



CITY OF HARRISONBURG
**COMMUNITY
DEVELOPMENT**

Special Use Permit Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

1071 Port Republic Road
Property Address & Peach Grove Ave Tax Map 092 F 6 Total Land Area 9.91 acres acres or sq.ft.
(circle)
Existing Zoning Classification: B-2, General Business District
Special Use being requested: Sec. 10-3-91 (17). Multiple-family dwellings and/or mixed use buildings under conditions set forth in subsection 10-3-93(d) and such other conditions deemed necessary by City Council. Dwelling units may be occupied by a family of not more than four (4) persons.

PROPERTY OWNER INFORMATION

James Madison University Real Estate Foundation Inc., Attn: Warren Coleman, CEO
Property Owner Name 1031 Harrison St. MSC 8501 Telephone 540-568-3185
Street Address Harrisonburg VA 22807 E-Mail wcoleman@jmufoundation.org
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

Todd Rhea, Esq.
Owner's Representative 92 North Liberty St., Harrisonburg Telephone 540-433-2601
Street Address Harrisonburg VA 22802 E-Mail tcrhea@clark-bradshaw.com
City State Zip

CERTIFICATION

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

Warren K Coleman / JMU Foundation 10/31/22
PROPERTY OWNER CEO DATE

REQUIRED ATTACHMENTS

- ☒ Site or Property Map
☒ Letter explaining proposed use & reasons for seeking a Special Use Permit.
☒ Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis. This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

11/4/22 Total Fees Due: \$ 725 paid 11/3/22
Date Application and Fee Received Application Fee: \$425.00 + \$30.00 per acre 1MO.
[Signature]
Received By

CLARK & BRADSHAW, P.C.

ATTORNEYS AND COUNSELORS AT LAW

TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
QUINTON B. CALLAHAN
KAREN L. ROWELL
KATHERINE M. MANN

92 North Liberty Street
Harrisonburg, Virginia 22802
Post Office Box 71
Harrisonburg, Virginia 22803-0071
Telephone: (540) 433-2601 Facsimile: (540) 433-5528
Web Site: www.clark-bradshaw.com
Email: tcrhea@clark-bradshaw.com

MARK B. CALLAHAN
M. STEVEN WEAVER
OF COUNSEL

ELLEN H. BRODERSEN, C.P.A.
AMY L. RUSH, C.P.A.
(NOT ATTORNEYS)

December 6, 2022

Via Electronic Mail:

Adam Fletcher, Director
City of Harrisonburg Department of Community Development
409 S. Main Street
Harrisonburg, VA 22801
Adam.fletcher@harrisonburgva.gov

Re: Lingerfelt Development, LLC – Application for Zoning Ordinance Amendment and Special Use for a multifamily community not to exceed 376 units with surface parking; located at 1071 Port Republic Road (fronting on Peach Grove Avenue), Harrisonburg, VA 22801, Tax Map Reference: 092 F 6

Dear Mr. Fletcher:

I write on behalf of Lingerfelt Development, LLC, which requests approval for a Special Use within a B-2 zoning district in response to the need for pedestrian-oriented, multifamily development within the City of Harrisonburg, and specifically located at 1071 Port Republic Road (fronting on Peach Grove Avenue), Harrisonburg, VA 22801, Tax Map Reference: 092 F 6. The proposed Special Use approval would allow for the development of this vacant infill parcel into a walkable dense residential community with fully developed neighboring commercial amenities, adding to the vitality, and enhancing economic activity within the existing B-2 district. The approval would also directly address the existing need for additional housing stock, units of varied types and additional density as identified in the City of Harrisonburg Comprehensive Housing Assessment and Market Study. It is further noted that the project is geared towards single bedroom and efficiency units and away from traditional 4-bedroom student housing design. The smaller unit mix is reflective of changing market demand and provides options further down the affordability scale for student and non-student rental.

The applicant, Lingerfelt Development, LLC, desires to establish an apartment community not to exceed 376 units on the subject 9.91-acre site with the option of surface and structured parking. The number of units adheres to the allowable density by Special Use permit in a B-2 district. Proposed amenities include a fitness center, business center or coworking area, pool, outdoor grilling areas, clubroom, and walking paths and sidewalks. The community would also benefit from full-time professional property management and maintenance personnel on site.

The property is located between Peach Grove Avenue and Port Republic Road. Peach Grove is a major collector and Port Republic is an arterial roadway. The surrounding properties include the neighborhood Port Crossing Shopping Center located at 1021 Port Republic Road, which includes a Food Lion grocery store, among other retail establishments; South View Apartments located at 1070 Lois Lane, Deer Run Apartments located at 899 Port Republic Road and an undeveloped parcel located at 1051 Peach Grove Avenue, which parcel was recently rezoned for intensive residential development. Across Peach Grove Avenue there is an undeveloped parcel that is zoned R-1 and owned by the Eagle family adjacent to their existing carpet business and warehouse. The Special Use permit would allow for high quality residential development of the subject parcel that would enhance pedestrian connectivity and accessibility for all surrounding parcels and is located on existing City and University bus transit lines with multiple transit stops in close proximity to the site.

The following excerpt from the City Community Development Staff Report from February 2022 when the B-2 ordinance was amended to allow for these residential uses within the B-2 district fits the location and policy rationale for the present request like a glove:

Creating a SUP to allow for multi-family units within the B-2 district would, among other TND principles, allow residents to work, shop, and carry out many of life's other activities within the neighborhood and allow residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Furthermore, the City of Harrisonburg Comprehensive Housing Assessment and Market Study, within recommendation #9, encourages the incorporation of new and updated provisions in the ZO that will facilitate the implementation of the recommendations made in the study. Among other suggestions, recommendation #9 encourages to "[c]onduct zoning map and/or zoning text amendments to increase housing stock, housing type and housing density."

The developer has also committed to sustainable features within the Development Plan and proposed supplemental conditions including solar panels to power its amenity areas and EV charging stations for resident use. Ample bike parking and storage will also be provided to allow residents to conveniently access bike trip options.

In addition to providing valuable housing capacity on transit lines and in a location surrounded by similar and compatible uses, the site would provide large fiscal benefits to the City. Based on reasonable projections for comparable existing properties under current City tax rates, the project would provide the City with direct real estate tax revenues in the neighborhood of \$500,000.00 per year. As the current owner of the subject property is the James Madison University Real Estate Foundation Inc., the sale and development of this property also directly benefits University resources and returns the parcel to active City tax rolls.

The applicant requests approval of Special Use for multifamily units within the B-2 district under the submitted application, Development Plan, and supplemental documents.

I appreciate your consideration of this proposal. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

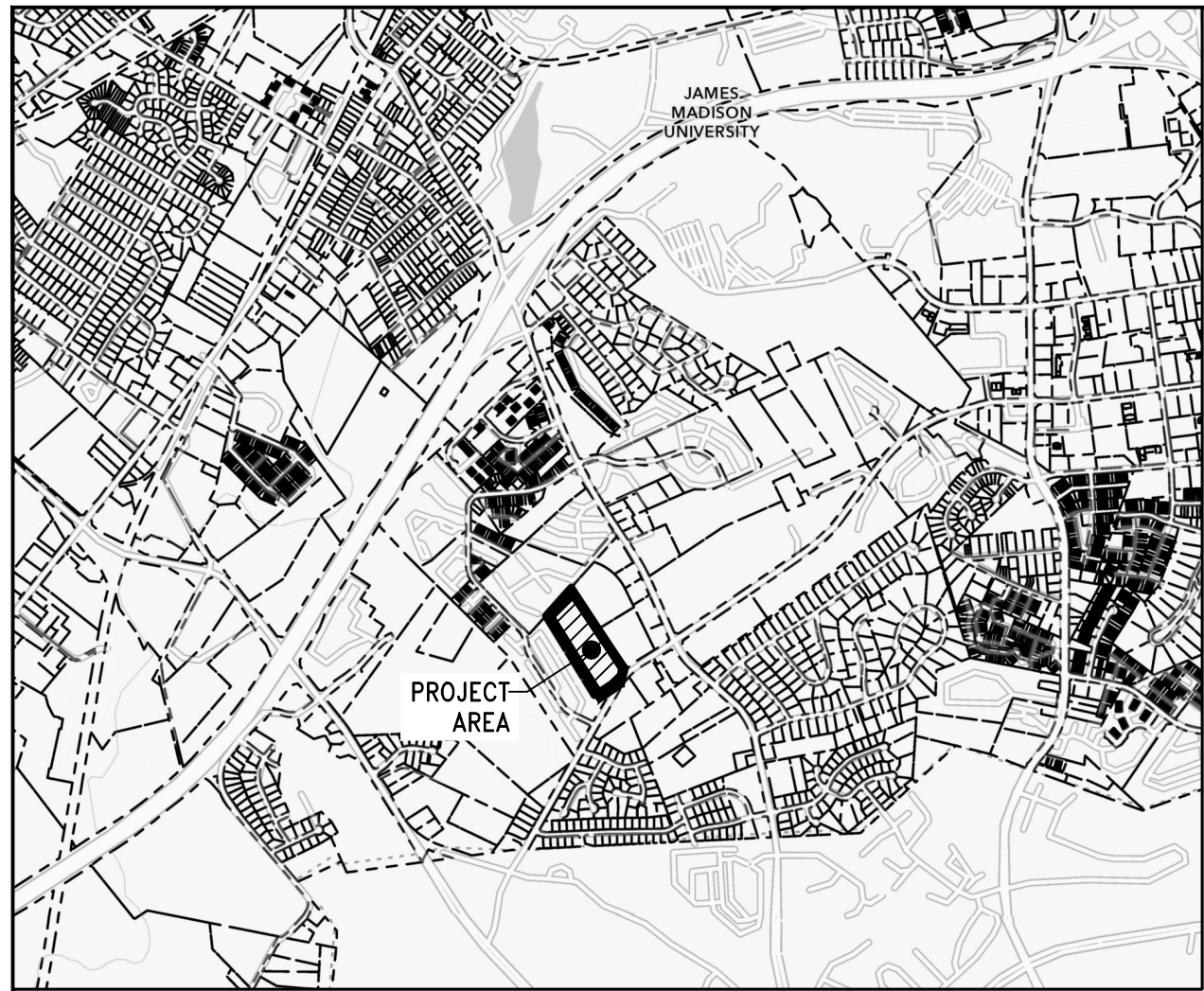
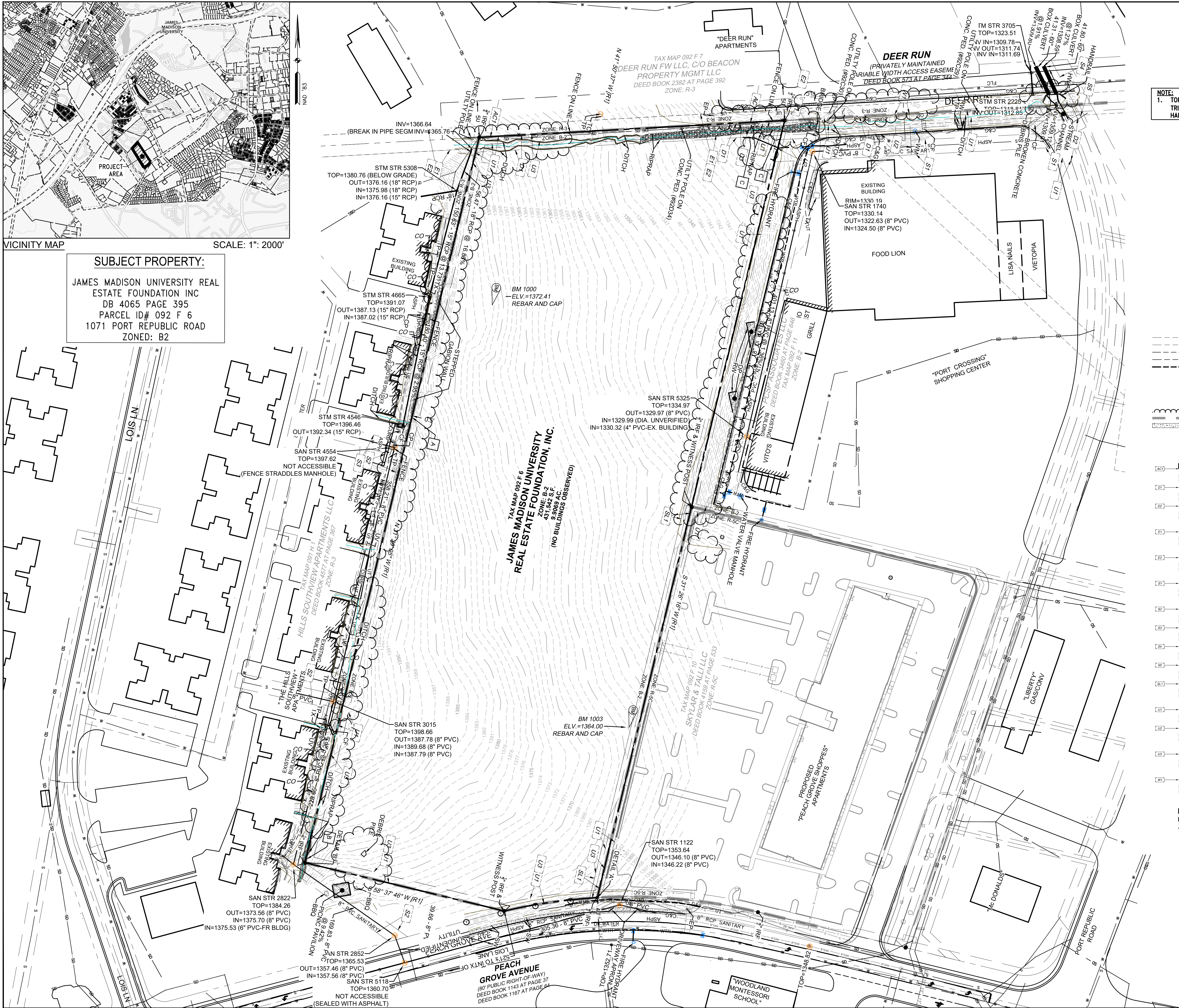
A handwritten signature in blue ink, appearing to read 'Todd C. Rhea', with a stylized flourish extending to the right.

