



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: April 14, 2021 (Regular Meeting)  
Re: Rezoning (B-2C to R-8C), Special Use Permit (To Allow Townhomes in the R-8 District), and Preliminary Plat with Subdivision Ordinance Variance to Section 10-2-42(c) and 10-2-43 – 107 and 137 Vine Street

## **Summary:**

Consider three requests from James K. Strawderman (Estate) with representative Alan (Butch) Strawderman. The first two are public hearings

1. To rezone two parcels from the B-2C, General Business District Conditional district to the R-8C, Small Lot Residential District Conditional, and
2. For a special use permit per Section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.

The third request does not require public hearing and is

3. To preliminarily subdivide two lots to create 29 townhome parcels and one common area parcel. The preliminary plat request includes variance requests from the Subdivision Ordinance to allow lots to not have public street frontage and for deviation from public general utility easement requirements.

The two lots total +/- 2.25-acres, is addressed as 107 and 137 Vine Street, and are identified as tax map parcel 42-D-21 & 22.

## **Background:**

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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.

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

Site: Vacant site, zoned B-2C

North: Across Vine Street, vacant land zoned M-1 and vacant land in Rockingham County zoned A2

East: Automotive and industrial uses, zoned M-1

South: Townhomes, zoned R-4

West: Multi-family, zoned R-4

**Key Issues:**

The applicant is requesting to rezone two lots totaling +/- 2.25-acres from B-2C, General Business District Conditional to R-8C, Small Lot Residential Conditional and a special use permit (SUP) per section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The applicant is also requesting approval of a preliminary plat with variances. If the requests are approved, the applicant plans to construct 29 townhomes on the site.

*Rezoning and Special Use Permit*

In December 1999, the site was rezoned from M-1, General Industrial District to B-2C, General Business District Conditional. In connection with the rezoning request to B-2C, the applicant at that time proffered to remove several uses from the list of permitted uses in the B-2 district and proffered to install a landscape buffer along property lines bordering residential uses, as well as a limitation on sign height. The 1999 Proffer Statement is attached herein.

With the subject rezoning request to R-8C the applicant has proffered the following (written verbatim):

1. When constructed, there shall be only one entrance onto Vine Street.

The proffer would allow the site to have only one entrance onto Vine Street to serve all uses on the site.

Note that the submitted conceptual site layout is not proffered. The conceptual site layout illustrates a central open space area. While the applicant explained to staff that they intend to provide a central open space area, at this time, the applicant is not comfortable proffering a minimum size of central open space.

As previously noted, the subject property is designated 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. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. While this site by itself is not a mixed use development, as it does not contain a combination of residential and non-residential uses, staff believes that a townhome development at this location will contribute to the Mixed Use area designated along the North Main Street corridor in the Comprehensive Plan's Future Land Use Guide. The Comprehensive Plan describes 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. Adjacent to this site are existing townhome and multi-family developments that are designated in the Comprehensive Plan as High Density Residential which are planned to allow up to 24 dwelling units per acre. The proposed 29 townhomes on +/- 2.25-acres calculates to a density of 13 dwelling units per acre.

The requested rezoning to R-8C is supported by the Comprehensive Plan and staff recommends approval.

Additionally, staff believes that the proposed townhome use is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area, and therefore staff recommends approval of the SUP.

#### *Preliminary Plat*

If the rezoning to R-8C and the SUP to allow townhomes of not more than eight units are approved, then the preliminary plat can be considered. If the rezoning or SUP are denied, then the preliminary plat must also be denied.

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows how existing and proposed water and sanitary sewer lines will serve each new lot. An existing public water main and an existing public sanitary sewer main run along the frontage of an adjacent lot addressed as 1370 North Main Street (tax map parcel 42-D-16), and the public water main extends further across the frontage of one of the subject lots (107 Vine Street, tax map parcel 42-D-22).

On Sheet 3 of the preliminary plat, the applicant illustrates the location of easements for public water, public sanitary sewer, public general utilities, and stormwater best management practices (BMPs).

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 "[t]he configuration of the properties is such that frontage of the buildings onto Vine Street would severely limit the number of townhouse units. In addition, existing developments adjacent to this property have their buildings facing a private parking unit, as is being proposed for this development."

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. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others as deemed utility by the City. The applicant describes that "[t]he preliminary plat illustrates, 5-ft and 10-ft public general utilities are provided to serve each new lot. This variance is requested so that additional easements that would otherwise restrict use or conflict with other easements (i.e. public water, public sanitary sewer, and BMP maintenance areas) are not required along the frontage and side or rear lot lines for each newly created lot." Know that 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 are 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 layout shows 58 off-street parking spaces provided along the private streets at a ratio of two parking spaces per dwelling. The Zoning Ordinance requires one parking space per dwelling in the R-8 district.

Aside from the variances requested to allow the 29-townhome lots to not have public street frontage and to deviate from public general utility easement requirements, the development meets all other requirements of the Subdivision and Zoning Ordinances.

Staff recommends approval of the preliminary plat and variances as requested.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning, special use permit, and preliminary plat requests as submitted;
- (b) Recommend approval of the rezoning, special use permit with conditions, and preliminary plat request with conditions;
- (c) Recommend approval of the rezoning, recommend denial of the special use permit, and denial of the preliminary plat;
- (d) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit, and approval of the preliminary plat with conditions; or
- (e) Recommend denial of all three requests.

**Community Engagement:**

As required, the rezoning and special use permit requests were published in the local newspaper twice advertising for Planning Commission's public hearing. The advertisement was published as shown below:

***Rezoning – 137 & 107 Vine Street (B-2C to R-8)***

Public hearing to consider a request from James K. Strawderman (Estate) with representative Alan Strawderman to rezone two parcels totaling +/- 2.25-acres from the B-2C, General Business District Conditional district to the R-8, Small Lot Residential District. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. 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 parcels are addressed as 107 and 137 Vine Street and are identified as tax map parcels 42-D-21 & 22.

***Special Use Permit – 137 & 107 Vine Street (To Allow Townhomes in the R-8 District)***

Public hearing to consider a request from James K. Strawderman (Estate) with representative Alan Strawderman for a special use permit per Section 10-3-59.4(1) of the Zoning Ordinance to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The two parcels total +/- 2.25-acres and are addressed as 107 and 137 Vine Street and are identified as tax map parcels 42-D-21 & 22.

In addition, adjoining property owners were notified of the public hearings; the property was posted with signage advertising the requests; and a notices were provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

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 rezoning, special use permit, and preliminary plat requests as submitted.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents
3. Preliminary plat (conceptual site layout for rezoning and SUP)
4. 1999 Proffer Statement
5. Draft Devine Village Declaration and Covenants
6. Draft Vine Street Property Owners Association Articles of Incorporation
7. Draft Vine Street Property Owners Association Bylaws

**Review:**

N/A