



City of Harrisonburg, Virginia

Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

December 28, 2017

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Consider a request from Acorn, LC to preliminarily subdivide a parcel into three lots consisting of two 1.5 +/- acre lots fronting on Acorn Drive, and a third lot consisting of the residual 81.25 +/- acres; the latter of which includes land located in the City of Harrisonburg and in Rockingham County. The applicant is requesting three Subdivision Ordinance variances per Sections 10-2-61 (a), 10-2-66, and 10-2-67. The variances would allow the applicant not to construct required street improvements along Mount Clinton Pike, Acorn Drive and North Liberty Street along the frontages of the residual parcel located within the City. The property is zoned, M-1, General Industrial District, is addressed as 454 and 460 Acorn Drive, and is identified as tax map parcel 44-C-2.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 13, 2017

Chair Way read the request and asked staff for a review.

Ms. Dang said the Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

The following land uses, as well as the properties' existing zoning, are located on and adjacent to the property:

Site: Undeveloped property, zoned M-1

North: Undeveloped property, zoned I-1, Heavy Industrial District (in Rockingham County)

East: Rockingham County School Board offices and undeveloped property, zoned M-1

South: Across Mount Clinton Pike, nonconforming agricultural operations, zoned M-1

West: At the corner of Mount Clinton Pike and Acorn Drive, undeveloped property, zoned M-1; across Acorn Drive, undeveloped property zoned M-1; and across North Liberty Street, industrial operations, zoned M-1

The applicant is requesting to preliminarily subdivide a parcel into three lots consisting of two 1.5 +/- acre lots fronting on Acorn Drive, and a third lot consisting of the residual 81.25 +/- acres; the latter of which includes land located in the City of Harrisonburg and in Rockingham County. The applicant desires to create two 1.5 +/- acre lots fronting on Acorn Drive for future sale of the parcels.

An 8" public water line within the Acorn Drive right-of-way will serve future development on Lots 1 and 2. An 8" public sanitary sewer line currently crosses Acorn Drive and runs south through proposed

Lot 2. The applicant has illustrated on the preliminary plat that Lot 1 can be served with public sanitary sewer by extending a connection from the existing sanitary sewer line within Lot 2 to the west through Lot 1. This proposed public sanitary sewer extension could also provide future sanitary sewer service to the remaining acreage to the west and north of Lot 1.

As described in the applicant's letter and as illustrated on the preliminary plat, as part of this subdivision, the applicant will dedicate two to four feet of right-of-way and 10-ft. general public utility easements along the frontages of North Liberty Street, Acorn Drive, and Mount Clinton Pike. The applicant will also dedicate 10-ft. general public utility easements around the perimeters of the two 1.5 +/- acre lots, shown as Lots 1 and 2. Additionally, a 20-ft. public sanitary sewer easement parallel to Acorn Drive will be dedicated along the frontages of Lots 1 and 2, extending 10-ft. beyond the center of the manhole into the residual parcel west of Lot 1.

Presently, along the frontages of Lots 1, 2, and the residual acreage, there are no sidewalks along Mount Clinton Pike, Acorn Drive, or North Liberty Street. Additionally, North Liberty Street does not have curb and gutter. The City's Subdivision Ordinance and Design & Construction Standards Manual require the applicant to construct street improvements at the time of subdivision. The applicant is requesting three Subdivision Ordinance variances per Sections 10-2-61 (a), 10-2-66, and 10-2-67. If approved, the variances would allow the applicant not to construct required street improvements along frontages of the residual parcel located within the City located on Mt. Clinton Pike, Acorn Drive, and North Liberty Street. The applicant will be responsible for sidewalks along the Acorn Drive frontages of Lots 1 and 2.

Prior to final platting, the applicant is responsible for constructing all public infrastructure improvements, including extending the public sanitary sewer line and constructing sidewalk along the frontage of Acorn Drive, or to submit a form of surety to the City to cover the costs of such work.

Additionally, once the subdivision is recorded, if and when future subdivisions occur, Section 10-2-61 (c) will require the entire length of the remaining 50 +/- acres of property frontage in the City to be improved with sidewalk, and to include curb and gutter along the stretch of frontage along North Liberty Street.

With regard to stormwater management, the applicant is aware that Lots 1, 2, and the residual lot will be required to provide for stormwater management under the Common Plan of Development standards, regardless of the area of land disturbance of any single project on a single lot. To the satisfaction of the City Engineer, the applicant has included a note on the preliminary plat that they will defer to the individual site plans for review of the final stormwater management designs.

Staff recommends approving the preliminary plat and variances as requested.

Chair Way asked if there were any questions for staff. Hearing none, he said this is not a public hearing, but asked if the applicant would like to speak.

Dick Blackwell, 70 Peyton Randolph Court, Blackwell Engineering, said the owners of that land had it for a long time. They think if they have a couple lots available, they could market them more readily. They intend to build the sewer layout before they get a sale. Curb and gutter is there and the City has asked that they dedicate some right-of-way and then there will be a 10-foot easement and a 20-foot sanitary sewer easement. It was explained very well by staff, so if you have any questions for me I would be happy to answer them.

