



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

September 1, 2021

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

SUBJECT: *Consider a request from Cobbler's Valley Development Inc. to rezone a +/- 3.14-acre property at 601 Pear Street*

Consider a request from Cobbler's Valley Development Inc. for a special use permit to allow townhomes at 601 Pear Street

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: August 11, 2021**

Chair Finnegan read the requests and asked staff to review.

Ms. Dang said that on September 9, 2020, Planning Commission 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 a new public street to serve as the entrance to a new residential development. The preliminary plat was approved by City Council on October 13, 2020, and the final plat was recorded on May 25, 2021.

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:

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

- Site: Vacant land; zoned R-1
- North: Across Pear Street, detached single-family dwellings and vacant land; zoned R-1
- East: Vacant land; zoned R-1
- South: Vacant land within Rockingham County; zoned County R-5
- West: Detached single-family dwellings; zoned R-3C

The applicant is requesting to rezone a +/- 3.14-acre parcel from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional and is applying for 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 not requesting approval of a preliminary plat at this time.

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

1. Density of the development shall not exceed 40 units.
2. Developer shall plant and maintain a 30' landscape buffer adjacent to the existing Sky View Estates Subdivision as depicted and described on the Concept Plan.
3. A 5 ft wide sidewalk connection shall be provided that connects the internal sidewalk system with the existing sidewalk along Pear Street as generally depicted on the Concept Plan.
4. The Developer shall provide an easement for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) and will construct a concrete pad to HDPT's specifications.
5. The Developer shall provide a vehicular connection/road stub to parcel # 108-(6)-L2 (located in Rockingham County) to allow for future connectivity. Cross-access shall be provided from Cobbler's Court to the stub location to provide for inter-parcel connectivity.

Note that the submitted Concept Plan is not proffered.

Proffer #1 limits the development to not exceed 40 dwelling units. The traffic impact analysis (TIA) accepted by the Department of Public Works on February 26, 2018, considered a maximum of 450 dwelling units for a development area located in the City and Rockingham County. See Figure 1. In November 2018, Rockingham County approved rezoning the County portion of the proposed development to County R-5, Planned Residential District. The County rezoning included proffers that limited the density of the development to 400 dwelling units. If this rezoning request in the City is approved, then the maximum number of dwelling units the development can construct

in the City and County is 440, which is less than the 450 dwelling units considered in the TIA study. In addition, the Comprehensive Plan's Land Use Guide designation for this site is Medium Density Mixed Residential, which is planned to be around 20 units per acre. The proffered density is 12.7 units per acre while the conceptual layout of the site demonstrates 35 units, which is just over 11 units per acre.

Proffer #2 is consistent with a 2018 proffer for the development in Rockingham County. The applicant's letter describes "[a]s part of the Rockingham County Rezoning in 2018 a series of public meetings were held to discuss the impact of the development with adjacent landowners in Skyline Estates, particularly the residents that live adjacent to Cobblers Valley along Russell Drive. As a result of those meeting *[sic]* the developer proffered a 30 ft wide buffer planted with a double row of evergreen trees in order to screen the homes from the development." The proffer offered with the subject rezoning in the City references the Concept Plan, which describes in the detail: "Proposed Leyland Cypress tree (or approved equal), 6-ft min height at the time of planting."

Proffer #3 would require an internal sidewalk connection as depicted on the Concept Plan. Proffer #4 would require the developer to provide an easement and to construct a concrete pad for a bus shelter. The Harrisonburg Department of Public Transportation (HDPT) would provide the bus shelter and would approve the shelter and concrete pad's final location during engineered comprehensive site plan review. Proffer #5 would require the developer to provide a vehicular connection/road stub into portions of the development in Rockingham County to enhance connectivity.

As previously noted, the applicant is not requesting approval of a preliminary plat at this time. It should be understood that the layout illustrated in the Concept Plan would require the City's approval of a variance from Subdivision Ordinance Section 10-2-42 (c), which requires all lots to front on a public street. Therefore, that variance should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

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 request.

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

Todd Rhea, attorney with Clark & Bradshaw PC, came forward to speak to the request. I have been working on this project on behalf of the applicant since late 2016. This is a culmination of a long standing planning effort with both the City and the County to provide much needed housing

under a planned concept. The rezoning in the County was approved in 2018. It contained about 75 acres of fairly dense single-family and townhome development. This request extends the townhome portion of the development into the three acres located in the City on the west side of the entrance road that was installed which you have seen at the site. There has also been proffered on the County portion of master plan. This is not a stand-alone request. There are amenities, walking trails, about 15 acres of wooded and open area that are proffered in the immediate adjacent County over at Cobbler's Valley Development that the folks in the City portion would have full access to. They will be integrated with and part of the homeowner's association for the overall project. One reason that we could not reach the target density in the Comprehensive Plan is that there is a very large HEC and Dominion Power line that runs through a portion of this property which restricts it from development leaving about two and half acres which can be developed. We have worked closely with staff and other City agencies. We think this is well integrated into the County plan. Culminating three years of work, we have some houses being built in the single-family County portion and we are ready start the process of moving across the street to provide a second housing type which are townhomes on these three acres. I am happy to answer any questions.

Chair Finnegan asked if there any questions for the applicant's representative.

Councilmember Dent said that some of you may have seen me say on City Council last night that we have a dire climate emergency. While I would love for the City to require renewable energy and EV parking and charging stations, we cannot require that yet, with the Dillon rule and we are just getting going on this discussion. What provisions does the proposed development have for renewable energy and EV charging?

Mr. Rhea said that the townhouses all have private parking spaces. The provision of rooftop solar for this community will be up to the homeowner. It is not prohibited. There is some open space on the County portion of the project, but that is wooded. I am wrapping up a year of service on the County solar ordinance study committee. One of the recommendations was to not convert to true canopy to utility scale solar projects. The intent would be to preserve that as a more natural area within this development. I concur. I think that, as a developer, we are sympathetic to and realize that renewable energy is a consideration for developments of this type. While nothing specific was integrated into this design, we encourage homeowners who live here to install distributed systems on their property.

Councilmember Dent said she appreciates his sympathetic understanding of the issue. I am less concerned in this case because they are townhomes and people can put solar panels on their own roofs and the parking is arranged more or less adjacent to these units allowing them to run an extension cord to their own car. This has the flexibility as well as the density. I think that has some room for being able to develop renewable energy and EV charging in the future. I agree, leave the trees alone because they are carbon sequestration and air quality devices. Thank you for your consideration of those issues.

Chair Finnegan said that to Councilwoman Dent's point, the market is going to drive the EV charging infrastructure. I hope that is something that is taken into consideration on all requests as residents buy EVs they will need a way to charge them safely.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that this development is already being built in the County. When you look at the Erickson-Stone Spring connector, it was created with future growth in mind. I do not see any reason to oppose this request at this time. I have no outstanding concerns. Since a good portion of this development is in the County, we want to make sure that the City is able to get some of that tax revenue, as well.

Commissioner Baugh said that it is consistent with and moves in the direction of planning. Unlike the matter that we took before, this does feel more like the direction and type of things that we want to see. I will move to recommend approval, as requested.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request, as presented, passed (5-0). The recommendation will move forward to City Council on September 14, 2021.

Commissioner Baugh moved to recommend approval of the SUP request, as presented.

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request, as presented, passed (5-0). The recommendation will move forward to City Council on September 14, 2021.