



City of Harrisonburg, Virginia
Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

November 1, 2018

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

SUBJECT: Consider a request from Marusstodd Properties, LLC with representative Blackwell Engineering to preliminarily subdivide five parcels totaling 1.5 +/- acres into two parcels for a future mixed use development and a single-family home lot. Requested are variances to the requirements of the following Subdivision Ordinance Sections: 10-2-41, 10-2-45, 10-2-61 (a), 10-2-66, and 10-2-67. The five parcels are addressed as 1340, 1348, and 1356 South Main Street and 1341 Edgelawn Drive, and are identified as tax map numbers 18-R-22, 22A, 23, 24, and 24A.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING
HELD ON: October 10, 2018**

Chair Way read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan designates 1.24 +/- acres of this area as Mixed Use Development Area and 10,515 +/- square feet of this area Low Density Residential. The Mixed Use Development Area designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 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 Low Density Residential designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

Site: Vacant land and one single-family dwelling zoned R-5C and R-1

North: Professional and financial offices, zoned R-3 along South Main Street; and single-family dwellings fronting Edgelawn Drive, zoned R-1

East: Across Edgelawn Drive, single-family dwellings, zoned R-1

South: Across Weaver Avenue, professional office, zoned B-2C; and dwellings, zoned R-3

West: Across South Main Street, single-family detached dwellings and multiple-family building, zoned R-3

The applicant is requesting to preliminarily subdivide five parcels into two parcels by vacating lot lines and drawing new lot lines. The new parcels will consist of a 1.24 +/- acre parcel zoned R-5C and a 10,515 square foot parcel zoned R-1. The applicant plans to keep the single-family dwelling on the R-1 zoned parcel and to develop the R-5C zoned parcel into a mixed use development. Additionally, the applicant is requesting five Subdivision Ordinance variances per Sections 10-2-41 (a), 10-2-45, 10-2-61, 10-2-66, 10-2-67. If not for the variance requests, the applicant could vacate lot lines and draw new lot lines through the minor subdivision process. Minor subdivisions are reviewed and approved administratively by staff and do not require review or approval by Planning Commission or City Council.

This site was discussed at Planning Commission on May 10, 2017 when the applicant had originally requested to rezone the entire 1.3 +/- acre area from R-1, Single-Family Residential and R-3, Medium Density Residential to R-5C, High Density Residential District Conditional. Ultimately, the rezoning request was modified to only rezone 1.24 +/- acres to R-5C and was approved by City Council on September 12, 2017. Three special use permits were also approved at that time.

During staff's review of the rezoning request, the applicant's representative and staff acknowledged that Edgelawn Drive has a different character than typical local streets and should not require widening to 36-feet of pavement and 50-feet of right-of-way, which is the City's standard for local streets. Edgelawn Drive runs approximately 675-feet from East Weaver Avenue to South Main Street (Route 11) and serves seven residences, including the single-family detached home on the subject site. Currently, the section of Edgelawn Drive adjacent to this site is about 12-feet in pavement width, has no curb and gutter, and no sidewalks. During the 2017 rezoning, staff noted support of reduced pavement width to 18-feet. However, staff made an error by not considering the 20-foot width of pavement required for the firefighting apparatus should a building be constructed close to Edgelawn Drive on this site or other properties adjacent to Edgelawn Drive. The applicant has agreed to dedicate enough right-of-way and public sidewalk easement for the future construction of 20-feet of pavement, and 2-feet of grass utility strip, and 5-feet of sidewalk on each side of the street, which equates to a dedication of 12.5-feet of fee simple right-of-way and 7.5-feet of public sidewalk easement along the frontage from the centerline of Edgelawn Drive. On street parking would not be permitted along Edgelawn Drive. Presently, East Weaver Avenue does not have sidewalks.

The City's Subdivision Ordinance and Design & Construction Standards Manual (DCSM) require the applicant to construct street improvements and sidewalks at the time of subdivision. The applicant is requesting five Subdivision Ordinance variances per Sections 10-2-41 (a), 10-2-45, 10-2-61, 10-2-66, 10-2-67. If approved, the requested variances would allow the subdivider the following:

- To not dedicate the standard right-of-way for Edgelawn Drive. (Variance per Sections 10-2-41 (a) and 10-2-66.)
- To not dedicate all 25-feet of right-of-way along their frontage of Edgelawn Drive. (Variance per Section 10-2-45.)
- To not build or submit a form of surety at the time of subdivision for frontage improvements along Edgelawn Drive and East Weaver Avenue. (Variance per Sections 10-2-62 and 10-2-67.)

Staff believes that the proposed alternative of 20-feet of pavement, 2-feet of grass utility strip, and 5-feet of sidewalk for Edgelawn Drive would better achieve the features described in Section 10-2-41 (a) of the Subdivision Ordinance. Section 10-2-41 (a) authorizes City Council to approve variances to standards for streets and sidewalks on a case-by-case basis when:

- (a) The proposed alternative would better the walkable, pedestrian, and bicycle-oriented environment the city desires;
- (b) The particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts;
- (c) The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.”

Neighbors have already informed staff of their concerns about current cut through traffic on Edgelawn Drive and that widening Edgelawn Drive would encourage more cut through traffic.

Staff supports not requiring the subdivider to build or submit a form of surety at the time of subdivision for frontage improvements along Edgelawn Drive and East Weaver Avenue because the City’s Design and Construction Standards Manual will require that improvements be constructed by the property owner/developer during site development or redevelopment. However, when the property owner or developer develops the 1.24 +/- acre site, they would not be required to construct improvements along the frontage of the 10,515 sq. ft. property because that would not be part of the same parcel. Staff recommends approval of the request for variances per Sections 10-2-41 (a), 10-2-45, 10-2-61, 10-2-66, 10-2-67 with the condition that:

- When frontage improvements along Edgelawn Drive are required as part of development or redevelopment for any property that is associated with this preliminary plat request, then the developer will be responsible for constructing frontage improvements along Edgelawn Drive for all the properties associated with the request. The length of frontage along Edgelawn Drive is shown as 210.63 linear feet on the preliminary plat.

The property owner/developer will be responsible for constructing new sidewalks along East Weaver Avenue at the time of site development.

Staff recommends approval of the preliminary plat and variances with conditions recommended by staff.

Chair Way asked if there were any questions for staff.

Mr. Baugh asked regarding the portion that will remain R-1, does it have to remain one lot, or could you have two R-1 lots.

Ms. Dang replied since it is zoned R-1 it must meet the lot size requirement for R-1 which is 10,000 square feet. So, it would be too small to subdivide into two.

Mr. Finnegan asked if any neighborhood residents spoke to staff regarding traffic calming for this area.

Ms. Dang said she did direct one resident who came into the office with questions about traffic to speak with representatives from the Public Works Department, as they are best suited to help with those concerns.

Chair Way asked if there were any further questions for staff. Hearing none, he invited the applicant, or applicant’s representative to speak.

Mr. Dick Blackwell, Blackwell Engineering, said he is representing the property owner. I really have nothing further to add from the staff report; but can answer questions if there are any.

Chair Way asked if there were any questions for Mr. Blackwell. Hearing none, he asked if there was any further discussion or a motion on the preliminary plat request.

Mr. Finks moved to recommend approval of the preliminary plat with the variances and condition as recommended by staff.

Mr. Colman seconded the motion.

Chair Way called for a voice vote on the motion.

All voted in favor (7-0) of the motion to recommend approval.

Chair Way said this will go forward to City Council on November 13, 2018.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner