



## 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: May 10, 2023 (Regular Meeting)  
Re: Special Use Permit – 1846 Evelyn Byrd Avenue (To allow multiple-family dwellings and/or mixed-use buildings)

### **Summary:**

|                            |   |
|----------------------------|---|
| Project name               | NERD Apartments   |
| Address/Location           | 1846 Evelyn Byrd Avenue   |
| Tax Map Parcels            | 79-A-4  |
| Total Land Area            | +/- 23,522 square feet  |
| Property Owner             | Sahara III LC   |
| Owner's Representative     | Nathan Blackwell, Land & Home   |
| Present Zoning             | B-2, General Business District  |
| Special Use Permit Request | Multiple-family dwellings and/or mixed-use buildings per Section 10-3-91 (17) |
| Staff Recommendation       | Approval  |
| Planning Commission        | May 10, 2023 (Public Hearing)   |
| City Council               | Anticipated June 13, 2023 (Public Hearing)                                    |

### **Background:**

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

Site: Vacant land, zoned B-2  
North: Vacant land and commercial uses, zoned B-2 and B-2C  
East: Restaurant, zoned B-2  
South: Across Evelyn Byrd Avenue, commercial uses, zoned B-2  
West: Stormwater management facility and commercial uses, zoned B-2

### **Key Issues:**

The applicant is requesting a special use permit (SUP) to allow multiple-family dwellings and/or mixed use buildings in the B-2 district. The +/- 23,352 square foot property is addressed as 1846 Evelyn Byrd

Avenue and is located on the northern side of the street between Reservoir Street and Burgess Road. If the SUP request is approved, the applicant intends to develop up to 20 multiple-family dwelling units.

As required by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan. 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 the multi-family and/or mixed use project that was evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, then the property owner must 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 engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

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

1. The property shall not contain dwelling units that have more than three (3) bedrooms.
2. The site shall contain no more than 1.45 parking spaces per dwelling unit.
3. One-Bedroom dwelling units shall make up at least 10% of the total number of units.
4. One dwelling unit will be constructed to be fully handicap accessible, Type A.
5. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off shall be constructed to HDPT’s specifications.
6. Maximum of 20 dwelling units to be constructed, up to five stories above grade, excluding the basement.

Regarding minimum off-street parking requirements, the ZO allows one off-street parking space per unit in the B-2 district. The applicant, however, plans to provide more than the minimum, but no more than 1.45 parking spaces per dwelling unit as noted within Condition #2. Given that the ZO provides for the flexibility to provide as little as one space per unit, staff encouraged the applicant to consider reducing the maximum permitted parking ratio to less than 1.45 spaces per unit.

As noted in Condition #4, the development would have at least one handicap unit built to Type A standards. The Building Code defines Type A units as: “[a] dwelling unit or sleeping unit designed and constructed for accessibility in accordance with [Virginia Construction Code] and the provisions for Type A units in ICC A117.1.” The mentioned ICC A117.1 refers to the Accessible and Usable Buildings and Facilities standard of the International Code Council (ICC). Type A units are fully accessible and are built with the necessary accommodations such as, but not limited to, the appropriate turning radiuses, lower shelving, and grab bars.

### *Land Use*

The Comprehensive Plan designates this site as Commercial and states that:

“Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.”

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life’s other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

In February 2022, the property addressed as 381 University Boulevard, located across Evelyn Byrd Avenue from the subject site, was granted a SUP to allow multifamily in B-2 for up to 274 units with a parking garage. The property is also designated as commercial in the Comprehensive Plan.

### *Transportation and Traffic*

Although the Design and Construction Manual (DCSM) allows for two entrances to serve the site, staff recommended providing only one entrance to reduce points of conflict and to put space between entrances along Evelyn Byrd Avenue to further reduce the potential for vehicular crashes. The applicant believes that due to the property’s size and topographic features on the property that the most favorable layout for their site would be to have parking on both sides of their building with separate entrances.

With regard to public transportation, residents of the proposed multiple-family development would be well served by public transit as Route 1 serves Evelyn Byrd Avenue. As noted in Condition #5, the developer would provide a bus pull off, a concrete pad for a bus shelter, and an easement to serve the site.

