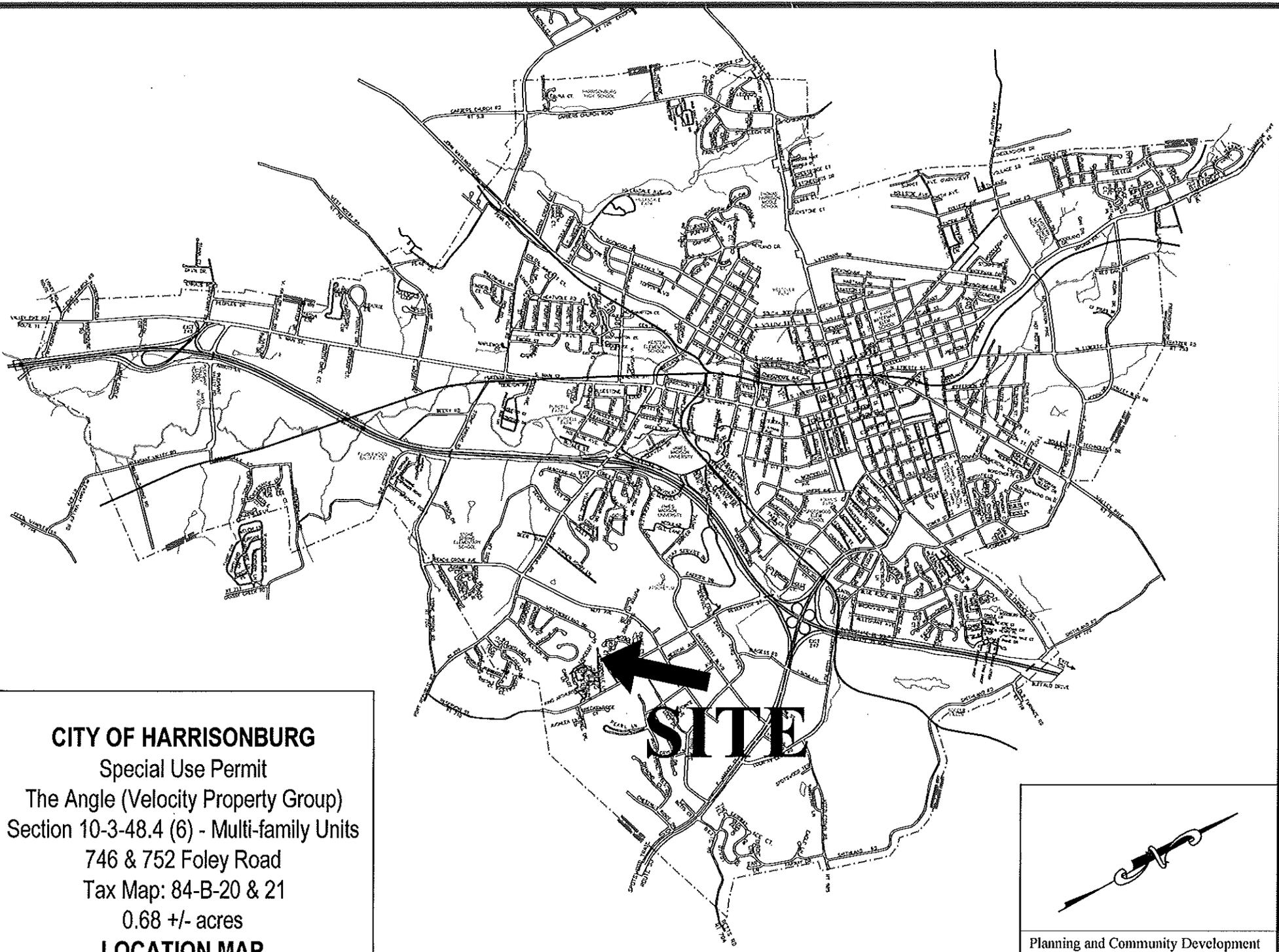
Job No.: 2175



**PRELIMINARY PLAT**

THE ANGLE  
HARMAN DEVELOPMENT, INC.  
1024 PLEASANT VALLEY ROAD  
HARRISONBURG, VA, 22801

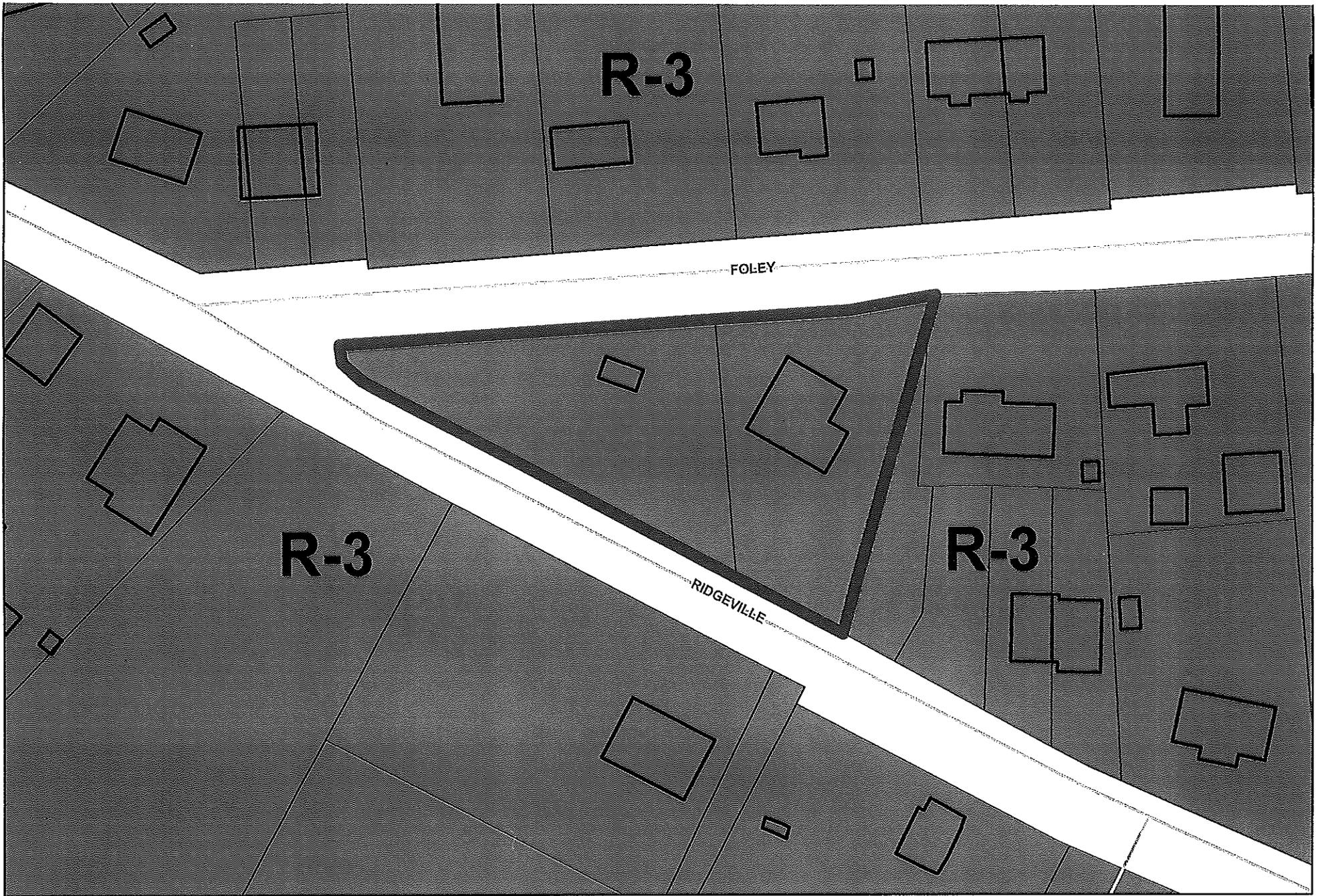
Drawing No. **1**  
of 1 Sheets



**CITY OF HARRISONBURG**  
Special Use Permit  
The Angle (Velocity Property Group)  
Section 10-3-48.4 (6) - Multi-family Units  
746 & 752 Foley Road  
Tax Map: 84-B-20 & 21  
0.68 +/- acres  
**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



**Preliminary Plat Variance & SUP (10-3-48.4 (6))  
The Angle - 746 & 752 Foley Road**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

January 12, 2011

### **SPECIAL USE PERMIT - THE ANGLE (VELOCITY PROPERTY GROUP) GENERAL INFORMATION**

**Applicant:** Doug Kline, with representative Velocity Property Group  
**Tax Map:** 84-B-20 & 21  
**Acreage:** 0.68 +/- acres  
**Location:** 746 and 752 Foley Road  
**Request:** Public hearing to consider a request for a special use permit per Section 10-3-48.4 (6) to allow multi-family units within the R-3, Medium Density Residential District.

### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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

**Site:** Duplex dwelling, zoned R-3  
**North:** Across Foley Road, single family homes, a duplex, and apartments, zoned R-3  
**East:** Single family home and a duplex, zoned R-3  
**South:** Across Ridgeville Lane, single family home, zoned R-3  
**West:** Across the intersection of Foley Road and Ridgeville Lane, single family homes, zoned R-3

### **EVALUATION**

Concurrently with a separate preliminary plat application requesting four Subdivision Ordinance variances, the Velocity Property Group is requesting a special use permit per Section 10-3-48.4 (6) to allow for the construction of multi-family units on the corner properties at the intersection of Foley Road and Ridgeville Lane. The developer plans to construct nine townhouse-like apartment units on little more than half of an acre.

The submitted layout illustrates two buildings; one, five-unit structure fronting Ridgeville Lane and one, four-unit structure, where the front of the units face the adjoining properties to the east. One ingress/egress would be provided from Foley Road. Due to the topography of the site, the units would be built into the hillside—meaning the front of the units would reveal two stories while the back of the buildings would expose three stories. There would be 24 parking spaces, which is one additional space

than the required minimum. Each unit would have a one car garage counting toward the total required parking spaces.

As required in the R-3, Medium Density Residential District, the off-street parking lot is located to the rear and side of the buildings with vegetative screening being provided along Foley Road and adjacent to the eastern property boundary. The submission also contains landscaping details including deciduous street trees planted at two inch caliper every 50 feet, and small, ornamental trees, at six-foot minimum height during planting as shown on the submitted layout. Additional hedges and shrubbery would also be provided as illustrated.

As described in the preliminary plat staff report, the developer would dedicate five-feet of right-of-way and construct improvements along Foley Road including street widening, curb, gutter, and sidewalk. They would also cost-share with the City to install the appropriate infrastructure to help control stormwater. No street improvements would occur along Ridgeville Lane.

As part of the requirements for obtaining a special use permit to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify the development. Although this development satisfies some of the conditions as described in the Zoning Ordinance Section 10-3-48.6 (e), staff does not believe the proposal demonstrates all of the necessary characteristics that warrant its approval.

Subsection (3) particularly emphasizes the importance that the development's design be compatible with adjacent existing and planned single family, duplex, and townhouse development. Although we appreciate the applicant's intent to use "high quality construction" and to be "eco-conscious," we do not believe compatibility has been achieved. Architecturally, the design of the units is contrary to the residential character of the neighborhood. Staff recognizes the objective of the applicant to build a product that is "contemporary," but the character of these units is out of place in this neighborhood and would be befitting of a more urban setting.

Perhaps more importantly, the density of the proposed development is not compatible with the surrounding area. Currently, the property is 29,810 +/- square feet; after the dedication of right-of-way per the plat variance submission, the property would contain 28,244 +/- square feet. If approved, the lot area would permit a maximum of nine apartment units, which is what is proposed. Staff, however, views the final composition of the lot area differently than the developer. As described in the preliminary plat application staff report, the subdivision of the property requires the applicant to dedicate right-of-way along both street frontages, but the applicant is not dedicating property along Ridgeville Lane, which staff supports, but not to allow for an increase in density. By allowing the applicant to dedicate an easement instead of dedicating the property for street right-of-way, the retained square footage allows the applicant to build a ninth unit, maximizing, and in staff's opinion, compounding the density on this small property. Staff does not believe it is in this neighborhood's best interest to grant the special use permit.

Staff recognizes that allowing this development would provide this neighborhood with a few street enhancements and potentially improve some of the existing stormwater issues. However, staff does not want to give up the City's planning initiatives and ideals to gain those improvements nor do we want to set a precedent of maximizing density and permitting architectural incongruity to this or any neighborhood in the City. Although staff supported the preliminary plat variances request, staff does not support this special use permit and recommends denial of this application.

## **Report Amendment**

After further scrutiny of the above described request, and specifically the layout of the proposed development, staff has recognized that the arrangement of the proposed buildings and parking lot would not meet all regulations of the R-3, Medium Density Residential District.

During the review of this request, staff paid particular attention to the new regulations that require such developments in this zoning district to ensure that parking lots are located to the rear or side of buildings and screened where necessary. Meeting this requirement proved to be difficult due to the unusual shape of the lot and the fact that the parcel has two street frontages. Nonetheless, the engineer and developer managed to arrange the development in a fashion that would meet the new requirement. Staff acknowledged in the report that the four-unit building's front façade would be oriented, atypically for such a development, to the side property line, to meet this regulation.

Unfortunately, after the reports were released, staff discovered that although the development would meet the new regulation, it would not satisfy the requirement that the front façades of each principal building shall face a dedicated public street or the limits of a private parking unit and that no rear façade shall face a dedicated public street. As illustrated in the proposed layout, both buildings' rear façades would face Foley Road and the four-unit building's front façade would not face a public street or the limits of a private parking unit.

The new directive within Section 10-3-48.6 (b) requires that "when an off-street parking lot/garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lots/garages shall be located to the rear or side of buildings and screened from the street by the building or landscaping or walls." The rest of that section then goes on to describe appropriate screening. A separate, longstanding regulation of the Zoning Ordinance, which also is a part of this newly implemented zoning district; Section 10-3-48.6 (c), requires "the front façade of each principle building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street."

To be clear, what this regulation means is if an apartment use is approved, where the development would be within an established single family home neighborhood, the development must meet more specific requirements pertaining to the location of the parking lot/garage. If the development is not located within an established single family home neighborhood, the parking lot/garage locations and appropriate screening requirements are not applicable, however, they must abide by requirements within Section 10-3-48.6 (c).

Given this new information, a couple of things shall be acknowledged and discussed. First, if the City desires to maintain these regulations, then the subject request cannot be built in the layout as shown. Thus, the developer would have to re-evaluate the site and propose a new layout that meets all requirements of the Zoning Ordinance. However, if it is not desired to be this restrictive, then the Zoning Ordinance can be amended to allow this development's layout, or similar layouts, to proceed, and then to be constructed.

December 2, 2010

City Staff, Planning Commission, and Council

345 S. Main St.

Harrisonburg, VA 22801

Dear City leaders and staff,

I write this letter to discuss an application for a Special Use Permit located at 752 and 746 Foley Rd in Harrisonburg. Our firm has studied a variety of development prototypes on this property over the last several months and has settled upon a model that we feel is the most appropriate and most sustainable use of this property for the benefit of the City of Harrisonburg as well as for the neighboring property owners. The particular parcels for which we seek special use have presented a multitude of challenges because of some unique characteristics as well as its relatively small nature in development scale. Discussing this entire process in a letter seems unfitting to all of the complexities involved and we will have the opportunity for public forum at a later date. I want to convey however that I am a development professional by nature and that I take that role very seriously. Those of you in government and business know that as a professional I can only achieve success by creating win/win situations for not only our firm, but for city, neighbors etc. We hope to achieve that in this process.

Our firm seeks special use to R3 Zoning regulations in which both parcels at 752 and 746 currently are deeded under.

#### **10-3-48.4**

- Our firm seeks special use under item 6 to allow for multiple family dwelling units in the R3 district.

#### **Logic and Considerations**

Under 10-3 48.2 the intent for the R3 district is to allow for mid-density residential development including single family, duplex, and townhouse units and under special circumstances multiple family buildings.

We also wish to point out and note several other facts. According to the 2004 update to the 2004 comprehensive plan and land use guide these two parcels lie within a "neighborhood conservation district" defined and explained on page 4-6. [Correspondingly our firm has not been made aware that a "community based neighborhood plan" has been organized or implemented that our proposal should reference or address. If we are in error and such document exists we request the opportunity to review, and respond to this document.]

