



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

July 31, 2017

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: 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.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: July 12, 2017

Chair Way read the request and asked staff to review.

Ms. Dang said 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)

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.

Staff recommends to approve the preliminary plat and variance as requested.

Chair Way said the site as it is currently designed requires 147 parking spaces; but, potentially it can offer 153 spaces.

Ms. Dang said that is correct.

Chair Way asked how do you calculate that number in this type of development.

Ms. Dang said it is based on the number of bedrooms.

Mrs. Banks said it is per bedroom in each unit. If it is a one bedroom unit, you are required 1.5 parking spaces. If it is a two or three bedroom unit, you are required 2.5 parking spaces. If it is a four bedroom or above, you add one parking space accordingly.

Chair Way said my initial reaction or observation was that is a lot of parking for 31 units so there must be a lot of bedrooms within those units.

Ms. Dang said yes, I am seeing on the preliminary plat that it is two to three-bedroom townhome units, so each townhome would require 2.5 parking spaces.

Chair Way said this is more like 4.5 or 5 parking spaces per unit.

Ms. Dang said to clarify, the 147 parking spaces are for the townhome units, the clubhouse, and the condominiums.

Chair Way asked if there were any more questions for staff. Hearing none, he said this is not a public hearing, but if the applicant or their representative would like to speak they may do so at this time.

Ed Blackwell, Blackwell Engineering, said I am representing the owner Jerry Scripture. Mr. Scripture is out of town, but myself and his realtor Scott Rogers, Funkhouser Realty, are here to answer any questions. It is rare that I come asking for a reduction in units, but in this case, we are reducing the number of units from 48 to 41. I have also reduced the parking accordingly. We can get more parking on site if we need to because I had it before, but we are trying to reduce our foot print, which helps with the new stormwater quality regulations. In this case, a lot of these building pads have already been graded, some of the water and sewer lines are already in; therefore, we are trying to put the buildings kind of where we had them planned. But instead of a three-story condominium with 12 units per building, we are going to do townhouses.

I will address a question the neighbor had regarding when Oriole Lane will be paved. For some reason, it has not been paved and I am not sure why; if it was something Founders Way was supposed to do or something North 38 was supposed to do. Typically, before bonds are released all public infrastructure is required to be completed by the owner. If that is something that we are supposed to be doing, we are going to be doing a new site plan, submitting a new bond to build these new units and utilities, so if it is something we are supposed to pave, then we must pave prior to this project. If it is something that somebody else was supposed to pave we would prefer not to have to pave it.

Scott Rogers, Funkhouser Realty, said I represent the developer Jerry Scripture. We are excited about the new townhouse product that we have put together for the site. The sales of the condominiums have been slower than anticipated based on that type of property ownership and the fact that it is the only owner occupied condominium development in Harrisonburg. Other metro areas, such as Charlottesville, have a tremendous number of condominium developments and it is a more familiar, comfortable property ownership type. In Harrisonburg buyers have largely been slower to respond than what was anticipated when the development started back in 2008. While there would be a reduction in the number of units, we believe it can be a good use for the land and it fits in with the rest of the developments that are surrounding that area.

Terry Stockner, 1132 Paul Revere Court, said I have lived in Liberty Square since 2007. I have been part of the HOA since I moved there and I have chaired the HOA for the last five years. In general, I think this is a great idea. The condominium sales have been slow, it is a grassy field I am sure the people do not like to look at that in the back. I just have a few concerns and questions.

First, is the paving on Oriole Lane, which I am just bringing that to your attention. I am sure that will be worked out in one way, or another. The other is that we have a major issue with trash disposal. We (Liberty Square) do our own trash disposal; not the City. Liberty Two on Settlers Lane has 36 townhomes with two dumpsters. We have 183 townhomes in Liberty One, the first development. We have six dumpsters. We are having to put up security cameras right now, since we are dealing with illegal dumping and overages. Look at how many dumpsters are proposed for this site and currently the condos are using the dumpster for Liberty One.

They are only proposing from what I can see here two dumpsters for 55 homes and I do not believe that is enough with the years of experience that I have had on the HOA and dealing with the trash issues and the complaints. Once you get about 20 to a can we are doing okay. We are dealing with 30 to a can and we were having issues even before Founders was constructed. The addition of 24 homes using those has really exceeded our capacity, so there should be three dumpsters at a minimum on the property.

