



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 6, 2022

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

SUBJECT: *Consider a request from Greenwood Homes LLC to preliminarily subdivide a +/- 3.14-acre parcel into townhome and common area parcels, and for Subdivision Ordinance variances, at 611 Pear Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** August 10, 2022

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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

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.

Chair Finnegan asked if there were any questions for staff.

Commissioner Armstrong said I am confused as to how the City of Harrisonburg letter from Public Works dated February 26, 2018 seems to be at odds with this presentation.

Ms. Dang said this letter, the TIA has been accepted by this development. The TIA had been completed prior to the rezoning and all of this was completed with the rezoning. The applicant included this because it is their evidence with the preliminary plat that they had gone through the TIA process.

Commissioner Armstrong asked what are the conclusions? Some of these issues... not the easements for Public Utilities, but the traffic mitigation of the light there and the complaint that there should be a back access that parallels or enters Pear Street at a different place, the left turn onto Route 42. The traffic situation does not seem to be addressed.

Ms. Dang said I am not prepared to speak with confidence as to what and how all of these things have been addressed. Know that these statements were made previously before the rezoning, and the rezoning has been approved.

Commissioner Whitten said I think this was a dust up between the County and the City streets.

Mr. Fletcher said I am trying to remember all the specifics that were done during the rezoning period. The rezoning in the County happened before the one in the City. There were thresholds of development that would occur that could then trigger when the traffic improvements would come into play. I think there was a component to the amount of money that the developer was going to contribute toward the improvements. I think the traffic signal was discussed at the intersection and Pear Street and Ericson Avenue. I am not sure if the traffic signal will go in there or if it will be a Michigan Left. A Michigan Left is when you come to an intersection and you want to turn left, the road design forces you to turn right onto the street, cross the lane of traffic a certain distance away from the intersection, then turn left across a median. At times, depending on the radius of the turn and the width of the street, there will be a bulb at the other side of the street that allows larger vehicles to make the turning radius. That separate the conflict points of all of the traffic that come to that intersection. We do not have a lot of answers, but a lot of that was worked out prior to the rezoning.

Commissioner Armstrong said that is a terrible traffic stop. It is two lanes. There are railroad tracks. The left turn onto Route 42, which also goes to Wal-Mart is difficult. I do not imagine this number of units is going to blow it up. It is something that I would not want to do every day.

Mr. Fletcher said there was some type of development agreement. I cannot recall if it was the number of units or if it was a certain amount of money that they would contribute to address these issues.

Ms. Dang said with regard to the frontage improvements along street, those have already been addressed.

Commissioner Byrd said I thought it was odd that this letter was in there because I remember when we did the rezoning for the Cobblers Court before it existed. We discussed traffic then. A lot of the other mitigating factors were going to happen in the County. That is that how the road as it is being constructed was agreed upon.

Ms. Dang said, in retrospect, it may be less confusing for staff to write a memo regarding the TIA rather than to include the letter. It is what we typically do, but not as much time usually transpires, with the multiple steps like this.

Commissioner Whitten said on the other hand, that was full disclosure. Did we get any comment from the schools? Which school district is this?

The Commissioners discussed whether the school was Keister Elementary or Stone Spring Elementary.

Mr. Fletcher made reference to HCPS' student generation factor [comment is inaudible].

Ms. Dang said that Kris Vass, Coordinator of Operations HCPS, is one of two people who receive the Planning Commission packets at HCPS. He provided the comment:

Anytime there is the potential for an increase in residential construction within the city it can have an impact on the enrollment in our schools. As everyone is aware, we are over capacity in many of our schools. If the 34 units are ultimately constructed, this particular development at Cobblers Ct would impact enrollment at Bluestone Elementary, Thomas Harrison Middle School, and/or Harrisonburg High School. The location of this development overlaps the city/county line. From our experience anytime there is a neighborhood that is divided like this, it creates confusion among the property owners. Families are understandably unaware and sometimes misled as to which school system their child should attend. This can potentially lead to students attending a school system that is outside of where their property is actually located.

That has happened in other instances. In this case, there is not a property bisected where the property line is going through the property.

Commissioner Whitten asked if the Planning Commissioners received that report.

Ms. Dang said I did not include that in the staff report.

Commissioner Whitten said I would like to start getting those, if they are going to be responding. I think that is helpful.

Ms. Dang searching her files for staff's comments on HCPS' student generation factor said to Mr. Fletcher that neither of us made comment on that because this rezoning had already been approved.

Mr. Fletcher said the comments from the HCPS are what they send directly to us. What we have been doing under other rezonings is using... We preface it with we have not been informed that the number of per unit determination that is used is the one that should be officially be used because...

Commissioner Whitten said they came up with that big white paper.

Mr. Fletcher said they worked with us, and we discussed different ways to go about it. We have unofficially been commenting and using that spreadsheet to determine what those numbers are. If you would like for us to include that information, we could create a new section in the staff report to provide that information. We make those comments that go into the folder, and we have those numbers. We are looking at the North Dogwood Street and Wilson Avenue rezoning that is for another time. We made those comments.

Councilmember Dent said, to be clear, the rezoning for this is already done? This is strictly for the subdivision? Usually, we do them in tandem.

Ms. Dang said that is correct.

Councilmember Dent said since we almost always have the same variances, we should put it in the Code as we are reworking the Zoning Ordinance.

Ms. Dang said we will consider that.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he noted that this is not a public hearing; however, he invited the applicant or applicant's representative to speak to their request.

Carl Snyder, Valley Engineering, called on behalf of the applicant. I would like to clarify that this is a request for approval of the subdivision plat. The rezoning was completed quite some time ago and approved. We did not do the preliminary plat at that time because there were a few things that we wanted to flesh out with the layout. Traditionally, they are done together, but we separated them in this instance. With regard to the traffic, that too was addressed and approved by the City Public Works Department at the time of the rezoning. To answer some of the questions, the developer agreed, by proffer which Public Works accepted, to make a cash contribution. There are milestones where the developer would deposit cash into an escrow account that the City has time to call upon later for improvements to the intersection and a signal. The approved proffers are in place for that. The improvements for Pear Street have been completed. The widening and sidewalk improvements are all in place. We ask for your approval, this evening, of the subdivision plat.

Chair Finnegan asked if there any questions for the applicant and asked if there was anyone who wished to speak to the request. Hearing none, he opened the matter for discussion.

Commissioner Byrd said it is good to see that someone is going to build something on this soon after we approved the road getting put in. I have been in neighborhoods where they have adjusted those variances so that the buildings are closer to the roads. It is interesting. People walk more in their neighborhood because the cars are generally out of the way. Everyone has to use the garages that the developers built. I would likely vote in favor of this preliminary plat.

Commissioner Whitten moved to recommend approval of the preliminary plat with the requested variances.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat passed (7-0). The recommendation will move forward to City Council on September 13, 2022.