Todd C. Rhea, Esq.

CC: John Mason, CPM
Lingerfelt Development, LLC

Randy Cosby
Echelon Resources, Inc.

\\ad.rkk.com\is\Cloud\Projects\2022\22132_JMUPGROVA\CADD\Construction Drawings\Concept Plans for Rezoning\C1.0 - EXISTING SITE CONDITIONS.dwg / 12/8/2022 2:08:47 PM by -----



VICINITY MAP SCALE: 1"= 2000'

SUBJECT PROPERTY:
JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION INC
DB 4065 PAGE 395
PARCEL ID# 092 F 6
1071 PORT REPUBLIC ROAD
ZONED: B2

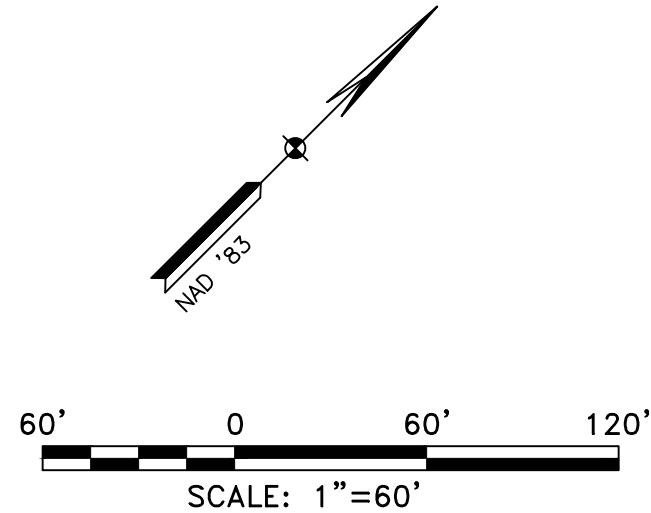
DEVELOPER: LINGERFELT DEVELOPMENT, LLC
4198 COX RD, SUITE 201
GLEN ALLEN, VA 23060
ATTN: MR. JOHN MASON, CPM
PHONE: 804-270-0015
ZONED: B2
OWNER: JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION INC

NOTE:
1. TOPOGRAPHIC, UTILITIES, AND PARCEL INFO SHOWN OBTAINED FROM TRIAD ENGINEERING SURVEY (DATED 5/26/2022) AND CITY OF HARRISONBURG GIS.

- LEGEND**
- ASPH ASPHALT SURFACE
 - BBQ BARBEQUE GRILL ON CONCRETE PAD
 - BM BENCHMARK
 - C&G CURB AND GUTTER
 - CF CONCRETE FLUME
 - CO CLEANOUT
 - CP CONCRETE PAD
 - DP DUMPSTER PAD
 - EP ELECTRIC PEDESTAL
 - ET ELECTRIC TRANSFORMER
 - FLC FIELD LOCATED CENTERLINE
 - L= ARC LENGTH
 - IRF IRON ROD FOUND
 - HW HEADWALL
 - INV INVERT
 - RW RETAINING WALL
 - SAN SANITARY
 - STM STORM
 - STR STRUCTURE
 - SRF SPLIT RAIL FENCE
 - SW CONCRETE SIDEWALK
 - TC TELECOMMUNICATION CABINET
 - TP TELECOMMUNICATION PEDESTAL
 - TX TRANSFORMER
 - UP UTILITY PEDESTAL
 - UV UTILITY VAULT
 - WM WATER METER
 - OE OVERHEAD ELECTRIC WIRES
 - UE UNDERGROUND ELECTRIC
 - GAS UNDERGROUND GAS
 - UT UNDERGROUND TELECOMMUNICATIONS
 - WTR WATERLINE
 - WV WATER VALVE
 - TR TREE
 - RD ROOF DRAIN
 - SS STORM STRUCTURE MANHOLE
 - SM SANITARY SEWER MANHOLE
 - TL TREELINE
 - ZD ZONING DISTRICT LINE (PER AVAILABLE GIS DATA)
 - CS CONCRETE SURFACE
 - Bearing / Distance per Deed Book 1572 at Page 159

- EASEMENT LEGEND**
- [AC1]** EX. 50' MINIMUM INGRESS AND EGRESS EASEMENT DEED BOOK 1572, PAGE 159
 - [D1]** EX. 20' PRIVATE DRAINAGE EASEMENT ** DEED BOOK 1572, PAGE 159
 - [D2]** EX. PERMANENT DRAINAGE EASEMENT DEED BOOK 1143, PAGE 37 (AKA PARCEL #2)
 - [E1]** EX. 30' ELECTRIC TRANSMISSION EASEMENT (CITY OF HARRISONBURG) DEED BOOK 316, PAGE 53
 - [E2]** EX. 30' ELECTRIC TRANSMISSION EASEMENT (CITY OF HARRISONBURG) DEED BOOK 337, PAGE 573 (COURT ORDER)
 - [S1]** EX. 20' EXCLUSIVE SANITARY SEWER EASEMENT DEED BOOK 1572, PAGE 159
 - [S2]** EX. 20' SANITARY SEWER EASEMENT DEED BOOK 1433, PAGE 335
 - [S3]** EX. 20' SANITARY SEWER EASEMENT DEED BOOK 1586, PAGE 408
 - [S4]** EX. 20' SANITARY SEWER EASEMENT DEED BOOK 573, PAGE 343
 - [S5]** EX. 20' SANITARY SEWER EASEMENT DEED BOOK 483, PAGE 764
 - [S1.1]** EX. 10' SLOPE EASEMENT ** DEED BOOK 3347, PAGE 515
 - [U1]** EX. 10' UTILITY EASEMENT ** DEED BOOK 1572, PAGE 159
 - [U2]** EX. 30' EXCLUSIVE WATER AND SANITARY SEWER EASEMENT ** DEED BOOK 1572, PAGE 159
 - [U3]** EX. 10' GENERAL UTILITY EASEMENT ** DEED BOOK 3347, PAGE 515
 - [W1]** EX. 20' EXCLUSIVE WATER EASEMENT DEED BOOK 1572, PAGE 159

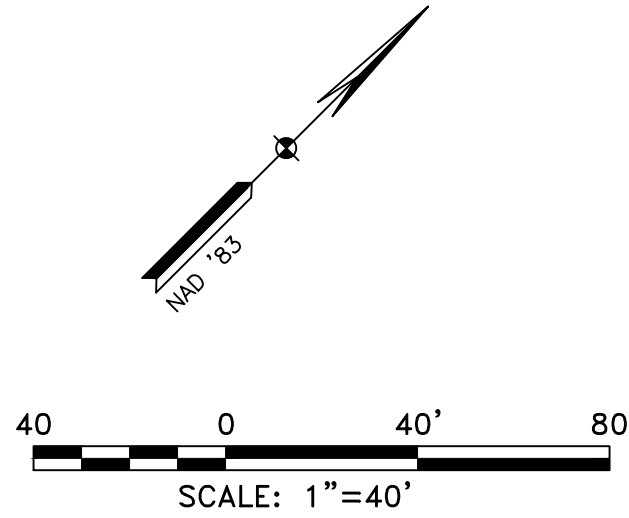
EASEMENT LEGEND NOTE:
EASEMENTS IDENTIFIED WITH A DOUBLE ASTERISKS (**) AFFECT THE SUBJECT PROPERTY.



PLAN REVISIONS -		SHEET		LINGERFELT DEVELOPMENT APARTMENTS		DATE: 11/21/2022		ENGINEER: MMM		CHECKED: MMM		CAD: MCH, OJG		JOB# 22132	
1) 12/5/22 REVISED PER CITY REVIEW COMMENTS 11/29/22		C1.0		CITY OF HARRISONBURG, VIRGINIA											
2) 12/8/22 REVISED PER CITY COMMENTS 12/8/22		SCALE		EXISTING SITE CONDITIONS											
		1"=60'													




