



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: May 8, 2024 (Regular Meeting)
Re: Preliminary Plat with Variance – 465 Pear Street (Zephyr Hill)

Summary:

Project name	Zephyr Hill
Address/Location	465 Pear Street
Tax Map Parcels	8-E-3 and 5
Total Land Area	+/- 3.51-acres
Property Owner	J&D Group LLC
Owner's Representative	Valley Engineering
Subdivision Ordinance Variance Request	Sections 10-2-42 (c) and 10-2-43
Staff Recommendation	Approval of both variance requests
Planning Commission	May 8, 2024
City Council	Anticipated June 11, 2024

Background:

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

Site: Vacant land; zoned R-8C

North: Vacant land; zoned R-8C.

East: Across Pear Street, detached single-family dwellings and vacant land; zoned R-1

South: Single family detached dwelling; zoned R-1

West: Townhomes and single-family detached dwellings (under construction) within Rockingham County; zoned R-5 (County zoning)

In February 2024, City Council approved two requests for this site, which included;

- Rezoning a +/- 3.15-acre parcel 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.

Key Issues:

The applicant is proposing to preliminarily subdivide two parcels totaling +/-3.51-acres into 41 townhome lots, one common area lot, and two private street lots. The request includes a variance request 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 465 Pear Street and is identified as tax map parcels 8-E-3 and 5.

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 and 9 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 3 of the preliminary plat.

Proffer #5 from the February 2024 rezoning required the developer to provide an easement for a bus shelter and build a concrete pad in a location that is acceptable to the Harrisonburg Department of

Public Transportation (HDPT). The proffer allows for flexibility that if adequate sight distance cannot be achieved at a location acceptable by HDPT, then the easement and concrete pad will not be required. At this time, HDPT has determined that a bus stop location is not feasible along the Pear Street frontage of this development.

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 all townhome 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 3 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 of the public general utility easements are sufficient for the 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 41 residential units is estimated to be 15 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.

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 variances requested to deviate from the standards of the Subdivision Ordinance.

Recommendation:

Staff recommends alternative (a) approval of the preliminary plat and variances as requested.

Attachments:

- 1. Site maps
- 2. Application and supporting documents
- 3. Draft Declaration and Covenants
- 3. 2024 Approved Rezoning Proffers

Review:

N/A