



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell; City Manager
From: Adam Fletcher; Director – Department of Community Development and Harrisonburg Planning Commission
Date: September 14, 2019 (Regular Meeting)
Re: Rezoning (R-2 to R-8C), Special Use Permit (To Allow Townhomes in the R-8 District), and Preliminary Plat with Subdivision Ordinance Variances to Sections 10-2-41(a), 10-2-41(e) and 10-2-66

Summary:

Consider three requests from PDY LLC. The first two are public hearings, which include:

1. To rezone a +/- 2.03-acre parcel from the R-2, Residential District to the R-8C, Small Lot Residential District Conditional, and
2. For a special use permit per Section 10-3-59.4(1) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.

The third request does not require public hearing and includes:

3. To preliminarily subdivide a +/- 2.03-acre parcel to create 23 parcels and to dedicate public street right-of-way for the extension and permanent termination of Suter Street. The request includes variance requests from the Subdivision Ordinance to not construct sidewalks on both sides of all new public streets, and to allow for a cul-de-sac serving a residential street to carry more than two hundred fifty vehicles per day and to exceed eight hundred (800) feet in length.

The +/- 2.03-acre property is located at the terminus of Suter Street and is identified as tax map parcel 41-C-41.

Staff and Planning Commission (5-0) recommended approval of the rezoning request (R-2 to R-8C); recommended approval of the special use permit request for townhomes, and; recommended approval of the preliminary plat with requested variances.

Background:

The Comprehensive Plan designates this site as Medium Density Mixed Residential. 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.

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

Site: Undeveloped property, zoned R-2

North: Single family detached and duplex dwellings, zoned R-2

East: Non-conforming single family detached dwellings, zoned B-2 and commercial uses, zoned B-2 and B-2C

South: Single family detached dwellings, zoned R-2 and commercial uses, zoned B-2C

West: Duplex dwellings, zoned R-2

Key Issues:

The applicant is requesting to rezone a +/- 2.03-acre parcel 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) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. Moreover, the applicant is also requesting approval of a preliminary plat with variances. If the requests are approved, the applicant plans to dedicate and construct the extension and permanent termination of Suter Street and to build 9 duplex dwellings (18 units) and 3 townhomes (3 units) for a total of 21 units on the site.

Rezoning and Special Use Permit

With regard to the rezoning request to R-8C, the applicant has proffered the following (written verbatim):

1. Construct an asphalt surface 8 ft wide shared-use path, to connect the proposed Suter St. cul-de-sac and Clinton St. through the existing Madison St right-of-way.
2. Duplex structures on lots numbered 11-22 on the ‘Preliminary Plat-Site Layout’ drawing, dated 7-9-2021 and prepared by Colman Engineer, PLC, shall have a minimum 23-ft front setback.
3. Provide a 20-ft wide Public Shared Use Path Easement on lots 9 and 10 depicted on the ‘Preliminary Plat – Easements and Typical Section’ drawing dated 7/30/21, and prepared by Colman Engineering, PLC.

Note that the submitted conceptual site layout is not proffered.

As noted above, the applicant is proposing to dedicate and construct the permanent termination of Suter Street. With this design they are requesting a variance from the Subdivision Ordinance to construct a

cul-de-sac that will exceed the Design and Construction Standards Manual's (DCSM) maximum length and maximum vehicle trips per day design regulation. (The variance requests are described later in this staff report.)

Proffer #1 addresses concerns of the extended, long cul-de-sac length by proffering the construction of a shared use path, which will provide not only pedestrian and bicycle connectivity, but, when necessary, can be used in the event of a fire or other emergency that prohibits emergency response from being able to access this section of Suter Street via Jefferson Street. In other words, the shared use path could be used by emergency response vehicles and by other vehicles to enter and exit this neighborhood if this section of Suter Street was blocked at or near the intersection with Jefferson Street.