P: 804.782.1903
2100 E Cary St, Suite 309 | Richmond, VA 23223
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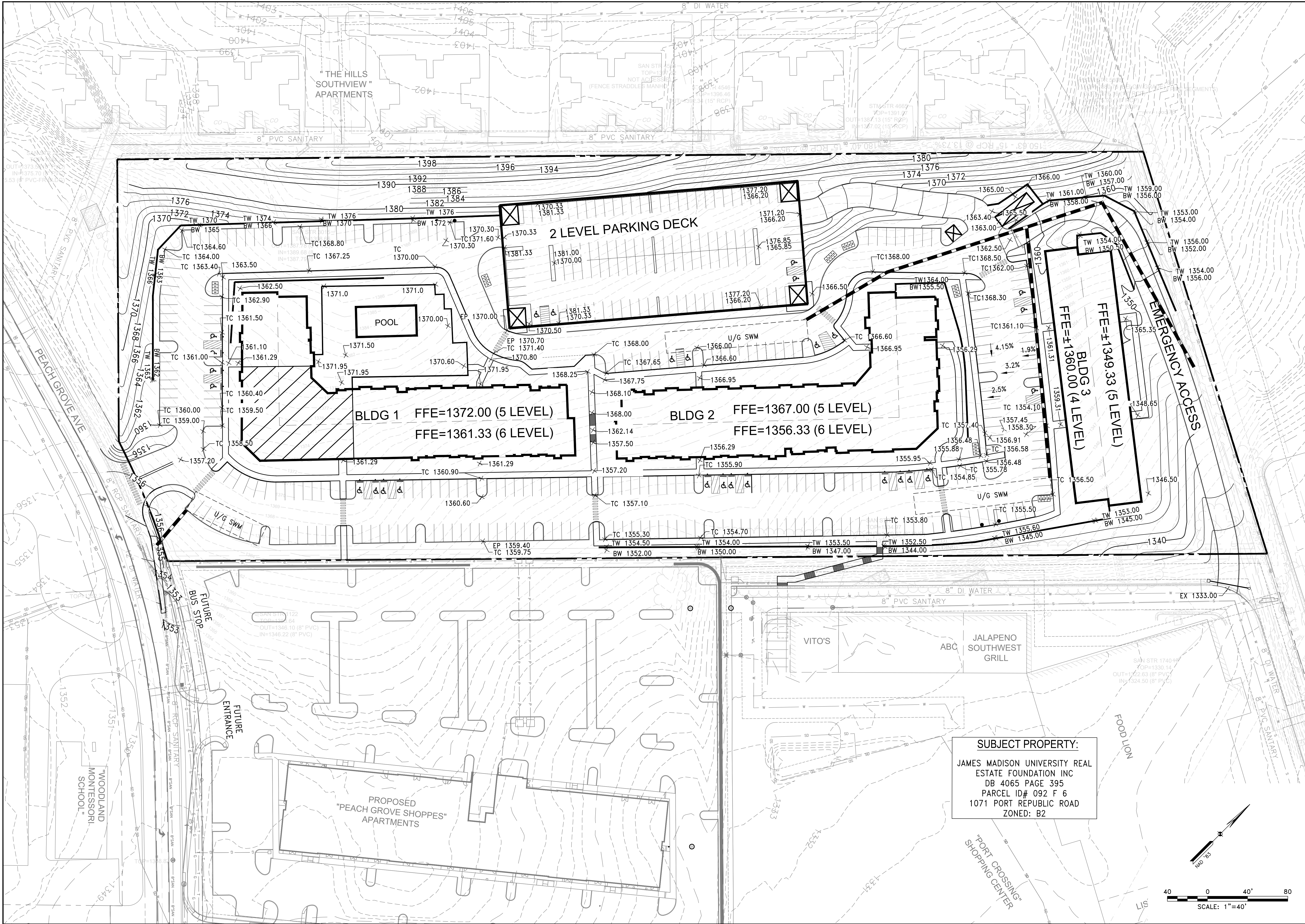
JAMES MADISON UNIVERSITY REAL
ESTATE FOUNDATION INC
DB 4065 PAGE 395
PARCEL ID# 092 F 6
1071 PORT REPUBLIC ROAD
ZONED: B2

$$490 \text{ SPACES}/376 \text{ UNITS} = 1.3 \text{ SPACES/UNIT(MINIMUM)}$$

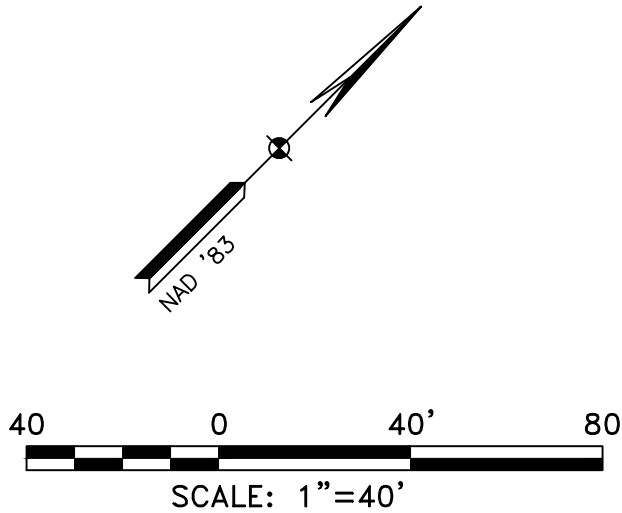
1. THE NUMBER OF DWELLING UNITS ON THE PROPERTY SHALL NOT EXCEED 376 UNITS.
 - A. A MINIMUM OF 30% OF ALL DWELLING UNITS WILL CONSIST OF EITHER STUDIO OR ONE-BEDROOM APARTMENTS.
 - B. A MAXIMUM OF 20% OF ALL DWELLING UNITS WILL CONSIST OF THREE-BEDROOM APARTMENTS.
2. THE PROPERTY SHALL NOT CONTAIN DWELLING UNITS THAT HAVE MORE THAN THREE (3) BEDROOMS.
3. OWNER/DEVELOPER, AT TIME OF DEVELOPMENT, WILL OBTAIN THE NECESSARY EASEMENTS AND CONSTRUCT THE PROPOSED PEDESTRIAN CONNECTION TO THE EXISTING "PORT CROSSING SHOPPING CENTER" (TM 092 F 11).
4. A MINIMUM OF 1.3 PARKING SPACES PER DWELLING UNIT SHALL BE PROVIDED.
5. SOLAR PANELS SHALL BE INSTALLED AND MAINTAINED ON A MINIMUM OF 10,000 SF OF THE BUILDING ROOF AREA (APPROXIMATELY 15% OF TOTAL ROOF AREA).
6. OWNER/DEVELOPER SHALL INSTALL AND MAINTAIN A MINIMUM OF FOUR (4) "LEVEL 2" (OR CURRENT TECHNOLOGY AT TIME OF CONSTRUCTION) ELECTRIC VEHICLE CHARGING STATIONS ON THE PROPERTY.
7. OWNER/DEVELOPER PROPOSES TO CONSTRUCT ALONG PEACH GROVE AVE JUST WEST OF SUBJECT PROPERTY EITHER:
 - A. A BUS PULL OFF AND A CONCRETE PAD FOR A BUS SHELTER ON TM 091-H-1 AT A LOCATION ACCEPTABLE TO THE DEPARTMENT OF PUBLIC TRANSPORTATION AND PROVIDED OWNER OF TM 091-H-1 IS WILLING TO GRANT AN EASEMENT AT CONDITIONS DEEMED ACCEPTABLE BY THE APPLICANT.
 - B. OR A CONCRETE PAD FOR A BUS SHELTER, WITHIN THE EXISTING 80' WIDE CITY ROW, IN FRONT OF TM 091-H-1.
8. OWNER/DEVELOPER SHALL PROVIDE A RIGHT TURN LANE AT PROJECT ENTRANCE WITH A MINIMUM OF 20' STORAGE AND 75' TAPER.
9. THE SPECIAL USE SHALL BE ESTABLISHED, OR ANY CONSTRUCTION AUTHORIZED SHALL BE COMMENCED & DILIGENTLY PURSUED WITHIN 24 MONTHS FROM THE APPROVAL DATE OF THE SPECIAL USE PERMIT.


<div><p>P: 804.782.1903 2100 E. Cary St. Suite 309 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com Responsive People Creative Solutions</p></div>			DATE: 11/21/2022	LINGERFELT DEVELOPMENT APARTMENTS CITY OF HARRISONBURG, VIRGINIA SITE LAYOUT DEVELOPMENT PLAN	SHEET	PLAN REVISIONS –
			ENGINEER: MMM		1) 12/5/22 REVISED PER CITY REVIEW COMMENTS 11/29/22	
			CHECKED: MMM		2) 12/8/22 REVISED PER CITY COMMENTS 12/8/22	
			CAD: MCH, OJG		SCALE	
			JOB# 22132		1"=40'	