#### 10-3-48.6 e 1-4

1. According to the May 2006 comprehensive land use guide the surrounding areas and entire "district" for which this property rest lie within an absolute R3 zoned neighborhood. The fabric and composition of the neighborhood is diverse and includes but is not limited to single family dwellings, duplexes, multi-unit apartment complexes, and a large share of townhomes or townhome like structures. All of these property types are within either site distance or very close proximity to the parcels for which we seek special use. See attached figure ground study for development density within the immediate area.
2. The property is located within close proximity to public transportation and infrastructure to support additional density.
3. Compatibility- While this application for special use is considered as "a multi-family dwelling" the design and development intent is to construct units that we are defining as "townhome/condo" units. Each unit will have its own dedicated parking as well as complete fire separation from the unit(s) beside them. The units will be of similar size and scale to other townhome type units in the neighborhood and will be of high quality construction and appearance. Our firm intends to utilize poured concrete foundations that will largely be below grade. Other possible exterior materials include fiber cement siding and panels, clad siding, aluminum clad windows, standing seem metal roofing, stained wood and or fiberglass doors. We have attached 3d renderings to show form and function of these units although final decisions on exact composition have not yet been made.
4. Site- Please reference attached preliminary engineered site plan detailing layouts, street improvements and storm water management plan, landscaping etc...

#### **About/Market/Approach**

Our firm Velocity Property Group through its various relationships and affiliates has successfully developed over 25 projects in the Harrisonburg/Rockingham area during the last 30 years. Our firm is committed and is vested to the successes of these municipalities and the markets whom which we serve. One of Velocity Property Group's core values is to provide high-quality, efficient properties, that demonstrate environmental stewardship in design and function. Velocity Property Group maintains a management interest in each of their properties ensuring that owner-direct involvement is in place for the long term care and maintenance of the properties.

"The Angle" development will feature 9 luxury units which are intended to cater to a market that is generally overlooked and or neglected in our local multi-family options. These "sleek, elegant, and contemporary" units intend to attract the eco-conscious professional who seek a superior product. 7 of the units will feature 2 bedrooms 2 bathrooms on the 3<sup>rd</sup> level with living spaces below. 2 of the units will be 3 bedrooms 2.5 bath. Our firm feels that there is plenty of room in the market niche for which we seek as high quality rental property for professionals are continuing to grow in demand. We receive a constant string of "un-advertised" inquires from people seeking this type of product and service. We feel that the Foley Rd. parcels' location to public and professional services, JMU, RMH, etc.. is a great fit for our intended audience. Furthermore we feel that this development type

is very symbiotic and aids the continued economic development efforts of the City and groups like the Shenandoah Valley Partnership.

We appreciate your careful consideration in this matter and look forward to presenting and dialoguing with you.

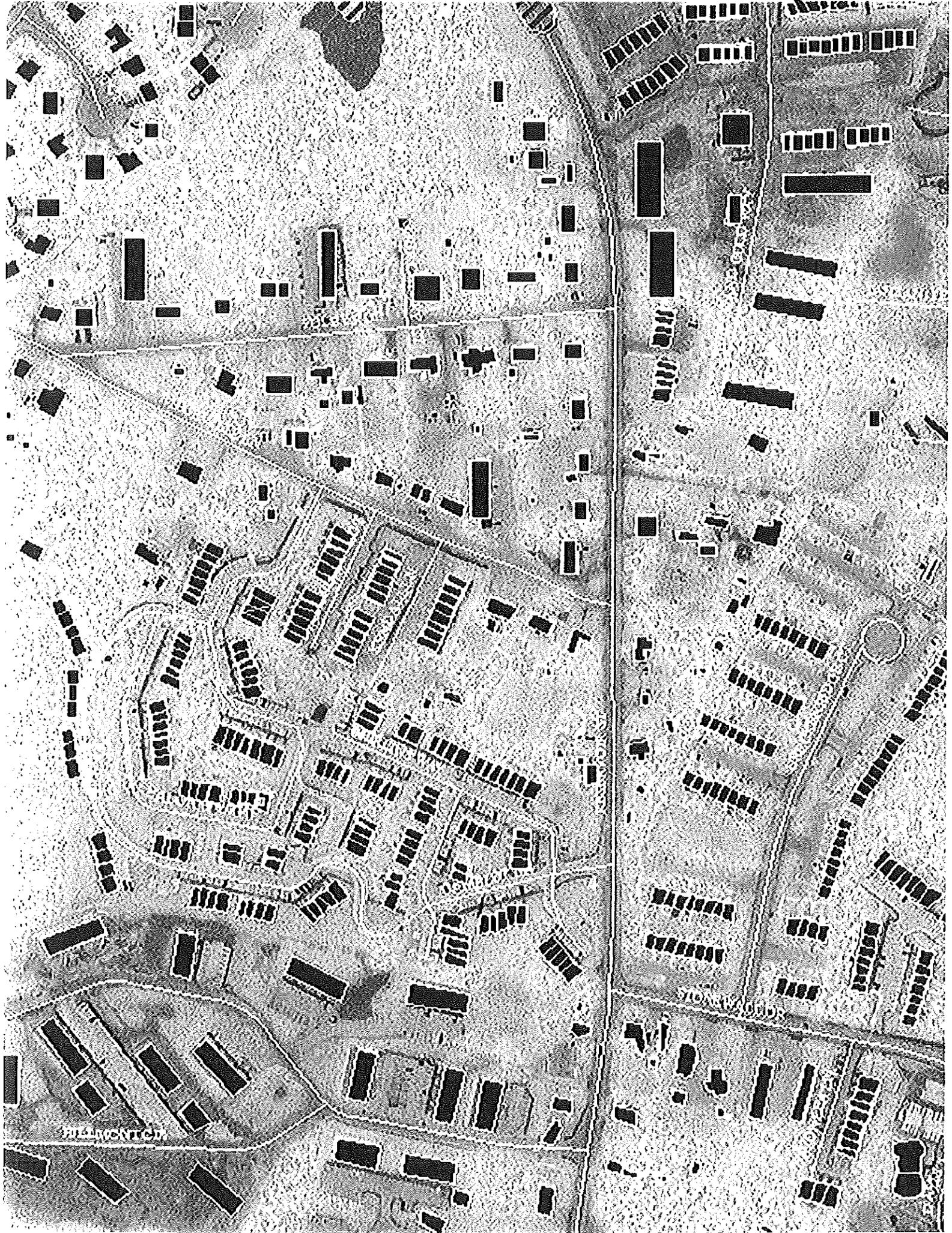
Regards,

A handwritten signature in black ink, appearing to read 'Hans C. Harman', written in a cursive style.

Hans C. Harman

President

Velocity Property Group.









