



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

October 2, 2023

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

**SUBJECT:** *Consider a request from Farhad Koyee and Mikael Bahar to preliminarily subdivide 937 Vine Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON:** September 13, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in July 2023, City Council approved a rezoning of this property from R-1, Single Family Residential to R-8C, Small Lot Residential District Conditional with the following proffers (written verbatim):

1. A 6-ft wide pedestrian access easement will be provided between Wren Way and the property line closest to Vine street [*sic*].
2. A sidewalk access easement will be provided along the western property boundary closest to Vine Street, 7.5-ft from back of curb.
3. No townhouses or [*sic*] multifamily structures will be allowed.
4. At the time of development, the property owner shall construct an acceptable turnaround at the end of Wren Way. The turnaround may include a cul-de-sac or another design accepted and approved by City staff. The property owner shall also dedicate the necessary land for public right-of-way to include the turnaround, and along the south side of the turnaround, the property owner shall dedicate an additional 7.5-ft. width of land as public right-of-way for future sidewalk. The property owner will not be responsible for constructing the sidewalk.

Additionally, on June 14, 2023, during Planning Commission's review of the rezoning request, the Commission considered the requirements of Section 10-2-41 (e) of the Subdivision Ordinance which states: "[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." At this meeting, Planning Commission approved the permanent termination of Wren Way.

The applicant is requesting approval of a preliminary plat with variances to the Subdivision Ordinance. If the request is approved, the applicant plans to keep the single-family detached dwelling addressed as 937 Vine Street, to construct ten duplex units (five structures), and to dedicate and construct the extension and permanent termination of Wren Way. Note that when the July 2023 rezoning was reviewed, the applicant's conceptual layout included maintaining the existing single-family detached dwelling and to construct eight duplex units (four structures). The preliminary subdivision plat differs from the rezoning plan by providing one additional duplex structure (two additional units). These two additional units would face toward and be accessible by Vine Street.

Stormwater management is planned to be provided on each residential lot and would become the responsibility of each homeowner. Additionally, no common area parcels and no common amenities are proposed; thus, there is no plan to create a homeowner's association.

#### *Land Use*

The Comprehensive Plan designates this site as Low Density Residential and states:

“These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.”

The proposed density of the development is just over six dwelling units per acre.

#### *Transportation and Traffic*

The July 2023 rezoning included a proffer (Proffer 1) that “[a] 6-ft wide pedestrian access easement will be provided between Wren Way and the property line closest to Vine street [*sic*].” The preliminary plat demonstrates a 6-foot-wide public sidewalk access easement along the eastern and southern boundaries of Lot 5, and along the frontages of Lots 8, 9, 10, and 11 for a future sidewalk between Wren Way and Vine Street. The preliminary plat also provides a 20-foot wide temporary construction easement so that the City can construct the sidewalk at a future time. During site design and development, the applicant has agreed to grade this area to facilitate the City's future construction of the sidewalk, which would reduce potential impacts of sidewalk construction on future residents.

The preliminary plat illustrates how the property will meet Proffers 2 and 4, which require a sidewalk access easement along the western property boundary closest to Vine Street and the design of an acceptable turnaround at the end of Wren Way including the 7.5 feet of public right-of-way for future sidewalk along the south side of the cul-de-sac.

#### *Public Water, Sanitary Sewer, and other Utilities*

As required, all lots would be served by public water and public sanitary sewer. Existing public water and sanitary sewer mains within Wren Way and Vine Street will be appropriately extended to serve the units.

All public general utility easements are provided as required per Section 10-2-43 of the Subdivision Ordinance.

### *Subdivision Ordinance Variance Requests*

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) to create Lots 8, 9, 10, and 11 as these lots would not have public street frontage as they would be separated from Vine Street by another property identified as tax map parcel 28-O-21. The preliminary plat illustrates a 20-foot-wide private access easement along the frontages of these lots to provide access to and from Vine Street. Staff does not have concerns with this variance request.

The next variances are from Section 10-2-41 (a) and Section 10-2-61 (a), which are associated with public street design standards. Specifically, Section 10-2-41 (a) states that “[p]roposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the city council.” Section 10-2-61 (a) states that “[t]he subdivider is required to make all such improvements to streets, including grading, subgrade, surface, and curbs and gutters, in accord with the requirements of the city’s DCSM.” In particular, the applicant is requesting to deviate from DCSM Sections 3.1.10.3 and 3.3.3.1.

DCSM Section 3.1.10.3 requires for “[t]he minimum radius of the residential cul-de-sac [to] be forty-five (45) feet to the face of the curb, with a fifty-five (55) foot radius on the right-of-way.” The preliminary plat illustrates a residential cul-de-sac with a radius of forty (40) feet from the face of curb, with a fifty-five (55) foot radius on the right-of-way. The applicant explained the smaller radius has the following benefits: reducing infrastructure cost and reducing the amount of impervious area and stormwater runoff impacts. Staff finds the cul-de-sac design acceptable.

DCSM Section 3.3.3.1 requires sidewalks on both sides of all new public streets. (Note: sidewalk is not required along the cul-de-sac). The applicant will be extending Wren Way approximately 50-feet from the existing end of pavement. The applicant and city staff believe this variance request to be appropriate since there are no existing sidewalks along Wren Way and the applicant’s dedication of a public sidewalk easement through the development would better serve the City in the long-term.

