



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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June 3, 2024

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

**SUBJECT: *Consider a request from J&D Group LLC to preliminarily subdivide 465 Pear Street***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: May 8, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in February 2024, City Council approved two requests for this site, which included;

- Rezoning a +/- 3.15-acre parcel from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional; and
- A special use permit to allow attached townhomes of not more than eight units in the R-8 district.

A copy of the approved 2024 rezoning proffers is attached herein.

The applicant is proposing to preliminarily subdivide two parcels totaling +/-3.51-acres into 41 townhome lots, one common area lot, and two private street lots. The request includes a variance request from the Subdivision Ordinance (SO) to allow lots to not have public street frontage and to allow deviation from location requirements for public general utility easements. The parcel is addressed as 465 Pear Street and is identified as tax map parcels 8-E-3 and 5.

Note that staff is working to determine if the private streets names will be a continuation of adjoining existing street names or if the applicant will need to propose new street names. As part of the administrative final platting process, staff will ensure compliance with street naming and addressing standards.

### *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.

#### *Transportation and Traffic*

A Traffic Impact Analysis (TIA) for this development was performed during the rezoning process. The subject property's existing regulating proffers provide for the necessary mitigations to address the development's impact on the existing streets, as well as, to create a network of connected streets within the development to distribute traffic. The necessary transportation improvements will be constructed as the development progresses.

Proffers 3 and 9 from the 2024 rezoning committed the developer to constructing sidewalks and dedicating public access easements over the private sidewalk along the private streets. Public access easements provide access for the public to be able to use privately owned and maintained sidewalks. These easements are shown on sheet 3 of the preliminary plat.

Proffer #5 from the February 2024 rezoning required 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 adequate sight distance cannot be achieved at a location acceptable by HDPT, then the easement and concrete pad will not be required. At this time, HDPT has determined that a bus stop location is not feasible along the Pear Street frontage of this development.

#### *Public Water and Sanitary Sewer*

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat illustrates where water and sanitary sewer lines would be provided so that each new lot would have access to public water and sewer.

#### *Subdivision Ordinance Variance Requests*

Section 10-2-42 (c) of the SO requires all parcels to have public street frontage, however the applicant is requesting a variance to that section to allow all townhome to not have public street frontage. This particular variance has been approved multiple times throughout the City for many existing townhome communities and staff has no concerns for this project.

The second variance request is to Section 10-2-43 of the SO, which requires a 10-foot-wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and the same type of easement of at least 10 feet in width centered on the sides or rear of lot lines. Sheet 3 of the plat illustrates the proposed locations of the necessary public general utility easements and where some of the locations are modified. 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. The proposed public general utility easements would not preclude utility companies from negotiating alternative easements with the property owner(s). The requirements, as specified in Section 10-2-43, are intended to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. The proposed locations of the public general utility easements are sufficient for the development and staff does not have concern with the proposed development deviating from this section of the SO.

Staff supports both variances that have been requested.

#### *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*

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

Chair Finnegan asked if there any questions for staff.

Vice Chair Byrd said on sheet PPZH2 at the top it says stairs with handrail. Is that just like in the other one about the accessory route, are those things that we can expect to be there when this is all finished?

Ms. Rupkey said sorry, can you repeat your question.

Vice Chair Byrd said at the top there is...

Ms. Rupkey said stairs with handrail along Pear Street?

Vice Chair Byrd said yes, I am just asking, for all the things in the preliminary plat drawing can we expect to see?

Ms. Rupkey said just the general location of the lot lines. When a development goes to site plan review certain things may cause elements to shift.

Mr. Fletcher said they may introduce a ramp or grade it differently.

Chair Finnegan said there is some sort of pedestrian connectivity whether it is terrain or whether it is stairs.

Ms. Rupkey said the sidewalk that is going to Pear Street on PPZH2, that was not part of the proffered connection. It is the one on page one.

Chair Finnegan said I think this came up in the Bluestone Town Center plat several months ago... about fronting on streets? I think staff recommended that [the units] continue to front on the public street and then in this case staff was recommending approval. I was just wondering if you can for clarification why one and not the other? I know that they are apples and oranges.

Mr. Fletcher said you have to take every development circumstantially as to what is going on. For Bluestone Town Center, because of the way the lots were laid out and to create more of that community feel, we did not want those units to feel like they were separate from the rest of the development. Those units had the opportunity to front on the public street. There are examples across the City, where in hindsight, it would have been best practice to have required fronting public streets. There are examples across the City where the units back deck is right out on the public street. Just one example, although the units look great, it is a different environment, Charleston Town Homes. Very nice units, but you have this line of decks that are backed up all the way on a public street. In hindsight, may have suggested to reorient those units to have the front door on the public street. This is a very different environment. The units are separated a lot further from the public street. There are elevational changes that are much more dramatic. These will actually sit quite a bit lower from Pear Street. The orientation is very much focused to the private street. You are pulled into that... I am internal to the community and rear is along that public street that is multiple feet away. Those units that were on Bluestone Town Center are just sort of like an island of a very different approach. We just did not want that community to feel like it is separate from the rest of the community.

Chair Finnegan said that is helpful to get some context there. We did lose a Planning Commissioner along the way, Commissioner Washington. I would like to proceed; we still have a quorum.

Commissioner Baugh said I will go ahead and move approval of the preliminary subdivision with the requested variances as presented by staff.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat request passed (5-0). The recommendation will move forward to City Council on June 11, 2024. Note: Commissioner Washington left the meeting during the presentation.