



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: June 14, 2023 (Regular Meeting)  
Re: Rezoning – 937 Vine Street (R-1 to R-8)

### **Summary:**

Project Name	N/A
Address/Location	935 & 937 Vine Street
Tax Map Parcel	28-O-16
Total Land Area	+/- 1.77-acres
Property Owner	Farhad Koyee and Mikael Bahar
Owner's Representative	Colman Engineering
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8, Small Lot Residential District
Staff Recommendation	Approval
Planning Commission	June 14, 2023 (Public Hearing)
City Council	Anticipated July 11, 2023 (First Reading/Public Hearing) Anticipated July 25, 2023 (Second Reading)

### **Background:**

On November 9, 2022, public hearings were held for the subject property to consider two requests from the applicant: 1) to rezone the property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional, and 2) for a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. At that time, the applicant planned to demolish the building addressed as 935 Vine Street (the building located closest to Wren Way), to keep the single-family detached dwelling addressed as 937 Vine Street, to construct 10 duplex units (5 structures) and eight townhomes, and to permanently terminate Wren Way. Staff recommended approval of both the rezoning and SUP. Planning Commission recommended denial of the rezoning (6-1) and denial of the SUP (6-1). The applicant later withdrew the requests and the items were never presented to City Council.

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

Site: A single family detached dwelling and a single-family detached structure, zoned R-1

North: Townhomes, zoned R-4

East: Single-family detached homes, zoned R-1

South: Single-family detached homes, zoned R-1

West: Across Vine Street Multiple-family dwellings, zoned R-4

**Key Issues:**

The applicant is requesting to rezone a +/- 1.77-acre parcel from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. If the request is approved, then the applicant plans to demolish the building addressed as 935 Vine Street (the building located closest to Wren Way), to keep the single-family detached dwelling addressed as 937 Vine Street, to construct eight duplex units (4 structures), and to permanently terminate Wren Way.

If the rezoning is approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage. During the preliminary plat process, the developer could also request other variances of the Subdivision Ordinance or Design and Construction Standards Manual (DCSM) that might be needed to build the project. It is possible the developer could request deviating from cul-de-sac or other street termination designs. These matters should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

*Proffers*

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

1. A 6-ft wide pedestrian access easement will be provided between Wren Way and the property line closest to Vine street [*sic*].
2. A sidewalk access easement will be provided along the western property boundary closest to Vine Street, 7.5-ft from back of curb.
3. No townhouses of [*sic*] multifamily structures will be allowed.
4. At the time of development, the property owner shall construct an acceptable turnaround at the end of Wren Way. The turnaround may include a cul-de-sac or another design accepted and approved by City staff. The property owner shall also dedicate the necessary land for public right-of-way to include the turnaround, and along the south side of the turnaround, the property owner shall dedicate an additional 7.5-ft. width of land as public right-of-way for future sidewalk. The property owner will not be responsible for constructing the sidewalk.

Note that the submitted conceptual site layout is not proffered.

With proffer #1, the property owner will dedicate a 6-ft. wide pedestrian access easement between Wren Way and the property line closest to Vine Street. The reason why the access easement cannot extend to Vine Street is because there is an unusually shaped parcel (TM 28-O-21) between the subject property and Vine Street that is not owned by the applicant.

With proffer #2, a sidewalk easement would be provided along the western boundary of the property so that the City may construct a new sidewalk along Vine Street in the future.

Of the residential uses allowed, the R-8 district allows single-family detached dwellings and duplex dwellings by right and allows townhomes by special use permit (SUP). With proffer #3, the applicant has proffered that townhomes and multifamily structures will not be allowed. It should be understood

that multifamily structures are not permitted by right or by SUP. While proffering to prohibit multifamily structures is not necessary, the applicant is proffering this in response to concerns heard from neighbors after meeting with them.

With proffer #4, the property owner will be responsible for constructing an acceptable turnaround, which may be a cul-de-sac or tee/hammerhead turnaround. Details will be worked out during the engineering design and preliminary plat phases of the project. Note, however, that the proffer indicates they would not be responsible for constructing sidewalk along the public extension of Wren Way. If the City accepts this proffer, it means the City must also be accepting of and must ultimately approve a Subdivision Ordinance variance to deviate from the requirements to not construct the public sidewalk. The variance request would be part of the preliminary platting process.

### *Land Use*

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

“These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.”

The proposed density of the development is just over 5 dwelling units per acre.

Adjacent properties are designated Low Density Residential and Medium Density Residential. The Medium Density Residential area is described as:

“[D]eveloped or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multifamily dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.”

To the north of this property, across Vine Street, and within the Reherd Acres neighborhood on and around Meadowlark Drive, there are existing townhomes that are adjacent to existing single-family detached dwellings.

