



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: November 9, 2022 (Regular Meeting)
Re: Rezoning and Special Use Permit - 935 and 937 Vine Street (R-1 to R-8C) (To allow townhomes of not more than eight units)

Summary:

Public hearings to consider two requests from Farhad Koyee:

1. To rezone a property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional.
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 +/- 1.77-acre property is addressed as 935 and 937 Vine Street and is identified as tax map parcel 28-O-16.

Background:

The Comprehensive Plan designates this site as Low Density Residential. 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 following land uses are located on and adjacent to the property:

Site: A single family detached dwelling and a single-family detached structure, zoned R-1

North: Townhomes, zoned R-4

East: Single-family detached homes, zoned R-1

South: Single-family detached homes, zoned R-1

West: Across Vine Street Multiple-family dwellings, zoned R-4

Key Issues:

The applicant is requesting to rezone a +/- 1.77-acre parcel from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional and is applying for a special use permit (SUP) per Section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. If the requests are approved the applicant plans to demolish the building

addressed as 935 Vine Street (the building located closest to Wren Way), to keep the single-family detached dwelling addressed as 937 Vine Street, to construct 10 duplex units (5 structures) and eight townhomes, and to permanently terminate Wren Way.

As required per Section 10-2-41 (e) of the Subdivision Ordinance “[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 give consent to dedicating a cul-de-sac (or other approved street termination) and permanently terminating Wren Way. If Planning Commission consents to creating a permanent termination, the applicant can continue later with applications for preliminarily platting the property with the permanent termination of Wren Way. If the rezoning request and SUP to allow for the proposed project is approved, then staff recommends approval of the request for permanent termination of Wren Way. (Note that the proposed permanent cul-de-sac only requires Planning Commission approval.) Staff requests for Planning Commission to consider this component of the project now and to act on this request during the current application reviews.

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

1. Vehicular access to this development will be served by an entrance from Wren Way. There shall be no vehicular entrances connecting the subject site to Vine Street.
2. 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.
3. At the time of development, the property owner shall construct a sidewalk connection between Wren Way and the property line closest to Vine Street.

Note that the submitted Concept Plan is not proffered.

With regard to proffer #1, during pre-application meetings with the applicant, there was much discussion between the applicant and City staff on how best this property should connect to the public street network. Three general scenarios were explored: (1) extend Wren Way to connect to Vine Street (which included a few intersection options such as full access, right-in right-out, right-in only, or right-out only), (2) have vehicular access only to Vine Street, or (3) have vehicular access only to Wren Way. Ultimately, City staff believed that vehicular access only to Wren Way was best due to factors including, but not limited to: there being an unusually shaped parcel between the subject property and Vine Street that is not owned by the applicant; at times, southwest bound traffic on Vine Street backs up from the intersection with Country Club Road to the frontage of the subject property; and connecting these proposed homes to Wren Way, which would create a more inclusive component of this residential development by making it part of an existing neighborhood rather than separating it from that neighborhood.

With proffer #2, the property owner will be responsible for constructing an acceptable turnaround, which may be a cul-de-sac or tee/hammerhead turnaround. The conceptual layout shows a cul-de-sac that is not located wholly on the applicant’s property. The applicant is aware that they will be responsible for coordinating with and obtaining permissions from neighboring properties for easements or to purchase property to allow for the future turnaround. Alternatively, the applicant can choose to

design the turnaround wholly on their property. These details will be worked out during the engineering design phase of the project.

With proffer #3, the property owner will be responsible for constructing a sidewalk connection between Wren Way and the property line closest to Vine Street. The property owner could not proffer constructing the sidewalk to the Vine Street public street right-of-way because there is a parcel owned by someone else between the subject property and Vine Street. In early conversations with the applicant, staff requested that the applicant consider proffering to construct a 10-foot-wide shared use path and to dedicate a public shared use path easement giving the City maintenance responsibility of the shared use path. When the applicant proposed a sidewalk connection, staff requested that the applicant consider proffering that the sidewalk be at least 5 feet in width. However, the applicant is concerned that there will not be enough room on the site for a 5-foot-wide sidewalk and that because they do not believe there will be a lot of foot traffic through the site, thus they only want to construct a 3-foot-wide sidewalk.

If the applications requested herein are approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage. During the preliminary plat process, the developer could also request other variances of the Subdivision Ordinance or Design and Construction Standards Manual (DCSM) that might be needed to build the project. It is possible the developer could request deviating from cul-de-sac or other street termination designs. These matters should be considered when making a recommendation for this project as approving the rezoning and SUP could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

As previously stated, the Comprehensive Plan designates this site as Low Density Residential. “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.” Adjacent properties are designated Low Density Residential and Medium Density Residential. The Medium Density Residential areas “have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.” The proposed density of this subject development is 10 dwelling units per acre. To the north of this property, across Vine Street, and within the Reherd Acres neighborhood on and around Meadowlark Drive there are existing townhomes that are adjacent to existing single-family detached dwellings.