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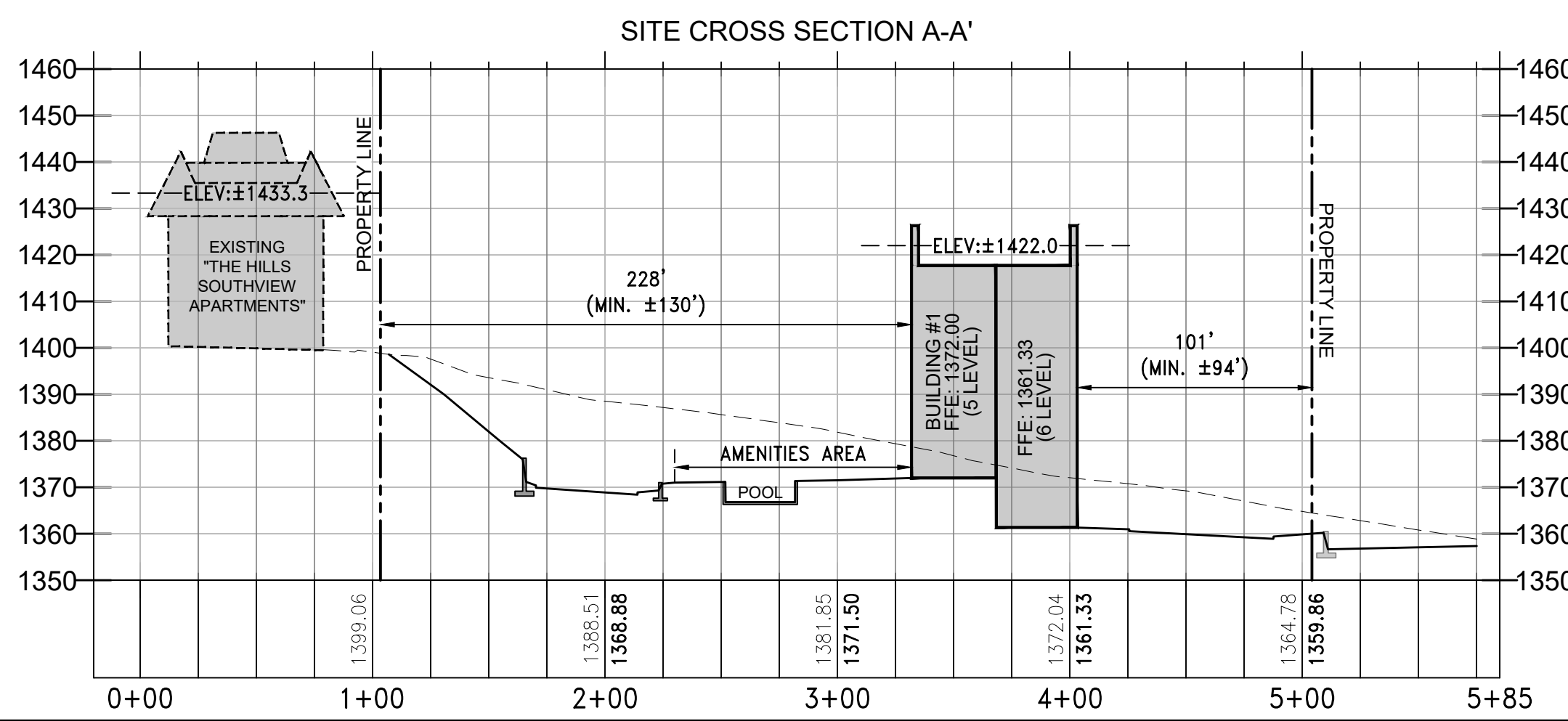
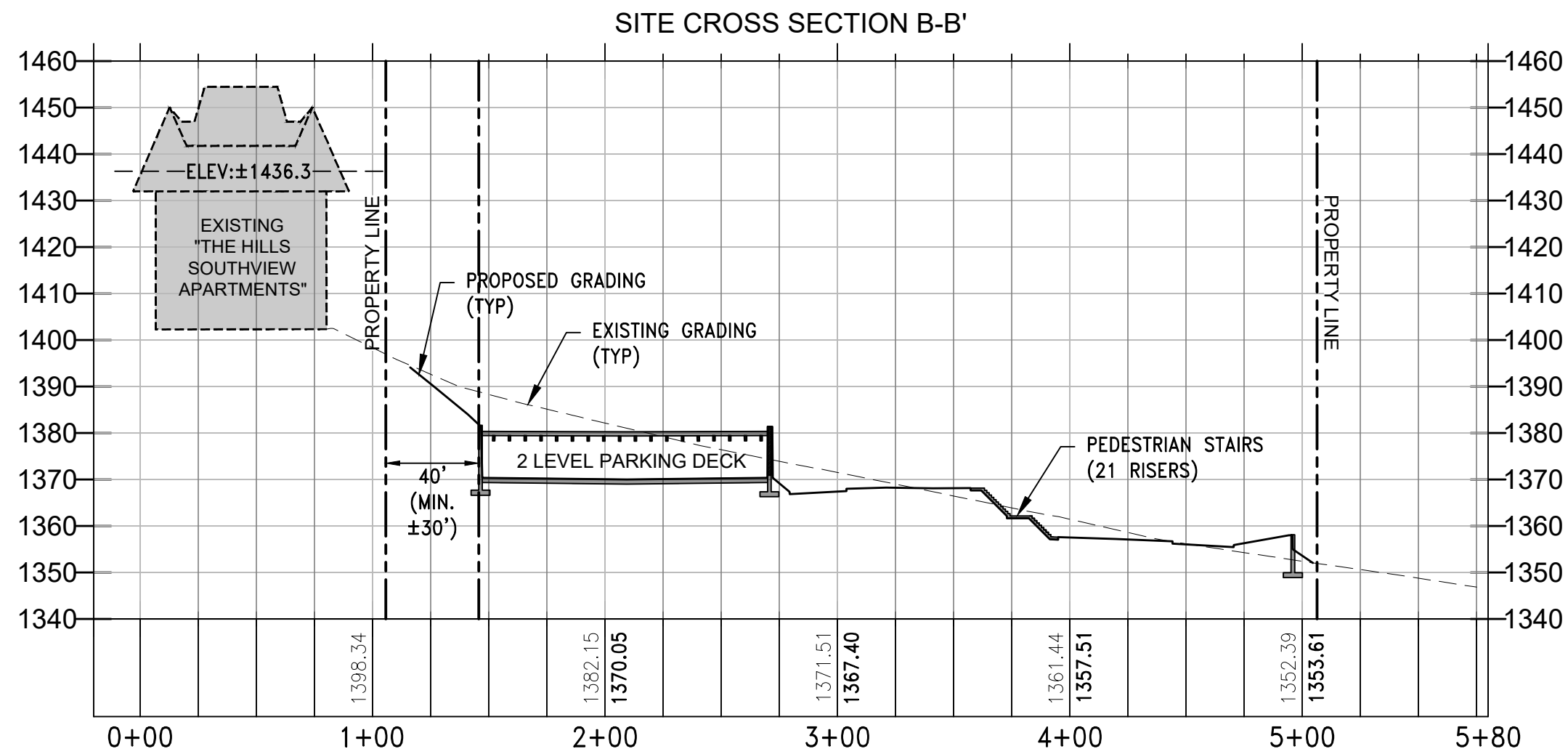
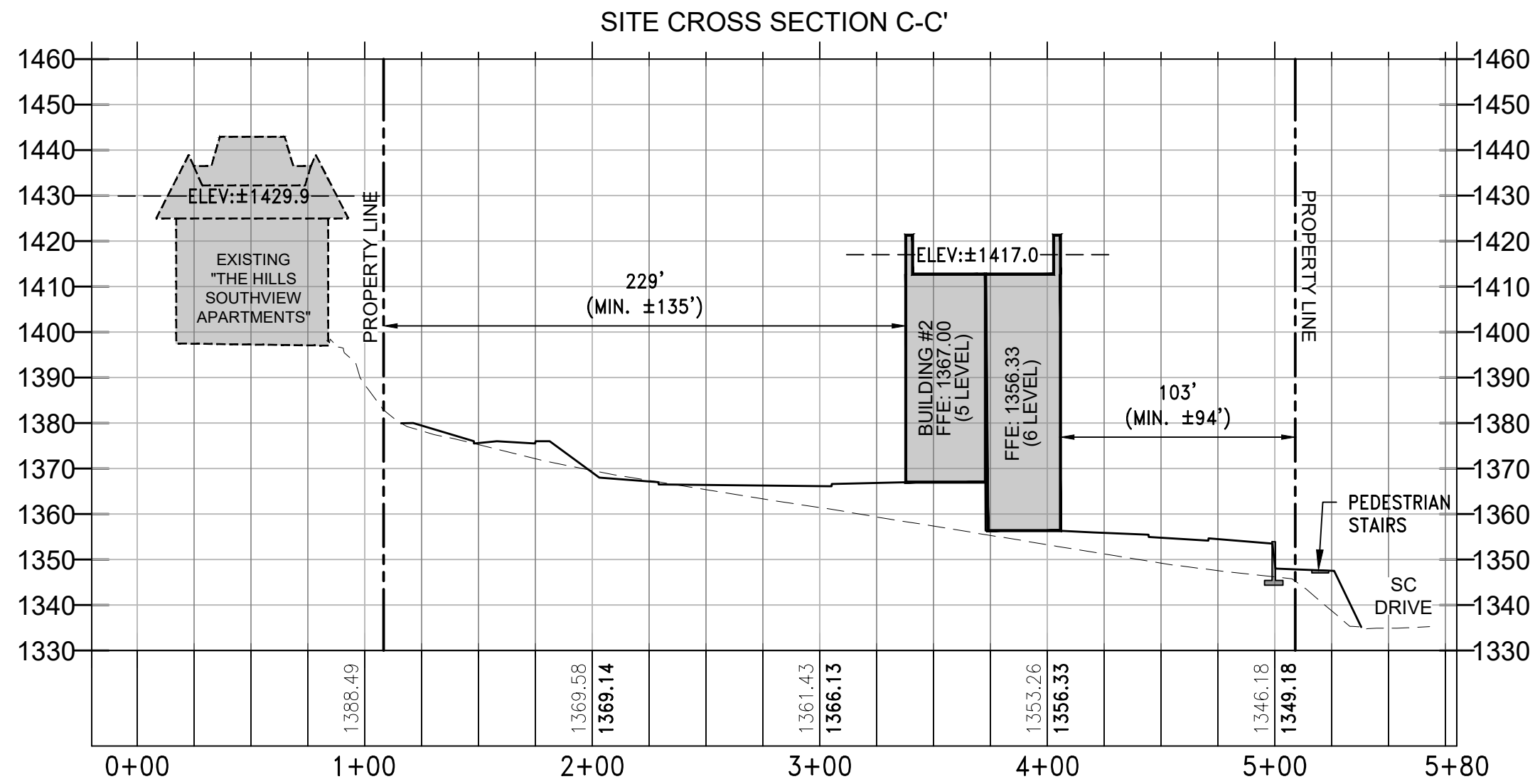
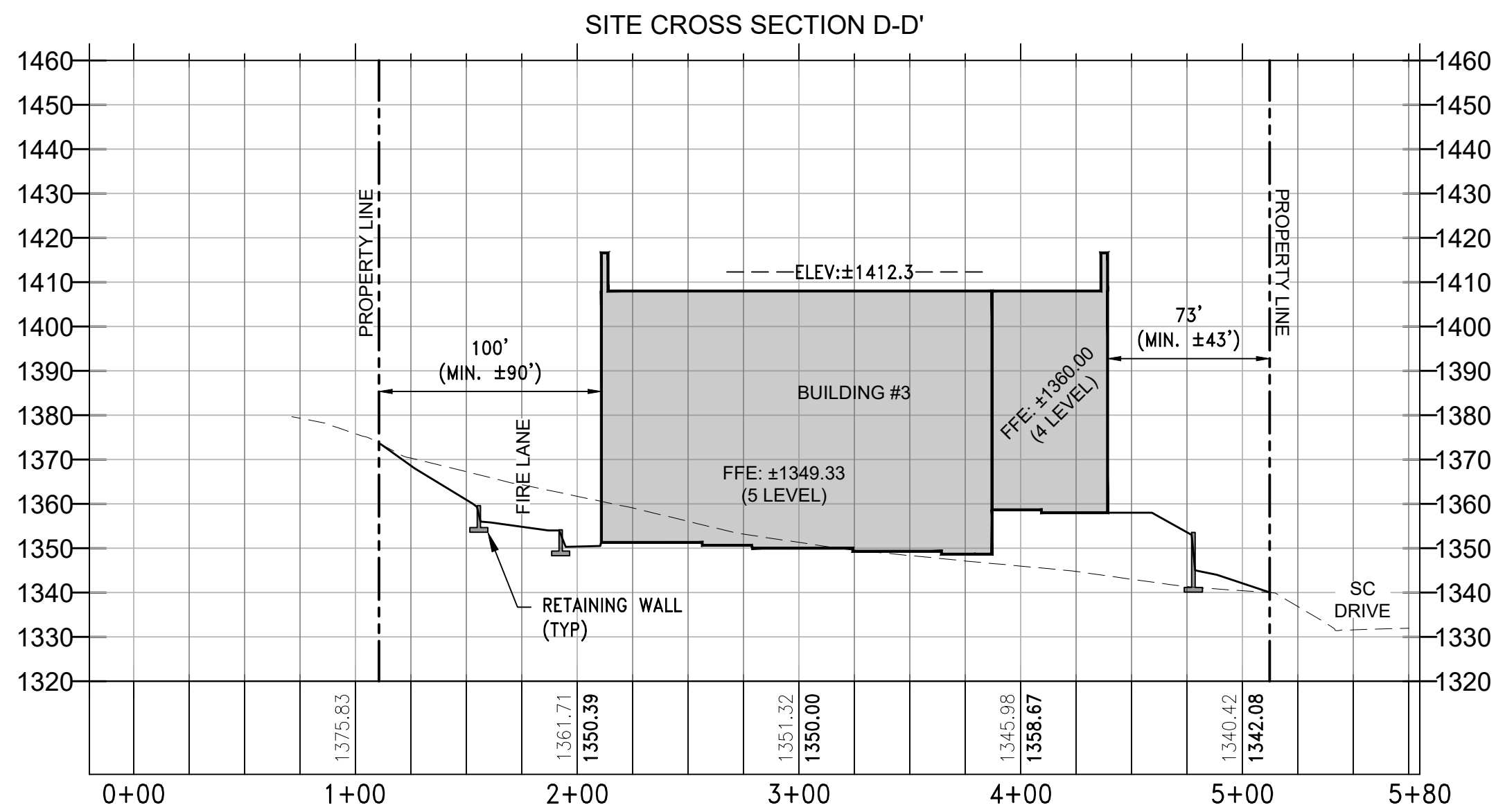
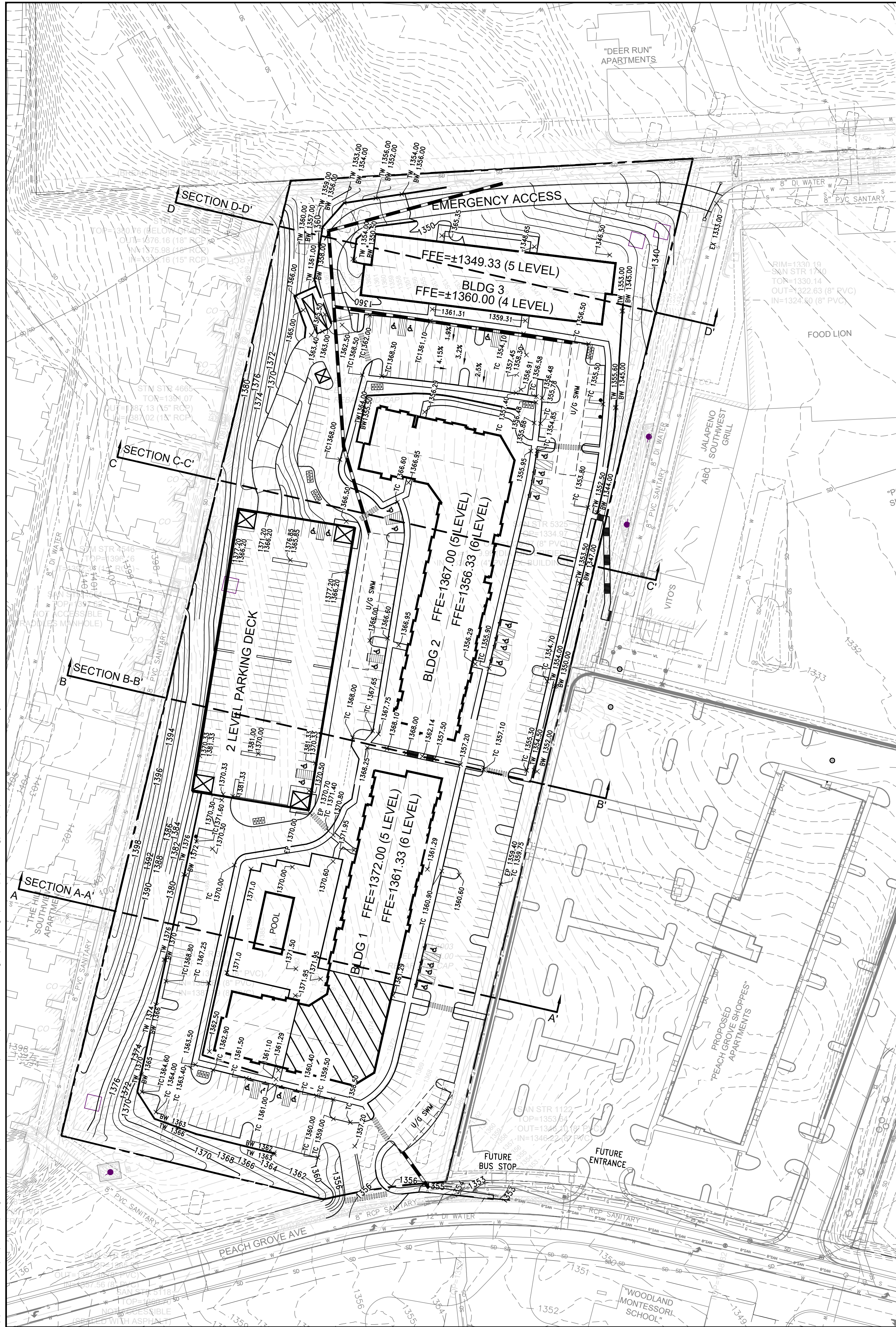


