



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

August 11, 2023

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

SUBJECT: *Consider a request from Harrisonburg Ford Property LLC to preliminarily subdivide 55 Baxter Drive to create a new public street and for variances from the Subdivision Ordinance*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** July 20, 2023

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the South Main Street “Pipeline” study, which can be found at <https://vapipeline.org/studies/staunton/st01-11-south-main-street.asp>, recommended parallel routes to South Main Street for trips that are more local in nature. During the development of the Tractor Supply, City staff and the Tractor Supply developers discussed the need for a street within this area. While the Tractor Supply developers and Harrisonburg Ford Property LC (the previous property owners of the Tractor Supply property) were under no obligation to construct a street or to dedicate it for public use, the developers of Tractor Supply agreed to construct a new street connection, which is essentially an extension of Peoples Drive between West Kaylor Park Drive and Baxter Drive, and to dedicate it to the City. Once the street connection was constructed, an access easement was created in 2022 over the private lane. After a couple of allowable subdivisions and property ownership exchanges, the street is presently located on the remnant parcel owned by Harrisonburg Ford LC identified as tax map parcel 104-E-2.

The applicant, Harrisonburg Ford Property LC, is requesting to preliminarily subdivide a parcel totaling +/- 7.2-acres and identified as 55 Baxter Drive and tax map 104-E-2 by preliminarily dedicating a public street extension of Peoples Drive to the City. Peoples Drive already exists from Covenant Drive to West Kaylor Park Drive. The proposed dedication would extend the public street from West Kaylor Park Drive to Baxter Drive. The request includes variance requests from the Subdivision Ordinance and from the Design and Construction Standards Manual (DCSM). Specifically, the variances are to not construct sidewalks on both sides of all new public streets, to allow for a reduction in required street width, to allow for a reduction in public street right-of-way width, and to deviate from street horizontal curve standards.

Land Use

The Comprehensive Plan designates this area as commercial and is described as:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

Transportation, Traffic, and Variance Requests

The applicant requests the following variances to the Subdivision Ordinance:

- Section 10-2-41(a) - Proposed 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.
- Section 10-2-61 (a) - The 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.

Regarding the Subdivision Ordinance sections 10-2-41 (a) and 10-2-61 (a), the applicant seeks the following variances to the DCSM:

- 1) Right of Way – DCSM Section 3.1.4 requires right-of-way widths as shown in Appendix F (Typical Street Cross Sections), which states that for a local street a right-of-way width of 50 feet is required. The applicant is requesting to deviate from the requirement by providing 44 feet of right-of-way width.
- 2) Street Width – DCSM Section 3.6.4.1 requires street widths as shown in Appendix F (Typical Street Cross Sections), which states that for a local street a street width of 34 feet measured from face of curb to face of curb is required. The applicant is requesting to deviate from this requirement by providing 26 feet measured from face of curb to face of curb.
- 3) Sidewalk – DCSM Section 3.3.3.1 requires sidewalks on both sides of all new public streets. The applicant is requesting to deviate from this requirement by only providing a seven-foot grass shoulder on both sides of the new public street.
- 4) Street Horizontal Curves:
 - a) DCSM Section 3.6.2.1 requires horizontal curves to have a minimum 100-foot tangent segment between non-superelevated curves. The applicant is requesting to deviate from this requirement by providing no tangent segment between non-superelevated horizontal curves.
 - b) DCSM Section 3.6.3 requires the maximum horizontal curve to be 23-degrees for a local street. The applicant is requesting to deviate from this requirement by providing a 37.5-degree horizontal curve.

City staff supports the variance requests for the following reasons:

- Regarding Right-of-Way, Street Width, and Street Horizontal Curves – As provided, each of the three design elements meet the Virginia Department of Transportation (VDOT) minimum standards and thus will allow the City to include this street into our public street inventory.
- Regarding Sidewalk – The proposed public street dedication will provide sufficient right-of-way and physical space for a future sidewalk to be constructed.

