



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: January 23, 2024 (Regular Meeting)  
Re: Rezoning and Special Use Permit – 465 Pear Street (Zephyr Hill) (R-1 to R-8C) (To Allow Attached Townhomes of not More than 8 Units in R-8)

## **Summary:**

Project name	Zephyr Hill
Address/Location	465 Pear Street
Tax Map Parcels	8-E-3 and 5
Total Land Area	+/- 3.51-acres
Property Owner	J&D Group LLC
Owner's Representative	N/A
Present Zoning	R-1, Single Family 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 of both requests
Planning Commission Recommendation	December 19, 2023 (Public Hearing) Approval of both requests (7-0)
City Council	January 23, 2024 (First Reading/Public Hearing) Anticipated February 13, 2024 (Second Reading)

## **Background:**

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

**Site:** Vacant land; zoned R-1

**North:** Vacant land; zoned R-1. The property owner to the north is requesting a rezoning and is discussed in a separate staff report.

**East:** Across Pear Street, detached single-family dwellings and vacant land; zoned R-1

**South:** Single family detached dwelling; zoned R-1

**West:** Townhomes and single-family detached dwellings (under construction) within Rockingham County; zoned R-5 (County zoning)

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.

**Key Issues:**

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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning and special use permit request;
- (b) Approve the rezoning and special use permit request with suggested conditions;
- (c) Approve the rezoning and special use permit with other conditions(s); or
- (d) Deny of the rezoning request.

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

***Rezoning – 465 Pear Street (Zephyr Hill) (R-1 to R-8C)***

Public hearing to consider a request from J&D Group LLC to rezone two parcels totaling a +/- 3.51-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The first parcel is addressed as 465 Pear Street and is identified as tax map parcel 8-E-3, and the second parcel is addressed as Pear Street and is identified as 8-E-5.

***Special Use Permit – 465 Pear Street (Zephyr Hill) (To Allow Attached Townhomes of not More than 8 Units in the R-8)***

Public hearing to consider a request from J&D Group LLC for a special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight (8) units in the R-8, Small Lot Residential District. The +/- 3.51-acre property consists of two parcels addressed as 465 Pear Street and Pear Street and are identified as tax map parcels 8-E-3 & 5.

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) approval of the rezoning and SUP, which also includes granting the approval for establishing the SUP within 48 months.

**Attachments:**

- 1. Extract from Planning Commission
- 2. Site maps
- 3. Application and supporting documents

**Review:**

Planning Commission recommended approval of the rezoning (7-0) and approval of the special use permit (7-0) as submitted, which includes granting the approval for establishing the SUP within 48 months.