### *Public Water and Sanitary Sewer*

Staff has minimal concerns with the requested special use with regard to water and sewer. The applicant will be required to perform a downstream sewer capacity analysis through a Preliminary Engineering Report (PER) prior to engineered comprehensive site plan submittal. The PER will address both water and sewer capacity at the site.

### *Housing Study*

The City’s Comprehensive Housing Assessment and Market Study places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

When considering the need for providing more housing in the City, providing multi-family units at this location can be a positive result for this area of the City and for those individuals who want to reside in the City.

#### *Public Schools*

The student generation attributed to the proposed 20 residential units is estimated to be two students. Based on the School Board's current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

#### *Recommendation*

Although staff would prefer one entrance onto Evelyn Byrd Avenue, given the size of the parcel, the DCSM permits a two-entrance design. While staff encouraged the applicant to consider different site layouts so that only one entrance was needed to serve the site, staff understands that the applicant prefers to have two entrances serving the two sides of the building due to the size and topographic features of the site. Staff recommends approval of the SUP with the conditions submitted by the applicant.

#### **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 including the applicant's proposed conditions;
- (b) Recommend approval of the special use permit with other conditions(s); or
- (c) Recommend denial.

#### **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 – 1846 Evelyn Byrd Avenue (To Allow Multiple-Family Dwellings and/or Mixed Use Buildings)***

Public hearing to consider a request from Sahara III LC for a special use permit per Section 10-3-91 (17) to allow multiple-family dwellings and/or mixed use buildings within the B-2, General Business District. The +/- 23,352 square foot property is addressed as 1846 Evelyn Byrd Avenue and identified as tax map parcel 79-A-4.

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 (a) approval of the special use permit request as submitted by the applicant including their proposed conditions.

**Attachments:**

1. Site maps
2. Application and supporting documents

**Review:**

N/A



CITY OF HARRISONBURG  
**COMMUNITY  
DEVELOPMENT**

**Special Use Permit Application**

[www.harrisonburgva.gov/zoning](http://www.harrisonburgva.gov/zoning)

**PROPERTY INFORMATION**

TBD Evelyn Byrd Ave  
Property Address

079-(A)-4  
Tax Map

0.54ac  
Total Land Area

acres or sq.ft.  
(circle)

Existing Zoning Classification: B-2

Special Use being requested: Mixed Use Building: Retail & Multiple-Family Dwellings - per Section 10-3-91.(17)

**PROPERTY OWNER INFORMATION**

DANIELA NEWBERRY (SARAA3)  
Property Owner Name

540-478-5555  
Telephone

2040 PROPOINTELN  
Street Address

DNEWBERRY@TPO-AD.COM  
E-Mail

H'burg VA 22801  
City State Zip

**OWNER'S REPRESENTATIVE INFORMATION**

Land & Home, Attn: Nathan W. Blackwell  
Owner's Representative

(540) 434-1752  
Telephone

330 Boyers Road  
Street Address

Nathan@LandandHomeVA.com  
E-Mail

Rockingham VA 22801  
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.*

[Signature]  
PROPERTY OWNER

5/4/23  
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](http://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**

Date Application and Fee Received

Total Fees Due: \$  
Application Fee: \$425.00 + \$30.00 per acre

Received By





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330 Boyers Road · Rockingham, VA 22801 · (540) 434-1752 · [www.LandAndHomeVA.com](http://www.LandAndHomeVA.com)

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April 7, 2023

Thanh Dang  
Department of Planning and Community Development  
409 South Main Street  
Harrisonburg, VA 22801  
(540) 432-7700  
[Thanh.Dang@HarrisonburgVA.gov](mailto:Thanh.Dang@HarrisonburgVA.gov)

RE: Special Use Permit for NERD Apartments on Evelyn Byrd Ave - TM# 079-(A)-4

Dear Ms. Dang,


NERD Apartments is requesting a Special Use Permit to construct a mixed-use building on TM# 079-(A)-4, 0.54ac lot on Evelyn Byrd Avenue. The residential units will be a mixture of one (1), two (2), & three (3) bedroom units.

The site is currently zoned B-2 and is a vacant parcel. Per Sec. 10-3-91.(17) mixed use buildings are allowed in B-2 zonings only by special use. Harrisonburg Crossing borders to the North, Texas Roadhouse to the East, Regal Cinema to the South, a detention pond, and Forbes Crossing is to the West.

The property will be serviced by City water & sewer. The existing sidewalk will be reconstructed and widened along Evelyn Byrd Avenue along the frontage. A bus-stop pull off will be incorporated with the site plan.

We are excited for this opportunity, and think this project will be excellent for walkability and anticipate the ability to serve a diverse population based on this location. Please let me know if you have any questions or need additional information.

Sincerely,



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Nathan W. Blackwell, P.E.  
Land & Home, LLC



City of Harrisonburg, VA  
Department of Public Works

**Determination of Need for a  
Traffic Impact Analysis (TIA)**

[www.harrisonburgva.gov/traffic-impact-analysis](http://www.harrisonburgva.gov/traffic-impact-analysis)

Must be submitted to the Public Works Department 5 business days prior to the Planning Commission application deadline

|  |                            |                       |          |                     |
|--|----------------------------|-----------------------|----------|---------------------|
| <b>Contact Information</b>   |                            |                       |          |                     |
| Consultant Name:   |                            |                       |          |                     |
| Telephone:   |                            |                       |          |                     |
| E-mail:  |                            |                       |          |                     |
| Owner Name:  |                            |                       |          |                     |
| Telephone:   |                            |                       |          |                     |
| E-mail:  |                            |                       |          |                     |
| <b>Project Information</b>   |                            |                       |          |                     |
| Project Name:  |                            |                       |          |                     |
| Project Address:   |                            |                       |          |                     |
| TM #:  |                            |                       |          |                     |
| Existing Land Use(s):  |                            |                       |          |                     |
| Proposed Land Use(s):<br>(if applicable)   |                            |                       |          |                     |
| Submission Type:   | Comprehensive<br>Site Plan | Special Use<br>Permit | Rezoning | Preliminary<br>Plat |
| Project Description:<br>(Include site plan or<br>preliminary sketch and<br>additional details on<br>land use, acreage,<br>access to site, etc) |                            |                       |          |                     |
| <b>Peak Hour Trip Generation (from row 15 on the second page)</b>  |                            |                       |          |                     |
| AM Peak Hour Trips:  |                            |                       |          |                     |
| PM Peak Hour Trips:  |                            |                       |          |                     |

**(reserved for City staff)**

TIA required? Yes \_\_\_\_\_ No TM

Comments:

Accepted by: Timothy Mason

Date: 3/14/2023



### Peak Hour Trip Generation by Land Use

| Row | IVG'Nand Use                             | ITE Land Use Code | Unit | Quantity | AM Peak Hour of Adjacent Street Traffic | PM Peak Hour of Adjacent Street Traffic |
|-----|--|-------------------|------|----------|---|---|
| 1   | Proposed #1                              |                   |      |          |   |   |
| 2   | Proposed #2                              |                   |      |          |   |   |
| 3   | Proposed #3                              |                   |      |          |   |   |
| 4   | Proposed #4                              |                   |      |          |   |   |
| 5   | Proposed #5                              |                   |      |          |   |   |
| 6   | Proposed #6                              |                   |      |          |   |   |
| 7   | Total New Trips                          |                   |      |          |   |   |
| 8   | Existing #1                              |                   |      |          |   |   |
| 9   | Existing #2                              |                   |      |          |   |   |
| 10  | Existing #3                              |                   |      |          |   |   |
| 11  | Existing #4                              |                   |      |          |   |   |
| 12  | Existing #5                              |                   |      |          |   |   |
| 13  | Existing #6                              |                   |      |          |   |   |
| 14  | Total Existing Trips                     |                   |      |          |   |   |
| 15  | Final Total (Total New – Total Existing) |                   |      |          |   |   |