Proffer #2 provides that the duplex units situated around the curve of the cul-de-sac will have a 23-foot front setback, allowing for parking in the front. The additional setback is also needed so the six duplexes meet the required lot width of 18-feet measured at the point of required front setback.

Proffer #3 provides that a 20-foot wide public shared use path easement will be provided for the proffered path.

The subject property is located within an existing neighborhood consisting of duplexes, multifamily dwellings, and single family detached dwellings. Also adjacent, along North Main Street, are commercial uses. As previously noted, the subject property is designated Medium Density Mixed Residential, which means such 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.

The requested rezoning to R-8C is supported by the Comprehensive Plan and staff recommends approval.

With regard to the SUP, additionally, staff believes that the request to construct townhomes is also in conformance with the Comprehensive Plan and is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area, and therefore staff recommends approval of the SUP request.

Preliminary Plat

If both the rezoning to R-8C and the SUP to allow townhomes of not more than eight units are approved, then the preliminary plat can be considered. If the rezoning or SUP are denied, then the submitted preliminary plat request is no longer relevant and cannot be approved.

The preliminary plat illustrates a proposal for 21 residential lots and 2 common area parcels. The common areas will provide for the required stormwater best management practice (BMP), drainage facilities, and for the proffered shared use path. The residential lots are proposed as 18 duplex dwelling units and three townhouse units. Each residential lot will provide at least one off-street parking space as required by the Zoning Ordinance.

As required, all lots would be served by public water and public sanitary sewer. An existing public water main and an existing public sanitary sewer main run within the developed portion of Suter Street and will be extended into the proposed new development. The preliminary plat shows how existing and proposed water and sanitary sewer lines will serve each new lot. As well, all public general utility easements are provided along the front and side, or rear, property lines as per section 10-2-43 of the Subdivision Ordinance.

The applicant is proposing to dedicate and construct the permanent termination of Suter Street. As required per Section 10-2-41 (e) “[c]uls-de-sac [*sic*] and other permanent dead-end streets are prohibited except when permitted by the planning commission in accord with the DCSM.” Therefore, Planning Commission must first give consent to dedicating a cul-de-sac and permanently terminating Suter Street, which they did at their August 11, 2021 meeting with a 5-0 vote. The applicant is also requesting Subdivision Ordinance variances to deviate from specific design criterion of the Design and Construction Standards Manual (DCSM).

As a reminder, Section 10-2-41 (a) of the Subdivision Ordinance requires that proposed streets conform to the standards and specifications outlined in the DCSM, except that variances may be approved on a case-by-case basis when:

- “(1) The proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the city desires.
- (2) The particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts.
- (3) The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.”

Specifically, the requested variances are to deviate from the DCSM Sections 3.3.3.1 and 3.1.10.2. Section 3.3.3.1 of the DCSM requires sidewalk on both sides of all new public streets (sidewalk is not required along the cul-de-sac). The applicant is requesting a variance from Section 10-2-41 (a) to not construct sidewalk along a +/- 55-foot section of the southern side of Suter Street. As the applicant describes in their letter, a sidewalk is proposed on the opposite (northern) side of the street and will connect into the proposed shared use path, thus connecting Suter Street to Clinton Street. Since no sidewalk exists on the southern side of Suter Street and because sidewalk is not required around the cul-de-sac, in this particular situation, staff does not believe sidewalk is necessary along the short distance of the frontage of the parcel that includes the drainage and SWM facilities and supports this deviation from the requirements.

The second variance to the DCSM is to Section 3.1.10.2, which requires:

A cul-de-sac serving a residential development shall be designed to a length that will carry a maximum of two hundred fifty vehicles per day, not to exceed eight hundred (800) feet in length, measured along the centerline from its intersection with the centerline of the through street to the center of the turnaround, and the minimum length shall be one hundred fifty (150) feet measured from the centerline of the intersecting street to the center of the turnaround.