### *Housing Study*

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

### *Public Schools*

The student generation attributed to the proposed 10 new residential units is estimated to be 4 students. Based on the School Board’s current adopted attendance boundaries, Smithland Elementary School, Skyline 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.

Chair Finnegan asked if there were any questions for staff. He then said this is not a public hearing. I do see the applicant and the applicant's representative and also some folks from this neighborhood and I do want to say if we are going to open this up and allow the applicant to speak, I would also like to allow for the neighborhood to speak, is everyone okay with that.

Vice Chair Byrd said just to make sure, when staff says they are fine with it, that is because the Fire Department has already reviewed the proposal?

Mr. Fletcher said when we say staff it is Fire Department, Public Utilities, Public Works... We are all one big team.

Vice Mayor Dent said just to clarify, since this is a new business not public hearing, is this final when Planning Commission approves this or...?

Mr. Fletcher said no, it goes to City Council.

Chair Finnegan said because of the variance. If it was just a regular plat, it would not. Although this is not a public hearing, I would like to give the opportunity for those who have been waiting patiently an opportunity to speak. When you come to the podium, please identify yourselves.

Ben Lundy, a resident on Wren Way, came forward regarding the request. He said several of you have seen me several times now. Those of you that have seen me know we have kind of had a history with this sort of situation where the initial proposal included a lot more housing and that was redone and then in June, I think it was said, was when that came before the Commission and we kind of looked at that as a good compromise situation that we worked out. The change between June and now is the addition of that additional two unit duplex. It is coming off of Vine so it does not directly impact us on Wren Way, but what I think it does do is give us some pause because I kind of feel like okay we are in a good place here and now we see another duplex come up and maybe that one does not affect us directly right now, but how do we know that a few months from now there is not going to be another reconfiguration and then there is another duplex coming off of Wren Way. We thought we had gotten to a good place. We are just concerned about that. It is hard for all of us because, and only a few of us are here now as some of you know we were in much greater numbers initially at the first meeting, but we do talk as a group as a neighborhood and I think everybody is just in a situation where we kind of want this to be done. We do not want to keep having to come to these meetings and wonder what could possibly change next. I do not know all of the legal, what is allowed and that sort of thing. In terms of just good faith and the situation I thought we had arrived at in June, it just concerns us to see another unit added because I think it is reasonable for us to kind of then have that nervousness of like okay what are we going to see next in a few months. So, I just wanted to express our concern about that. We are ready to

have this addition to our neighborhood, we know that is coming, but we want to feel pretty solid about what is coming and not how is it going to change next.

Akarr Koyee, applicant's representative, came forward regarding the request. He said I know we talk about this issue a lot. I see some new faces here tonight. Just to address the concerns that were just stated, you guys are all aware of the issues that we had with the initial application and reducing the amount of density in the area, we did that. One of the proffers that was really made clear was that there would be no townhouse units because of concern of the neighbors is well, what is going to happen if you guys just tear down all the units and put up townhouses. Economically, it is not viable. It is certainly not what we are planning on doing long term. If you look at the slide of the lot there, there is no more room for any additional units. So, correct me if I am wrong, but unless we tore down the house and built more units, that is just not feasible and so from an applicant perspective and what our take is we are not interested in doing that. We felt that there was a slight misallocation of space here with just one duplex being on this kind of large lot. With the cost of curb and gutter and all of that it just made sense to squeeze one more unit in there and we feel like that was respectful of not building 20 units.

Gill Colman, from Colman Engineering and applicant's representative, came forward regarding the request. He said thank you for listening to us here. The main reason why we added this was cost of development, this helps, but also with the consideration that this is going in the direction of Vine Street. We had that discussion with Public Works on if that is doable because they also had concerns of us putting traffic on Vine Street and they were okay with the additional duplex here. That is something that we did not just happen to throw it here and see what happens. We had did have the conversation with staff, staff was supportive of that. We did not want to add more units that would put traffic onto Wren Way. We know that Wren Way has a lot of concerns from the neighbors, so we did not want to go in that direction and this was possible here and it was discussed with Public Works and Public Works was supportive of having the additional unit there. To answer the question in terms of anymore changes of that, this is a preliminary plat this is the direction we are going and if City Council approves that, the only changes we can do sometimes is minor changes to maybe this line is going to move this way or that way, but the number of units is kind of locked. Especially with a right of way dedication and all of that, this is the development at this point this is more of a commitment compared to the rezoning. This is a commitment of this is what we are doing.

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

Vice Chair Byrd said we have seen this a lot and a lot of the concerns were with Wren Way and that has not changed, so I have no issues with that. It was surprising to see more units onto Vine, but I feel it is good to just lock in these parcel lines so that is settled and then future owners of these parcels do not have to figure out why did someone do it this way as they are trying to drive onto Vine. That sounds cruel but that is the just the nature of the beast. I would be in favor of approval.

Commissioner Armstrong made a motion to approve.

Vice Chair Byrd seconded the motion.

Chair Finnegan said I did want to just put a footnote, I did recuse myself from the last time this came up in June. I just wanted to say the reason I am not recusing myself on this is because there was a potential conflict of interest that turned out to not be a conflict and I would rather be safe than sorry.

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

The motion to recommend approval of the preliminary plat request with variance passed (7-0). The recommendation will move forward to City Council on October 10, 2023.