



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: July 11, 2023 (Regular Meeting)  
Re: Rezoning and Special Use Permit – 130 West Mosby Road (R-2 to R-8C) and SUP to Allow Townhomes of Not More than Eight Units

## **Summary:**

Project name	N/A
Address/Location	130 West Mosby Road
Tax Map Parcels	7-C-4
Total Land Area	+/- 18,999 sq. ft.
Property Owner	Riadh S. Mamund
Owner's Representative	Riadh S. Mamund
Present Zoning	R-2, Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Special Use Permit Request	Section 10-3-59.4(1) to allow attached townhouses of not more than eight (8) units
Staff Recommendation	Approval
Planning Commission Recommendation	June 14, 2023 (Public Hearing) Approval (6-0)
City Council	July 11, 2023 (First Reading/Public Hearing) Anticipated July 25, 2023 (Second Reading)

## **Background:**

In February 2023, the applicant subdivided a +/- 39,545 square foot parcel. That subdivision created the subject parcel for the requested rezoning now known as tax map parcel 7-C-4 a vacant +/- 18,999 square foot lot addressed as 130 West Mosby Road. The residual square footage remained identified as tax map parcel 7-C-1 and contains +/- 20,546 square feet and includes an existing single family detached dwelling addressed as 140 West Mosby Road.

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

Site: Vacant land, zoned R-2

North: Vacant land, zoned R-2

East: Vacant land, zoned R-2

South: Across West Mosby Road, Multifamily dwellings, zoned R-3

West: Single family detached dwelling and vacant land, zoned R-2

**Key Issues:**

The applicant is requesting to rezone a +/-18,999 square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional and is simultaneously applying for a special use permit (SUP) per Section 10-3-59.4(1) to allow attached townhouses of not more than eight (8) units.

If the application requested herein is 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.

*Proffers*

The applicant has offered the following proffers (written verbatim):

1. A 5-foot width sidewalk shall be constructed along West Mosby Road frontage including a grass strip. Property shall be dedicated up to 13.5-feet from the existing back of curb-line as depicted in the submitted Concept Layout for public right-of-way. This accommodates a future 6-foot width bike lane (constructed by others), 2-foot width grass strip, 5-foot sidewalk and 0.5' maintenance strip.
2. The Site Entrance shall have a maximum width of 30 feet.

Aside from the public street right-of-way dedication and the site entrance width being restricted to 30 feet the submitted concept plan is not proffered.

As noted within proffer #1, the property owner will be required to dedicate up to 13.5 feet of public street right-of-way from the back of the existing curb-line. This dedicated space will be the area in which the developer will construct a five-foot-wide sidewalk and two-foot grass strip. The dedicated ROW area will also allow for the future construction of a six-foot-in-width bicycle lane that would be constructed by the City or a separate private developer.

To assist with access management, staff suggested for the proposed development to share one entrance with the adjacent property to the west (tax map parcel 7-C-1). However, the applicant did not want the existing single-family detached home to have to share an entrance with the townhome development. Staff believes one entrance serving the townhome community and the existing single family home would be better for traffic along West Mosby Road rather than having two entrances. Staff understands the existing undeveloped parcel has the legal ability to have an entrance; the second proffer limiting the townhome development's entrance to 30-feet rather than the maximum width of 50-feet should improve access management and safety.

*Land Use*

The Comprehensive Plan designates the property as Mixed Use and states that:

“The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods.

Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.”

Per the R-8 zoning regulations, the square footage of the parcel would allow up to 10 units per acre. Nonetheless, the shape of the parcel and required off-street parking requirements, among other things, will dictate the number of townhomes that can actually be constructed.

#### *Transportation and Traffic*

As previously mentioned in the proffer section of this report, staff wanted one, shared entrance for the proposed development and the adjacent parcel addressed as 140 West Mosby Road, however the applicant preferred to have separate entrances.

Staff also recommended the applicant provide a private access easement to the property to the north and/or east to allow for interparcel connectivity when the adjacent property develops. However, the applicant was not interested to provide an easement to the property on the northern property line due to their plans to allocate that area for parking spaces.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service 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 proposed five new residential units is estimated to be three students. 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*

Although staff would prefer one shared entrance onto West Mosby Road and has concerns about the lack of connectivity to surrounding properties, staff believes there are benefits to rezoning this site to R-8 as it would provide more housing in the City. Staff recommends approval of both the rezoning and the SUP.

Typically, per Section 10-3-130 (c) SUPs that are not established or diligently pursued within 12 months of City Council approval would expire. However, for this SUP, the Virginia General Assembly extended approvals to address the COVID-19 pandemic directing that any SUP approved after July 1, 2020, will not expire prior to July 1, 2025. Know that applicants can request for a SUP condition to allow for a longer period of time for the SUP to remain valid.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning and SUP request as submitted;
- (b) Approve the rezoning and SUP request with conditions;
- (c) Approve the rezoning request and denial of the SUP request; or
- (d) Deny the rezoning and SUP requests.

**Community Engagement:**

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

***Rezoning – 130 West Mosby Road (R-2 to R-8)***

Public hearing to consider a request from Riadh S. Mamund to rezone a +/- 19,000 square foot property from R-2, Residential District to R-8, Small Lot Residential District. The Zoning Ordinance states the R-2, Residential District is intended for medium-density, single-family and duplex residential development. 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 Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. The downtown Mixed Use area often has no maximum residential

density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The property is addressed as 130 West Mosby Road and is identified as tax map parcel 7-C-4.

***Special Use Permit – 130 West Mosby Road (To Allow Townhomes in R-8)***

Public hearing to consider a request from Riyadh S. Mamund for a special use permit per Section 10-3-59.4(1) to allow attached townhouses of not more than eight (8) units. The +/- 19,000square foot property is addressed as 130 West Mosby Road and is identified as tax map parcel 7-C-4.

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 (a) approval of the rezoning and SUP requests as submitted.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents

**Review:**

Planning Commission recommended approval of the rezoning (6-0) and approval of the special use permit (6-0) as submitted. (There was one vacancy on the Planning Commission.)