



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-222

File ID: ID 19-222 Type: Action Item Status: Agenda Ready

Version: 1 Agenda Section: In Control: City Council

File Created: 06/28/2019

Subject: Final Action:

Title: Consider a request from Greendale LLC to preliminarily subdivide a +/- 5.8 acre parcel into nine single-family home parcels and one common area parcel at a site addressed as 1205 Greendale Road.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Staff Report PP (The Crossings) (3 pages), Application, applicant letter, and supporting documents (20 pages), Preliminary Plat (2 pages)

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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1		07/10/2019					
1	Planning Commission	07/10/2019	recommended to full council	City Council	08/13/2019		Pass

Action Text: Commissioner Whitten made a motion to recommend approval of the subdivision, with the variance, as requested. Commissioner Finks seconded the motion. All members voted in favor of recommending approval of the subdivision (6-0), with the variance. The recommendation will move forward to City Council on August 13, 2019.

Notes: Chair Way read the request and asked staff to review. Ms. Dang said that the Comprehensive Plan designates this site as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. 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. 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 should be around 7 dwelling units per acre and 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 following land uses are located on and adjacent to the property:

- Site: Undeveloped property, zoned R-2C
- North: Single-family detached dwellings, zoned R-2C
- East: Single-family detached dwellings, zoned R-1
- South: Undeveloped property in Rockingham County, zoned PSF
- West: Undeveloped property in Rockingham County, zoned PSF

The Crossings Subdivision is located at the southeastern edge of the City, and straddles Greendale Road near its intersections with Dorval Road and Ramblewood Road. The portion of the subdivision within the City was rezoned to R-2C, Residential District Conditional in June 2007, with a proffer that there will be no more than 52 single-family detached dwelling lots within the City. Currently, within the Crossings, Phase 1, which is located entirely within the City, there are 35 lots. The Crossings, Phase 2 proposes 9 additional single-family lots in the City. As part of the 2007 rezoning, staff provided Planning Commission and City Council a site layout of the overall design of the subdivision, which proposed a total of 91 single-family lots within the City and County (Exhibit A).

In October 2018, City Council approved a public utility application to provide water and sanitary sewer services to the portion of the subdivision within Rockingham County. Later, in January 2019, the portion of the subdivision within Rockingham County was rezoned from R-3C, General Residential District Conditional to PSF (Planned Single Family). The approval authorized an increase of lots within the county from 32 to 40 and approved an accompanying Master Plan depicting 30.9% of gross area reserved as open space.

The project's engineered comprehensive site plans, stormwater management plan, and erosion and sediment control plans are all currently under review by City and County staff.

The applicant is requesting to preliminarily subdivide a +/- 5.28 acre parcel into nine single-family home parcels and one common area parcel and to preliminarily dedicate public street right-of-way for streets that will serve this residential development. Additionally, the applicant is requesting a variance from the Subdivision Ordinance Sections 10-2-61 and 10-2-67 to not construct about 130 linear feet of sidewalk along the frontage of two existing parcels.

When the existing portion of Dorval Road was constructed, the City's Design and Construction Standards Manual (DCSM) required sidewalks only on one side of the street. Dorval Road was constructed with sidewalks on the south side and with a temporary

cul-de-sac ending at parcels 97-L-7 and 8. When Dorval Road is extended, the temporary cul-de-sac would be removed, and a public street constructed to meet current City standards would be required unless variances are granted.

Since August 2009, the City has required sidewalks to be constructed on both sides of newly constructed streets. The extension of Dorval Road would require sidewalks along the north side of Dorval Road in front of City parcels 9-L-7 and 8. However, neither the existing City portion or the County portion will have sidewalks on the north side of Dorval Road. The Planned Single Family (PSF) zoning district in Rockingham County is classified as a "suburban area type" within the County zoning ordinance and would only require the construction of sidewalks on one side. The applicant plans to construct sidewalks in Rockingham County on the south side of Dorval Road to match the City portion.

Given the relatively short length of sidewalk (+/- 130 linear feet) along a local residential street and that new sidewalks along other portions of the northern side of Dorval Road are unlikely to be constructed, staff supports not requiring the subdivider to build sidewalks along the frontage of parcels 9-L-7 and 8.

Aside from the variance request to not construct +/- 130 linear feet of sidewalk, the development meets all other requirements of the Subdivision and Zoning Ordinances.

Prior to final platting, the applicant is responsible for constructing all public infrastructure improvements, including construction of new streets and extending the public water and sewer lines to serve all City parcels, or to submit a form of surety to the City to cover the costs of such work. The applicant plans to construct all of Section 2, including City and County areas, at one time; no phasing is proposed.

Chair Way asked if there were any questions for staff.

Commissioner Finks said that it appeared that the covenants, Use Restrictions, Article 6, Section 6.1, would not allow STRs. Did I read that correctly?

Section 6.1 reads: "No Lot shall be used except for residential purposes, or for builder's construction sheds and sales and administrative offices during the construction and sales period, and not more than (1) principal building shall be permitted on any residential Lot shown on said Plat, and no such Lot shall be subdivided. The Declarant shall not be subject to the restriction on resubdivision set forth herein."

Mr. Russ said that, relatively close to here, another resort type community had this restriction in their covenants. The Supreme Court said that a STR as far as HOA terms and covenants go, just because a residential use is for profit does not mean it is no longer residential. A person sleeping in a house is a residential use, no matter how many days they are sleeping there.

Mr. Fletcher asked if there was another interpretation that said that covenants could specifically say there shall be no STR?

Mr. Russ said that covenants can dictate how long rentals have to be.

Mr. Fletcher said that this particular covenants do not specify STRs.

Commissioner Finks said that we could have a neighborhood where on one side of the line it is by-right, but the next house over requires a SUP.

Mr. Fletcher said that it is the same way with the school system. Your next-door neighbor may have to go to Harrisonburg City School and the other to the County.

Commissioner Finnegan asked if the water hookup had already been approved.

Ms. Dang said yes.

Commissioner Finnegan asked if there was any precedent for developers or property owners signing an agreement stating that they may not object to any future annexation where water hookups from the City to the County happen? The City provides water to areas in the County in exchange for an agreement that the area not object in the event the City annexes that area.

Mr. Russ said that it goes back to when annexation was allowed. There were urban areas developing right outside City limits. They eventually would need to become a part of the City. When the City allowed them to connect the utilities, they required an agreement where the residents could not object in court if they annexed the subdivision.

Commissioner Finnegan asked if that is no longer relevant since the moratorium on annexation has been in place since 1984.

Mr. Russ said that he assumes that the City has not been including those requirements.

Commissioner Finnegan said that it might not be relevant to the current matter, but it might become relevant for this subdivision or one like it if the moratorium is lifted.

Mr. Russ said that a private property owner in the County has the right to take the City to court if the City tries to annex the property, and argue that it is inappropriate for the City to annex that portion of the County. The individual has the right to make the argument that that land belongs in the County, however if you need water from the City, the City may require that the property owners waive their right to challenge the attempt to annex.

Commissioner Finnegan said that he understands that there is currently a moratorium on annexation. If that moratorium were ever lifted, is that something that we would want to include?

No response was offered to Commissioner Finnegan's question.

Chair Way said that he would prefer to encourage sidewalks wherever they may exist.

Commissioner Whitten said that it is unusual that the City not require a sidewalk.

Commissioner Whitten made a motion to recommend approval of the subdivision, with the variance, as requested.

Commissioner Finks seconded the motion.

All members voted in favor of recommending approval of the subdivision (6-0), with the variance. The recommendation will move forward to City Council on August 13, 2019.