SUBJECT PROPERTY:
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DB 4065 PAGE 395
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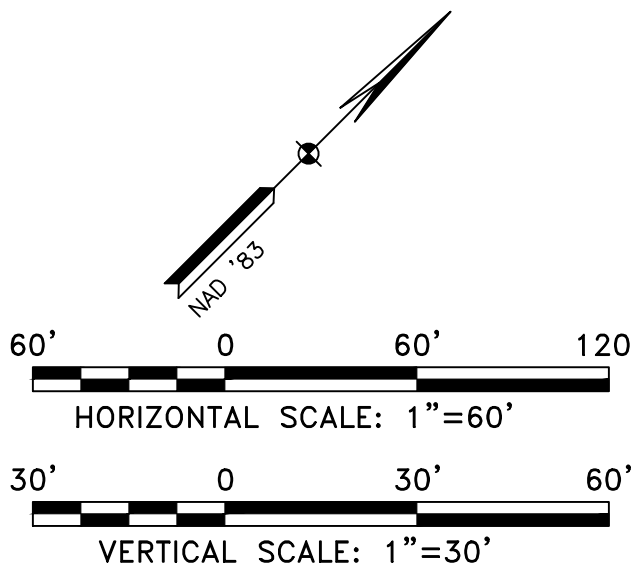



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																		1) 12/5/22 REVISED PER CITY REVIEW COMMENTS 11/29/22	
																		2) 12/8/22 REVISED PER CITY COMMENTS 12/8/22	

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<div><p>P: 804.782.1903 2100 E. Cary St. Suite 309 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com</p><p>Responsive People Creative Solutions</p></div>			DATE: 11/21/2022	LINGERFELT DEVELOPMENT APARTMENTS CITY OF HARRISONBURG, VIRGINIA		SHEET C4-0	PLAN REVISIONS –	
			ENGINEER: MMM				1) 12/5/22 REVISED PER CITY REVIEW COMMENTS 11/29/22	
			CHECKED: MMM			SCALE	2) 12/8/22 REVISED PER CITY COMMENTS 12/8/22	
			CAD: MCH, OJG			1"=60'		
			JOB# 22132					



1 Building Perspective
Scale: N.T.S.





CITY OF HARRISONBURG PUBLIC WORKS

320 EAST MOSBY ROAD, HARRISONBURG, VA 22801

OFFICE (540) 434-5928 • FAX (540) 434-2695

November 4, 2022

Erich Strohacker
Green Light Solutions, Inc.
7611 Old Track Lane
Mechanicsville, VA 23111

RE: Peach Grove Residential TIA

Mr. Strohacker,

The Public Works Department has reviewed the Traffic Impact Analysis (TIA) for the Peach Grove Residential Development submitted November 3, 2022. While the City accepts the technical analysis and information within the TIA, we disapprove of the proposed mitigations.

The TIA indicates that the entrance to the development meets the VDOT Road Design Manual's warrant for a 100' full width right turn lane with a 100' taper, however the proposed mitigation would only provide a 50' taper. Furthermore, the microsimulation analysis performed and reported within the appendices of the TIA indicate that the expected 95th percentile queue exceeds the capacity of the proposed taper.

The Public Works Department is aware of limitations of the site frontage, however that does not change the safety concerns that the turn lane and taper warrant is designed to identify and address. It is the opinion of the Public Works Department that the substandard entrance would be unsafe for users of the City's road network and any future resident of this development.

Regards,

Timothy Mason,
Transportation Systems Specialist – City of Harrisonburg



December 7, 2022

Mr. Tim Mason
City of Harrisonburg
320 East Mosby Road
Harrisonburg, Virginia 22801

Re: Peach Grove Residential TIA – Addendum to 11/2/22 TIA
Harrisonburg, Virginia

Dear Mr. Mason,

The purpose of the this TIA Addendum is to address design changes of the proposed southbound right turn treatment at the intersection of Peach Grove Avenue and Site Drive for the proposed Peach Grove Residential Development. Based on discussions with City staff, revisions to analysis presented in the 11/2/22 TIA are needed to assess the change in design from a 50ft taper to a 20ft (full width) 75ft (taper) right turn lane.


Analysis indicates that all intersection movements are expected to operate at acceptable levels of service under buildout peak hour traffic conditions. Refer to Table 1 in the technical appendix for the revised buildout analysis results at the intersection of Peach Grove Avenue and Site Drive. Refer to the technical appendix for analysis results detailing all needed measures of effectiveness.

Further evaluation of the proposed right turn lane mitigation indicates that southbound right turn vehicles will need to maneuver the proposed right turn treatment by reducing travels speeds from 25mph to 9mph to make the right turn maneuver into the proposed site drive. Typically right turn maneuvers are conducted at speeds between 10mph and 15mph; however, for this evaluation a 9mph right turn speed has been utilized to determine the distance needed to accommodate the right turn maneuver at the proposed site drive. A distance of 74ft will be traveled as vehicles decelerate from 25mph to 9mph. It is expected that the proposed right turn treatment (20ft full width / 75ft taper) will adequately accommodate right turn maneuvers at buildout of the proposed site with minimal impact on intersection operations.

Based on this evaluation it is anticipated that the proposed turn lane mitigation measures will be sufficient to accommodate buildout peak hour site trips. No additional measures are recommended for the proposed right turn lane mitigation.

Please feel free to email or call with any questions/concerns you may have in regards to this TIA Addendum.

Sincerely,
Green Light Solutions, Inc.



Erich Strohacker, PE
President

December 7, 2022

Members of the Planning Commission
City of Harrisonburg
Via email to thanh.dang@harrisonburgva.gov

Re: Entrance Options for 9.91 Acres along Peach Grove Ave (TM 092-F-6)

Members of Planning Commission,

On December 14th you will be hearing and considering for approval a plan for a high-quality, professional grade housing project on an infill parcel that is surrounded by similar land uses and is adjacent to the Port Crossing Shopping Center. This investment is in excess of \$80M. The subject parcel was identified with guidance from staff, specifically for this use, and we believe you'll find the merits of the project worthy of your endorsement.

We're writing here to provide you with important supplemental information regarding the main item that most of the dialogue and problem solving between City Staff and the entire development team has been centered around— which is the site entrance and the nearby proposed bus stop. The applicant performed a Traffic Impact Analysis ("TIA") which was accepted by the City, but the applicant's proposed mitigation of a 50' turn lane was insufficient. In response to staff's feedback, the development team prepared numerous alternative solutions for the turn lane and bus stop. We've provided some of these iterations in the attached exhibits and below for your benefit.

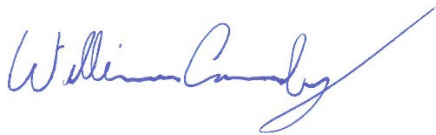
- Original Option: 50' Taper
- Alternate Option A: 20' storage + 90' taper
- Alternate Option B: 100' storage + 100' taper
- Alternate Option C: Build a continuous full width lane between the entrance to the adjoining property (Forbes) and the entrance to the subject property. The bus stop would not need to move.
- Alternate Option D: 20' storage + 75' taper. Retain bus stop location and provide a bump out to create distinct separation between bus stop and turn lane.
- **Alternate Option E:** 20' storage + 75' taper. Relocate bus stop up the hill toward The Hills Southview apartment community within the existing right of way.
 - This was just discovered based on a 12/5/22 call with staff (Public Works, Transit, and Planning).
 - *Note: Conceptual drawing still in process.

Based on the dialogue with staff, coordination and feedback across multiple departments, and consideration of the detailed third-party traffic impact analysis that was performed, **Alternate Option E** listed above in **bold** seems to be the best and most logical traffic mitigation option, as it accomplishes the following:

- Relocates the bus stop away from the two entrances for the subject property and the adjoining (Forbes) property.
 - o The City's Transit department stated their ideal preference was to have the stop moved to this location.
- Provides a turn lane that meets the standard required length of payment for a car to decelerate to a right turn speed. 74.1 feet is required, and 95 feet is provided.
- Provides a turn lane that facilitates continued acceptable levels of service at the intersection.
- Locates the bus stop in a travel lane, or in a dedicated pull off, away from the site entrances. Applicant received consistent feedback from staff that their preference is to have bus stops located within travel lanes as they are elsewhere in the city, as opposed to turn lanes.
 - o If owner of The Hills Southview parcel will give an easement to applicant, the applicant will build a dedicated bus pull off, which would be the cherry on top of an already much improved solution.

