



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: January 23, 2024 (Regular Meeting)
Re: Rezoning and Special Use Permit – 585 Pear Street (Cobblers Valley) (R-1 to R-8C) (To Allow Attached Townhomes of not More than 8 Units in R-8)

Summary:

Project name	Cobblers Valley
Address/Location	585 Pear Street
Tax Map Parcels	8-E-2A
Total Land Area	+/- 2.18-acres
Property Owner	Cobblers Valley Development Inc.
Owner's Representative	N/A
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Special Use Permit Request	Section 10-3-59.4 (1) to allow attached townhomes of not more than eight (8) units in R-8
Staff Recommendation	Approval for both requests
Planning Commission Recommendation	December 19, 2023 (Public Hearing) Approval of both requests (7-0)
City Council	January 23, 2024 (First Reading/Public Hearing) Anticipated February 13, 2024 (Second Reading)

Background:

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

Site: Vacant land; zoned R-1

North: Across Cobblers Court, vacant land, zoned R-8C

East: Across Pear Street, detached single-family dwellings and vacant land; zoned R-1

South: Vacant land; zoned R-1. The property owner to the south is requesting a rezoning and is discussed in a separate staff report.

West: Single family homes within Rockingham County; zoned R-5 (County zoning)

In August 2021 Rockingham County Board of Supervisors approved a rezoning to R-5C, Planned Neighborhood District Conditional for +/- 75 acres adjacent to the subject site for this report. The 2021 County rezoning request included proffer that the development would not exceed 400 units within the County Development. However, since that time, the County portion of the development is approved for construction of 373 units.

In September 2021, the neighboring property across Cobblers Court identified as tax map parcel 8-E-2 was owned by Cobblers Valley Development Inc., the same property owner of the subject rezoning, and was rezoned from R-1 to R-8C with proffers detailing a maximum of 40 units, providing a landscape buffer, sidewalk construction and connections, providing a bus shelter as approved by HDPT, and ensuring that street connections occur for inter-parcel connectivity.

A special use permit (SUP) was also approved in September 2021 to allow attached townhomes of not more than eight units within the R-8 district. Since the time of that rezoning and SUP approval, that property has been sold. The applicant is hoping to continue with similar development on the subject property.

Key Issues:

The applicant is requesting to rezone a +/- 2.18-acre parcel from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight (8) units in the R-8, Small Lot Residential District.

It is worth noting that the neighboring parcel addressed as 465 Pear Street and identified as tax map parcels 8-E-3 and 5 is also requesting to rezone from R-1 to R-8C while also requesting a SUP to allow townhomes. That property and requests will be discussed in a separate staff report.

Proffers

The applicant has offered the following proffers (written verbatim):

1. Density of the development shall not exceed 21 units.
2. Developer shall provide a vehicular connection/road stub to parcel# 008-E-3 & 008-E-5 (located in City of Harrisonburg) to allow for future connectivity.
3. A 5' wide sidewalk extension connecting the existing sidewalk along the south side of Cobblers Court to Tailor Drive as generally depicted on the concept plan.
4. A 5' wide sidewalk along the west side of the private drive 1 extending through the development as generally depicted on the concept plan.
5. Amendment of the 2018 Signal Agreement for Pear/SS to shift proffer funds to other local projects and studies in the form attached as "First Amendment to Traffic Signal Cost Sharing Agreement".
6. Developer shall install and maintain a posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure as generally depicted on the concept plan.
7. Developer shall install and maintain a raised crosswalk to serve as a traffic calming measure as generally depicted on the concept plan. The raised crosswalk design requires approval by the department of public works.

8. Developer shall provide a public access easement encompassing the 5' wide sidewalk, extending from Cobbler's Court to the southern boundary line bordering parcels# 008-E-3 & 008-E-5 as generally depicted on the concept plan.

The conceptual site layout is not proffered.

While proffer number 1 is easily understood, further explanation of the remaining proffers are discussed in the Transportation and Traffic section of this report.

Land Use

The Comprehensive Plan designates this site as Medium Density Mixed Residential and states:

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 conceptual layout demonstrates the proffered maximum 21 dwelling units. At a proffered density of 9.6 units per acre and with the planned townhomes, the requested rezoning and special use permit is supported by the Comprehensive Plan. The construction of townhomes would also be consistent with the townhomes under construction across Cobblers Court in the City and with the townhomes under construction in Rockingham County.

Transportation and Traffic

The attached letter from the Department of Public Works dated November 29, 2023, states:

“The land use and number of units described in the rezoning application, when combined with the number of units proffered for the portion of the development located in Rockingham County are consistent with the number of trips analyzed in the Traffic Impact Analysis (TIA) accepted by the Department of Public Works in February of 2018 and updated in August of 2022. Therefore, Public Works does not require a TIA Determination Form to be completed for the current rezoning application.”

Proffer 2 would require the developer to provide a vehicular connection/road stub into portions of the development in the adjacent property identified as tax map parcels 008-E-3 & 008-E-5, which is for the project known as Zephyr Hills that is also being reviewed for a rezoning and SUP this month.

With proffers 3, 4, and 8, the applicant is committing to construct sidewalks along Cobblers Court, a public street, and constructing and dedicating public access easements for sidewalk along the private street. (Public access easements are privately owned and maintained sidewalks that are open for the public to use.) While staff would prefer sidewalks on both sides of the private street, the applicant is only proffering to construct sidewalk on one side of the private street.

During review of the requests, staff suggested that the applicant add traffic calming measures such as raised crosswalks to help reduce the speed along the private drive. The applicant has provided proffers 6 and 7 to help with this regard.

Proffer 5 references the First Amendment to Traffic Signal Cost Sharing Agreement document, which is included in the applicant's supporting documentation. The original agreement, dated March 30, 2018, was associated with rezoning of the Rockingham County portions of the Cobblers Valley development. The new agreement states that the "[t]raffic Signal at the Intersection as outlined in the Agreement is no longer a feasible improvement and has been replaced at City option by the approved Smart Scale project restricting left turns from Pear Street at the Intersection and the installation of a U-Turn traffic signal on Erickson Avenue." The agreement goes on to state a portion of funds will be reallocated to extend the existing sidewalk along the west side of Pear Street to the intersection of Pear Street and Erickson Avenue. The agreement also states a portion of funds will be reallocated to support the Small Area Study (SAS) to be conducted by the City in partnership with the rezoning that was approved by City Council in September 2023 for the properties addressed as 150 and 210 West Mosby Road.

Public Water and Sanitary Sewer

Staff have no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

The student generation attributed to the proposed 21 residential units is estimated to be 8 students. Based on the School Board's current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Staff recommends approval for both the rezoning and SUP. Furthermore, staff is comfortable recommending an extension of approval from 12 months to 48 months as requested by the applicant. As identified, by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes the additional time is appropriate for this project.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning and special use permit request;
- (b) Approve the rezoning and special use permit request with suggested conditions;
- (c) Approve the rezoning and special use permit with other conditions(s); or
- (d) Deny the rezoning request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice advertising for City Council's public hearing. The advertisement was published as shown below:

Rezoning – 585 Pear Street (Cobblers Valley) (R-1 to R-8C)

Public hearing to consider a request from Cobblers Valley Development LLC to rezone a +/- 2.18-acre parcel from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 585 Pear Street and is identified as tax map parcel 8-E-2A.

Special Use Permit – 585 Pear Street (Cobblers Valley) (To Allow Attached Townhomes of not More than 8 Units in the R-8)

Public hearing to consider a request from Cobblers Valley Development LLC 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 (8) units in the R-8, Small Lot Residential District. The +/- 2.18-acre property is addressed as 585 Pear Street and is identified as tax map parcel 8-E-2A.

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

Recommendation:

Staff recommends alternative (a) approval of the rezoning and SUP, which also includes granting the approval for establishing the SUP within 48 months.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application and supporting documents

Review:

Planning Commission recommended approval of the rezoning (7-0) and approval of the special use permit (7-0) as submitted, which includes granting the approval for establishing the SUP within 48 months.