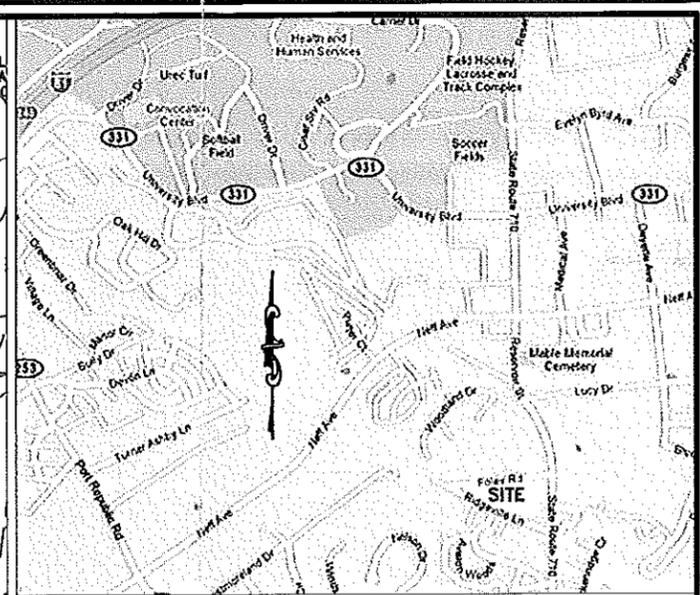
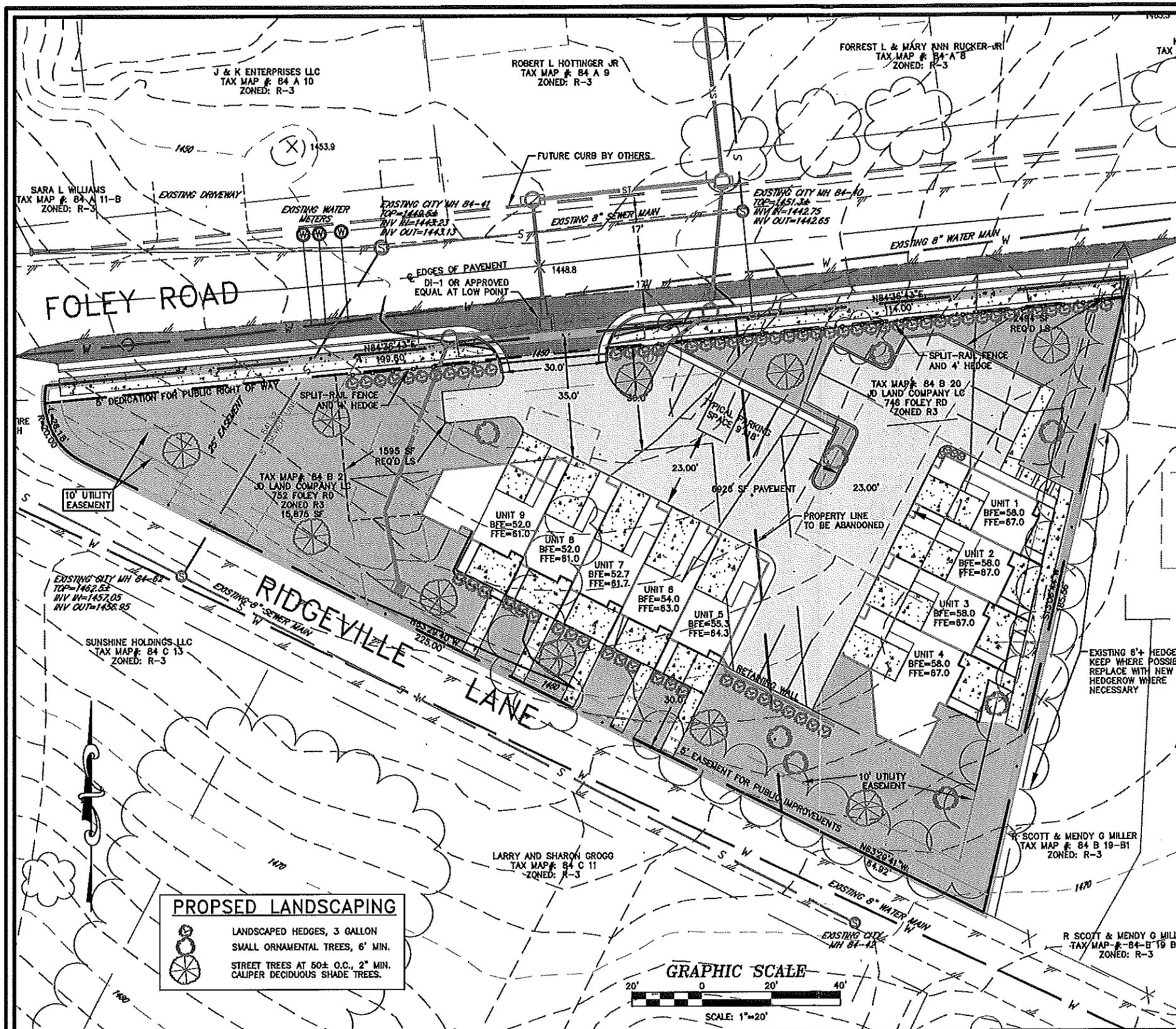




ANGLE 3

ANGLE 2





VICINITY MAP  
1"=800'

**PARKING TABLE**

NINE 2 AND 3 BEDROOM APARTMENTS  
2 1/2 SPACES PER DWELLING  
REQUIRED PARKING: 23  
PARKING PROVIDED: 24

**LEGEND**

— E/T —	CENTER LINE
—	EXISTING ELECTRIC/TELEPHONE
—	EXISTING UTILITY POLE
—	EXISTING LIGHT POLES
—	PROPOSED LIGHTING
—	EXISTING WATER LINES
—	PROPOSED WATER LINES
—	EXISTING SANITARY LINES
—	PROPOSED SANITARY LINES
—	SANITARY SEWER CLEANOUT
—	EXISTING STORM SYSTEM
—	PROPOSED STORM SYSTEM
—	GAS LINES
—	PROPOSED PROPERTY LINE
—	EXISTING PROPERTY LINE
—	SETBACK LINE
—	EASEMENT LINE
—	PROPOSED ROAD/EOP
—	EXISTING ROAD
—	EXISTING PARKING
—	CURBING: CG-6
—	DUMPSTER
—	HANDICAP PARKING
—	CG-12/ASPHALT RAMP
—	PROPOSED FIRE HYDRANT
—	EXISTING FIRE HYDRANT
—	PROPOSED FENCE
—	EXISTING FENCE LINE
—	HEAVY PAVEMENT SECTION
—	LIGHT PAVEMENT SECTION
—	PROPOSED SIDEWALKS
—	GRASS AREA

**SITE DESIGN:**  
BLACKWELL ENGINEERING, PLC  
ATTN: ED BLACKWELL  
566 EAST MARKET STREET  
HARRISONBURG, VA 22801  
540-432-9555

**OWNER:**  
JD LAND COMPANY, LC  
/DOUG KLINE  
5425 JESSE BENNETT WAY  
LINVILLE, VA 22834

**DEVELOPER:**  
HARMAN DEVELOPMENT, INC.  
1024 PLEASANT VALLEY ROAD  
HARRISONBURG, VA 22801

**PROPERTY INFO:**  
TM# 84-B-20  
84-B-21  
0.68 TOTAL ACRES  
ZONED: R-3,  
USE: TOWNHOUSES  
FEMA FLOOD ZONE: X

**BUILDING INFO:**  
NINE APARTMENTS  
USE: RESIDENTIAL  
MAX SINGLE FLOOR AREAS  
544 SF(2BR) 65+ SF(3BR)  
2 STORY  
UNIT HEIGHT = 40'  
IBC CLASS = 310.1  
IBC USE GROUP = R-2  
ISO 2005 NFF = 750 GPM

**PROPOSED LANDSCAPING**

LANDSCAPED HEDGES, 3 GALLON  
SMALL ORNAMENTAL TREES, 6' MIN.  
STREET TREES AT 50± O.C., 2" MIN.  
CALIPER DECIDUOUS SHADE TREES.



**BLACKWELL ENGINEERING, PLC**  
566 East Market Street  
Harrisonburg, Virginia 22801  
Phone: (640) 432-9555 BE@BlackwellEngineering.com Fax: (640) 434-7604

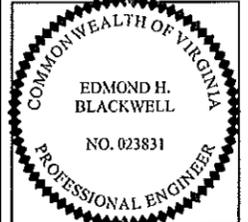
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Revision Date: 1/5/11

Designed by: EHB  
Scale: 1"=20'

Drawn by: TBF

Job No. 2175



**PRELIMINARY PLAT**

THE ANGLE  
HARMAN DEVELOPMENT, INC.  
1024 PLEASANT VALLEY ROAD  
HARRISONBURG, VA, 22801

Drawing No. **1**  
of 1 Sheets

view from toyer...



the **ANGLE** ...live life on a different **ANGLE**

**S** **W**

VIEW FROM YOUR FAV CHAIR...



**the ANGLE**...live life on a different ANGLE

**S W**

VIEW BACK TOWARD DINING...



the **ANGLE**...live life on a different **ANGLE**

**S** **W**

View from kitchen...



**the ANGLE** ...live life on a different ANGLE

**S W**

VIEW BACK TOWARD KITCHEN...



**the ANGLE** ...live life on a different ANGLE

**2 W**

Date Application Received: \_\_\_\_\_

# Application for Special Use Permit

City of Harrisonburg, Virginia

Fee: \$325.00 + \$25.00 *p/acre*

Total Paid: \$ 350.00 *AP*

Property Owner's Name: Doug Kline

Street Address: 5425 Jesse Burnett way Email: Kline.maint@comcast.net

City: Linville State: VA Zip: 22834

Telephone: Work 833-6104 Fax \_\_\_\_\_ Mobile 810-6104

Owner's Representative: Hans Harman

Street Address: 1024 Pleasant Valley Rd Email: hans@velocitypg.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 437-0482 Fax \_\_\_\_\_ Mobile 746-8826

### Description of Property and Request

Location (Street Address): 752 & 746 Foley Rd

Tax Map Number Sheet: \_\_\_\_\_ Block: \_\_\_\_\_ Lot: \_\_\_\_\_ Lot Area: \_\_\_\_\_

Existing Zoning Classification: R3

Special Use being requested: Requesting that Condo/apartment use be permitted.

