



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

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December 1, 2014

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

**SUBJECT:** Public hearing to consider a request from Cosner Construction Inc., H G M & S, LLC, W. Michael Heatwole III, Matthew Geary, J. Kenneth Kline, and Roy L. & Wanda L. Hartman to rezone 15 parcels totaling 4.44 acres by amending proffers on R-3C, Multiple Dwelling Residential District Conditional zoned property. The properties are addressed as 1725, 1727, 1731, 1733, 1737, 1739, 1743, 1745, 1749, 1751, 1755, 1757, 1761, and 1767 Pear Street as well as 151, 160, 161, 162, 164, 171 and 173 Howard Lane. The properties are identified as tax map parcels 9-T-1 through 15.

## **EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 12, 2014**

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

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

- Site: Single-family dwelling, duplexes, and apartment buildings, zoned R-3C
- North: Across the Norfolk Southern Railroad and South High Street, dwelling units, zoned R-2, and commercial uses, zoned B-2
- East: Eck Enterprises, zoned M-1 and single-family dwellings fronting along Sharon Street and Amherst Court, zoned R-2
- South: Single-family dwellings fronting Amherst Court, zoned R-2 and apartment units fronting Colonial Drive, zoned R-3
- West: Apartment units, zoned R-3 and industrial use, zoned M-1

The applicant is requesting to rezone 15 parcels by amending the proffers on R-3C, Multiple Dwelling Residential District Conditionally zoned property. The properties are situated within the Freeman Station Subdivision which is located along the cul-de-sac of Pear Street and Howard Lane, a private street. The subdivision consists of a mix of apartment units, duplexes, and a single-family dwelling.

Freeman Station, which was originally known as Cosner Development, was rezoned from R-2, Residential District and R-3, Multiple Dwelling Residential District in July 2008 by rezoning all property to R-3C. The proffers associated with the rezoning included:

1. The concept plan prepared by Hamrick Engineering, P.C. dated June 10, 2008 is proffered except for the location of street trees which may vary due to necessary sight distance easements.
2. Occupancy will be limited to two unrelated people or a single-family.
3. Each duplex unit will have three parking spaces. One in the garage and two in the driveway.

Along with the above, the proffered concept plan included eight general notes and because the concept plan was proffered, the general notes are also conditions of the development. They are as follows:

1. Stormwater management will be provided meeting all applicable City and State requirements.
2. Each duplex unit will have a single stall garage and two parking spaces in the driveway.
3. The privacy fence at the rear of lots 1 through 3 along the railroad and adjacent to the basketball court shall be constructed of wood or vinyl.
4. Utility easements will be granted to all public utilities as necessary.
5. The typical street section shall comply with City standards. The horizontal geometry shall be as shown.
6. The tot lot amenities shall be 2-springer animals, 1-junior swing, and 1-sand box.
7. The existing single-family dwelling may in the future be demolished and replaced with a duplex building.
8. Right-of-way and temporary construction easement will be dedicated in the future as shown if the existing railroad crossing is abandoned.

Concurrent with the planning, rezoning, and preliminary platting of Cosner Development, the City was beginning the first phase of the Erickson Avenue/Stone Spring Road improvements. This phase included rerouting traffic from the intersection of Pear Street and Erickson Avenue so that the railroad trestle could be removed and the new roadway completed. Traffic was routed along Pear Street past Cosner Development and the proposed Pear Street extension. During the planning and rezoning stage, the developer worked closely with the City regarding traffic concerns entering and exiting the property. The developer was able to begin site grading and install infrastructure for the proposed development while the City completed phase one of the Erickson Avenue/Stone Spring Road project. Upon removal of the trestle and completion of the road improvements, the developer final platted the subdivision and renamed it Freeman Station.

Construction of the apartment units and several duplexes began in early spring of 2014. It was during this time that several concerns and questions arose regarding proffers and the concept plan general notes. One of those issues was the proffer stating that each duplex unit would have three parking spaces, one in the garage and two in the driveway, was not provided for on the duplex dwelling that was planned to front along Howard Lane. Another issue revolved around converting the existing single-family dwelling into to a duplex, where the concept plan specified the dwelling could only be demolished and a duplex constructed in its place.

After several conversations with the developer and applicants, it was decided that an amendment to the proffers would be the best course of action to take in order to complete the subdivision as planned. The applicants have amended the proffers with the following:

1. The concept prepared by Hamrick Engineering, P.C. dated October 7, 2014 is proffered except for the location of street trees which may vary due to necessary sight distance easements.
2. Occupancy will be limited to two unrelated people or a single-family.
3. Tax map parcel numbers 9-T-4 through 9-T-15 will have three off-street parking spaces.

The sight distance easement has been recorded and several of the street trees have been removed from the plan of development, or relocated, to accommodate the easement. Proffer three regarding off-street parking and garages for all duplexes was amended removing the requirement of a garage and

specifying that only three off-street parking spaces for the duplex units along Pear Street would be provided; which clarifies that this detail was never intended for the duplex off of Howard Lane.

The concept plan general notes were amended to allow the single-family dwelling to either be converted to a duplex or demolished to allow construction of a new duplex. In addition, the amended third proffer also clarifies that if the single-family home becomes a duplex, whether converted or reconstructed, it would have to meet the same three off-street parking space requirements. The specific amenities of the tot lot were removed too, indicating that just a tot lot area would be provided.

The requested changes are in keeping with the intentions of original rezoning and the Freeman Station Subdivision, and staff appreciates the cooperation of all the applicants involved. Staff recommends approval of the rezoning request.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Colman asked if the single-family home is converted to a duplex are they required to have garages.

Mrs. Banks replied no; actually, with this amendment, none of the units are required to have garages. The six duplex units fronting along Pear Street are required to have three off street parking spaces. If the single-family home is converted or demolished and rebuilt as a duplex, it must provide three off street parking spaces per unit as well.

Mr. Colman asked if there was space to put three off street parking spaces on that parcel.

Mrs. Banks said yes.

Chair Fitzgerald asked if there was any recollection of the original reasoning for the single-family home being used as a single-family home or demolished.

Mrs. Banks said she does not recall a reason why the general note was added as such.

Mr. Baugh said I was on Planning Commission at the time of the original rezoning and if I recall correctly, it had something to do with density.

Mr. Fletcher said the idea really came from the applicant, who is here with us tonight and could probably speak more to the idea of the house remaining or being demolished.

Mr. Colman said the house is actually fronting South High Street.

Mr. Fletcher replied yes it does.

Mr. Colman said in terms of an accessory shed of something like that, what could be done?

Mr. Fletcher said we can view it as a through lot and allow a structure in the established rear yard; however, we will worry about that when the owners decide they are ready to put in an accessory structure.

Mrs. Banks said it is addressed off of Pear Street now, so I believe the intent is to reconfigure the house with a Pear Street entrance.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant or the applicant's representative if they would like to speak.

Randy Cosner, Broadway, VA, said he is the developer of the project and still owns several of the lots. I believe staff did a wonderful job in explaining what we are trying to do with the amendments; but, I will be happy to answer any questions you may have for me.

Mr. Da'Mes asked what is the square footage of the duplex units and why the three parking spaces.

Mr. Cosner said the units are right at 1,400 square feet and the parking is to make certain there is adequate parking space for occupants and visitors within the driveway.

Mr. Fletcher said it is also associated with the fact that there is no on street parking within this subdivision.

Mr. Cosner said that is correct.

Mr. Colman said all the parking for the duplex units is within the actual lot, not on the street.

Mrs. Banks replied yes.

Chair Fitzgerald asked if there were sidewalks.

Mrs. Banks said on one side, which was the requirement at the time of platting.

Chair Fitzgerald asked if there was anyone else wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked if there was a motion.

Dr. Dilts made a motion to recommend approval of the rezoning for Freeman Station Proffer Amendment 2014, with the three proffers and the eight general notes on the concept plan.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (5-0).

Chair Fitzgerald said the request passes unanimously and will go to City Council on December 9<sup>th</sup>.

Respectfully Submitted,

Alison Banks  
Senior Planner