



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

To: Ande Banks, Interim City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: September 13, 2022 (Regular Meeting)
Re: Preliminary Plat with Subdivision Ordinance Variances – 611 Pear Street (Cobbler’s Valley)

Summary:

Consider a request from Greenwood Homes LLC to preliminarily subdivide a +/- 3.14-acre parcel into 33 townhome parcels and one common area parcel. The applicant is requesting Subdivision Ordinance variances to allow parcels to not have public street frontage and to deviate from public general utility easement requirements. The property is zoned R-8C, Small Lot Residential District Conditional, is addressed as 611 Pear Street, and identified as tax map parcel 8-E-2.

Staff and Planning Commission (7-0) recommended approval of the preliminary plat with Subdivision Ordinance variances.

Background:

In 2020, Planning Commission (PC) and City Council (CC) reviewed a preliminary plat request from Cobber’s Valley Development, Inc. to preliminarily subdivide a +/- 5.66-acre parcel to create two parcels of +/- 3.13 acres and +/- 2.24 acres and to dedicate a new public street to serve as the entrance to a planned residential development. The preliminary plat was approved by CC on October 13, 2020, and the final plat was recorded on May 25, 2021. Later in 2021, PC and CC reviewed requests to rezone the +/- 3.14-acre parcel to R-8C, Small Lot Residential District Conditional and for a special use permit to allow townhomes of not more than eight units. The requests were approved by CC on September 28, 2021. The subject request is to preliminarily subdivide the same +/- 3.14-acre parcel into 33 townhome parcels and one common area parcel.

The Comprehensive Plan designates this site as Medium Density Mixed Residential. 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 non-residential 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.

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

Site: Vacant land; zoned R-8

North: Across Pear Street, detached single-family dwellings and vacant land; zoned R-1

East: Vacant land; zoned R-1

South: Land currently being developed for residential uses within Rockingham County; zoned County R-5

West: Detached single-family dwellings; zoned R-3C

Key Issues:

The applicant is requesting approval of a preliminary plat with variances to create 33-townhome parcels and one common area parcel.

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows how proposed water and sanitary sewer lines will serve each new lot. An existing public water main and an existing public sanitary sewer main are located within Pear Street. On Sheet 2 of the preliminary plat is an easement plan that illustrates that a new public water main is proposed within Cobbler's Court and a new public sanitary sewer main is proposed adjacent to Lot #226. The easement plan also illustrates the location of proposed easements for public water, public sanitary sewer, and public general utilities. The location of the proposed stormwater management facility is illustrated on Sheet 1.

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) and describes in their application that "The requirement of lots to front public streets would comprise the previously approved density due to the necessary requirements associated with public street design. Furthermore, the proposed private street section is consistent with that of the adjacent Rockingham County development providing for a comparable, interconnected layout." Staff does not have concerns with this variance request. This deviation from the Subdivision Ordinance has been approved multiple times throughout the City for many, existing townhome communities.

The second variance request is to Section 10-2-43 of the Subdivision Ordinance which requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. Note that the applicant's June 27, 2022 letter states that they are requesting a variance to not provide any public general utility easements; however, during review, staff commented that public general utility easements would be required, but a variance can be requested to modify their locations. The applicant has shown that a 10-foot-wide public general utility easement will be provided on both

sides of the private street (Craftsman Drive) to serve the townhomes. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others deemed a utility by the City.

The public general utility easements provided would not preclude utility companies from negotiating alternative easements with the property owner(s). More or less, the requirements as specified in Section 10-2-43 to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. Staff does not have concern with the proposed development deviating from this section of the Subdivision Ordinance as it appears all issues typically associated with this requirement are being addressed.

The Zoning Ordinance requires one parking space per dwelling in the R-8 district. At this time, the applicant plans for each townhouse to have one car garages with side-by-side driveway parking.

With regard to meeting Zoning Ordinance’s dimensional requirements, on day that this report was to be published, staff questioned whether Lot 226 meets the minimum lot width requirement of 18-feet wide measured at the required 10-foot front yard setback line. Staff also questioned the property line identified as “C5” on the preliminary plat. The applicant’s engineer was able to describe how they will be able to address these matters, however, they were not able to submit a revised preliminary plat prior to publication of the staff report. The revised preliminary plat is forthcoming and will be provided to Planning Commissioners (PC) and posted on the City website prior to the August 10 PC meeting.

Aside from the variances requested to allow the 33-townhome lots to not have public street frontage and to deviate from public general utility easement requirements, and the forthcoming revisions described above, the development meets all other requirements of the Subdivision and Zoning Ordinances. As townhomes are allowed by an approved special use permit in the R-8 district and the preliminary plat meets the proffer of the 2021 rezoning of no more than 40-units, staff recommends approval of the preliminary plat and variance as requested.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the preliminary plat and variances as requested;
- (b) Approve the preliminary plat and variances with conditions; or
- (c) Deny the request.

Community Engagement:

As required by the Subdivision Ordinance, a sign was posted giving public notice to the request for a variance to deviate from the standards of the Subdivision Ordinance.

Recommendation:

Staff recommends alternative (a) approval of the preliminary plat and variances as requested.

Attachments:

1. Planning Commission Extract
2. Site map
3. Application and supporting documents
4. Preliminary plat
5. 2021 Proffer Statement

Review:

Planning Commission (7-0) recommended approval of the preliminary plat with Subdivision Ordinance variances.