Please provide a detailed description of the proposed (use additional pages may be attached): \_\_\_\_\_

See attached.

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_

South: \_\_\_\_\_

East: \_\_\_\_\_

West: \_\_\_\_\_

**Certification:** *I certify that the information contained herein is true and accurate.*

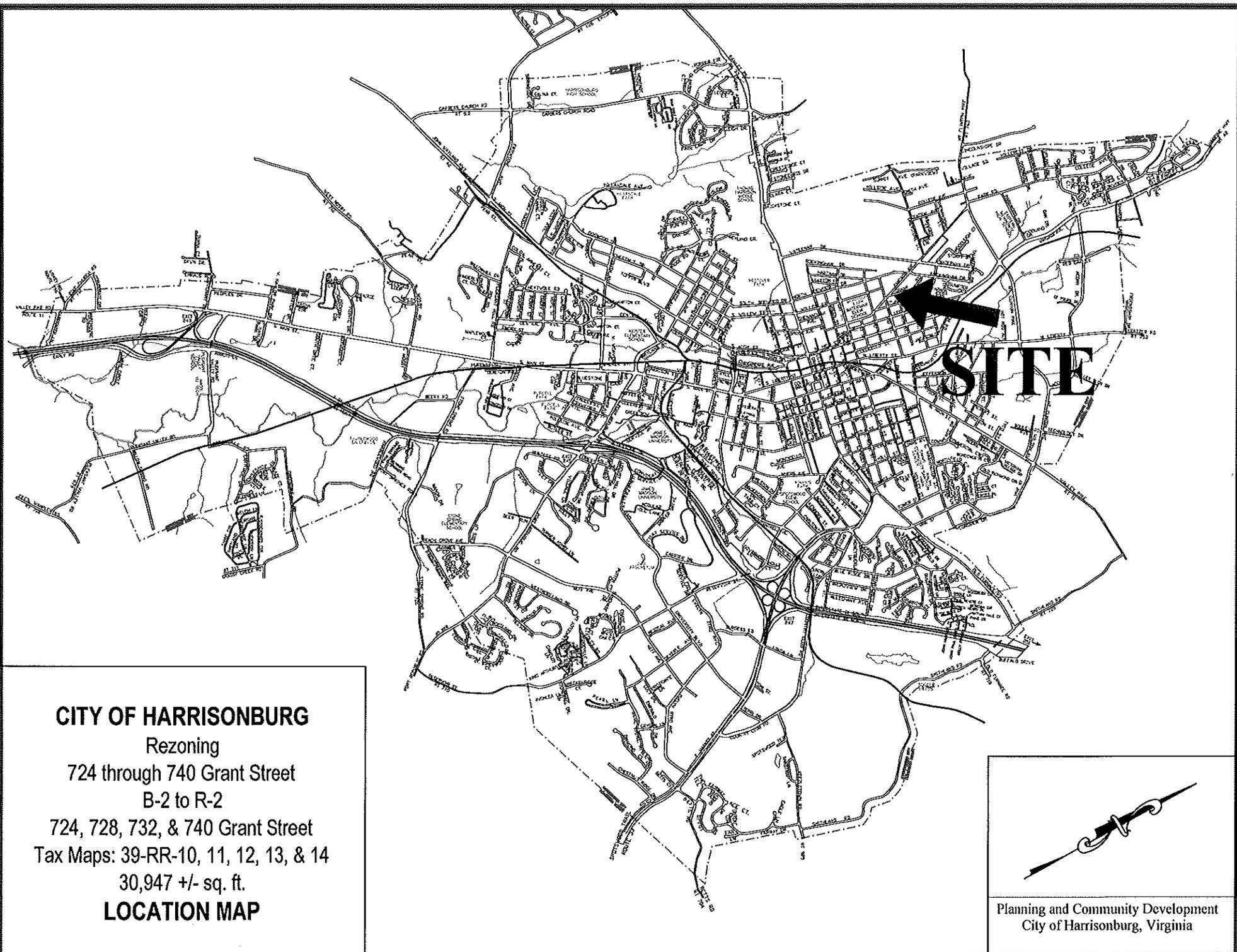
Signature: Hans C. [Signature] (authorized agent) [Signature] MANAGER  
Property Owner

### ITEMS REQUIRED FOR SUBMISSION

- Completed Application
- Site Plan
- Description of Proposed Use
- Adjacent Property Owners

- Fees Paid
- Property Located on Tax Map
- \_\_\_\_\_
- \_\_\_\_\_

PROPERTY PROPOSED FOR SPECIAL USE PERMIT						
	ZONING		OWNER	OWNER ADDRESS		ACRES
	Current					
84 B 20	R-3		JD LAND COMPANY LC	5425 JESSE BENNETT WAY	LINVILLE, VA 22834	0.31 AC.
54 B 21	R-3		JD LAND COMPANY LC	5425 JESSE BENNETT WAY	LINVILLE, VA 22834	0.36 AC.
ADJACENT PROPERTIES						
84 B 19-A	R-3		R SCOTT & MENDY G MILLER	2695 OSCEOLA SPRINGS RD	HARRISONBURG, VA 22801	0.22 AC.
84 B 19-B2	R-3		R SCOTT & MENDY G MILLER	2695 OSCEOLA SPRINGS RD	HARRISONBURG, VA 22801	0.09 AC.
84 C 17	R-3		DENNIS W GROGG	716 RIDGEVILLE LANE	HARRISONBURG, VA 22801	0.57 AC.
84 C 11	R-3		LARRY F & SHARON W GROGG	770 RIDGEVILLE LANE	HARRISONBURG, VA 22801	0.65 AC.
84 V 13	R-3		SUNSHINE HOLDINGS LLC	1409 KENTSHIRE DRIVE	HARRISONBURG, VA 22801	1.47 AC.
84 C 14	R-3		AVIS LEE & EVELYN L WYANT	778 FOLEY ROAD	HARRISONBURG, VA 22801	0.83 AC.
84 A 11-A	R-3		ROY L GRANDLE	7772 MOUNTAIN VALLEY ROAD	KEEZLETOWN, VA 22832	0.09 AC.
84 A 11-B	R-3		SARA R WILLIAMS	2910 JERMANTOWN ROAD	OAKTON, VA 22124	0.09 AC.
84 A 10	R-3		J&K ENTERPRISES	1389 KENTSHIRE DRIVE	HARRISONBURG, VA 22801	0.52 AC.
84 A 9	R-3		ROBERT L HOTTINGER JR	155 PRIVACY ROAD	BUMPASS, VA 23024	0.52 AC.
84 A 8	R-3		FORREST L AND MARY ANN RUCKER JR	747 FOLEY ROAD	HARRISONBURG, VA 22801	0.52 AC.
84 A 7-B	R-3		KYLES MILL LLC	1735 GLENSIDE DRIVE	HARRISONBURG, VA 22801	0.26 AC.



**CITY OF HARRISONBURG**

Rezoning

724 through 740 Grant Street

B-2 to R-2

724, 728, 732, & 740 Grant Street

Tax Maps: 39-RR-10, 11, 12, 13, & 14

30,947 +/- sq. ft.

