



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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July 3, 2023

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

**SUBJECT:**

Consider a request from Riadh S. Mamund to rezone 130 West Mosby Road, and

Consider a request from Riadh S. Mamund for a special use permit allow attached townhouses at 130 West Mosby Road

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: June 14, 2023**

Chair Finnegan said the next two requests will be presented together.

Chair Finnegan read the requests and asked staff to review.

Ms. Rupkey said In February 2023, the applicant subdivided a +/- 39,545 square foot parcel. That subdivision created the subject parcel for the requested rezoning now known as tax map parcel 7-C-4 a vacant +/- 18,999 square foot lot addressed as 130 West Mosby Road. The residual square footage remained identified as tax map parcel 7-C-1 and contains +/- 20,546 square feet and includes an existing single family detached dwelling addressed as 140 West Mosby Road. The applicant is requesting to rezone a +/-18,999 square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional and is simultaneously applying for a special use permit (SUP) per Section 10-3-59.4(1) to allow attached townhouses of not more than eight (8) units. If the application requested herein is approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage.

*Proffers*

The applicant has offered the following proffers (written verbatim):

1. A 5-foot width sidewalk shall be constructed along West Mosby Road frontage including a grass strip. Property shall be dedicated up to 13.5-feet from the existing back of curb-line as depicted in the submitted Concept Layout for public right-of-way. This accommodates a future 6-foot width bike lane (constructed by others), 2-foot width grass strip, 5-foot sidewalk and 0.5' maintenance strip.

2. The Site Entrance shall have a maximum width of 30 feet.

Aside from the public street right-of-way dedication and the site entrance width being restricted to 30 feet the submitted concept plan is not proffered.

As noted within proffer #1, the property owner will be required to dedicate up to 13.5 feet of public street right-of-way from the back of the existing curb-line. This dedicated space will be the area in which the developer will construct a five-foot-wide sidewalk and two-foot grass strip. The dedicated ROW area will also allow for the future construction of a six-foot-in-width bicycle lane that would be constructed by the City or a separate private developer.

To assist with access management, staff suggested for the proposed development to share one entrance with the adjacent property to the west (tax map parcel 7-C-1). However, the applicant did not want the existing single-family detached home to have to share an entrance with the townhome development. Staff believes one entrance serving the townhome community and the existing single family home would be better for traffic along West Mosby Road rather than having two entrances. Staff understands the existing undeveloped parcel has the legal ability to have an entrance; the second proffer limiting the townhome development's entrance to 30-feet rather than the maximum width of 50-feet should improve access management and safety.

#### *Land Use*

The Comprehensive Plan designates the property as Mixed Use and states that:

“The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multifamily buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.”

Per the R-8 zoning regulations, the square footage of the parcel would allow up to 10 units per acre. Nonetheless, the shape of the parcel and required off-street parking requirements, among other things, will dictate the number of townhomes that can actually be constructed.

#### *Transportation and Traffic*

As previously mentioned in the proffer section of this report, staff wanted one, shared entrance for the proposed development and the adjacent parcel addressed as 140 West Mosby Road, however the applicant preferred to have separate entrances.

Staff also recommended the applicant provide a private access easement to the property to the north and/or east to allow for interparcel connectivity when the adjacent property develops. However, the applicant was not interested to provide an easement to the property on the northern property line due to their plans to allocate that area for parking spaces.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service for the proposed development.

#### *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 five new residential units is estimated to be three 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*

Although staff would prefer one shared entrance onto West Mosby Road and has concerns about the lack of connectivity to surrounding properties, staff believes there are benefits to rezoning this site to R-8 as it would provide more housing in the City. Staff recommends approval of both the rezoning and the SUP.

Typically, per Section 10-3-130 (c) SUPs that are not established or diligently pursued within 12 months of City Council approval would expire. However, for this SUP, the Virginia General Assembly extended approvals to address the COVID-19 pandemic directing that any SUP approved after July 1, 2020, will not expire prior to July 1, 2025. Know that applicants can request for a SUP condition to allow for a longer period of time for the SUP to remain valid.

Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing.

Bill Moore, Engineer for Balzer & Associates and representative for the applicant spoke to these requests. He said I think staff did a good job explaining the application and I am just here to answer any questions you all might have.

Chair Finnegan asked if there were any questions for the applicant.

Chair Finnegan said is the plan currently to have just one of those...is that going to be a street like a private street going off of...

Mr. Moore said it would simply be an access to parking.

Chair Finnegan said okay, so it is not going to say something drive or...it is not like a private street?

Mr. Fletcher said actually it will technically...

Mr. Moore said I guess for the...

Mr. Fletcher said for 911 purposes. Any time there are more than three units served off of one drive they will get a private street address.

Chair Finnegan said so they could name it Dale Earnhardt drive or whatever?

Mr. Fletcher said they can propose it during the Engineered Comprehensive Site Plan Review. Part of our staffs' review team will evaluate what the name is, run it through the 911 system, and ensure that there is no duplication and ensure efficient, accurate addressing.

Chair Finnegan asked so would that be a private...like a different color?

Mr. Fletcher answered white with green.

Chair Finnegan said white with green okay. There was one of those in Broadway called Dale Earnhardt Drive, that is why I said that.

Chair Finnegan asked if there were any more questions for staff.

Vice Mayor Dent said well, I guess this is a combination of staff and the applicant. The request by staff to consider an easement for adjacent properties in the case of future development on this aerial map. I am seeing this huge green field, is that a potential for a subdivision or what was the discussion about that?

Mr. Moore said the request to us was to consider access through the parcel to [often] provide... I mean it is always a good plan to have interparcel connectivity, right? In our opinion, well two

things, the geometry of the parcel does not permit that and permit the parking that we need to meet the requirements. Secondly, as you mention that is a very large parcel. I would offer that a better planning mechanism is to put a new entrance, when those adjacent properties do develop, it directly aligns it with that, I think if you pull up the imagery, directly across Mosby at Mosby court and make that just a much safer intersection.

Vice Mayor Dent said so we do not know who owns that or what it will become. So, that is hypothetical the easement for some future development so I could see that.

Chair Finnegan said we do know what it is zoned, it is R-2.

Mr. Fletcher said we know what it is zoned, and we know who owns it.

Chair Finnegan said and we know it is mixed use. Nothing is currently planned there that we know of?

Mr. Fletcher said nothing has been submitted to our office.

Chair Finnegan asked does that answer that question?

Vice Mayor Dent answered yes.

Chair Finnegan asked if there were anymore questions for the applicant. Hearing none, he closed the public hearing.

Chair Finnegan stated this will be two votes. We will need two motions, two votes. One for the rezoning and one for the special use permit. Any thoughts? Do we need any clarification on anything?

Commissioner Baugh said I will help us to keep moving on, I will go ahead and put on the floor move to approve the rezoning at 130 West Mosby Road.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Vice Chair Byrd asked are the proffers attached to zoning or are the proffers attached to the special use permit?

Commissioner Baugh, Chair Finnegan and Ms. Rupkey all answered zoning.

Commissioner Armstrong	Aye
Commissioner Washington	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye

Chair Finnegan                      Aye

Commissioner Baugh moved to approve the special use permit as presented.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Washington	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Chair Finnegan	Aye

The motion to recommend approval of both requests passed unanimously (6-0). The recommendation will move forward to City Council on July 11, 2023