



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 20-007

File ID: ID 20-007	Type: PH-Rezoning	Status: Agenda Ready
Version: 1	Agenda Section:	In Control: City Council
Subject:		File Created: 01/01/2020
Title: Consider a request from Diversified Properties LLC to rezone 690 Pear Street		Final Action:

Internal Notes:

Sponsors:

Enactment Date:

Attachments: CC Memorandum RZ (690 Pear Street (R-1 to R-2)), CC Site Maps, CC Application, Letter and Other Supporting Documentation, CC Conceptual Site Development Layout, PC Site maps, PC Memorandum, PC Application, applicant letter, and supporting documents, PC Conceptual site development layout

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	01/08/2020	recommended for approval	City Council	02/11/2020		Pass
	Action Text:	This PH-Rezoning was recommended for approval.to the City Council					
	Notes:	Chair Colman read the request and asked staff to review.					

Ms. Banks said that 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 parcel, zoned R-1
- North: City parcel (stormwater best management practice), zoned R-1, and C&W Railroad right-of-way
- East: Across Pear Street, vacant land, zoned R-1
- South: Across Russel Drive, detached single-family dwellings, zoned R-3C, and vacant land, zoned R-1
- West: Across Bartlett Court, detached single-family dwellings, zoned R-3C

The subject parcel was created after the City purchased property in this area for the relocation of Pear Street and extension of Erickson Avenue. This included a stormwater best management practice (BMP) area and staging location for the construction of Erickson Avenue and the Pear Street realignment. A residual portion of old Pear Street was retained and became Bartlett Court and in December 2016, the +/- 17,931 sq. ft. parcel was divided off from the remaining City owned property and sold to the current owner, Diversified Properties, LLC.

The applicant is requesting to rezone a +/- 17,931 sq. ft. parcel from R-1, Single Family Residential District to R-2C, Residential District Conditional. If approved, the property would be subdivided into two lots for the construction of a duplex dwelling on the site. (It should be understood that while the applicant desires to construct a duplex on the site, this is not proffered, and two single-family detached dwellings could be constructed instead.)

With the requested rezoning the applicant has proffered the following (written verbatim):

- All driveway entrances for 690 Pear Street (TM Parcel 8-D-11) and any new parcel(s) created by future subdivision(s) of this parcel will only be placed along Bartlett Court.

Section 3.10.2.3 of the City's Design and Construction Standards Manual (DCSM) requires a 50-ft. minimum distance between an entrance and street intersections for local streets; therefore, no driveway entrances would be allowed along Russel Drive. As well,

staff is concerned with allowing entrances along Pear Street, a major collector street. The proffer addresses this concern by limiting driveway entrances for the subject site to Bartlett Court.

As part of this request, the applicant has provided a proposed subdivision showing how the parcel could be divided for the duplex structure (two dwellings). The parcel is a unique shape, having three public street frontages and right-of-way remnants from the Pear Street relocation. The proposed sketch indicates 30-ft. front setbacks along Bartlett Court, Russell Drive, and Pear Street, as required. Although the remainder of the property lines are adjacent to public right-of-way, the Zoning Administrator has determined that because these public areas are for stormwater management and it is unlikely that a public street would be constructed in these portions of public right-of-way, the property lines may be considered as sides and rears, thus allowing a side yard setback of 10-feet from the northern property line and a rear yard setback of 25-feet from the eastern property line.

The applicant, Diversified Properties, LLC, is also the developer of the R-3C, Multiple Dwelling Residential District Conditional single-family detached neighborhood located to the west of the subject property. This site was rezoned from R-1 to R-3C in January 2005 to allow only the by right uses allowed in the R-1 district; however, area and dimensional requirements of the R-3 district apply. Both staff and Planning Commission recommended approval of the 2005 rezoning,

In 2018, an adjacent County parcel, with frontage along Pear Street in the City, was rezoned from Agricultural to R-5C, Planned Neighborhood District Conditional to allow for a mix of single-family detached, duplex, and townhouse dwellings. (The City's portion of the City/County parcel is zoned R-1.) During the City's most recent Comprehensive Plan update (2018), the land use designation for this area was changed, increasing the planned residential density from Low Density Mixed Residential, to the current designation of Medium Density Mixed Residential. The Medium Density Mixed Residential calls 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.

The requested rezoning to R-2C is supported by the Comprehensive Plan and staff recommends approval.

Chair Colman asked if there were any questions for staff.

Commissioner Ford-Byrd asked if the mention of the two single-family detached dwellings was a concern.

Ms. Banks said that it was not a concern. If it is subdivided, the lot size would still be large enough in R-2 that you could build a single-family home on each lot or you could construct a duplex. It is still two units, either way.

Commissioner Finnegan asked if the 30-foot setback is proffered or required.

Ms. Banks said that a 30-foot front yard setback is required from a public street. Since the other areas were considered City right-of-way, but they are not functioning as a public street, the 30-foot setback is not required.

Commissioner Finnegan said that it seems that it falls into a gray area because of the specifics of the lot.

Ms. Banks said that off of Pear Street, Bartlett Court, and Russel Drive there would be 30-foot front yard setbacks because they are actually streets.

Chair Colman said that it makes sense in terms of land use, since they are going to have a pond on the other side. There is no street there.

Chair Colman asked if there were any further questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to the request.

Brandon Trump, land surveyor with Lotts & Associates, P.C., came forward on behalf of the owner to speak to the request. As Ms. Banks stated, he wants to rezone from R-1 to R-2, which gives him the flexibility of possibly dividing the property into a duplex lot or keeping it as one single-family lot for future building purposes.

Chair Colman asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that he wished that more Planning Commission meetings had requests to upzone. Anywhere in the City where we can fit two residences, where there would originally have only been one, particularly in a place like this where it is tucked away, I am in favor of it.

Commissioner Whitten said that it is complimentary of the surroundings.

Commissioner Finnegan moved to recommend approval of the rezoning request, as presented.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval (7-0) of the rezoning request, as presented. The recommendation will move forward to City Council on February 11, 2020.