**LOCATION MAP**



Planning and Community Development  
City of Harrisonburg, Virginia



# Rezoning - B-2 to R-2 724-740 Grant Street



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT January 12, 2011

### REZONING – 724 through 740 GRANT STREET

#### GENERAL INFORMATION

**Applicant:** Nancy Wheelbarger, Wilson Ewing, Andrew Collins, and Sonya Shaver  
**Tax Map:** 33-RR-10, 11, 12, 13, & 14  
**Acreage:** 30,947 square feet +/-  
**Location:** 724, 728, 732, & 740 Grant Street  
**Request:** Public Hearing to consider a request to rezone 5 lots totaling 30,947 square feet +/-, from B-2, General Business District to R-2, Residential District.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

**Site:** Single-family homes zoned B-2  
**North:** Across 4<sup>th</sup> Street, single-family homes zoned R-1  
**East:** Single-family homes and vacant parcels zoned R-2  
**South:** Automotive sales and service business zoned B-2; across 3<sup>rd</sup> Street, commercial businesses zoned B-2  
**West:** Across Grant Street, commercial businesses and vacant parcels zoned B-2

#### EVALUATION

In July 1969, after several months of public input and public hearings, the Harrisonburg City Council adopted changes to the Zoning Ordinance and a new Zoning Map as part of a Comprehensive Plan review. One area of the City that was comprehensively rezoned from a residential district to B-2, General Business district was the Chicago Avenue corridor (known at that time as the Mt. Clinton Turnpike) from 2<sup>nd</sup> Street to just beyond 4<sup>th</sup> Street. Included in the rezoning were seven parcels, two of which fronted directly onto Chicago Avenue and five parcels that fronted along Grant Street, one block removed from Chicago Avenue. The owners of those five Grant Street parcels are now requesting to be rezoned from B-2, General Business District to R-2, Residential District.

When the comprehensive rezoning occurred, four of the five lots had single-family homes on them. In the 42 years since, they have remained single-family dwellings. The fifth lot remains vacant. Recently, one of the property owners approached the City about renovating and constructing an

addition to their home. However, because it is zoned B-2 and is non-conforming to use, staff informed the owners that renovations would be limited to 50% of the fair market value of the home and the addition would be considered an enlargement of the non-conforming use; thus, not permitted. After much discussion with staff, the home owner approached the adjoining neighbors about rezoning their lots.

Staff recommends approval of the rezoning, which would change the above tax map parcels' zoning from B-2, General Business District to R-2, Residential District. The Comprehensive Plan Land Use Guide designates this area as Neighborhood Residential, which supports the rezoning change to R-2. If approved, the subject parcels' zoning would be consistent with the zoning of the properties on the opposite side of this block, which front Stuart Street and are located between 3<sup>rd</sup> and 4<sup>th</sup> Streets – all zoned R-2. Note within the packet that the adjoining property owners, along Stuart Street, submitted a letter of support for this rezoning request.

December 6, 2010

Planning Commission and City Council  
Harrisonburg, VA

Dear Planning Commission and City Council Members:

My name is Sonya Shaver, and I am writing to you on behalf of my neighbors and myself, property owners on Grant Street in the city of Harrisonburg. In 1969, our residential lots were changed to a business zoned district. At that time, all of these lots consisted of residential, single-family homes. In the 45 years since that change, all of these lots have remained residential, single-family homes.

All of the homes connected to our lots through our backyards, are all zoned residential and are all single family homes. We are part of a neighborhood, which also includes an elementary school and a local city park only one block away.

After meeting with the staff at the Department of Planning and Community Development, we learned that the city's comprehensive plan indicates that this area should be Neighborhood Residential. We respectfully request your approval of our application to change the zoning district back to a residential zoning, in accordance with the city's plan and to preserve this neighborhood in the heart of our city. We thank you for your time and your sincere consideration of our application.

Sincerely,

Sonya Shaver  
740 Grant Street



Andrew Collins  
732 Grant Street



Wilson Ewing  
728 Grant Street



Nancy Wheelbarger  
724 Grant Street



December 6, 2010

Planning Commission and City Council  
Harrisonburg, VA

Dear Planning Commission and City Council Members:

We are property owners on Stuart Street in the city of Harrisonburg, in the block between Third and Fourth Streets. Our property is in the same block and attaches to the lots on Grant Street for which the owners are applying to be rezoned as residential. The tax map numbers that are being proposed to return to residential zoning are:

740 Grant Street, 39 RR 14  
732 Grant Street, 39 RR 13  
728 Grant Street, 39 RR 12  
724 Grant Street, 39, RR 10 & 11

In 1969, those residential lots were changed to a business zoned district. At that time, all of the lots in this block, on both Grant and Stuart Streets, consisted of residential, single-family homes. In the 45 years since that change, all of these lots have remained residential, single-family homes. We are part of a residential neighborhood.

We are in support of this change back to residential zoning on Grant Street. Please feel free to contact us if you have further questions. We thank you in advance for your time and consideration of this matter.

Sincerely,

Ruby S. Waluerton  
Arline G Rhodes  
Ingrid Elliott  


Date Application Received: 12/7/10

Total Paid: 350<sup>00</sup> pd AB

### Application for Change of Zoning District City of Harrisonburg, Virginia

#### Section 1: Property Owner's Information

Name: Andrew and Sonya Shaver  
Street Address: 740 Grant Street Email: sbsshaver@gmail.com  
City/State/Zip: Harrisonburg, VA 22802  
Telephone (work): 421-9502 (home or cellular): 438-8598 (fax): \_\_\_\_\_

#### Section 2: Owner's Representative Information

Name: Same as above  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

#### Section 3: Description of Property

Location (street address): 740 Grant Street  
Tax Map Number: Sheet: 39 Block: RR Lot: 14 Total Land Area (acres or square feet): 30,947 sq. ft.  
Existing Zoning District: B2 Proposed Zoning District \*: R2 or .711781 acres  
Existing Comprehensive Plan Designation: Neighborhood Residential (all lots)

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

#### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

#### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

#### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: [Signature]

Property Owner

**See Back for Items Required for Submission**

Date Application Received: 12/7/10

Total Paid: 350<sup>00</sup> per AB.

### Application for Change of Zoning District City of Harrisonburg, Virginia

#### Section 1: Property Owner's Information

Name: Nancy Wheelbarger  
Street Address: 724 Grant Street Email: \_\_\_\_\_  
City/State/Zip: Harrisonburg, VA 22802  
Telephone (work): (540) 434-6867 (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

#### Section 2: Owner's Representative Information

Name: same as above  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

#### Section 3: Description of Property

Location (street address): 724 Grant Street  
Tax Map Number: Sheet: 39 Block: RR Lot: 10+11 Total Land Area (acres or square feet): 30,947 sqft.  
Existing Zoning District: B2 Proposed Zoning District \* : R2 (all lots)  
Existing Comprehensive Plan Designation: Neighborhood Residential

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

#### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_ No

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

#### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

#### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Nancy Wheelbarger  
Property Owner

**See Back for Items Required for Submission**

Date Application Received: 12/7/10

Total Paid: 350.00 pd OB

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Wilson L. Ewing  
Street Address: 728 Grant Street Email: \_\_\_\_\_  
City/State/Zip: Harrisonburg, VA 22802  
Telephone (work): \_\_\_\_\_ (home or cellular): 540-434-4940 (fax): \_\_\_\_\_

### Section 2: Owner's Representative Information

Name: same as above  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): 728 Grant street  
Tax Map Number: Sheet: 39 Block: RR Lot: 12 Total Land Area (acres or square feet): 30,947 sq ft.  
Existing Zoning District: B2 Proposed Zoning District \*: R2 (all lots)  
Existing Comprehensive Plan Designation: Neighborhood Residential

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Wilson L. Ewing  
Property Owner

**See Back for Items Required for Submission**

Date Application Received: 12/7/10

Total Paid: 350<sup>00</sup> pd AB.

## Application for Change of Zoning District City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: Andrew F. Collins  
Street Address: 732 Grant Street Email: afcollins1@yahoo.com  
City/State/Zip: Harrisonburg, VA 22802  
Telephone (work): (540) 383-3884 (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 2: Owner's Representative Information

Name: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone (work): \_\_\_\_\_ (home or cellular): \_\_\_\_\_ (fax): \_\_\_\_\_

### Section 3: Description of Property

Location (street address): 732 Grant street  
Tax Map Number: Sheet: 39 Block: RR Lot: 13 Total Land Area (acres or square feet): 30,947 sq. ft  
Existing Zoning District: B2 Proposed Zoning District \*: R2 (all ~~the~~ lots)  
Existing Comprehensive Plan Designation: Neighborhood Residential

*\*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

### Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?  
Yes \_\_\_\_\_ No

*If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?  
Yes \_\_\_\_\_ No

*If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.*

*PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.*

### Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: \_\_\_\_\_  
East: \_\_\_\_\_  
South: \_\_\_\_\_  
West: \_\_\_\_\_

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature:   
Property Owner

**See Back for Items Required for Submission**

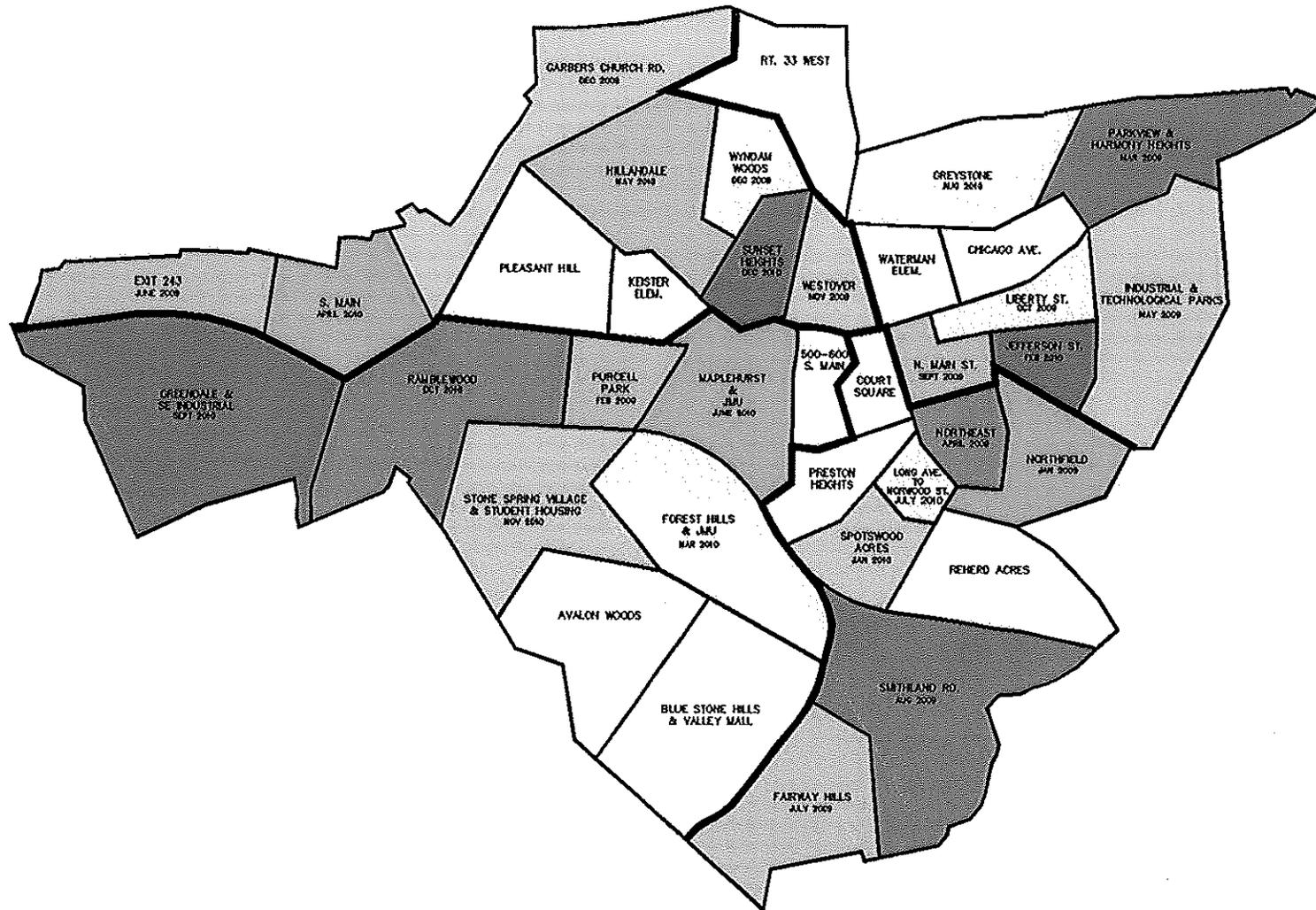
## December 2010 Proactive-Zoning Report

For the month of December 2010 the proactive-zoning program targeted the **Sunset Heights** section of the city. During the proactive inspections a total of **ten violations** were found. This was an increase in the number of violations from the first 3-year cycle and a decrease from the second 3-year cycles as noted in the chart below. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 <sup>st</sup> CYCLE	2 <sup>nd</sup> CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	18	6	4
November 2009	Westover	17	17	18	8
December 2009	Garber's Church	1	1	1	2
January 2010	Spotswood Acres	1	1	6	4
February 2010	Jefferson St.	35	35	26	22
March 2010	Forest Hills/JMU	1	1	6	1
April 2010	S. Main St.	2	2	1	0
May 2010	Hillandale	17	16	7	5
June 2010	Maplehurst/JMU	2	2	6	5
July 2010	Long Ave/Norwood	17	17	12	28
August 2010	Greystone	13	13	13	10
September 2010	Greendale/SE	5	5	3	2
October 2010	Ramblewood	1	1	4	8
November 2010	Stone Spring Village/JMU	0	0	2	10
December 2010	Sunset Heights	10	n/a	7	29
January 2011	Reherd Acres			10	12
February 2011	RT 33 West			0	16
March 2011	Chicago Ave			16	22
April 2011	Pleasant Hill			4	13
May 2011	Avalon Woods			7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for January 2011 will be directed towards the enforcement of the Zoning Ordinance in the **Reherd Acres** section of the City.

# Proactive Zoning Map



# Harrisonburg Planning Commission



## 2010 Annual Report

**Harrisonburg Planning Commission**  
2010 Annual Report

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Harrisonburg Planning Commission

2010 Annual Report

Planning Commission Membership

W. L. Jones, Jr.

Chairman

Richard A. Baugh

Vice Mayor

Charles Chenault

Vice Chairman

MuAwia Da'Mes

Board of Zoning Appeals Member

Alan Finks

Deb Fitzgerald

Joseph M. Snell, II

## Harrisonburg Planning Commission

### 2010 Annual Report

#### Rezoning

Request	Planning Commission Action	Date	City Council Action
Corner of S. High St. and South Ave. (CVS Pharmacy) M-1 to B-2C 020 00A 010 001 010	Recommended for approval (7-0)	01-13-10	Approved (5-0)
116 Reservoir Street (Blue Ridge Insurance Services) R-2 to R-3C 027 00G 007 001 010	Recommended for approval (7-0)	02-10-10	Approved (5-0)
715 North Main Street R-2 to M-1C 040 00T 010 001 010	Recommended for approval (6-0)	02-10-10	Approved (5-0)
1351 North Main Street (HRC SB) B-2C Proffer Amendment 042 00B 004 001 010	Recommended for approval (5-0)	03-10-10	Approved (5-0)
139 & 147 W. Water Street R-3C to B-1 025 00C 008 002 010	Recommended for approval (7-0)	04-14-10	Approved (5-0)
Southbury Station R-5 Proffer Amendment 2010 002 00C 001 001 010	Continued by applicant before PC hearing Recommended for approval (6-0)	04-14-10 05-12-10	----- Approved (4-1)
Proffer Amendment 1043, 45, & 47 Virginia Avenue 039 00K 006 002 010	Recommended for approval (5-0)	10-13-10	Approved (4-1)
Harrisonburg Comm. Health Center R-3C to B-2C 088 00G 007 001 010	Recommended for approval (5-0)	11-10-10	Approved (5-0)
Pedcor Inv. (Clark Property) B-2 to R-3 and R-3 to R-1 115 00B 001 001 010	Recommended for Denial (6-0)	12-08-10	Withdrawn by applicant before CC meeting

**Harrisonburg Planning Commission**

2010 Annual Report

**Special Use Permits**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
715 North Main Street R & B House 10-3-97 (13) 040 00T 010 002 010	Recommended for approval (6-0)	02-10-10	Approved (5-0)
715 North Main Street R & B House 10-3-97 (8) 040 00T 010 003 010	Recommended for approval (6-0)	02-10-10	Approved (5-0)
715 North Main Street R & B House 10-3-97 (9) 040 00T 010 004 010	Recommended for approval (6-0)	02-10-10	Approved (5-0)
627 S Mason Street MFDH 10-3-180 (5) 025 00N 015 001 010	Recommended for approval (7-0)	04-14-10	Approved (5-0)
Southbury Station 2010 10-3-55.4(1) +12 units /bldg 002 00C 001 002 010	Recommended for approval (6-0)	05-12-10	Approved (4-1)
ICONA Condominiums – Apts. in R-3 10-3-48.4 (6) 084 00B 015 001 010	Tabled by applicant before PC hearing	10-13-10	-----
	Tabled by applicant before PC hearing	11-10-10	-----
	Withdrawn by applicant	11-29-10	-----
1560 N Liberty St – M-1 Religious Use 10-3-97(9) 045 00D 008 001 010	Recommended for approval (5-0)	10-13-10	Approved (5-0)
Harrisonburg Comm. Health Center – 10-3-91 (8) 088 00G 007 001 010	Recommended for approval (5-0)	11-10-10	Approved (5-0)
Pedcor Inv. (Clark Prop.) Apts. in R-3 10-3-48.4 (6) 115 00B 001 001 010	Recommended for Denial (6-0)	12-08-10	Withdrawn by applicant prior to CC meeting

