



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Planning Commission  
From: Department of Planning and Community Development  
Date: October 9, 2019 (Regular Meeting)  
Re: Preliminary Plat – Millwood Townhomes (Variance to Allow Lots to Not Have Public Street Frontage)

### **Summary:**

Consider a request from Virginia Valley Homes, Inc. to preliminarily subdivide a +/- 5.89 acre parcel into 39-townhome parcels, two common area parcels and a +/- 2.42-acre parcel for the existing condominium development. The applicant is requesting a Subdivision Ordinance variance per Section 10-2-42(c) to allow parcels to not have public street frontage. The property is zoned R-3, Multiple Dwelling Residential District and R-3C, Medium Density Residential District Conditional, and is addressed as 2410, 2412, 2414, 2416, 2418, 2420, 2422, 2424, 2426, 2428, 2421, 2423, 2425, 2427, 2429, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2446, 2448, 2450, 2451, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2481, 2483, 2485, 2487, 2489, 2491, 2493, 2495, 2497, 2499, 2501, 2503, 2511, 2513, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532 and 2533 Millwood Loop and is identified as tax map parcel 7-E-6.

### **Background:**

Before getting into the details of the current request, previous development plans involving the subject property should be understood. In 2004, +/- 4.6 acres of the +/- 5.89-acre parcel was rezoned from R-2, Residential District to R-3C, Multiple Dwelling Residential District Conditional. At that time, the applicant proffered (written verbatim):

1. If rezoned to R-3 conditional, the subject property will be developed in substantial conformity to the existing property under development by contract purchaser lying directly east to the subject property along West Mosby Road for condominium units.
2. Applicant and purchaser further proffer that 4.6 acre +/- subject property will be developed for condominium units in no greater density than that shown in the "Preliminary Master Plan of Millwood Condominium, Harrisonburg, Virginia", dated August 18, 2004, and submitted by the contract purchaser in connection with the application.

In March 2006, the City approved an engineered comprehensive site plan (ECSP) for a project called "Millwood Condominiums, Phase II." At that time, the property owner intended to construct eight buildings consisting of a total of 86-apartment-style condominiums on the site. A Land Disturbing Permit was issued for the project and the applicant completed the construction of water, sanitary sewer, and stormwater facilities, along with the private drive for the development. As well, 44 of the condominium units were constructed.

In July 2018, Planning Commission reviewed and recommended approval of a rezoning request to remove existing, regulating proffers that controlled development on the vacant area of the property and submitted new proffers for the +/- 3.47 acre site so that townhomes could be constructed; the 2004 proffers had stated that the units would be condominiums. City Council approved the rezoning request for R-3C, Medium Density Residential District Conditional, with the submitted proffer (written verbatim):

1. If rezoned to R-3, Medium Density Residential District, the 3.47 acre portion of the subject property will be developed in no greater density than 39 units, as shown on the “Rezoning Exhibit” dated June 29, 2018 and submitted in connection with the application.

A copy of the 2018 rezoning exhibit is attached herein.

The Comprehensive Plan designates this site as Medium Density Residential. These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

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

- Site: Vacant land, zoned R-3C
- North: Across West Mosby Road, undeveloped land, zoned B-2C
- East: Portion of subject parcel containing multiple-family dwelling units, zoned R-3C and R-3
- South: Multiple-family dwelling units, zoned R-3
- West: Undeveloped land, zoned R-2 and R-3C

**Key Issues:**

The applicant is requesting to preliminarily subdivide a +/- 5.89 acre parcel into 39-townhome parcels, a +/- 2.42-acre parcel for the existing condominium development, and two common area parcels; one of the common area parcels will serve as the stormwater BMP area for the development. Townhome development is permitted by-right within the R-3, Medium Density Residential district, but the applicant is requesting a variance to Section 10-2-42(c) of the Subdivision Ordinance as the 39-townhome lots would not have public street frontage, thus the variance must be approved to allow for the development to be subdivided and constructed as townhomes. Since the development would be served by a private street, the City will not provide street maintenance, snow removal, or trash pick-up.

The proposed preliminary plat layout shows that the private street, parking areas, and location of buildings are relatively similar to the condominium layout shown on the “Millwood Condominiums, Phase II” ECSP approved in 2006, except that the townhomes will now replace four of the previously proposed condominium buildings. Water and sanitary sewer service is available to each of the townhome lots. The layout shows 98 parking spaces provided along the private streets, meeting the minimum off-street parking requirements per the Zoning Ordinance for the townhome development. The boundary area for the stormwater BMP is also shown on the preliminary plat.

The applicant is aware that the City’s Subdivision Ordinance and Design & Construction Standards Manual requires them to construct all necessary street improvements along the frontage of West Mosby Road, for both the existing Millwood Condominiums, Phase II and the proposed Millwood Townhomes.

As indicated on the preliminary plat, additional right-of-way will be required to be dedicated along West Mosby Road in which to construct the remaining curb-and-gutter, grass strip, and sidewalk. The exact amount of right-of-way necessary will be determined prior to final platting.

Aside from the variance that is requested to allow the 39-townhome lots to not have public street frontage, the development meets all other requirements of the Subdivision and Zoning Ordinances. As townhome development is a by-right use within the R-3, Medium Density Residential district and the preliminary plat meets the proffer of the June 2018 rezoning of no more than 39-units, staff recommends approval of the preliminary plat and variance as requested.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the preliminary plat and variance as requested;
- (b) Approve the preliminary plat 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) approval of the preliminary plat and variance as requested.

**Attachments:**

- 1. Site maps (2 pages)
- 2. Application, applicant letter, and supporting documents (5 pages)
- 3. Preliminary Plat (2 pages)
- 4. 2018 Rezoning Exhibit (1 page)

**Review:**

N/A