The proposed subdivision would result in a cul-de-sac length of +/- 1,100-feet with +/- 442 vehicle trips per day (estimated by City staff). City staff and the applicant thoroughly discussed the street design as we had concerns regarding public service provision efficiencies, concerns with emergency response access, and concerns with interconnectivity of public streets for this neighborhood. Staff suggested constructing the extension of Suter Street to curve into the undeveloped Madison Street ROW so that it could connect to Clinton Street. Such a design might have necessitated other DCSM design deviations while also potentially causing a change in the scope of the project, possibly necessitating more units to make it economically feasible for that design through a multi-family development-type of project. Ultimately, the applicant wanted to move forward with the design that is considered in this application. To assist in alleviating concerns with the long cul-de-sac, the applicant proffered to provide an 8-foot asphalt shared

use path that will be placed within a 20-foot shared use path easement that will connect the Suter Street cul-de-sac to Clinton Street. The path will serve not only as a pedestrian access, but will provide ingress and egress during fire and other emergencies that block access to Suter Street via Jefferson Street. With the shared use path serving as a second access point for emergency response, in this particular situation at this location, staff is comfortable recommending approval of the variance.

As required per Section 10-2-23 of the Subdivision Ordinance, a draft copy of the homeowner's association's covenants and restrictions for the Suter Street Development has been provided.

As indicated earlier in the report, Planning Commission consented to dedicating a permanent cul-de-sac, therefore, aside from the variances requested to not construct sidewalk on both sides of the street and to allow a cul-de-sac to exceed the maximum standards of the DCSM, the development meets all other requirements of the Subdivision and Zoning Ordinances. Staff recommends approval of the preliminary plat and variances and recommends approval of the proposed cul-de-sac as requested by the applicant.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning, special use permit, and preliminary plat requests as submitted;
- (b) Approve the rezoning, special use permit with conditions, and preliminary plat request with conditions;
- (c) Approve the rezoning, deny the special use permit, and deny the preliminary plat; or
- (d) Deny all three requests.

Community Engagement:

As required, the rezoning and special use permit requests were published in the local newspaper twice advertising for Planning Commission's public hearings and twice advertising for City Council's public hearings. The advertisement was published as shown below:

Rezoning – Parcel at the Terminus of Suter Street (R-2 to R-8)

Public hearing to consider a request from PDY LLC to rezone a +/- 2.03-acre parcel from the R-2, Residential District to the R-8, Small Lot Residential District. The Zoning Ordinance states the R-2, Residential District is intended for medium-density, single-family and duplex residential development. The Zoning Ordinance states the R-2, Residential District is intended for medium-density, single-family and duplex residential development. The R-8, Small Lot Residential District is intended for medium- to high-density residential development that includes single-family detached, duplex, and in special circumstances townhouse development. The residential density ranges for R-8 are single-family, 2,800 sq. ft. minimum; duplex, 1,800 sq. ft. minimum/unit; townhouses, 1,800 sq. ft. minimum/unit; and other uses, 6,000 sq. ft. minimum. The Comprehensive Plan designates this site as Medium Density Mixed Residential. 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. The gross density of development in these areas could be around 20 dwelling units per acre. The property is located at the terminus of Suter Street and is identified as tax map parcel 41-C-41.

Special Use Permit – Parcel at the Terminus of Suter Street (To Allow Townhomes in the R-8 District)
Public hearing to consider a request from PDY LLC for a special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The +/- 2.03-acre property is located at the terminus of Suter Street and is identified as tax map parcel 41-C-41.

In addition, adjoining property owners were notified of the public hearings; the property was posted with signage advertising the requests; and notices were provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

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 rezoning, special use permit, and preliminary plat requests as submitted.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents
4. Conceptual site development layout & Preliminary Plat

Review:

Planning Commission recommended (5-0, Hull and Byrd absent) alternative (a) to approve the rezoning, special use permit and preliminary plat requests as submitted.