



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 Mehre Tu Zeray Tekle and Rahel Yosief Hailu for a rezoning to amend the Brookside Park Master Plan to create exceptions for 979 Roberts Court*

**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. Dang gave the following presentation:

What is an R-7 Development?

The R-7 zoning district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has five R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, and then amended in 2007 and in 2011;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013;
- The Village at Chicago Park located along Saturday Drive, which is off of Chicago Avenue, rezoned to R-7 in 2014; and
- Bluestone Town Center located along Garbers Church Road and Erickson Avenue, rezoned to R-7 in February 2023.

The subject parcel is part of the Brookside Park subdivision, a +/- 7.11-acre site rezoned in June 2006 from the R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community. The R-7 approved master plan consisted of 35

building lots and a +/- 1.44-acre parcel set aside for a park. The applicant received preliminary plat approval in September 2006 and final plat approval in June 2007. All building lots front along public streets including Roberts Court, Drake Lane, and Suter Street. The engineered comprehensive site plan was approved in April 2007, and the first building permits were approved in the summer of 2007. In October 2007 and October 2011, amendments were approved to revise the Brookside Park master plan. The 2006 master plan and amendments are attached.

The current request is to amend the master plan by creating exceptions, or alternative regulations, for one parcel identified as tax map parcel 40-B-68 and addressed as 979 Roberts Court. If the master plan amendment is approved, the applicant plans to add an addition to the building to expand the kitchen and living room areas for their family.

A master plan amendment of this type is permitted by Section 10-3-57.6 (l), which states: “The master development plan may be amended solely for a parcel(s) upon application by that parcel's owner, through a zoning map amendment process, subject to determination by the city council that the proposed use and development plan meets all of the requirements of the original master development plan to an equivalent degree in terms of meeting the purposes of the district and protecting the public health, safety, and welfare.”

Master Plan Amendment

Among other things, the Brookside Park Master Plan specifies allowing three different housing styles, including: courtyard homes, single family residential, and duplexes. For each housing style the Master Plan identifies the minimum lot area requirements as well as the minimum required setbacks. Furthermore, the Master Plan requires specific housing types for the courtyard and single family residential homes and a different set of housing types for the duplexes. Each of the housing types have specific dimensions and square footages for the structure.

In this case, the applicant owns one side of a duplex parcel and is proposing to reduce the required setback along Suter Street from 20 feet to 10 feet and to eliminate the required housing style for their parcel. As noted above, the applicant would like to build an addition to enlarge their kitchen and living room. In order to do so, they need the reduction in the required setback along Suter Street and because the home will be enlarged, they must amend (or in this case eliminate) the specific housing type for their duplex unit.

One last amendment is a more restrictive regulation. Since the applicant desires to enlarge their home to a size greater than the dimensions listed in the house types section of the Master Plan, staff suggested to the applicant that they limit their front yard to a 40-foot minimum setback along Roberts Court. This restriction would make it so that the home at 979 Roberts Court could not build any closer to the street and would maintain a similar front setback to other buildings along the street. The existing structure is 40-feet away from the front property line along Roberts Court.

No other changes are proposed to the master plan.

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) was not required for the rezoning request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

Recommendation

Staff finds no significant adverse effects on the surrounding properties and believes the request meets all the requirements of the original master plan development to an equivalent degree in terms of meeting the purposes of the district and protecting the health, safety, and welfare. Staff recommends approval of the master plan amendment as submitted by the applicant.

Chair Finnegan asked is this community under a HOA?

Ms. Dang said yes.

Chair Finnegan asked would it be like a covenant?

Ms. Dang said yes.

Chair Finnegan asked it is possible that if this gets approved it may or may not be in line with [covenants]...is that a separate layer of permission?

Ms. Dang said yes, correct.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Tom Syre, applicant's representative, came forward to speak to the request. He said do you have any questions about the expansion of the dining room kitchen area?

Chair Finnegan asked is there anything in the covenants that would prevent this from happening or is that a separate layer [of approvals]?

Mr. Syre said we do not think so, no. The reason for it, if I may, is Mehretu and his family come from Eritrea and they are apart of the Habesha group. One of the interesting things, I have lived there for several years so I know the culture and I know the ways, the current situation in the house does not allow for communal eating. The Habesha's eat communally, they eat from the same dish. They sit around a large table and eat a stew and their bread from the dish. The current situation does not allow for that. This expansion will allow them to have their family and guests to eat communally. I have eaten over at Mehretu's house, it is crowded now. It is contrary to the way Ethiopians and Eritrean's eat. It is not conducive to a sense of community. This will vastly improve communications within the household and among guests.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued saying this is pretty traditionally how houses...when people talk about starter homes, this was a pretty common and traditional...the tradition in the United States used to be buy a small house, you add on to that house and increase the size of it overtime. I would be in favor of this request.

Commissioner Nardi said I would be in favor. It does not change the fabric of the neighborhood and allows for more family space.

Vice Chair Byrd said looking over the master plan, I do not see this becoming too major of an opening of a dam for a bunch of other changes, it would just be a couple of properties on the ends that would be able to take advantage of this idea. Most of them are bound by other buildings right

beside each other. I would have no issue with this application. Therefore, I will make a motion to approve the master plan amendment request.

Commissioner Baugh 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 Master Plan amendment passed (6-0). The recommendation will move forward to City Council on June 11, 2024.