May I say something different, this will be short. Here is a suggestion, all the land around the City, what are the chances of having a meeting with the Rockingham County Planning Commission to talk

about what you all were discussing tonight with the public utility request. I was here when the annexation took place, and it was not a very nice relationship. For future things, which could come up, you could have a work session and work around the City and talk about where the differences could be a problem.

Chair Way said thank you for that suggestion. I think that is something we might want to look at in terms of some alignment of our comprehensive plans and land use guides.

Mr. Finks said as far as doing this subdivision, did the owners give any sense of what they would do with the subdivided lots as opposed to the big property? What do they envision doing with the smaller subdivided lots?

Mr. Blackwell said they have had it for a long time, they said they have paid well over \$100,000 in taxes and interest. I think they are trying to make something happen.

Mrs. Whitten said they are trying to make it more marketable.

Chair Way asked if anyone else would like to speak on this request. Hearing none, he asked Planning Commission for a motion on the request for the purpose of discussion.

Mrs. Fitzgerald moved to approve the preliminary plat at Acorn LC Subdivision, Section 1 (Sub. Ord. Variances Sections 10-2-61 (a), 10-2-66, and 10-2-67) as recommended by staff.

Mrs. Whitten seconded the motion.

Chair Way said we have a motion and a second for approval. He called for a voice vote on the motion.

All voted in favor (7-0) to approve the preliminary plat for Acorn LC Subdivision, Section 1 (Sub. Ord. Variances Sections 10-2-61 (a), 10-2-66, and 10-2-67) as recommended by staff.

Chair Way said this will go forward to City Council on January 9, 2018.

Mr. Colman said this area has come up many times in terms of being able to have smaller lots in the front of the properties so they can incentivize perhaps smaller industries, commercial industries that could go there and eventually hopefully attract larger industry to occupy the larger remaining lots behind it. City Council voted against that in the last one we had, which was the church. It is a different approach and hopefully it is more agreeable, we are looking at the same zoning. If a lighter industry could move in there it will be fulfilling the requirements of the industrial use and hopefully, bring some activity to this area.

Mr. Finnegan asked when it comes to the sidewalks there was some discussion, I do not remember if it came up in the Comprehensive Plan meetings or if it came up in one of our meetings. Is there a name for idea of saying you build the property, you pay for the curbing, gutter, and so forth, in front of the property that your building, instead it goes into a fund and you are building a sidewalk that starts from point A and it goes to point B, as opposed to segmented sidewalks? Is there a name for that?

Mr. Fletcher asked are you talking about impact fees.

Mr. Finnegan said yes impact fees.

Mr. Fletcher said we have the ability to do impact fees. The State has given us the ability, but the City has not taken the steps to accept impact fees. There are different requirements, with different parameters for non-residential and different parameters for residential to do it. We have in our existing Subdivision Ordinance and the Design Construction Standards Manual (DCSM), which work together, the ability to regulate where we get everything we think we need, and what the community desires. As

Ms. Dang was saying the next subdivision basically gets sidewalks everywhere. Now, it does not prevent them from saying they want a deviation from that requirement.

In 2009, City Staff renewed the State Code and we found the different parameters of things that we may put in our Subdivision Ordinance. We specifically and consciously chose to put sidewalk extension improvements with subdivision requirements as a requirement when you subdivide because of situations like this. When a sidewalk goes in that sets the standard for in the next subdivision you have to extend it. I talk about it that way because I would find it very difficult for staff to want to recommend in favor of a variance for a deviation to that standard; because, we specifically put it in the code to help get sidewalks in areas that do not have them.

The other component of this would have been if the DuPont Community Credit Union developed. That parcel was already subdivided, and had they developed on the corner of Acorn Drive and Mt. Clinton Pike they would have had to put in sidewalk as part of the development requirements under the DCSM. We probably would have been here again because this is one of, if not the largest, parcels in the City where a subdivision like this has such an impact on sidewalk construction.

I do anticipate, however, that they might come back and ask for deviation for some of the standards along North Liberty Street, because there is no existing curb. That is a whole different drainage issue that the Public Works Department and our City Engineer would have an issue with. Putting segments of curb and gutter in along North Liberty Street may push stormwater along that street somewhere else where we might not want it to go. Now it is a sheet falling across the streets going into a specified ditch. I do not want to pin us into a corner, we have talked about it already. I just think it would be very difficult for us to want to recommend in favor of a deviation to sidewalk in this area.

I did not really talk about impact fees, but it has come up. The impact fee discussion sort of ebbs and flows; I think we had the conversation back in 2004, however I do not know if the legislation had given localities the authority to do it at that time. It started in Northern Virginia went to Richmond, the Portsmouth area, and then it goes to population size.

Mr. Finnegan said the one that is standing out in my mind is Greystone Street. There are a couple developments along Greystone Street where you have sidewalk, nothing, sidewalk, nothing.

Mr. Fletcher said yes, and you will see that in many other places to, where you get that patchwork.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner