



City of Harrisonburg, Virginia

Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

To: Kurt Hodgen, City Manager
From: Adam Fletcher, Director - Department of Planning and Community Development
Date: August 8, 2017
Re: Preliminary Plat – Founders Way II Townhomes (Variance to Allow Lots to Not Have Public Street Frontage)

Summary:

Consider a request from Founders Way, LLC to preliminarily subdivide a 6.456 +/- acre parcel into 31-townhouse lots, one common area lot, and a parcel to contain condominium units. A variance to the requirements of the Subdivision Ordinance Section 10-2-42 (c) is being requested to allow lots to not have public street frontage. The property is zoned R-3, Medium Density Residential District, is currently addressed as 1230, 1240, 1250, 1260, 1270, 1275, 1280, and 1290 Constitution Court; however, the parcel's public street frontage is along Founders Way and Oriole Lane. The property is identified as tax map parcel 31-O-1.

Background:

The Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

The following land uses, as well as the properties' existing zoning, are located on and adjacent to the property:

Site: One parcel consisting of two 12- unit residential buildings and undeveloped land, zoned R-3 (Medium Density)

North: Apartments (North 81), zoned R-3 (Multiple Dwelling)

East: Across Oriole Lane, townhomes (Liberty Square), zoned R-3 (Multiple Dwelling)

South: Across Founders Way, townhomes (Liberty Square and Reherd Acres), zoned R-3 (Multiple Dwelling)

West: Duplexes (fronting along Bluebird Court), zoned R-3 (Multiple Dwelling)

Key Issues:

The applicant is requesting to preliminarily subdivide one, 6.456 +/- acre parcel, into 33 lots. The proposed subdivision will include 31-townhouse lots, one common area lot, and a parcel to contain condominium units.

Before getting into the details of the current proposal, previous development plans involving the subject property should be understood. In April 2008, the City approved an engineered comprehensive site plan for a project called “Founders Way Condos.” At that time, the property owner intended to construct seven buildings consisting of a total of 72-apartment-style condominiums, a clubhouse, and a swimming pool. The layout of the private streets, parking area, and location of buildings is relatively similar to the current layout, except that townhomes will now replace five of the previously proposed condominium buildings. Additionally, the previously proposed swimming pool will not be constructed. Construction of two condominium buildings has been completed and are shown as “Existing Condo Building” 1 and 2 on the preliminary plat submitted with this application.

Townhouse development is permitted by-right within the R-3, Medium Density Residential district, but the applicant is requesting a variance to Section 10-2-42 (c) of the Subdivision Ordinance as the 31-townhome lots would not have public street frontage, thus City Council must approve of the development for it to be built. Since the development would be served by private streets, the City will not provide street maintenance, snow removal, or trash pick-up.

As shown, the development would require 147 parking spaces; the plans to construct six more spaces than the minimum required. In recent meetings with staff, the applicant has suggested that they may decide not to construct the two entrances, driveway, and four parking spaces located between the future clubhouse and the intersection of Founders Way and Oriole Lane. If the four parking spaces are not constructed, the development would have two more parking spaces than the minimum required.

The preliminary plat shows parking areas along the western boundary of the development, located between the principal buildings and the duplex neighborhood that has public street frontage on Bluebird Court. The City Zoning Ordinance Section 10-3-48.6 requires screening by landscaping to form a dense screen, a 6-ft high masonry wall, or a 6-ft high solid wood fence between the parking areas and the duplex neighborhood. Required screening has been noted along the entire western boundary on the preliminary plat and will be reviewed by staff during the engineered comprehensive site plan.

The applicant is aware that the City’s Subdivision Ordinance and Design & Construction Standards Manual requires them to construct sidewalks along the frontage of Founders Way and Oriole Lane. Sidewalk design will be reviewed by staff when the new engineered comprehensive site plan is submitted.

With regard to stormwater management, the applicant is aware that the stormwater detention pond that was approved as part of the 2008 engineered comprehensive site plan does not meet current stormwater management requirements. The stormwater detention pond will need to be redesigned to meet current stormwater management requirements.

As required, all lots would be served by public water and sewer. The preliminary plat shows both existing and proposed water and sanitary sewer lines. Additionally, the Department of Public Utilities will require a new Preliminary Engineering Report (PER) be submitted with the new engineered comprehensive site plan for review and validation. At this time, no issues are anticipated since the number of units will be reduced from 48-condominium units to 31-townhouse units.

Included within this packet is a condominium plat titled “Plat of Founders Way Condominium.” This plat is part of a 2012 supplement and amendment to the covenants for Liberty Square, which is an adjacent townhouse development. In 2012, a supplement and amendment to the Liberty Square covenants added the areas described on the Plat of Founders Way Condominium as “Phase Two” and “Phase Three” under the responsibility and purview of the Liberty Square Owner’s Association. This

responsibility includes exterior common area maintenance and oversight (parking areas, stormwater management, landscaping, greenspace, sidewalks, etc.). “Phase One” was added to the Liberty Square Owner’s Association in a similar supplement and amendment in 2010. The applicant intends to add the remaining portions of the development, including the new townhomes and common areas to Liberty Square Owner’s Association and to make property ownership subject to the covenants.

Aside from the variance that is requested to allow the 31-townhome lots to not have public street frontage, the development meets all other requirements of the Subdivision and Zoning Ordinances. As townhome development is a by-right use within the R-3, Medium Density Residential district and at this location it would be compatible with the surrounding neighborhood, staff is recommending in favor of the development.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the preliminary plat and variance as requested;
- (b) Approve the preliminary plat 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) to approve the preliminary plat and variance as requested.

Attachments:

- 1. Site maps (2 pages)
- 2. Application, letter, preliminary plat (11 pages)
- 3. Plat of Founders Way Condominium (1 page)

Review:

Planning Commission recommended to approve the preliminary plat (6-0) at Founders Way II Condos (Sub. Ord. Variance 10-2-42(c)) as presented by staff.