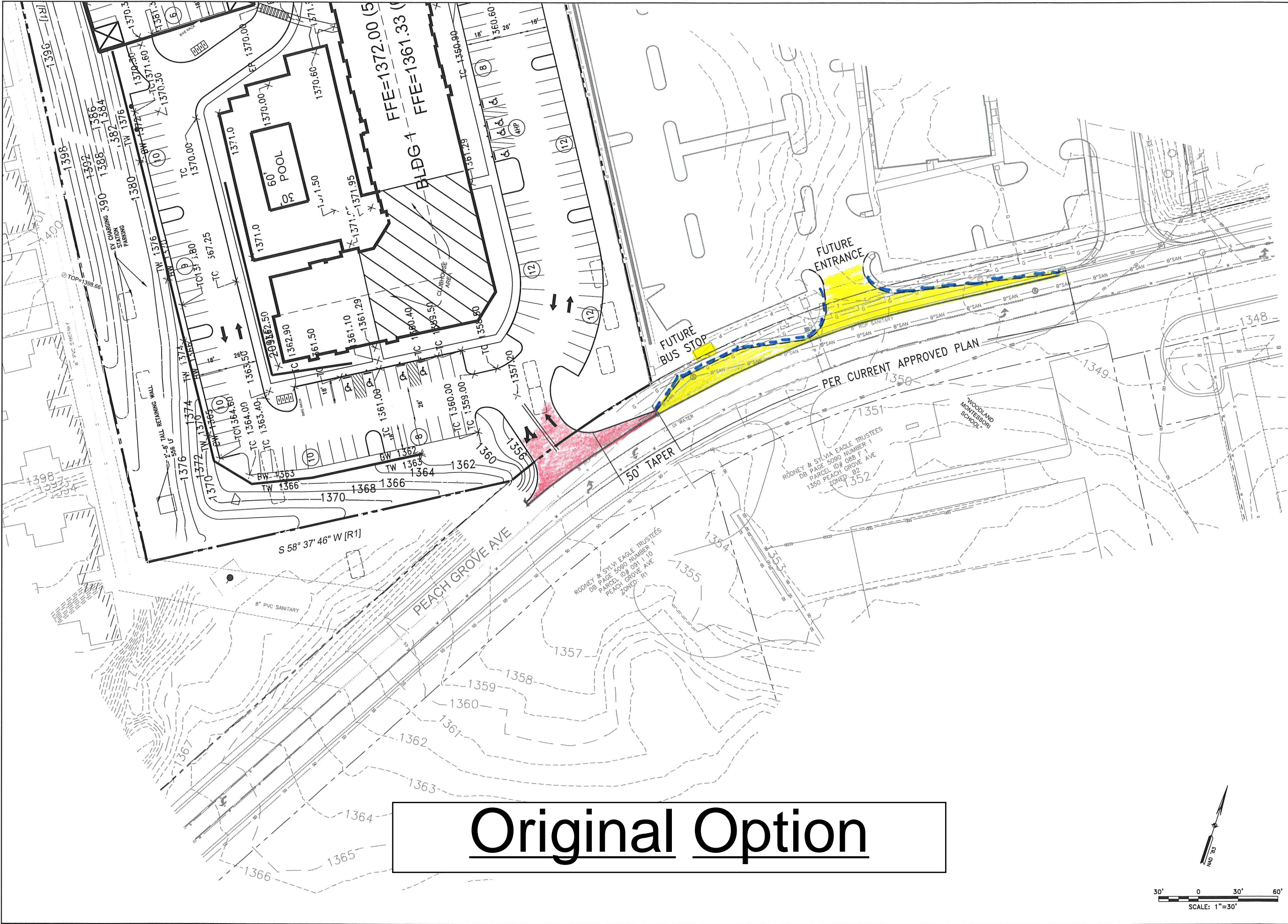
We hope this additional context is a helpful supplement to understanding the complicated entrance discussion to the site. Our team is excited about the opportunity to be a contributor to your housing mission. Thanks for your consideration.

Sincerely,

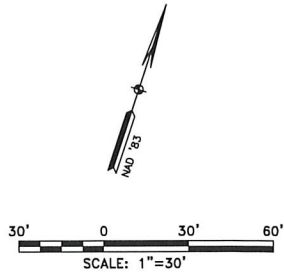
A handwritten signature in blue ink, appearing to read "William Cosby", with a long, sweeping horizontal stroke extending to the right.

W. Randy Cosby
Echelon Resources, Inc.
Authorized Representative

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Original Option

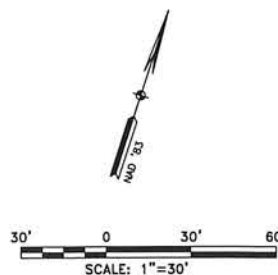


<div><p>P: 804.762.1903 2100 E. Cary St. Suite 308 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com Responsive People Creative Solutions</p></div>			DATE: 11/21/2022	LINGERFELT DEVELOPMENT		SHEET C1.0	PLAN REVISIONS -
			ENGINEER: MMM	APARTMENTS			
			CHECKED: MMM	CITY OF HARRISONBURG, VIRGINIA		SCALE 1"=30'	
			CAD: MCH, OJG	CURRENT PLAN ENTRANCE			
			JOB #22132				

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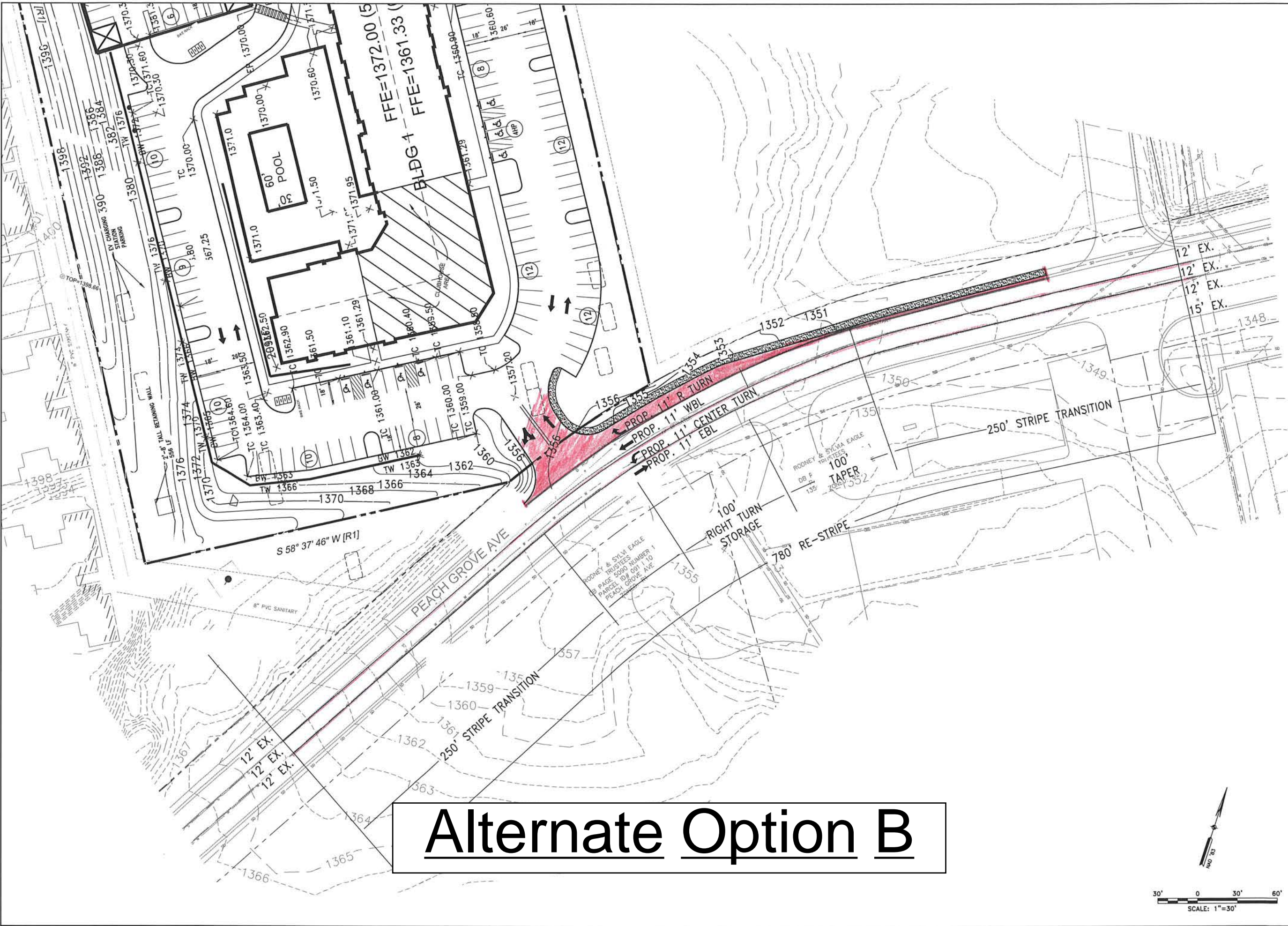


Alternate Option A

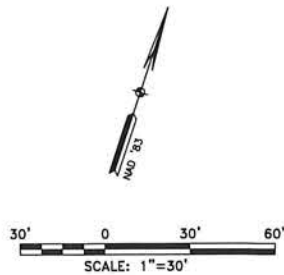



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			ENGINEER: MMM				
			CHECKED: MMM				
			CAD: MCH, OJG	OPTION A ENTRANCE		SCALE 1"=30'	
			JOB # 22132				

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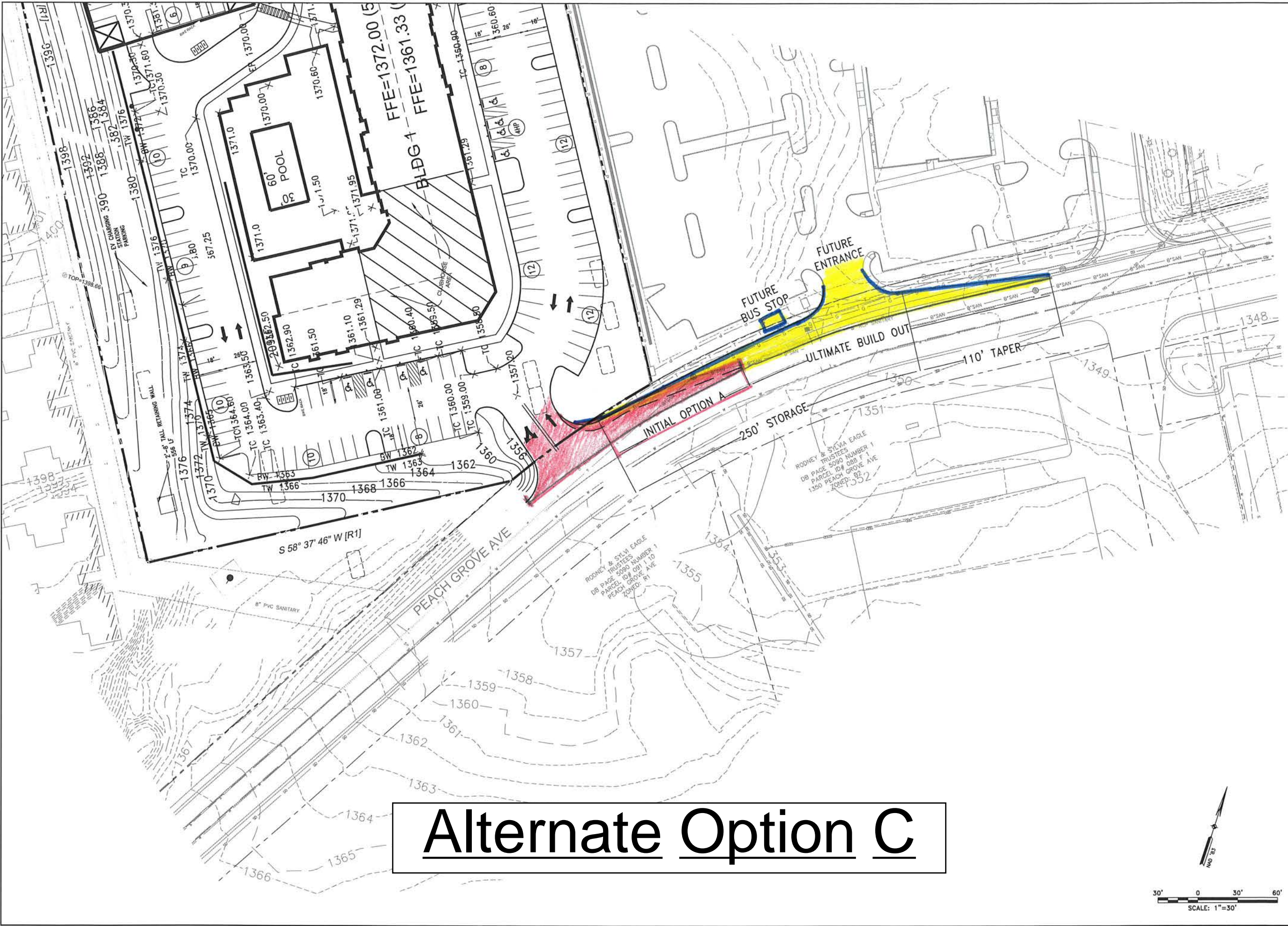