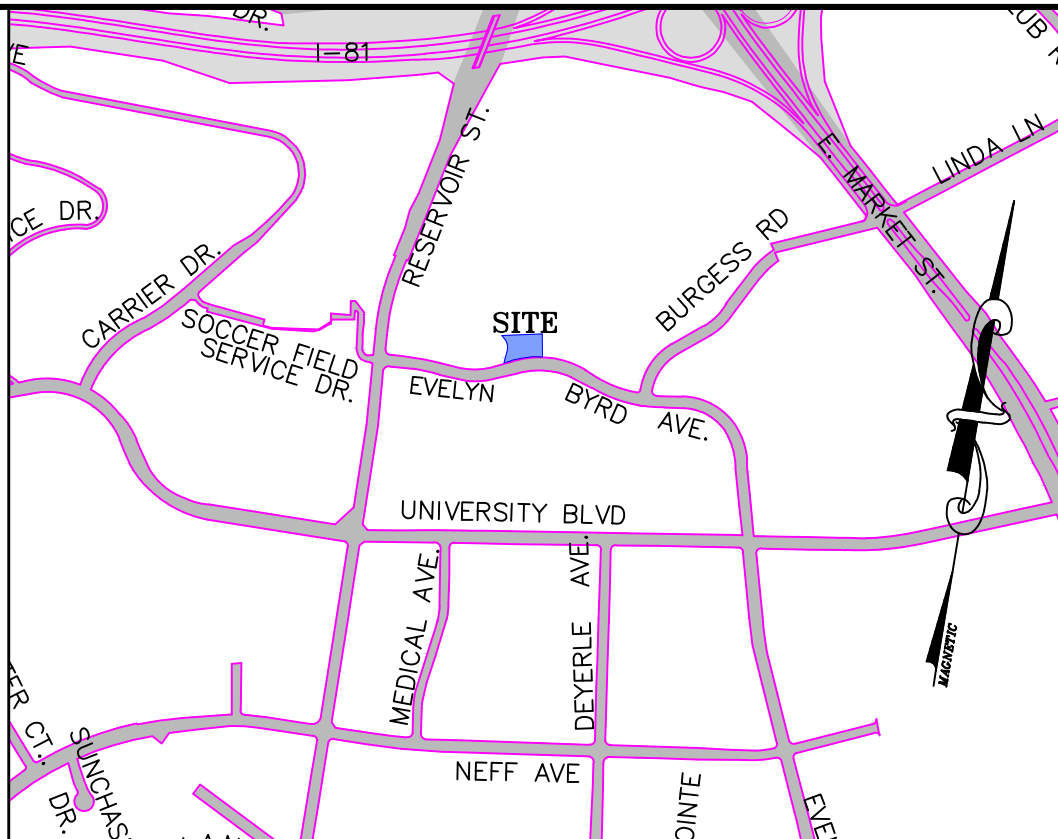
#### Instructions

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

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



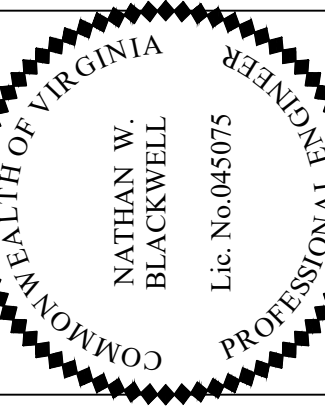
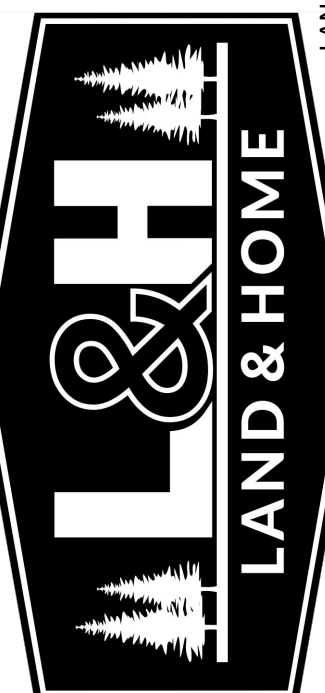
- OWNER/DEVELOPER SELF IMPOSED CONDITIONS:
1. THE PROPERTY SHALL NOT CONTAIN DWELLING UNITS THAT HAVE MORE THAN THREE (3) BEDROOMS.
  2. THE SITE SHALL CONTAIN NO MORE THAN 1.45 PARKING SPACES PER DWELLING UNIT.
  3. ONE-BEDROOM DWELLING UNITS SHALL MAKE UP AT LEAST 10% OF THE TOTAL NUMBER OF UNITS.
  4. ONE DWELLING UNIT WILL BE CONSTRUCTED TO BE FULLY HANDICAP ACCESSIBLE, TYPE A.
  5. A BUS PULL-OFF, CONCRETE PAD, AND EASEMENT FOR A BUS SHELTER SHALL BE PROVIDED AT A LOCATION ACCEPTABLE TO HARRISONBURG DEPARTMENT OF PUBLIC TRANSPORTATION (HDPT). THE BUS PULL-OFF AND CONCRETE PAD SHALL BE CONSTRUCTED TO HDPT'S SPECIFICATIONS.
  6. MAXIMUM OF 20 DWELLING UNITS TO BE CONSTRUCTED, UP TO FIVE STORIES ABOVE GRADE, EXCLUDING THE BASEMENT.



VICINITY MAP  
SCALE: 1" = 1,000'

Date: APRIL 2023  
Scale: AS NOTED  
Designed by: EHB  
Drawn by: ---  
Checked by: ---

INDUSTRIAL  
RESIDENTIAL  
COMMERCIAL  
AGRICULTURAL  
330 BOYERS ROAD  
ROCKINGHAM  
VIRGINIA 22801  
540.434.1752  
LANDandHOMEVA.com



**SITE DESIGN:**  
LAND & HOME, LLC  
ATTN: NATHAN W. BLACKWELL  
330 BOYERS ROAD  
ROCKINGHAM, VA 22801  
540-434-1752

**DEVELOPER:**  
NERD APARTMENTS, LLC  
330 BOYERS ROAD  
ROCKINGHAM, VA 22801  
540-434-1752

**PROPERTY INFO:**  
TM# 079-A-4  
0.54 ACRES  
ZONED: B-2  
USE: VACANT

LEGEND

- SITE BOUNDARY
- ELECTRIC/TELEPHONE
- GUY WIRE
- EXISTING UTILITY POLE
- WATER LINES
- FIRE LINE
- WATER METER CONDUIT
- SANITARY LINES
- STORM SYSTEM
- SETBACK LINE
- EASEMENT LINE
- EXISTING BUILDING
- PROPOSED BUILDING
- PROPOSED ROAD/EOP
- PROPOSED PARKING
- EXISTING ROAD
- EXISTING PARKING
- CURBING: CG-6 OR CG-7
- PROPOSED CG-12A
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT
- FIRE DEPARTMENT CONNECTION
- WATER VALVE
- WATER METER
- EXISTING FENCE LINE
- CONCRETE PAVING
- HEAVY PAVEMENT
- GRASS AREA
- FIRE ACCESS

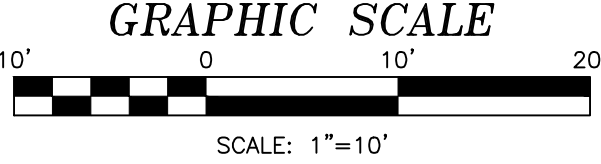
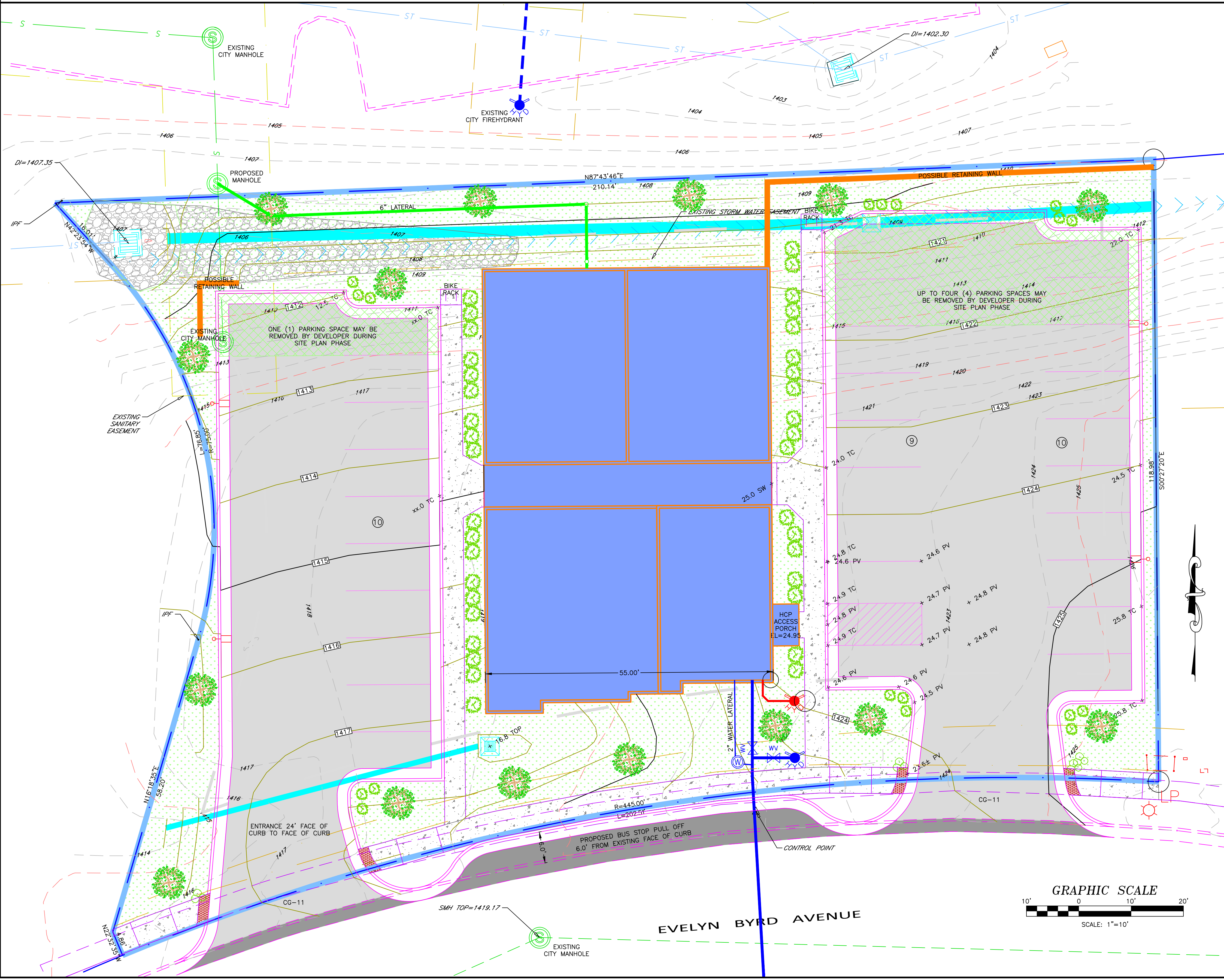
| Revision Dates |          |
|----------------|----------|
| 4/26/2023      | PER CITY |
| 4/28/2023      | PER CITY |
| 5/1/2023       | PER CITY |

PRELIMINARY SITE PLAN

EVELYN BYRD AVENUE - LOT 1C-2  
NERD APARTMENTS, LLC  
330 BOYERS ROAD  
ROCKINGHAM, VA 22801

Drawing No.  
**1**  
of 1 Sheets

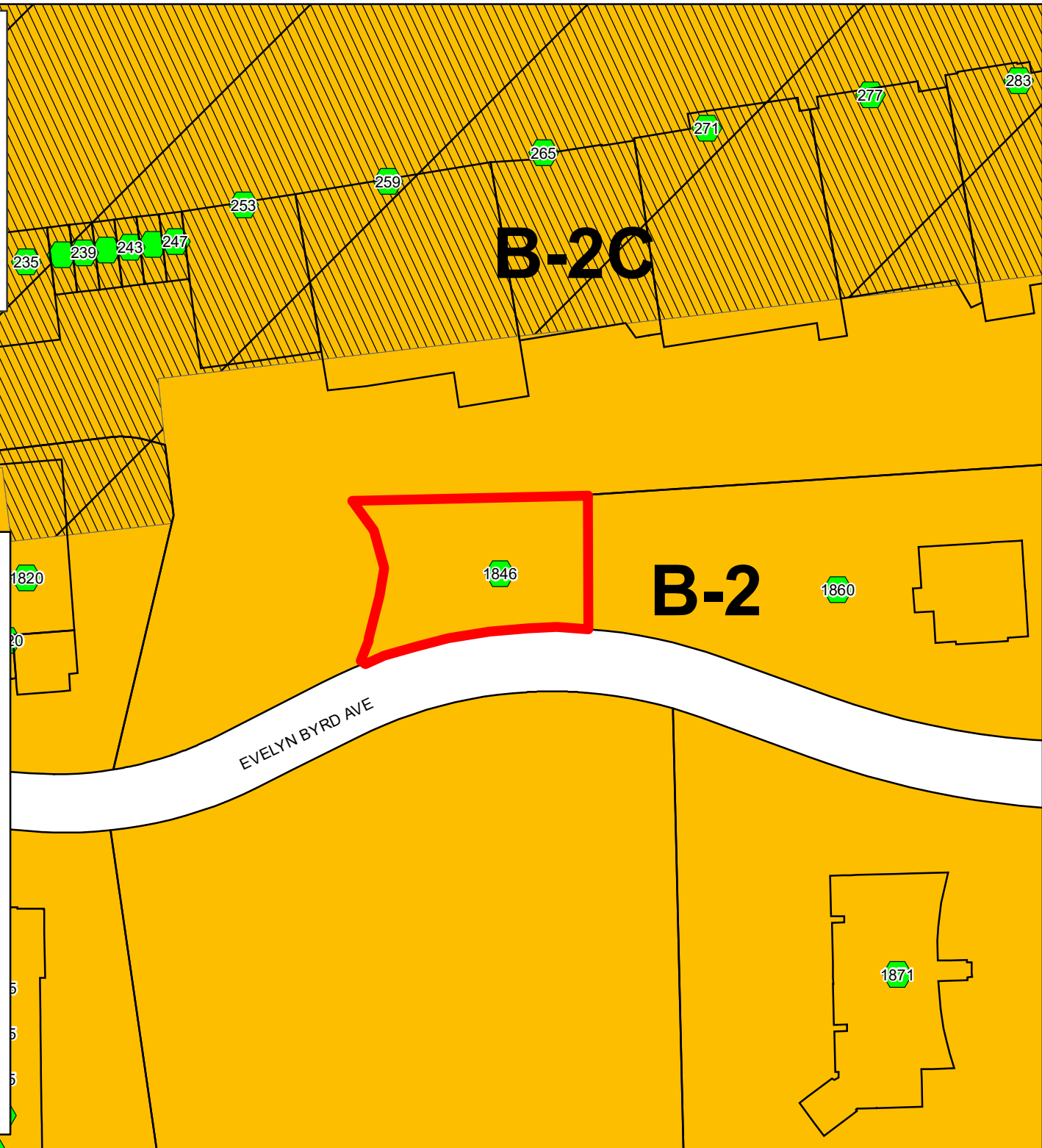
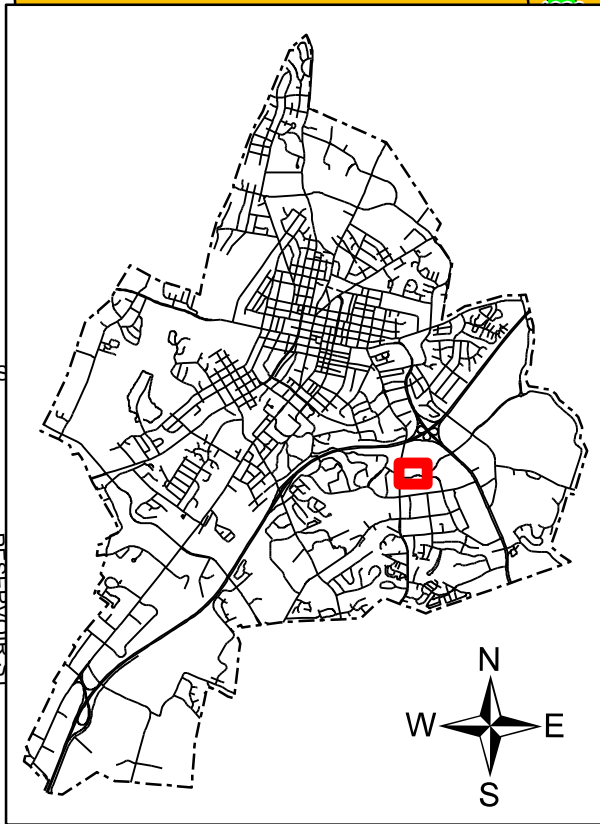
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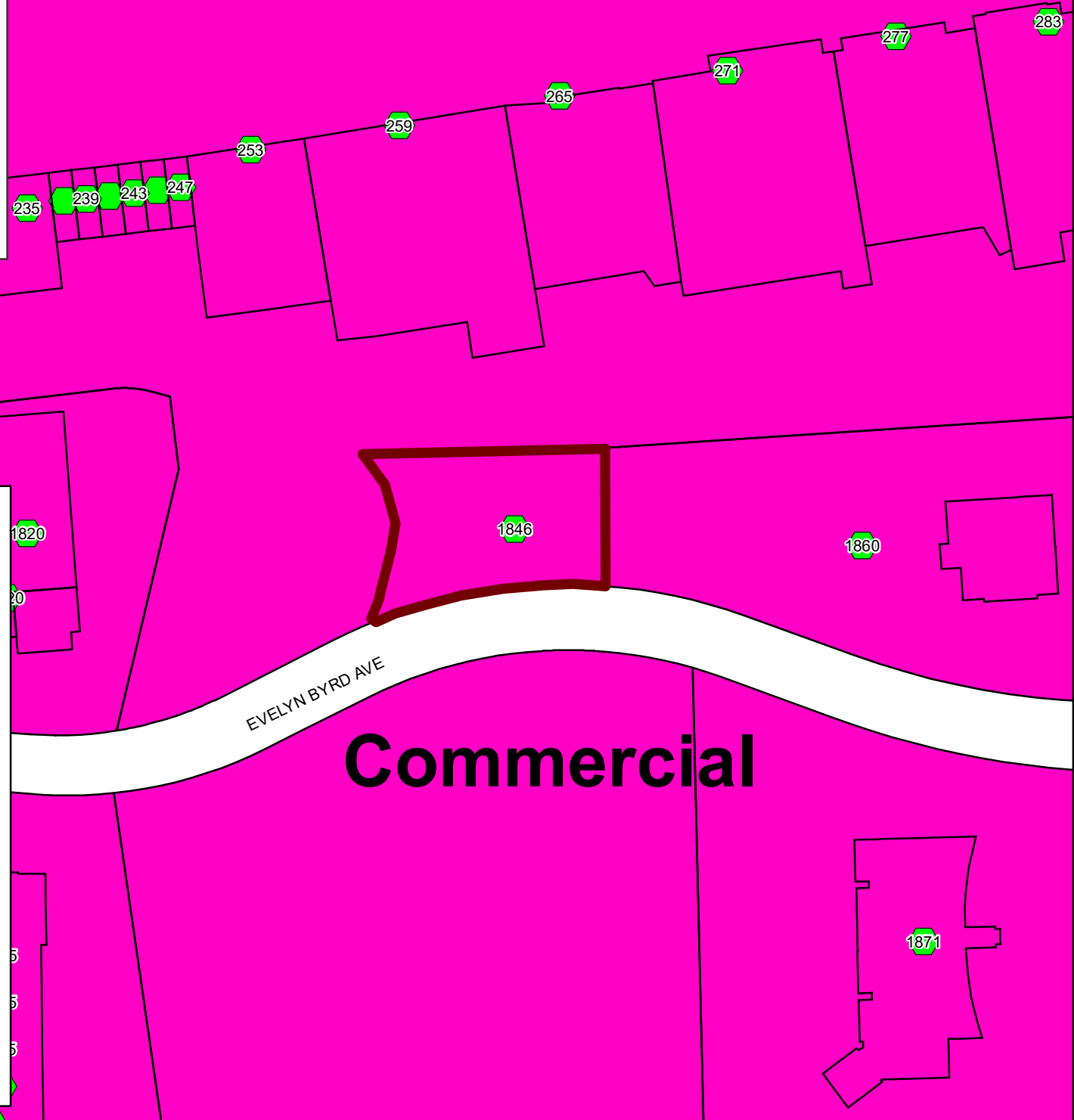
**CITY OF HARRISONBURG**  
**Special Use Permit**  
**Multi-Family in B-2**  
**1846 Evelyn Byrd Ave**  
**Tax Map Parcel: 79-A-4**  
**+/-23,305 Square Feet**

## **Zoning**



CITY OF HARRISONBURG  
Special Use Permit  
Multi-Family in B-2  
1846 Evelyn Byrd Ave  
Tax Map Parcel: 79-A-4  
+/-23,305 Square Feet

## (Future) Land Use Guide





**CITY OF HARRISONBURG**  
**Special Use Permit**  
**Multi-Family in B-2**  
**1846 Evelyn Byrd Ave**  
**Tax Map Parcel: 79-A-4**  
**+/-23,305 Square Feet**

