



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

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January 16, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

Consider a request from J&D Group LLC to rezone two parcels at 465 Pear Street and Pear Street

Consider a request from J&D Group LLC for a special use permit to allow attached townhomes at 465 Pear Street and Pear Street

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: December 19, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in September 2022 Rockingham County Board of Supervisors approved a rezoning to R-5, Planned Neighborhood District for +/- 6.77 acres adjacent to the subject site for this report. The 2022 County rezoning request included a Master Plan that illustrated 55 townhomes and provide access to the parcels within the City. Although no proffers were submitted with the County rezoning, the County's R-5 regulations required that a Master Plan is submitted and only uses shown on the plan are permissible.

The applicant is requesting to rezone two parcels totaling +/- 3.51-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance (ZO) to allow attached townhomes of not more than eight (8) units in the R-8 district.

Note that the neighboring property owner of the parcel addressed as 585 Pear Street and identified as tax map parcel 8-E-2A is also requesting to rezone from R-1 to R-8C and for a SUP to allow townhomes. Those requests for that site are discussed in a separate staff report.

Proffers

The applicant has offered the following proffers (written verbatim):

1. Density of the development shall not exceed 41 units.

2. Developer shall provide a vehicular connection/road stub to parcel# 008 E 2A (located in city of Harrisonburg) to allow for future connectivity.
3. A 5' wide sidewalk along the north side of the private drive 1 & west side of private drive 2 extending through the development as generally depicted on the concept plan.
4. Developer shall provide a continuation of road widening along with the addition of curb and gutter along Pear Street as generally depicted on the concept plan.
5. The Developer shall provide an easement for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) and will construct a concrete pad to HDPT's specifications provided adequate sight distance can be achieved along Pear Street.
6. Developer shall plant and maintain a 20' landscape buffer adjacent to the existing Single Family Residence as depicted and described on the Concept Plan. A detail depicting the buffer and spatial relations has been added to the concept plan.
7. Developer shall install and maintain posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure as generally depicted on the concept plan.
8. Developer shall install and maintain a raised crosswalk to serve as a traffic calming measure as generally depicted on the concept plan. The raised crosswalk design requires approval by the department of public works.
9. Developer shall provide a public access easement encompassing the 5' wide sidewalk, extending from Shoeshine Avenue to Pear Street and along Private Drive 2, as generally depicted on the concept plan.

The conceptual site layout is not proffered.

While the statements of proffers 1 through 6 might be easily understood, staff provides further explanation of proffers 7 through 9 within the Transportation and Traffic section of this report.

Land Use

The Comprehensive Plan designates this site as Medium Density Mixed Residential and states:

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent

to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

The conceptual layout demonstrates the proffered maximum 41 dwelling units. At a proffered density of 11.17 units per acre and with the planned townhomes, the requested rezoning and SUP is supported by the Comprehensive Plan. The construction of townhomes would also be consistent with the townhomes under construction on surrounding properties in the City and County.

Transportation and Traffic

The attached letter from the Department of Public Works dated November 29, 2023 states:

“The land use and number of units described in the rezoning application, when combined with the number of units proffered for the portion of the development located in Rockingham County are consistent with the number of trips analyzed in the Traffic Impact Analysis (TIA) accepted by the Department of Public Works in February of 2018 and updated in August of 2022. Therefore, Public Works does not require a TIA Determination Form to be completed for the current rezoning application.”

Proffer 2 would require the developer to provide a vehicular connection/road stub into portions of the development on the adjacent property identified as tax map parcels 8-E-3 & 8-E-5, which is for the project known as Cobblers Valley that is also being reviewed for a rezoning and SUP this month.

Proffers 3 and 9 commits the developer to construct sidewalks and dedicate public access easements for sidewalk along the private streets. (Public access easements are privately owned and maintained sidewalks that are open for the public to use.) While staff would prefer sidewalks on both sides of the private streets, the applicant is only proffering to construct sidewalk on one side of the private streets.

Proffer #4 commits the applicant to the continuation of road widening with the addition of curb and gutter along Pear Street as generally depicted on the concept plan. When the project is developed, the developer will be required to extend the existing sidewalk along Pear Street.

Proffer #5 requires the developer to provide an easement for a bus shelter and build a concrete pad in a location that is acceptable to the Harrisonburg Department of Public Transportation (HDPT). The proffer allows for flexibility that if an adequate sight distance cannot be achieved at a location acceptable by HDPT, the easement and concrete pad will not be required.

During review of the requests, staff suggested that the applicant add traffic calming measures such as raised crosswalks to help reduce the speed along the private drive. The applicant has provided proffers 7 and 8 to help with that regard.

Public Water and Sanitary Sewer

Staff have no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

The student generation attributed to the proposed 41 residential units is estimated to be 15 students. Based on the School Board's current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison 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

Staff recommends approval for both the rezoning and SUP. Furthermore, staff is comfortable recommending an extension of approval from 12 months to 48 months as requested by the applicant. As identified by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes the additional time is appropriate for this project.

