



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission  
From: Department of Community Development  
Date: August 11, 2021 (Regular Meeting)  
Re: Rezoning and special use permit – 601 Pear Street, Cobber’s Valley Development (R-1 to R-8C)

## **Summary:**

Public hearings to consider two requests from Cobbler’s Valley Development Inc.:

1. To rezone a parcel from the R-1, Single-Family Residential 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 +/- 3.14-acre parcel is addressed at 601 Pear Street and is identified as tax map parcel 8-E-2.

## **Background:**

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:

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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

**Key Issues:**

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.

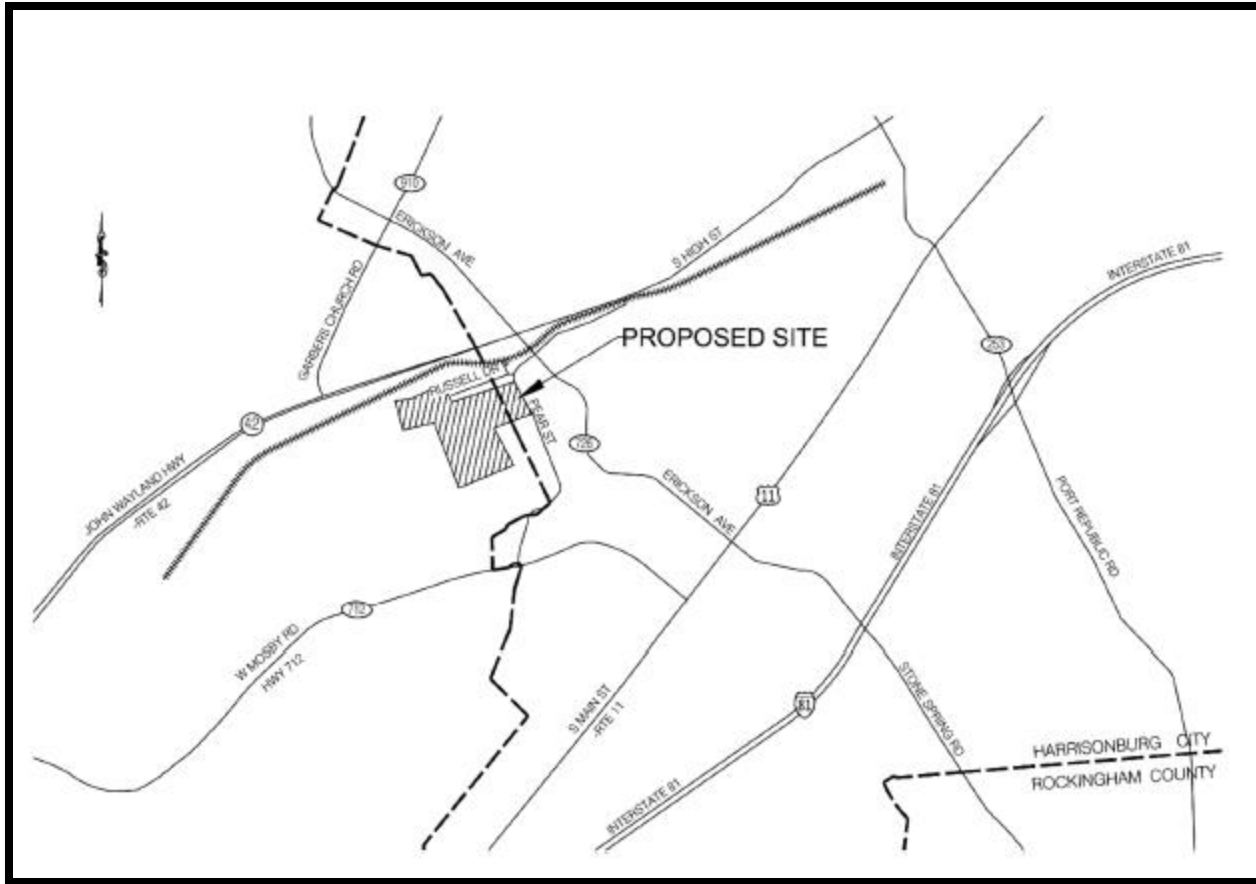


Figure 1. Vicinity Map from 2018 Traffic Impact Analysis (TIA) Study

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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning and special use permit as submitted;
- (b) Recommend approval of the rezoning and special use permit with conditions;
- (c) Recommend approval of the rezoning and recommend denial of the special use permit;
- (d) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit with or without conditions; or
- (e) Recommend denial of both requests.

**Community Engagement:**

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

***Rezoning – 601 Pear Street, Cobber's Valley Development (R-1 to R-8C)***

Public hearing to consider a request from Cobbler's Valley Development Inc. to rezone a +/-3.14-acre portion of a +/- 5.7-acre parcel from R-1, Single Family Residential to R-8, Small Lot Residential Conditional. The Zoning Ordinance states the R-1, Single-Family Residential District is intended for low-density, relatively spacious single-family residential development. The R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. 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. The gross density of development in these areas could be around 20 dwelling units per acre. The property is addressed at 601 Pear Street and is identified as tax map parcel 8-E-2.

***Special Use Permit – 601 Pear Street, Cobber’s Valley Development (To Allow Townhomes in the R-8 District)***

Public hearing to consider a request from Cobbler’s Valley Development Inc 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 +/- 3.14-acre property is addressed at 601 Pear Street and is identified as tax map parcel 8-E-2.

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 special use permit as submitted.

**Attachments:**

1. Site maps
2. Application, applicant letter, and supporting documents
3. Concept plan

**Review:**

N/A