Know also that the R-8 district’s occupancy regulations are the same as the R-1 district’s occupancy regulations. When the R-8 district was drafted, the proposed occupancy regulations were intentionally designed to mimic the R-1 and R-2 districts because the R-8 district was intended to promote family occupancy with higher unit density abilities. The occupancy regulations allow:

- (1) Owner-occupied single-family dwellings, which may include rental of space for occupancy by not more than two (2) persons, providing such rental space does not include new kitchen facilities, and
- (2) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one (1) person, providing such rental space does not include new kitchen facilities.

Said differently, owner-occupied dwellings can be occupied by a family plus two individuals or a maximum of three individuals and nonowner-occupied dwellings can be occupied by a family plus one individual or a maximum of two individuals.

### *Transportation and Traffic*

During pre-application meetings with the applicant for the 2022 rezoning and SUP requests, there was much discussion between the applicant and City staff on how best this property should connect to the public street network. Three general scenarios were explored: (1) to extend Wren Way to connect to Vine Street (which included a few intersection options such as full access, right-in right-out, right-in only, or right-out only), (2) to have vehicular access only to Vine Street, or (3) to have vehicular access only to Wren Way. Ultimately, City staff believed that vehicular access only to Wren Way was best due to factors including, but not limited to: a parcel between the subject property and Vine Street that is not owned by the applicant; at times, southwest bound traffic on Vine Street backs up from the intersection with Country Club Road to the frontage of the subject property; and connecting these proposed homes to Wren Way, which would create a more inclusive component of this residential development by making it part of an existing neighborhood rather than separating it from that neighborhood.

During staff's review of the current rezoning application, the applicant explained that their intent is to allow two duplex units in the southwestern corner of the property to have an entrance on Vine Street and for the remaining dwellings to have entrances onto Wren Way. Staff is comfortable with this and will continue to review proposed entrance locations for each parcel during the engineering design and preliminary platting phases. Note that in the conceptual site layout, the applicant illustrates a private access easement for Lot 8 to cross Lot 9 to have access to Vine Street.

As required per Section 10-2-41 (e) of the Subdivision Ordinance “[c]uls-de-sac [sic] and other permanent dead-end streets are prohibited except when permitted by the planning commission in accord with the DCSM.” Therefore, Planning Commission must give consent to constructing an acceptable turnaround at the end of Wren Way and permanently terminating Wren Way. If Planning Commission consents to creating a permanent termination, the applicant can continue later with applications for preliminarily platting the property with the permanent termination of Wren Way. If the rezoning request is approved, then staff recommends approval of the request for permanent termination of Wren Way. (Note that the proposed permanent cul-de-sac only requires Planning Commission approval.) Staff requests for Planning Commission to consider this component of the project now and to act on this request during the current application reviews.

### *Public Water and Sanitary Sewer*

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

### *Housing Study*

While reviewing this project, the City's Comprehensive Housing Assessment and Market Study (Housing Study) should also be considered. The Housing Study places the subject site within Market Type A, which is characterized by “high population growth” and that “houses in these markets are quick to sell.” The Housing Study also notes that “[w]ithin this market type reside 32% of the City's population and the lowest concentration of college-aged persons.” Moreover, “Market Type A tends to be more built out” and “priorities and policies that are appropriate for Market Type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.” Staff believes that the proposal follows two components of the Housing Study by proposing to increase density for this parcel and by attempting to create an infill development.

While the proposed development of new duplexes is not providing single-family detached dwellings that are recommended by the Comprehensive Plan's Low Density Residential designation, staff does not believe that the proposed project is inconsistent with existing development in this area nor what is believed to be appropriate per substantiation by the Housing Study.

*Public Schools*

The student generation attributed to the proposed eight new residential units is estimated to be three students. Based on the School Board's current adopted attendance boundaries, Smithland 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*

Staff recommends approval of the rezoning and for Planning Commission to approve constructing an acceptable turnaround at the end of Wren Way and permanently terminating that public street.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning request and to approve permanently terminating Wren Way.
- (b) Recommend approval of the rezoning request, but not approving the permanent termination of Wren Way.
- (c) Recommend denial of the rezoning request and not approving the permanent termination of Wren Way.

**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:

***Rezoning – 937 Vine Street (R-1 to R-8)***

Public hearing to consider a request from Farhad Koyee and Mikael Bahar to rezone a +/- 1.77-acre parcel from R-1, Single Family Residential District to R-8, Small Lot Residential District. The Zoning Ordinance states the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The R-8, Small Lot Residential District is intended for medium- to high-density residential development that includes single-family detached, duplex, and in special circumstances townhouse development. The residential density ranges for R-8 are single-family, 2,800 sq. ft. minimum; duplex, 1,800 sq. ft. minimum/unit; townhouses, 1,800 sq. ft. minimum/unit; and other uses, 6,000 sq. ft. minimum. The Comprehensive Plan designates this site as

Low Density Residential. These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre. The property is addressed as 935 and 937 Vine Street and is identified as tax map parcel 28-O-16.

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) to approve of the rezoning request and to approve permanently terminating Wren Way.

**Attachments:**

1. Site maps
2. Application and supporting documents

**Review:**

N/A