Chair Finnegan asked if there any questions for staff.

Vice Chair Byrd said Public Transportation has not determined where bus stops could be placed on Pear?

Chair Finnegan said it has to do with the sight distance for traffic impact.

Vice Chair Byrd said so that would happen after someone tried to build something that they would determine that?

Ms. Dang said yeah, that will be determined during site plan engineering design. Keep in mind, if I may also add, that we had also recognized that there is already, probably not constructed yet, but a proffered for the first Cobblers Valley for a bus stop along the Pearl Street frontage there. So, it is not much further that a second one here with this site in front of Zephyr Hill would be offered if the sight distance was adequate.

Chair Finnegan said so, if in the opinion...Is it Public Works that makes that determination?

Ms. Dang said for sight distance, the engineers would all work together to make that determination.

Chair Finnegan said if in the opinion of City staff, you cannot safely put a bus stop where they are talking about. Where is the next closest bus stop?

Ms. Dang said in front of the first phase of Cobbler Valley.

Ms. Rupkey said [referring to the image on the screen] the purple.

Mr. Fletcher said on the image where the BMP is in the top left corner of the purple area, it is roughly in there.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Mr. Rhea came forward to speak to the request. He said we worked with this developer. I am not going to repeat what we talked about with Cobblers Valley. I will say that in the County portion of both Cobblers and Zephyr Hill, all the infrastructure, including street stubs and water and sewer connections are already largely installed there, so it is a pretty well development ready. The 48 months is just a measure of caution, but the work has begun to make it a reality quicker than that. I appreciated Mr. Fletcher's comments. It is hard. We go through all of these meetings outside of planning, there is a lot of work with City staff and Public Works that goes into these discussions, even on small projects like this about the interconnectivity, about the bike-ped plans. One thing about this small area study that is now contemplated to be funded both out of the Mosby Road development, which is just right around the corner from this and that is really going to piece this together. It is Todd's personal goal to the Friendly City Trail as it terminates at Bluestone Town Center continued over to Erickson. It is not that far up Erickson to this property to go up over the Brubaker property over to Mosby Road, which puts you right down pretty close to where the Bluestone Trail comes in and down by where the Public Works building is. So, it is not that far from a reality that people in the Belmont area of Rockingham County can be connected pretty conveniently bike-ped to Rocktown High School. That is... we have all been looking at and that is what we have been talking about. So, it is not just random developer here and random developer there, we are integrating that into a plan. Another point, I was at the Rockingham County Comprehensive Plan work session on transportation the first Tuesday of December. In that meeting, I spoke up, which was technically out of turn since I was a member of the public, and made them very aware that the City was planning this small area plan which impacts adjacent areas of the County, Cobblers Valley, the Route 42 corridor, Mosby Road just to the south of here and they indicated an eagerness to integrate with and participate in with the City with that plan. I think, again, this is a multi-jurisdictional area and the plan that is coming out of these various developments is a sound one that I think can be a model for cooperation between the City and the County and the developers in the area to improve things. We all know Pear Street is not a long-term solution, it is not upgradable in its current configuration. But staff, both in Community Development and Public Works, have shared good ideas. We have talked about it and there is an eye toward proper planning in place, but this just is not the right forum to share all of that detail, but I want to share with the Commission the confidence that those things are actively being thought about as a knitted together regional solution.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said again, I do appreciate staff pushing for sidewalks on both sides. In the staff report it was talking about wanting sidewalks on both sides and it is just kind of maybe not a

compromise but a nod towards pedestrian safety. [Referring to the image on the screen] Which streets are those?

Mr. Fletcher said this would really be a extension of Craftsman Drive most likely. Shoeshine is the one going page up and then is Craftsman Drive that starts way out in the County and circles around.

Ms. Rupkey said to make a clarification, it is only one raised crosswalk and I accidentally marked two.

Mr. Fletcher said they are private streets too.

Mr. Snyder said [referring to the image on the screen] so the first crosswalk is right here.

Chair Finnegan said right on the City/County line.

Mr. Snyder continued yes, because there is an intersection right here and then the next one that you are seeing is at this intersection and that is where the sidewalk went, we will call it page north, out to Pear Street and then the one that you saw in the previous request was down here at the loop.

Ms. Dang said if I may clarify that second location closest to the intersection is just a regular crosswalk not a raised crosswalk.

Chair Finnegan said raised crosswalks are another way to calm traffic and make places more walkable, so I do appreciate that.

Vice Chair Byrd said since everyone is so enthusiastic about this application, I will make a motion to approve the rezoning with proper proffers.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning passed (7-0). The recommendation will move forward to City Council on January 23, 2024.

Vice Chair Byrd said I would like to make a motion to approve the special use permit with the 48 month extension.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit passed (7-0). The recommendation will move forward to City Council on January 23, 2024.