CITY OF HARRISONBURG

February 11, 2025 City Council Meeting

Title

Consider Rezoning & Special Use Permit at 290, 294, 298 Lucy Drive — Adam Fletcher, Community Development

Summary

Project name	N/A
Address/Location	290, 294, and 298 Lucy Drive
Tax Map Parcels	77-A-2
Total Land Area	+/- 1-acre
Property Owner	B & A Group LLC
Owner's Representative	N/A
Present Zoning	R-3, Medium Density Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Special Use Permit Request	Section 10-3-59.4 (1) to allow attached townhomes of not more than eight (8) units in R-8
Staff Recommendation	Approval
Planning Commission Recommendation	April 10, 2024 (Public Hearing) Approval of both requests (5-0)
City Council	May 14, 2024 (First Reading/Public Hearing) Approved rezoning at first reading; tabled special use permit February 12, 2025 (Second Reading)

Recommendation

Option 1. Approve the rezoning and special use permit request (without conditions).

Fiscal Impact

N/A

Context & Analysis

On May 14, 2024, City Council (CC) unanimously approved a request to rezone a parcel addressed as 290, 294, and 298 Lucy Drive from R-3, Medium Density Residential District to R-8C, Small Lot Residential District Conditional. That same evening, CC tabled the special use permit (SUP) request to allow townhomes in the R-8 district, asking staff to work with the applicant on a SUP

condition to provide landscaping along the rear property line abutting the existing townhomes. After the CC meeting, the applicant postponed both the rezoning and SUP applications.

Since that time, the applicant hired a surveyor to locate the property lines on the site and provided a plat dated July 18, 2024, which is included within the new supporting documents. The applicant also provided a letter dated January 12, 2025, which explains reasons why they "believe planting another tree line parallel to the neighbor [*sic*] tree line will not be a good option."

The applicant's proffers remain the same as was presented in May 2024 (written verbatim):

1. No parking lot (including travel lanes and drive aisles) shall be located between Lucy Drive and Deyerle Avenue and the closest buildings to either public street.
2. All dwellings adjacent to a public street shall have their front facades face the public street.
3. There shall be only one vehicular access point along Deyerle Avenue.
4. If vehicular access is provided along Lucy Drive, no more than one access shall be provided and such access shall be either right-in/right-out or right-out only.
5. A minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Lucy Drive and a minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Deyerle Avenue. All trees shall be at least 6 feet in height at the time of planting.

Prior to September 24, 2024, Section 10-3-130 (c) of the ZO stated that "*[w]henever a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit*." On September 24, 2024, City Council approved amendments consistent with changes made to the State Code, that now allows residential projects to be valid for 36 months from the approval date, and 12 months from the approval date to be valid for all other projects. At the May 14, 2024, meeting, under the previous ordinance, staff recommended granting an extension to allow the SUP 48 months from the approval date and CC discussed modifying staff's recommendation to 36 months. Currently, if CC approves the SUP, no additional action is needed to grant 36 months from the approval date to establish or to diligently pursue authorized construction to keep the SUP valid.

Staff continues to recommend approval of the rezoning and the SUP request as presented by the applicant with no conditions attached to the SUP approval.

If CC desires to place a condition on the SUP to require a landscaping buffer, staff has drafted the following condition for CC's consideration:

> Create and maintain a landscape buffer of at least 10 feet in width along the rear property line adjacent to tax map parcels 77-N-26 through 31. The landscape buffer shall include at least eight large deciduous trees (as defined by the Zoning Ordinance) located within 20 feet of the same property line. Existing trees may be maintained and counted to meet the intent of this condition. The required trees shall be positioned along the entire length of the rear property line, rather than grouped

together. Locations of such trees shall be permitted as approved by the Zoning Administrator.

The above condition is based upon the ratio of providing and maintaining at least one (1) large deciduous tree per every 25 linear feet (or portion thereof) of the length of the rear property line. The rear property line is 183.22 feet in length.

Options

1. Approve the rezoning and special use permit request (without conditions),
2. Approve the rezoning and special use permit request with the recommended or other condition(s), or
3. Deny the rezoning request.

Attachments

- New supporting documents
- Proffer Statement, dated April 2024
- Memorandum, dated May 14, 2024
- Extract from Planning Commission
- Site maps
- Application and supporting documents