A distinction to note is that while the referenced existing townhomes are zoned R-4, Planned Unit Residential District, which allows by right occupancy of a family or not more than four persons, 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:

- (1) Owner-occupied single-family dwellings, which may include rental of space for occupancy by not more than two (2) persons, providing such rental space does not include new kitchen facilities, and
- (2) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one (1) person, providing such rental space does not include new kitchen facilities.

Said differently, owner-occupied dwellings can 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.

While reviewing this project, the City's Comprehensive Housing Assessment and Market Study (Housing Study) should also be considered. The Housing Study places the subject site within Market Type A, which is characterized by "high population growth" and that "houses in these markets are quick to sell." The Housing Study also notes that "[w]ithin this market type reside 32% of the City's population and the lowest concentration of college-aged persons." Moreover, "Market Type A tends to be more built out" and "priorities and policies that are appropriate for Market Type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing." Staff believes that the proposal follows two components of the Housing Study by proposing to increase density for this parcel and by attempting to create an infill development.

While the proposed development of duplexes and townhomes is not providing single-family detached dwellings that are recommended by the Comprehensive Plan's Low Density Residential designation, staff does not believe that the proposed project is inconsistent with existing development in this area nor what is believed to be appropriate per substantiation by the Housing Study. While the subject property is designated Low Density Residential adjacent properties to the north and across Vine Street are designated Medium Density Residential, which plans for around 15 units per acre. Also, the adjacent property to the north consists of existing townhome units and there are additional townhome units as well as existing multi-family dwelling units across Vine Street.

Staff believes there are benefits to rezoning this site to R-8 and, with appropriate conditions, can support the SUP to allow townhomes in the R-8 district and believes the proposed townhome use 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.

Staff recommends approving the rezoning request and to only approve the SUP with the following conditions:

1. There shall be no more than eight townhome units.
2. The eight townhome units shall be located in the general area as shown on the submitted exhibit.
3. The sidewalk that was proffered by the applicant to connect to Wren Way and the property line closest to Vine Street shall be a minimum 5-foot-wide sidewalk.

As with all special use permits, Section 10-3-130 (c) states that "[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date

of such permit.” Therefore, unless the applicant requests for a SUP condition to allow for a longer period of time for the SUP to remain valid, then the applicant must continue to demonstrate diligent pursuit of the project starting within 12 months of City Council approval. Diligent pursuit can be demonstrated with submittals, including but not limited to: a preliminary plat, a preliminary Fire Review, a preliminary engineering report (PER), an engineered comprehensive site plan, or a building permit.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning and special use permit as submitted, and approve the request for permanent termination of Wren Way;
- (b) Recommend approval of the rezoning and special use permit with suggested conditions, and approve the request for permanent termination of Wren Way;
- (c) Recommend approval of the rezoning and special use permit with other conditions, and approve the request for permanent termination of Wren Way;
- (d) Recommend approval of the rezoning, recommend denial of the special use permit, and deny of the request for permanent termination of Wren Way;
- (e) Recommend approval of the rezoning and approval of the special use permit, and deny the request for permanent termination of Wren Way;
- (f) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit with or without conditions, and approve request for permanent termination of Wren Way;
- (g) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit with or without conditions, and deny of the request for permanent termination of Wren Way; or
- (h) Recommend denial of all three requests.

Community Engagement:

As required, the requests were published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisements were published as shown below:

Rezoning – 935 and 937 Vine Street (R-1 to R-8C)

Public hearing to consider a request from Farhad Koyee to rezone a +/- 1.77-acre property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The Zoning Ordinance states that the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The residential density ranges from 1 to 4 units per acre, with a minimum lot size of 10,000 sq. ft. 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 Low Density Residential. 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 property is addressed as 935 and 937 Vine Street and is identified as tax map parcel 28-O-16.

Special Use Permit – 935 and 937 Vine Street (To allow townhomes of not more than eight units)

Public hearing to consider a request from Farhad Koyee 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 +/- 1.77-acre property is addressed as 935 and 937 Vine Street and is identified as tax map parcel 28-O-16.

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

Recommendation:

Staff recommends alternative (b) approval of the rezoning and the special use permit with the suggested conditions and to approve the permanent termination of Wren Way.

Attachments:

1. Site map
2. Application and supporting documents
3. Public comments received as 12noon on November 4, 2022

Review:

N/A