



# 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 Cobblers Valley Development LLC to preliminarily subdivide 585 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 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 requesting to preliminarily subdivide a +/- 2.18-acre parcel into 21 townhome lots and one commonly owned lot that includes the private street. The request includes variance requests 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 585 Pear Street and is identified as tax map parcel 8-E-2A.

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, 4, and 8, 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 2 of the preliminary plat.

#### *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 townhome lot numbers 13-21 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 2 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 are sufficient for this 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 21 residential units is estimated to be 8 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 were any questions for staff. He continued to say this is not a public hearing, but I do think if...does anyone have questions for the applicant that you would like answered.

Commissioner Nardi said can you help me understand, I am looking at this map and I am seeing lots of open land and we have a Comprehensive Plan. I am probably the least familiar at this point, but I like the fact that they are townhomes. Just when I see all this land around that is going to developed, I just wonder about the timing of it all and I guess I need more information but that is on me.

Chair Finnegan said if you have a question for staff, this is the perfect time to ask if you have a question about the Comprehensive Plan.

Commissioner Nardi said [to staff] can you tell me a little bit about where this area is in this phase of development or its developmental maturity? What do the plans say in terms of what is next for this area?

Ms. Rupkey said our Comprehensive Plan map is right here where it has the low density mixed residential. The portion that is in the white is County.

Mr. Fletcher said there is an error on the screen that is not Low Density Mixed [Residential], that is Medium Density Mixed [Residential]. It is 20 units an acre I think is what we are planning for. Ms. Nardi, have this image in your head and then go to the aerial. Everything that was white in that other image is the County and they have their own zoning regulations and their own Comprehensive Plan. Mr. Snyder is here this evening, who represents the engineer and the developer, and they might be able to speak to some of your questions if you are talking about the timing and how things are going to happen. The development that Meg and Thanh have discussed here is in line with our Comprehensive Plan because it is in line with the types of housing that we were planning for this area and the type of density that we were planning for this area. If you had a time machine and you go back like three years, there would be nothing out there and, as Mr. Snyder is going to probably point out if he wanted to speak to it, they are busy out there but more of the hum is in the County right now and then they are going start moving to the phases in the City.

Chair Finnegan said as a clarifying follow up for Commissioner Nardi, this has already been rezoned, this is just a preliminary plat. Would the applicant like to speak to where you are at in the process of building this entire development?

Carl Snyder, applicant's representative with Valley Engineering, came forward to speak to the request. He said this is actually just a small portion of a much larger development. The bulk of it is in the County. There is one other piece to this development that is on the other side of Cobblers Court right along Pear Street. Currently, all of the townhouse sections in the County and the previously approved City section are under construction for earthwork right now. I have been tasked by the client on this project that as soon as the preliminary plat is hopefully approved, to proceed in with construction drawings asap. As far as the timing to go to construction, I cannot speak to that. I do know that I have been asked to keep it moving.

Commissioner Nardi said my question was more about land use planning as opposed to timing of the development itself.

Vice Chair Byrd said the variance was concerned with the topography of the land, if my memory serves me correctly.

Ms. Rupkey said the variance was to not have public street frontage for all the lots and then to not have to provide the public general utilities that are running through the center lines of internal property lines and the easements are going to run along Pear Street.

Vice Chair Byrd said you said the variance about where it is fronted?

Ms. Rupkey said the private street will be for the internal of the development where I have colored it in gray right here. Although these lots along Pear Street technically will have street frontage along Pear Street, they are not requesting the variance for those lots particularly but for these bottom lots here [referring to the screen] will have the private street frontage.

Mr. Fletcher said Pear Street is the public street, those lots that are page up, they actually have public street frontage and they do not need the variance. The units will likely face internal to the

private street is what the reference was. The lots on page bottom require the variance because while to the general person driving through will think it is a public street, it is actually a private street. Our code requires that lots are subdivided on public streets, so they are requesting to deviate from that standard and from the public street.

Vice Chair Byrd said thank you. I was mixing it up with a different development.

Commissioner Baugh said the alternative here is do you require the developer to bring the streets into the City street system? That is really what this is. It is allowing the smaller streets and the additional flexibility, which again we have routinely approved.

Chair Finnegan asked if there any questions for staff.

Commissioner Baugh said I will move approval of the preliminary plat with the 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
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 June 11, 2024.