**Harrisonburg Planning Commission**

**2010 Annual Report**

**Street and Alley Closings**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Alley Closing (Hostetter) Adjacent to 39-K-6,12,&13	Recommended for approval (5-0)	10-13-10	Approved (4-1)

**Master Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
EMU Master Plan Amendment 2010 051 00A 001 001 010	Recommended to approve (5-0)	03-10-10	Approved (5-0)
Forest Hills Manor Amendment 2010	Tabled by PC at meeting	07-14-10	-----
	Withdrawn by applicant at meeting	08-11-10	-----

**Ordinance/Comprehensive Plan Amendments**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Various Zoning Ordinance Amends. 10-3-5, 16, 25, 48.3, 120, 122, 123, and 139	Recommended for approval (5-0)	03-10-10	Approved (5-0)
Zoning Ordinance Amendments 10-3-21, 84, 109	10-3-21 Continued by Staff	05-12-10	-----
	10-3-84 and 109 Recommended for approval (6-0)	05-12-10	Approved (5-0)
	10-3-21 Withdrawn by Staff	06-09-10	-----
Zoning Ordinance Amendment 10-3-136	Recommended for approval (6-0)	06-09-10	Approved (5-0)

**Harrisonburg Planning Commission**

2010 Annual Report

**Other**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Bicycle and Pedestrian Plan	Recommended for approval (6-0)	06-09-10	Continued by CC at meeting (5-0)

**Preliminary Plats**

<b>Request</b>	<b>Planning Commission Action</b>	<b>Date</b>	<b>City Council Action</b>
Potters House Worship Center 2010 123 00A 004 001 010	Recommended for approval (7-0)	04-14-10	Approved (5-0)
Traber Plat Variance (Garbers Church Road) 123 00O 001 002 010	Tabled by applicant before PC hearing Tabled by applicant before PC hearing	10-13-10 11-10-10	----- -----

**MEETINGS AND WORKSESSIONS**

***📅 Total Number of Regular Meetings: 12***

*Meeting Dates:*

- January 13, 2010
- February 11, 2010
- March 10, 2010
- April 14, 2010
- May 12, 2010
- June 9, 2010
- July 14, 2010
- August 11, 2010
- September 8, 2010
- October 13, 2010
- November 10, 2010
- December 8, 2010

## Harrisonburg Planning Commission

### 2010 Annual Report

#### *Planning Commission Work Sessions & Other Meetings*

##### *Meeting Dates:*

- January 13, 2010 Comp Plan Pre-review of Chapters 13 and 14
- April 29, 2010 Comp Plan Public Input for Chapters 5, 6, & 11
- May 5, 2010 Comp Plan Public Input for Chapters 9, 10, 12, & 13
- May 13, 2010 Comp Plan Public Input for Chapters 7, 8, 13, & 14
- May 19, 2010 Comp Plan Public Input for Chapters 6, 12, & 15
- July 14, 2010 Comp Plan Worksession Chapters 5, 6, & 11
- August 11, 2010 Comp Plan Worksession Chapters 7, 8, 9, 10, 12, 13, 14, & 15
- September 8, 2010 Comp Plan Worksession Land Use Guide
- November 4, 2010 Comp Plan Worksession Chapter 4
- December 8, 2010 Comp Plan Worksession Chapter 16

Department  
of  
Planning and Community  
Development

Report of Annual Activity

Planning and Zoning Division

2010



CITY OF HARRISONBURG, VIRGINIA



## ZONING ACTIVITIES

Inspection of Zoning Requirements	258
Proactive Zoning Violations	104
Home Occupations Permits Issued	118
Comprehensive Site Plans Reviewed	52
Sign Permits Issued	87
Building Permits Reviewed	534

## SUMMARY OF THE BOARD OF ZONING APPEALS (BZA) ACTIVITY

The Board of Zoning Appeals heard nine cases in 2010. Seven were setback variance requests, four were approved, two were denied, and one was approved and denied in part. One case was a variance request to lot depth and was withdrawn. One case was an appeal to the Zoning Administrators determination and this case was withdrawn.

## PROACTIVE ZONING ENFORCEMENT

Sector	Date	Violations Cited
Spotswood Acres	January	1
Jefferson Street	February	35
Forest Hills/JMU	March	1
South Main Street	April	2
Hillandale	May	17
Maplehurst/JMU	June	2
Long Avenue/Norwood	July	17
Greystone	August	13
Greendale/SE	September	5
Ramblewood	October	1
Stone Spring Village/JMU	November	0
Sunset Heights	December	10

### MINOR SUBDIVISIONS

Request	Case Number	Staff Action	Date	Deed Book/Page
Redivision of Lot 4 & Lot 2 of Section 2, R'ham Center	108 00C 003 001 010	Approved	06-14-10	3718/758
Pleasant Valley Road Industrial Park Subdivision	101 00C 009 001 007	Approved	02-19-10	3671/718
HRHA Boundary Line Agreement	027 00R 001 001 008	Approved	06-18-10	3719/592
H'Burg Oasis, Elm St. Properties, & Cale Sub.	023 00W 002 001 009	Approved	03-01-10	3672/324
Bluestone Hills Sub. Sec. 3 (Rev'd. Lots 61, 62, & 63)	077 00C 063 001 009	Approved	01-05-10	3646/367
HRHA Vacation of lot line – 500 block East Gay Street	033 00K 002 001 009	Approved	02-22-10	3667/465
HRHA Vacation of lot line – 400 block East Gay Street	033 00J 010 002 009	Approved	02-22-10	3667/462
HRHA Vacation of lot lines – 400 block Broad Street	033 00I 002 003 009	Approved	02-22-10	3667/474
HRHA Vacation of lot line – 500 block Myrtle Street	033 00G 008 004 009	Approved	02-22-10	3667/468
HRHA Vacation of lot line – 400 block Myrtle Street	033 00J 020 005 009	Approved	02-22-10	3667/471
HRHA Vacation of lot line – 500 block Sterling Street	033 00H 011 006 009	Approved	02-22-10	3667/477
R'ham Coop. Farm Bureau (2010)	024 00S 013 001 010	Approved	10-26-10	3784/676
Victor & Dina Moroz Property	097 00A 008 001 010	Approved	05-25-10	3714/37
Prop. Line Vac. Between 25-M-9 & 10	025 00M 009 003 010	Approved	04-28-10	3695/316
Valley Spay/Neuter Clinic Vacation of lot lines	040 00B 004 005 010	Approved	05-24-10	3711/420

Lot Line Vac Lots 3 & 4 Spottswood Park Add.	042 00B 003 002 010	Approved	07-13-10	3735/373
Sub. Between HEC & Falling Creek Prop. (Smithland Rd.)	030 00A 007 001 010	Approved	08-25-10	3814/393
S. High St./South Ave. Lot Line Vac. (CVS)	020 00A 010 001 010	Approved	10-13-10	3778/582
Prop. Line Vac. Lambert (34- M12, 13, & 14)	034 00M 012 001 010	Approved	10-07-10	3780/122
Charleston Townes Common Area BLA	080 00A 000 001 010	Approved	11-30-10	3804/524
Kelley Prop. Line Vac. (Hillcrest Dr.)	051 00L 005 002 010	Approved	11-18-10	3798/77
Charleston Townes Lot Line Vac.	080 00A 005 002 010	Approved	11-30-10	3804/530

#### FINAL PLATS

<b>Request</b>	<b>Case Number</b>	<b>Staff Action</b>	<b>Date</b>	<b>Deed Book/Page</b>
Variance Req. – Lots 49 & 50 Norwood St. (Kettelkamp)	027 00S 049 002 010	Approved	08-09-10	3743/75
Blakely Park, Section Two	042 00D 020 003 010	Approved	12-29-10	3818/756