



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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December 2, 2024

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

**SUBJECT:** *Consider a request from Park Apartments to preliminarily subdivide 204 Rocco Avenue and for variances from the Subdivision Ordinance (Park Apartments)*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: November 13, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey in April 2020 the subject site was rezoned to R-5C giving Park Apartments the ability to build additional units. The now existing 2020-approved proffers include the following:

- Dwelling units may be occupied by a single family or no more than two (2) unrelated persons.
- Townhouse and multi-family dwelling units shall provide 1.5 parking spaces per unit.

In 2022, the property owner received approval of an engineered comprehensive site plan (ECSP), which shows the transfer of land between tax map parcels 10-C-5A and 10-C-5C. (The ECSP Site & Utility Layout Sheet is attached herein.) The ECSP demonstrated the construction of eleven new two-story apartments buildings on the subject site as well as the construction of a new parking lot on the neighboring parcel (tax map 10-C-5C) for the Faith Community Free Methodist Church.

The applicant is requesting to preliminarily subdivide a +/- 11.01-acre parcel addressed as 204 Rocco Avenue (tax map number 10-C-5A). The purpose of the subdivision is to create two separate lots, one of which will not have public street frontage. The lots will both continue to be owned and operated by Park Apartments.

### *Land Use*

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

*Commercial:*

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

*High Density Residential:*

These areas have been developed or are planned for development that have the highest residential density ranges outside of the downtown area and properties designated Mixed Use by the Land Use Guide. Density is planned to allow up to 24 dwelling units per acre. While a number of existing multifamily developments and areas adjacent to such developments are identified as High Density Residential, residential land use could include small-lot single-family detached and single-family attached neighborhoods. In special circumstances, non-residential uses may be appropriate.

*Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed development was completed during the rezoning process and indicated that the project would not generate 100 or more peak hour trips, which is the threshold for staff to require a TIA.

*Public Water and Sanitary Sewer*

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows how proposed water and sanitary sewer lines will serve each new lot.

*Subdivision Ordinance Variance Requests*

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) to create one lot that would not have public street frontage. The preliminary plat illustrates private access easement through the parcel identified as “Parcel 1”. This easement would allow for access to and from Rocco Avenue and across the private property. Staff does not have concerns with this variance request.

The second variance request is to deviate from the requirements of Section 10-2-43 of the Subdivision Ordinance (SO). This section requires a 10-foot-wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot-wide public general utility easement centered on the sides or rear of lot lines. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others deemed a utility by the City. Rather than dedicating the easements as required, the applicant is dedicating a 10-foot easement along Rocco Avenue and along the side and front property lines of “Parcel 2,” adjacent to tax map parcel 10-C-5-B and 10-C-5-C. In this case, staff does not have concern with the proposed development deviating from this section of the SO.

Note that the applicant is proposing a number of additional easements throughout the property. The remaining public water easements, public sewer easements, and public general utility

easements (that are not related to SO Section 10-2-43) will be recorded during the site development process.

*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.”

*Recommendation*

Aside from the variance requests as described herein, the preliminary plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance requests and recommends approval of the preliminary plat.

Chair Finnegan said occasionally the plats do not necessarily go to Council but in this case they are.

Mr. Fletcher said this body is looking at this because it is a subdivision that proposes a parcel that would not have access to the public street frontage and the variance to the easements. You will be giving a recommendation, one way or the other, and then City Council will review it.

Chair Finnegan said I am not mistaken that there have occasionally been plats that have become before us that do not go to...

Ms. Rupkey said there was one a couple months ago along Mount Clinton Pike, that preliminary plat was purely coming to you all because of the size of the lot; not based on the variance request.

David Mitchell, the applicant, came forward to speak to the request. He said Meghan did a great job explaining it. The variance request, I think we covered the fact that it is a little bit of a unique issue [unintelligible] we have access easements to get us from the public road to the new parcel and we have already installed and are putting easements on for all the utilities that are necessary to serve those apartments, it is all apart of the site plan process.

Chair Finnegan asked if anyone had any questions for the applicant.

Vice Chair Byrd said I make a motion to recommend approval of the preliminary plat and variances as requested.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye

Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat request passed (6-0). The recommendation will move forward to City Council on December 10, 2024.