



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801  
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To: Planning Commission  
From: Department of Community Development  
Date: September 13, 2023 (Regular Meeting)  
Re: Preliminary Plat with Variances– Arez Subdivision – 937 Vine Street

### **Summary:**

Project name	Arez Subdivision
Address/Location	935 & 937 Vine Street
Tax Map Parcels	28-O-16
Total Land Area	+/- 1.77-acres
Property Owner	Farhad Koyee and Mikael Bahar
Owner's Representative	Colman Engineering
Subdivision Ordinance Variances	Sections 10-2-41(a), 10-2-42(c), 10-2-61(a)
Staff Recommendation	Approval
Planning Commission	September 13, 2023
City Council	October 10, 2023

### **Background:**

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

Site: A single-family detached dwelling and a single-family detached structure, zoned R-8C

North: Townhomes, zoned R-4

East: Single-family detached homes, zoned R-1

South: Single-family detached homes, zoned R-1

West: Across Vine Street, Multiple-family dwellings, zoned R-4

In July 2023, City Council approved a rezoning of this property from R-1, Single Family Residential to R-8C, Small Lot Residential District Conditional with the following proffers (written verbatim):

1. A 6-ft wide pedestrian access easement will be provided between Wren Way and the property line closest to Vine street [*sic*].
2. A sidewalk access easement will be provided along the western property boundary closest to Vine Street, 7.5-ft from back of curb.
3. No townhouses of [*sic*] multifamily structures will be allowed.

4. At the time of development, the property owner shall construct an acceptable turnaround at the end of Wren Way. The turnaround may include a cul-de-sac or another design accepted and approved by City staff. The property owner shall also dedicate the necessary land for public right-of-way to include the turnaround, and along the south side of the turnaround, the property owner shall dedicate an additional 7.5-ft. width of land as public right-of-way for future sidewalk. The property owner will not be responsible for constructing the sidewalk.

Additionally, on June 14, 2023, during Planning Commission’s review of the rezoning request, the Commission considered the requirements of Section 10-2-41 (e) of the Subdivision Ordinance which states: “[c]uls-de-sac [sic] and other permanent dead-end streets are prohibited except when permitted by the planning commission in accord with the DCSM.” At this meeting, Planning Commission approved the permanent termination of Wren Way.

**Key Issues:**

The applicant is requesting approval of a preliminary plat with variances to the Subdivision Ordinance. If the request is approved, the applicant plans to keep the single-family detached dwelling addressed as 937 Vine Street, to construct ten duplex units (five structures), and to dedicate and construct the extension and permanent termination of Wren Way. Note that when the July 2023 rezoning was reviewed, the applicant’s conceptual layout included maintaining the existing single-family detached dwelling and to construct eight duplex units (four structures). The preliminary subdivision plat differs from the rezoning plan by providing one additional duplex structure (two additional units). These two additional units would face toward and be accessible by Vine Street.

Stormwater management is planned to be provided on each residential lot and would become the responsibility of each homeowner. Additionally, no common area parcels and no common amenities are proposed; thus, there is no plan to create a homeowner’s association.

*Land Use*

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

“These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.”

The proposed density of the development is just over six dwelling units per acre.

*Transportation and Traffic*

The July 2023 rezoning included a proffer (Proffer 1) that “[a] 6-ft wide pedestrian access easement will be provided between Wren Way and the property line closest to Vine street [sic].” The preliminary plat demonstrates a 6-foot-wide public sidewalk access easement along the eastern and southern boundaries of Lot 5, and along the frontages of Lots 8, 9, 10, and 11 for a future sidewalk between Wren Way and Vine Street. The preliminary plat also provides a 20-foot wide temporary construction easement so that the City can construct the sidewalk at a future time. During site design and development, the applicant has agreed to grade this area to facilitate the City’s future construction of the sidewalk, which would reduce potential impacts of sidewalk construction on future residents.

The preliminary plat illustrates how the property will meet Proffers 2 and 4, which require a sidewalk access easement along the western property boundary closest to Vine Street and the design of an acceptable turnaround at the end of Wren Way including the 7.5 feet of public right-of-way for future sidewalk along the south side of the cul-de-sac.

*Public Water, Sanitary Sewer, and other Utilities*

As required, all lots would be served by public water and public sanitary sewer. Existing public water and sanitary sewer mains within Wren Way and Vine Street will be appropriately extended to serve the units.

All public general utility easements are provided as required per Section 10-2-43 of the Subdivision Ordinance.

*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 Lots 8, 9, 10, and 11 as these lots would not have public street frontage as they would be separated from Vine Street by another property identified as tax map parcel 28-O-21. The preliminary plat illustrates a 20-foot-wide private access easement along the frontages of these lots to provide access to and from Vine Street. Staff does not have concerns with this variance request.

The next variances are from Section 10-2-41 (a) and Section 10-2-61 (a), which are associated with public street design standards. Specifically, Section 10-2-41 (a) states that “[p]roposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the city council.” Section 10-2-61 (a) states that “[t]he subdivider is required to make all such improvements to streets, including grading, subgrade, surface, and curbs and gutters, in accord with the requirements of the city's DCSM.” In particular, the applicant is requesting to deviate from DCSM Sections 3.1.10.3 and 3.3.3.1.

DCSM Section 3.1.10.3 requires for “[t]he minimum radius of the residential cul-de-sac [to] be forty-five (45) feet to the face of the curb, with a fifty-five (55) foot radius on the right-of-way.” The preliminary plat illustrates a residential cul-de-sac with a radius of forty (40) feet from the face of curb, with a fifty-five (55) foot radius on the right-of-way. The applicant explained the smaller radius has the following benefits: reducing infrastructure cost and reducing the amount of impervious area and stormwater runoff impacts. Staff finds the cul-de-sac design acceptable.

DCSM Section 3.3.3.1 requires sidewalks on both sides of all new public streets. (Note: sidewalk is not required along the cul-de-sac). The applicant will be extending Wren Way approximately 50-feet from the existing end of pavement. The applicant and city staff believe this variance request to be appropriate since there are no existing sidewalks along Wren Way and the applicant’s dedication of a public sidewalk easement through the development would better serve the City in the long-term.

*Housing Study*

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation

facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

*Public Schools*

The student generation attributed to the proposed 10 new residential units is estimated to be 4 students. Based on the School Board’s current adopted attendance boundaries, Smithland Elementary School, Skyline 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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the preliminary plat and variances as requested;
- (b) Recommend approval of the preliminary plat and variances with conditions; or
- (c) Recommend denial of the request.

**Community Engagement:**

As required by the Subdivision Ordinance, a sign was posted giving public notice to the request for a variance to deviate from the standards of the Subdivision Ordinance.

**Recommendation:**

Staff recommends alternative (a) to approve the preliminary plat and variances as requested.

**Attachments:**

- 1. Site maps
- 2. Application and supporting documents

**Review:**

N/A