Staff hopes that the City is able to have most of the missing sidewalk constructed by future developers when the adjacent properties develop, leaving only small gaps for the City to complete.

Recommendation

There are two minor items that the preliminary subdivision plat is not reflecting correctly. These items include 1) not demonstrating that the waterline easement will be vacated within the proposed public street right-of-way and 2) the listed owner of tax map 104-E-1 is not correct. These items have been corrected before the meeting and have been provided to you all tonight.

Aside from the variances requested herein, the plat meets all other requirements of the Subdivision Ordinance. Staff can support the variance requests and then recommend approval of the preliminary plat.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan then said I did have one question which is, typically when we look at requests it is about something that has not been built yet. This street already exists it is just private, and it is being turned over to the City to become a public street?

Ms. Rupkey said yes.

Ms. Dang said if I may add, during the planning and design of the Tractor Supply store it was in the discussions between staff and the applicant. The intention was to have it become a public street.

Chair Finnegan said because there is curb and gutter and things that you would not see if it was just a service access road to the back of a store.

Ms. Dang said private streets can have curb and gutter. I do not know if that matters.

Chair Finnegan asked if there were any more questions for staff.

Vice Chair Byrd said I just wanted to make sure I am understanding. The variance is because the road currently exists and then there are easements for the future.

Ms. Rupkey said no. The variance is to our Design and Construction Standards for it to be accepted into the City inventory of streets. It does not meet all of the standards that are required by the City to meet, but they are requesting a variance to those standards for it to become a part of our inventory.

Ms. Dang said maybe Mr. Fletcher can correct me if I am wrong, but these were details that were discussed between staff and the engineering division and Public Works Department during the site design about what staff felt could be acceptable variances or deviations from the Design and Construction Standards. What the City generally requires of public streets, there was discussion during design that these were acceptable deviations.

Commissioner Baugh said it is the kink, right? It is the fact that it is not just a straight shot all the way across.

Mr. Fletcher said (referring to the map) see the “S” curve, essentially there needs to typically be a 100-foot tangent section before you change the curve. You make a curve and with 100-feet of distance, you make another curve, but it does not meet. There is in fact zero tangent point, it just goes directly into the new curve. They are requesting a variance from that section. They are requesting deviations to not build the sidewalk. This is a very unusual situation because typically we are accepting the right-of-way dedication and so forth or preliminarily dedicating that before the street is even built. They were not required to build the street. We wanted a street to extend through this block and this was the design that they were willing to construct. We as staff worked with them to say “okay, we will go out there, we will do the inspections and make sure everything is built to what we think is acceptable.” This is what they were able to accommodate. We did not want to lose the opportunity to have a public street built without taking into consideration those design deviations that we have found to be acceptable.

Chair Finnegan said there was a seven-foot grass strip, could that potentially be turned into a sidewalk in the future?

Mr. Fletcher said that is why that is there.

Commissioner Baugh said it does not come up that often, but you do get some of this placement. Is it going to be a public street or a private street because on the public street side of it, they sort of like the straight roads. You just figure out how wide it has to be and how much space you need and shoot it off straight. Sometimes it will be interesting of people going back and forth because the thing is bending it like this, it is a traffic calming aspect. Which I am thinking is probably not bad in that space. That is part of it. We have seen neighborhoods that are sort of transitioning from a private street and then you go into public streets. Well, if you do not like that, then you sort of complain about the curves except for when you are worried about people speeding by you like the curves.

Mr. Fletcher said and a super elevated curve for those who are not engineers, think of it like a NASCAR track, super elevated. When you are going into a turn there is an elevation difference between the bottom of the curve and the top of the street. These are not super elevated, they are flat.

Chair Finnegan said that is an interesting point about the traffic calming too. I really like the way that Paul Street is laid out because it is a really steep hill going down Paul Street and there are those bump outs, and it really does help slow traffic down. So that is an interesting point, even if that was not the intent.

Vice Chair Byrd said considering that, I would like to make a motion to approve the preliminary plat and variance as requested.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat and variance request passed (5-0). The recommendation will move forward to City Council on August 22, 2023.