Alternate Option B

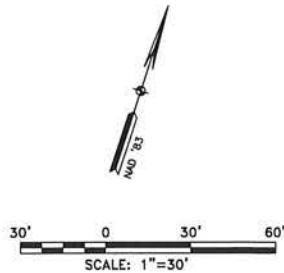


 P 504, 792, 1903 2100 E Cary St, Suite 309 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com Responsive People Creative Solutions	DATE: 11/21/2022 ENGINEER: MMM CHECKED: MMM CAD: MCH, OJG JOB#: 22132	LINGERFELT DEVELOPMENT APARTMENTS CITY OF HARRISONBURG, VIRGINIA		PLAN REVISIONS -	
		OPTION B ENTRANCE		SHEET C1.0	SCALE 1"=30'

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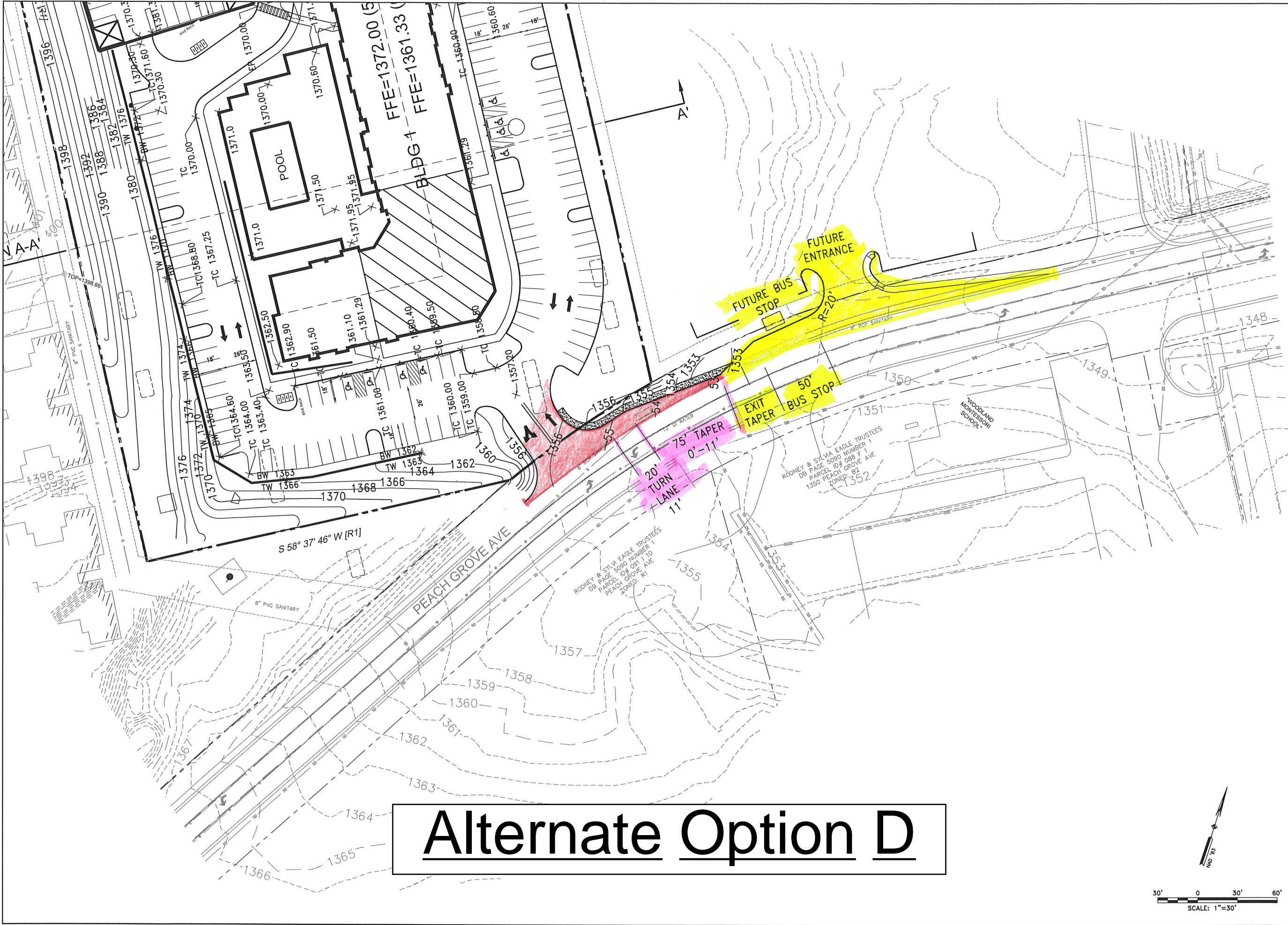


Alternate Option C

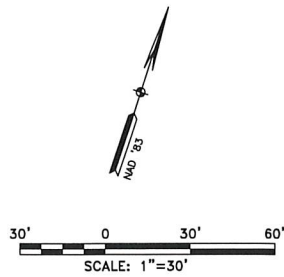


RK&K P 804/762.1993 2100 E. Cary St. Suite 300 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com Responsive People Creative Solutions	DATE: 11/21/2022 ENGINEER: MMM CHECKED: MMM CAD: MCH, OJG JOB#: 22132	LINGERFELT DEVELOPMENT APARTMENTS CITY OF HARRISONBURG, VIRGINIA		SHEET C1.0	PLAN REVISIONS -
		ULTIMATE BUILD OUT OPTION		SCALE 1"=30'	

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Alternate Option D



 P.O. Box 702, 1905 2100 E. Cary St., Suite 309 Richmond, VA 23223 Engineers Construction Managers Planners Scientists www.rkk.com Responsive People Creative Solutions	DATE: 11/21/2022 ENGINEER: MMM CHECKED: MMM CAD: MCH, OJG JOB #: 22132	LINGERFELT DEVELOPMENT APARTMENTS CITY OF HARRISONBURG, VIRGINIA		SHEET C1.0	PLAN REVISIONS -
		OPTION "A" WITH FUTURE ENTRY & BUS STOP		SCALE 1"=30'	



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

To: Planning Commission
From: Department of Community Development
Date: December 14, 2022 (Regular Meeting)
Re: Special Use Permit – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)

Summary:

Public hearing to consider a request from James Madison University Real Estate Foundation Inc. for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District under conditions set forth in subsection 10-3-93 (d). The +/- 9.91-acre property is addressed as Peach Grove Avenue and 1071 Port Republic Road (although the property only has frontage on Peach Grove Avenue) and is identified as tax map parcel 92-F-6.

Background:

The Comprehensive Plan designates this site as Governmental/Quasi-Governmental. These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental /quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are not subject to some of the City's land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of the 2018 Comprehensive Plan, is every zoning district in the City.

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

Site: Undeveloped/vacant property, zoned B-2

North: Multiple-family dwellings, zoned R-3

East: Commercial uses, zoned B-2 and undeveloped/vacant property planned for multiple-family development, zoned R-5C

South: Common area for multiple-family dwellings, zoned R-3; and across Peach Grove Avenue,

undeveloped/vacant property, zoned R-1

West: Multiple-family dwellings, zoned R-3

Key Issues:

The applicant is requesting a special use permit (SUP) to allow multiple-family dwellings in the B-2 district. The property is +/- 9.91 acres, has frontage along Peach Grove Avenue, and is located approximately 650 feet west from the intersection of Peach Grove Avenue and Port Republic Road. If the SUP request is approved, the applicant intends to develop up to 376 multiple-family dwelling units within three structures and to provide surface parking and a two-level parking deck.

While staff would like to proceed with holding the public hearing for this request and explaining the proposed application, staff would like it known upfront that we recommend for Planning Commission to hold the public hearing and table the SUP request until at least the January 2023 regular Planning Commission meeting. After a great deal of brainstorming with the developer and discussing potential solutions to a problematic transportation scenario regarding the site's entrance, staff continues to have significant concerns with this matter, and at this time, cannot responsibly make a recommendation on the SUP request without better assurance in knowing how the developer will accommodate the most appropriate transportation needs for the potential residents of the site and the rest of the community that travels this area of the City.

With regard to the details of the proposal, as specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that "[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval." If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for an engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures as illustrated.
2. The general number of stories within proposed buildings and structures as illustrated.
3. The general location of parking areas as illustrated.
4. The general location of pedestrian connections as illustrated.
5. The general location of the emergency access as illustrated.

Additionally, the applicant has proposed the following conditions, which are described on the development plan as "Owner/Developer Proposed Conditions" (written verbatim):

1. The number of dwelling units on the property shall not exceed 376 units.
 - a. A minimum of 30% of all dwelling units will consist of either studio or one-bedroom apartments.
 - b. A maximum of 20% of all dwelling units will consist of three-bedroom apartments.
2. The property shall not contain dwelling units that have more than three (3) bedrooms.

3. Owner/developer, at the time of development, will obtain necessary easements and construct the proposed pedestrian connection to the existing “Port Crossing Shopping Center” (TM 092 F 11).
4. A minimum of 1.3 parking spaces per dwelling unit shall be provided.
5. Solar panels shall be installed and maintained on a minimum of 10,000 square feet of the building roof area (approximately 15% of the total roof area).
6. Owner/developer shall install and maintain a minimum of four (4) “Level 2” (or current technology at the time of construction) electric vehicle charging stations on the property.
7. Owner/developer proposes to construct along Peach Grove Ave just west of the subject property either:
 - a. A bus pull off and a concrete pad for a bus shelter on TM 091-H-1 at a location acceptable to the Department of Public Transportation and provided owner of TM 091-H-1 is willing to grant an easement at conditions deemed acceptable by the applicant.
 - b. Or a concrete pad for a bus shelter within the existing 80’ wide ROW in front of TM 091-H-1.
8. Owner/developer shall provide a right turn lane at project entrance with a minimum of 20’ storage and 75’ taper.
9. The special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within 24 months from the approval date of the special use permit.