Parking will be an issue. Historically, in Liberty Square, each home is assigned two numbered parking spaces that are directly in front of your home. In Liberty One if they are a larger home they may have a garage; if they are a three story, with a single car garage, they still have two parking spaces outside. A home may have more than just two parking spaces, but the base minimum is two directly in front of your house. If you look at this proposal, between lots 14 and 19 they have six homes and nine parking spaces. Somebody is not going to like that and we are going to receive a complaint. Parking is an issue, I have been dealing with it for a decade. That area is going to need to be addressed. That is the only section where parking directly in front of the house does not really match up with the rest of the community.

I would like to know if the original comprehensive plan for Founders Way included a pool. I believe there was a variance for the pool to be created. I am just bringing to your attention the pool is no longer on the plat.

The last concern to bring to your attention is that I did not see on the plans any location with street lights. We have, in Liberty One, added an additional light to the end of each street because there was insufficient lighting for public safety. We have also started adding additional lighting on the walking trail. I would like to have a better understanding on how this is going to be lit and how many HEC lights are going to be put up. I just would like that to be reviewed to be make sure that it is sufficiently lit.

Occasionally we look at some of the police reports. We will have teenagers with crimes of opportunity and they will walk all the way down Blue Ridge Drive and through those communities swing their way through Founders Way and swing their way down North 38 and just try to find any car that is not locked and steal stuff. It happened to my car because I was absent minded and forgot to lock it. It is not a high crime neighborhood, but adequate lighting prevents crimes of opportunity like that where it is lit so they can be easily seen. That is why I bring that to your attention.

Basically, our concerns are street lights, not enough parking between lot 14 and lot 19, need at least one more dumpster, and a final paving coat on the section of Oriole Lane between Founders Way and North 38. In general, I would like to say I am in favor of this. I know Mr. Scripture would like to get this off his plate, we are tired of seeing the grass and the hay, so this is something I would like to see completed. Just have these issues addressed.

Chair Way asked if there were any questions.

Mr. Fletcher said I have a question. Would you describe the extent from one point to the other point of Oriole Lane where the top coat of pavement has not been installed?

Mr. Stockner said from the Founders Way and Oriole Lane intersection down to basically the property line you seen on the plat.

Ms. Dang said it is towards North 38.

Mr. Fletcher said thank you.

Mr. Stockner said the North 38 section of Oriole Lane does have a final coat.

Chair Way asked if there were any more questions. Hearing none, he said I would like to invite Mr. Blackwell to speak to any of these questions here.

Mr. Blackwell said we really did not want to extend Oriole Lane down to North 38, because we were losing land to right-of-way, where we could have put more units in at the time. I do not recall if it was part of an agreement with the City, but it should have been documented years ago who was supposed to pave that. Again, if it is something that we were supposed to do we will pick it up and redo it. As far as parking he said in front of some units there are nine. We have 1.5 parking spaces in front of the unit, but if you look at the plan you come around back every unit also has garage, so every one of those units has 2.5 parking spaces. Those units will have a basement garage in them. We can always add more.

I show two dumpsters for 31 units and I thought that was enough. We had a third dumpster, I had it out in front of the units, but I was reminded by the staff that you cannot put dumpsters in front of the units, so I took that one out. We would be willing to look at a third dumpster in the community maybe between the condos, it must be back off behind the front of the face of the building. If we can work that out in the site plan phase. We would be open to consider that with some internal discussion already between myself, Mr. Scripture, and Mr. Rogers.

With the lighting, we must meet the City standards of no more than half a foot candle at the property line in residential districts. We do not have too much, but I do agree there are some things with public safety and having enough lighting where it is needed. Especially parking and walking areas and some common areas, to make sure they are safe. We will do a lighting plan to submit to the City.

Chair Way asked if there were any questions or if anyone else would like to speak in favor or against the request. Hearing none, he asked Planning Commission for a motion on the request for the purpose of discussion.

Mrs. Whitten moved to approve the preliminary plat at Founders Way II Condos (Sub. Ord. Variance 10-2-42(c)) as presented by staff.

Mr. Colman seconded the motion.

Chair Way said I would like to say it was good to see some things being worked out here and some discussions.

Chair Way asked if there was any other discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor (6-0) to approve the preliminary plat at Founders Way II Condos (Sub. Ord. Variance 10-2-42(c)) as presented by staff.

Chair Way said this will go forward to City Council on August 8, 2017.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner