



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

August 31, 2023

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

SUBJECT: Consider a request from Karwan K. Saeed to rezone 215 Pear Street

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** August 9, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 27,000-square foot parcel from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The lot has an existing single- 2 family detached dwelling and is addressed as 215 Pear Street. While the applicant is proposing to subdivide the lot and build a single-family dwelling on the newly created parcel, if the property is rezoned, given the R-8 district's dimensional requirements, the site might be able to be further developed by subdividing the parcel into three single family home lots or two duplex parcels (by-right, a maximum total of four units).

Proffers

Since the day the agenda packet and staff reports were published, the applicant offered a new proffer (#2). The applicant has offered the following proffers (written verbatim):

1. There will be one entrance to the site to Pear Street and no other driveway will be allowed from Pear Street to the parcel.
2. The Owner/Applicant shall dedicate to the City, upon a subdivision that creates new lots or prior to issuance of any Certificate of Occupancy for a new dwelling, thirty feet (30') of right-of-way along the frontage of the property as measured from the centerline of the current Pear Street pavement for future right-of-way improvements.

While reviewing the application, staff had concerns about creating another entrance on this side of Pear Street from the existing parcel. We appreciate the applicant's willingness to prohibit no more than one entrance to the site. Note that if a new location is desired to enter the site, the property owner must close the existing entrance.

With proffer number 2, the applicant is proffering to provide right-of-way for future improvement to Pear Street. The future design of Pear Street as a whole is still an unknown and staff was comfortable with the applicant proffering only the right-of-way for future improvements.

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 nonresidential 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.

In this particular case, staff believes the requested R-8 zoning district's allowable dwelling types and densities are consistent with the Medium Density Mixed Residential designation. By-right, the R-8 district would allow 15 units per acre for single family detached dwellings and 24 units per acre for duplex units. While staff believes that the proposed development and rezoning to the R-8 district conforms with the Comprehensive Plan, it should be known that staff also believes an ideal situation would be for the subject property to become, or be part of, a larger development.

Know also that the R-8 district's occupancy regulations are the same as the R-1 district's occupancy regulations. When the R-8 district was drafted, the proposed occupancy regulations were intentionally designed to mimic the R-1 and R-2 districts because the R-8 district was intended to promote family occupancy with higher unit density abilities. The occupancy regulations allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals and nonowner-occupied dwellings can be occupied by a family plus one individual or a maximum of two individuals.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning is attached. The TIA determination form indicated that the project will not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA.

Staff had concerns about adding a second entrance to the site and suggested for the applicant to consider proffering a single entrance from Pear Street to the site. The applicant was already

planning to use the single entrance for the proposed development and provided the submitted proffer that limits the parcel to one entrance.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability 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 applicant's proposed one single family residential unit is estimated to be one student. 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

Staff recommends approval of the rezoning.

Chair Finnegan asked if there any questions for staff.

Vice Chair Byrd said staff said that they would prefer it to be connected to a larger development. Is that due to...because when I look at the map I see two mark off sections behind existing properties.

Ms. Rupkey said [referring to the map] these two right here?

Vice Chair Byrd said yes.

Chair Finnegan said right along the City-County line.

Vice Chair Byrd said is that thought because that area exists?

Ms. Rupkey said with the amount of lot size that they have, it could be a larger development than just one additional single-family house, but that is what they are wanting to do.

Vice Chair Byrd said is that area behind there owned by other people?

Ms. Rupkey said yes, it is.

Chair Finnegan said how would those properties be accessed? Just to follow up on Vice Chair's comment. Like if those are owned by other people maybe that is a problem that is not created by this rezoning, but it is a question of what is the access for that.

Ms. Rupkey said West Mosby Road is a frontage on this property right behind it and then [referencing to the map] for this property right here there is an access point right here that I believe has an access easement to get to this. I am not 100% sure on who has the access to that property, but privately they can work out access easements.

Mr. Fletcher said to not sound too critical, but it is for the private property owner to figure out how they have access. There could be private access easements along there. It may even be part of the property owned by the church because what you are seeing there that blue line delineates where the City-County boundary is and what we are not showing are County parcel boundaries and just because it might look like a small parcel in the City it could be a much larger piece of property that crosses the jurisdictional boundary. To answer your question about what does staff really mean when we are talking about we hope that it is part of a bigger plan of development, when you have parcels like this, especially in an area that was definitely a part of the County back in 1983, when you start to just break up each individual parcel, it makes it difficult for connectivity, for access onto a public street,.. rather than having multiple entrances for every single parcel you want just one controlled access. Sometimes you will hear us talk about instead of fronting on, let's say collector streets, which I believe Pear Street is, to have a public street intersection off of Pear Street and then those parcels are then fronting on interior neighborhoods streets. So, their rear yards end up being adjacent to Pear Street. In a perfect world scenario if we had all this undeveloped land and the City owned all the property, you would be laying out street networks, all this kind of stuff, but you just do not get the perfect world scenario. As much as we want to continue to create opportunities to increase density, it would be lovely if someone were able to come in there and acquire multiple parcels. You could do a much larger grander plan of development and that is what we are getting at. To add a little bit more context, when you think of spaces like Foley Road and Ridgeville Lane where each individual parcel that was created out in the County is densifying on its own and we try to have interconnectivity and we cannot always get those private property owners to work together.

Chair Finnegan said maybe this is a discussion for...I do not know where this discussion belongs. Something we did talk about on the site tour yesterday was if it was possible...I will just say it would be nice to have easements to address exactly what you are talking about so that these things could interconnect. I am thinking of Smith Avenue where you have a lot of pipe stem access so you have a lot of properties behind properties but there is no street for that second row and there are shared driveways and oddly shaped lots that the driveway goes up.

Vice Mayor Dent said not to mention a street that does not meet...

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

Wshiar Saeed, applicant's representative, came forward to speak to this request. He said we are trying to build a single-family home on that lot. We are trying to share the same driveway. We will

not make any other driveway; we will not create any traffic. It will be like everything is normal and there is so much space. Behind us there is the church, there are no houses behind us. We will not build anything like that, just a single family how with one entrance, that is it. If we get approved, we will try to start in January. Thank you.

Vice Mayor Dent said if you could just bring up the slide, the ariel view maybe. Since there really was not a conceptual, I am trying to get a sense of where you would put the house. I see there are two additional buildings, would you take those down and put it in the back?

Mr. Saeed said we would remove this; it is a garage. We are going to remove this unit too [pointing on the screen to a second structure] and build a house between these two units [referring to the structures to be removed].

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he closed the public hearing and opened the request for discussion.

Vice Chair Byrd said even though we may be seeing another rezoning for a property across the street, we have rezoned things before the large projects. So, I will not put much weight onto any concerns if that. With the two proffers presented, I see the current concerns about the future development of Pear Street to be taken care of. We will deal with any other future concerns about other areas in the future I assume. I would be in favor of this rezoning request with the proffers.

Chair Finnegan said we did not foresee R-8 as being this popular when this use was created in 2019. We have seen a lot of R-8 lately which is good note for when we revise the Zoning Ordinance.

Commissioner Armstrong made a motion to approve.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on September 12, 2023.