If the site contained the proposed maximum 376 units, and if the development met the minimum and maximum bedroom percentage breakdowns as described above, the site would contain 113 one-bedroom units, 187 two-bedroom units, and 76 three-bedroom units. With regard to minimum off-street parking requirements, the ZO allows one parking space per unit for multi-family development in the B-2 district. The developer’s proposed conditions would require a ratio of 1.3 parking spaces per unit, which would require a minimum of 489 parking spaces for 376 units. The plan of development shows 504 spaces, where 222 spaces would be located within the parking deck.

As previously stated, the property is designated by the Comprehensive Plan’s Land Use Guide (LUG) as Governmental/Quasi-Governmental; this is because it is owned by the James Madison University (JMU) Real Estate Foundation. The LUG designates the adjacent property to the northwest as Mixed Use and the adjacent property to the southwest as High Density Residential. The Comprehensive Plan states that Mixed Use areas outside of the downtown area should be around 24 units per acre while High Density Residential is planned to allow up to 24 units per acre. The subject proposal of 376 units is a density of 37 dwelling units per acre, which is just under the maximum allowed 38 units per acre permitted in the B-2 district regulations. Given the site’s size, the maximum number of allowed units is 385.

The property is located adjacent to existing multiple-family complexes (The Hills Southview to the west and Deer Run to the north). Likely the subject site will end up adjacent to another multi-family development—probably marketed for student housing—to the northeast of the site at 1051 Peach Grove Avenue identified as tax map parcel 92-F-10. That site was rezoned to R-5C in 2019 and then again with a proffer amendment in 2021. The developer of that project recently began the prerequisite submittals to continue with the project and to move toward an engineered comprehensive site plan review.

From a design and site layout perspective, staff typically prefers to have buildings massed closer to the public street, however, we acknowledge that there are limitations with the site’s elevations and narrow property frontage. We appreciate the idea to provide structured parking. We questioned whether the

applicant would consider building units on top of the structured parking with the hope that more open green space could be provided on site, but it appears that it would not be economically feasible for their desired project.

As most are aware, the City's Comprehensive Housing Assessment and Market Study (Housing Study) identified a shortage of rental housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% Area Median Income (AMI)) and found that "[t]here is significant mismatch with many higher income households residing in more affordable units and lower income households residing in more costly units." Among renters, the study noted several key findings of the housing mismatch, which included that there are significantly more households than units in the 0-30% AMI tier; the vast majority of rental units are naturally occurring affordable housing; higher income households occupy rental units that cost less, and thus increasing competition for lower income households; and the vacancy rate is low at 2% (or 3.5% per American Community Survey data), which causes a tight market, "where the lowest income households have the fewest options."

The Housing Study places the subject property within Market Type C. Along with other details of this market type, it is the smallest but fastest growing market type in the City. Among other characterizations, Market Type C has a large number of university students. The Housing Study states "[l]ike Market Type A, Market Type C has above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." It goes on to say that "Market Type C has above median access to amenities yet is the most affordable market type in the City. The creation and preservation of affordable housing and construction of middle income housing would be appropriate here as there are already amenities in place that would make these areas attractive locations for housing..." The Housing Study also notes that "[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit."

When considering the need for providing more housing in the City and with respect to the points made above from the Housing Study, providing multi-family units at this location can be a positive result for the community and for those that might reside in such units. However, staff cannot disregard the necessity to have safe and efficient traffic accommodations.

As required by Section 10-3-118 of the ZO, since the proposed multiple-family development met the threshold for the City to be able to review a traffic impact analysis (TIA), staff requested for traffic to be evaluated. The TIA, completed on October 26, 2022, evaluated the traffic impacts of a proposed 350-unit multiple-family residential development (26 units less than the number of units they are hoping to have permission to build) and analyzed traffic operations at four study intersections during the AM and PM peak hours. The TIA study concluded that "[a]nalysis indicates that site impacts are not expected to create unacceptable delays or traffic queues within the study area beyond those determined under background plus approved peak hour traffic conditions." Additionally, "[a]nalysis indicates all site drive movements [at the development's single entrance at Peach Grove Avenue] are expected to operate at acceptable levels of service upon buildout of the proposed site." However, the following improvements were recommended by the applicant's traffic engineer as part of the overall development plan (written verbatim from the TIA study):

- Construct a 50ft southbound right turn lane taper at the intersection of Peach Grove Avenue and Site Drive

- Pedestrian interconnection to adjacent commercial land uses. Current site plans provide a single point of pedestrian interconnection between the subject parcel and adjacent parcels to the north of the subject property.

On November 2, 2022, the Department of Public Works responded that they did not agree with the proposed mitigations because the proposed mitigations seemed to contradict the analysis. Since November 2, several meetings and phone calls between staff and the applicant have taken place to discuss possible options which the applicant explains in their letter dated December 7, 2022, with subject “Entrance Options for 9.91 Acres along Peach Grove Ave (TM 092-F-6).” On December 7, the applicant also submitted a TIA addendum that analyzed a design change for a full width of 20-feet in length turn lane with a 75-feet in length taper lane. The Department of Public Works finds this turn lane design acceptable, however, staff continues to have concerns with the turn lane conflicting with the proposed bus pull off in front of 1351 Peach Grove Avenue (tax map parcel 92-F-10).

It should also be noted that staff foresaw complications with the traffic movements in this area with the subject development and the planned development at tax map parcel 92-F-10 (1351 Peach Grove Avenue). In July 2022, City staff led and facilitated a meeting, inviting the property owners and developers of both properties to discuss: the proposed entrances to each of the developments, city staff’s concerns and interest to accommodate safe entering and exiting to both developments, and to find potential solutions such as jointly pursuing one entrance onto Peach Grove Avenue to serve both properties. Unfortunately, the parties could not come to an agreement and are proposing two separate entrances, one entrance for each property. Furthermore, staff wanted the two developers to work together to plan for and to construct the sites with the ability to allow for vehicles to pass between the sites. At this time, it appears the sites will not be developed with this opportunity.

With regard to public transit, when routes are in full service, four routes serve Peach Grove Avenue. Residents of the proposed multiple-family development would be well served by public transportation. However, it is important to City staff that safe and efficient public transit services are provided. Yet, the proposed right turn lane and taper into the subject property (which is needed for safe and efficient vehicle operations) would impact the frontage of the adjacent property addressed as 1051 Peach Grove Avenue (tax map parcel 92-F-10) and require the bus pull off that was proposed with the 2021 rezoning of 1051 Peach Grove Avenue to be relocated because there are too many conflict points as transit bus drivers and other vehicle drivers weave around each other into and out of the turn lane and into and out of the developments. The Harrisonburg Department of Public Transportation (HDPT) does not want to force drivers to navigate this type of movement.

While the applicant has been diligently working to reach out to adjacent property owners (The Hills Southview to the west identified as tax map parcel 91-H-1 and Skylar & Talli LLC to the east at 1051 Peach Grove Avenue and identified as tax map parcel 92-F-10) to pursue proposed condition number 7.a. (which is to accommodate a bus pull off to the west of the subject property), formal agreements have not been made and it is uncertain whether public transit needs can be addressed. Staff is not comfortable accepting proposed condition number 7.b., (which is to provide a bus stop and shelter—no bus pull off—to the west of the subject property) if condition 7.a. cannot presumably be achieved. Specifically, at this location, where there would be three entrances in a short distance and where there are three lanes (one being a center turn lane), providing a bus pull off is the safest option, rather than having buses stop within the travel lane. HDPT is concerned that if buses are stopped within a travel lane, where a center turn lane could be used by a driver to maneuver around the bus, drivers stopped

behind the bus will make risky maneuvers trying to pass the bus within the center turn lane. Staff recognizes that there are times that bus stops must be located within a travel lane along a street that has a center turn lane. In fact, these scenarios will end up being created when the City completes the road reconfigurations along Evelyn Byrd Avenue and University Boulevard. However, we must evaluate each circumstance on its own merit and, given the circumstances of the subject development, if there is opportunity to prevent such a scenario, staff does not want to create this situation and thus believes another solution must be found. Additionally, the proffers associated with the 2021 rezoning for 1051 Peach Grove Avenue requires that a bus pull off, along with a concrete pad for a bus shelter, and a bus shelter easement be dedicated to the City at a location acceptable by HDPT. Also, for the comfort of transit riders, the provision of a bus shelter is important. For a corridor that has high-density residential development, public transit must be prioritized.

Lastly, it should be understood that depending upon the scale and types of commercial development that would be permitted by right, those developments could generate more traffic than the proposed multi-family development. If a developer wanted to construct such a commercial development, because such a development is by right, they might not be required to address the appropriate transportation related needs that staff is concerned with as described in this report. However, such a scenario does not mean that anyone should overlook the necessary traffic needs generated by the proposed development described in this report.

As noted earlier, at this time, staff cannot responsibly make a recommendation on the SUP request without better assurance in knowing how the developer will accommodate the most appropriate traffic needs for the potential residents of the site and the rest of the community that travels this area. Staff recommends Planning Commission table the request until at least the January 2023 regular meeting.

However, if there is a desire to approve the request, staff recommends the approval only be granted with the modifications of the proposed conditions as shown below:

1. The number of dwelling units on the property shall not exceed ~~376~~350 units.
 - a. A minimum of 30% of all dwelling units will consist of either studio or one-bedroom apartments.
 - b. A maximum of 20% of all dwelling units will consist of three-bedroom apartments.
2. The property shall not contain dwelling units that have more than three (3) bedrooms.
3. Owner/developer, at the time of development, will obtain necessary easements and construct the proposed pedestrian connection to the existing "Port Crossing Shopping Center" (TM 092 F 11).
4. A minimum of 1.3 parking spaces per dwelling unit shall be provided.
5. Solar panels shall be installed and maintained on a minimum of 10,000 square feet of the building roof area (approximately 15% of the total roof area).
6. Owner/developer shall install and maintain a minimum of four (4) "Level 2" (or current technology at the time of construction) electric vehicle charging stations on the property.
7. Owner/developer ~~proposes to~~ shall construct along Peach Grove Ave just west of the subject ~~property either:~~
 - a. A bus pull off and a concrete pad for a bus shelter on TM 091-H-1 at a location acceptable to the Department of Public Transportation and provided owner of TM 091-H-1 is willing to grant an easement at conditions deemed acceptable by the applicant.

~~b. Or a concrete pad for a bus shelter within the existing 80' wide ROW in front of TM 091-H-1.~~

8. Owner/developer shall provide a right turn lane at project entrance with a minimum of 20' storage and 75' taper.
9. The special use permit shall be established, or any construction authorized shall be commenced and diligently pursued within 24 months from the approval date of the special use permit.

Staff recommends modifying condition #1 to reduce the maximum allowed number of dwelling units from 376 to 350 because 350 units is what was studied in the TIA. Staff has communicated with the applicant that the TIA should be reanalyzed to reflect the 7.4% increase in vehicle trips and resubmitted to the Department of Public Works. Staff recommends deleting/not accepting condition 7.b.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the special use permit request as submitted by the applicant;
- (b) Recommend approval of the special use permit request with suggested conditions;
- (c) Recommend approval of the special use permit with other conditions(s);
- (d) Recommend denial; or
- (e) Table the request so that the applicant can work with staff to address concerns.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing. The advertisement was published as shown below:

Special Use Permit – Peach Grove Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2 District) (Lingerfelt Development Apartments)

Public hearing to consider a request from James Madison University Real Estate Foundation Inc. per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District under conditions set forth in subsection 10-3-93 (d). The +/- 9.91-acre property is addressed as Peach Grove Avenue and 1071 Port Republic Road (although the property only has frontage on Peach Grove Avenue) and is identified as tax map parcel 92-F-6.

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

Recommendation:

Staff recommends alternative (e) to table the request so that the applicant can work with staff to address concerns.

Attachments:

1. Site map
2. Application and supporting documents

Review:

N/A