



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: February 14, 2024 (Regular Meeting)
Re: Rezoning & Special Use Permit - 1211, 1225, 1245 & 1261 Port Republic Road (Weston Park)
(R-1 to R-8C) (To Allow Attached Townhomes of not More than 8 Units in the R-8)

Summary:

Project name	Weston Park
Address/Location	1211, 1225, 1245 & 1261 Port Republic Road
Tax Map Parcels	88-F-7, 8, 9 & 10
Total Land Area	+/- 19.66-acres
Property Owner	PRR 1 LLC
Owner's Representative	Valley Engineering
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	Denial of both requests
Planning Commission	February 14, 2024 (Public Hearing)
City Council	Anticipated March 26, 2024 (First Reading/Public Hearing) Anticipated April 9, 2024 (Second Reading)

Background:

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

- Site: Single-family detached dwelling and undeveloped land, zoned R-1
- North: Single-family detached dwelling and undeveloped land, zoned R-1
- East: Across Port Republic Road, single-family detached dwellings, zoned R-1
- South: Single-family detached dwellings, zoned R-1; and Healthy Community Health Centers, zoned B-2C
- West: Single-family detached dwellings, zoned R-1

Key Issues:

The applicant is requesting to rezone four parcels totaling +/- 19.66-acres 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 (ZO) to allow attached townhomes of not more than eight (8) units in the R-8 district. If approved, the developer intends to subdivide the property to create single-family detached home lots, duplex lots, and up to 75 townhome lots.

Proffers

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

1. The development shall not exceed 128 dwelling units.
2. Units shall be a mixture of at least three (3) unit types (single-family detached, duplex, or townhomes). Only single-family detached units shall be located in Area 'A' as identified on the Concept Plan. Area 'B' shall be allowed to contain either single-family or duplex unit types and Area 'C' shall be allowed to contain any of the three proposed unit types. No more than 75 townhome dwellings shall be constructed on the property.
3. Applicant shall plant a 10' landscape buffer adjacent to the existing single-family development as depicted and described on the Concept Plan. The buffer shall be planted with a mixture of large maturing trees (1 tree per 60 LF, 1-1/2' caliper at planting) and medium maturing evergreen shrubs (1 shrub per 8 LF, 36" height at planting). Existing trees and shrubs that are saved during construction within the proposed landscape buffer shall be counted towards the proposed planting requirements. A landscape maintenance easement shall be established during final platting of the development, or during appropriate phases of final platting, and Applicant will establish the homeowners' association as responsible for maintaining the landscape buffer in perpetuity upon the end of the developer control period."
4. Applicant shall provide an easement for a bus shelter adjacent to Port Republic Road at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) and will construct a concrete pad to HDPT's bus shelter specifications.
5. Applicant shall provide a public street network that extends Decca Drive and Skylark Lane, connecting to the proposed project entrance at Port Republic Road as generally depicted on the Concept Plan. The public street system shall include a total of two connections/road stubs to parcel# 008 F 7A and 008 F 6 as generally depicted on the Concept Plan. Applicant shall also dedicate right of way to allow the future extension of Westmoreland Drive through the northern corner of the property. The dedication shall include 31 feet of ROW on each side of the center line depicted on the Concept Plan. In addition, a temporary construction easement shall be provided as depicted/dimensioned on the Concept Plan.
6. A full connection to Skylark Lane will be installed and open to traffic prior to the issuance of the fortieth (40th) Certificate of Occupancy for any dwelling constructed on the property. A full connection to Decca Drive will be installed and open to traffic prior to the eightieth (80th) Certificate of Occupancy for any dwelling constructed on the property.
7. The project shall include a contiguous common area/park located adjacent to Port Republic Road. The common area shall be maintained in perpetuity by the homeowners' association after the end of the developer control period.
8. No less than one (1) large deciduous tree shall be planted and maintained by Applicant for every sixty (60) linear feet of public street frontage. At the time of planting, tree sizes shall be a

minimum of 1-1/2" caliper. Trees shall be planted on private property within 10 feet of the public right of way where overhead utilities permit. Large maturing trees shall be planted in a manner so as not to conflict with existing overhead power lines along Port Republic Road. In areas where trees must be planted near the power line right of way, small maturing trees shall be utilized. Applicant shall transfer maintenance of any common area amenities, including trees and landscaping to a homeowners' association upon the end of the developer control period.

9. Applicant shall construct off-site road extensions to connect Decca Drive and Skylark Lane to the proposed public streets within the development. The connections include both the roadway, curb and gutter, and sidewalk, assuming existing right of way is in place for construction of the improvements. If the existing right of way is not sufficient to construct the improvements described above, and Applicant is unable to obtain additional right of way cooperatively after reasonable effort, the City shall obtain the necessary right way prior to requiring completion of the proffered improvements. Applicant shall notify the City as soon as it is determined that additional right of way is needed and shall allow a minimum of four (4) months for the right of way acquisition process to occur.
10. Sidewalks shall be provided on a minimum of one (1) side of all private streets and on both sides of all public streets where existing sidewalks do not currently exist.
11. During site development, construction access to the site shall be limited to Port Republic Road.
12. A one hundred foot (100') right turn taper will be provided serving the primary project entrance as shown on the Concept Plan.
13. Applicant shall either (a) construct speed tables near the connection points to both Decca Drive and Skylark Lane as generally depicted on the Concept Plan or (b) construct other intersection safety measures, such as raised intersections, traffic islands, painted stop bars, and/or other measures, at the intersection of Decca Drive and the extension of Skylark Lane and at the intersection of the extension of Skylark Lane and the new public street. The locations and designs of speed tables and/or intersection safety measures require approval by the Department of Public Works at engineered site plan approval stage.
14. Applicant shall construct a five (5) foot wide pedestrian connection that connects the existing shared use trail along Port Republic Road to the sidewalk system internal to the site. The location of the connection shall be as generally depicted on the Concept Plan. The pedestrian connection shall be compacted gravel or other hard surface material. If required, a bridge across the existing drainage shall be designed for pedestrian use only (no motorized vehicles, bicycles, etc.). The pedestrian connection shall be maintained by the homeowners' association and shall contain an access easement to allow use by the public.
15. Applicant will reserve necessary temporary construction easements so that future development to the north can connect into the public street stubs shown on the Concept Plan as determined by Applicant's engineer for future connection.
16. Applicant shall install and maintain a posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure in at least three locations on private streets to be determined at site plan review stage.
17. Applicant shall provide public access easements across as-built private sidewalks installed along private streets within the development.

The concept plan is not proffered. Note also that the referenced proffer numbers on the concept plan are incorrect and concept plan with correct proffer numbers is forthcoming.

Further explanation of multiple proffers associated with traffic and streets is provided within the Transportation and Traffic section of this report.

Land Use

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

These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. 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. 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 should be around 7 dwelling units per acre and 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 concept plan demonstrates the proffered maximum of 128 dwelling units. At a density of 6.5 units per acre, the density of the project is supported by the Comprehensive Plan. However, staff does not believe that the proposed development conforms with the types of planned dwellings recommended by the Comprehensive Plan. The Low Density Mixed Residential (LDMR) designation describes this area as being planned for large and small-lot single-family detached dwellings, and where duplexes may be appropriate in certain circumstances. The conceptual layout illustrates 26 single-family detached dwelling lots, 28 duplex units, and 74 townhome units, which equates to a breakdown of 20.3%, 21.8%, and 57.8%, respectively, where the majority of the dwelling units are townhomes. While the LDMR designation does not specifically plan for townhomes, there may be times that a few townhome units could be incorporated appropriately within property designated LDMR and even within existing single-family detached home neighborhoods. However, staff does not believe this to be the case for the proposed project, especially when more than half of the units are townhomes.

Since the completion of the Comprehensive Housing Assessment and Market Study in January 2021, there have been multiple residential developments that have received use-approval by City Council. Table 1 below shows the number of units given use-approval (exclusive of any units specifically intended for student housing).

Table 1. Residential developments that have received use-approval by City Council between January 2021 through February 5, 2024 (exclusive of units specifically intended for student housing)

Type	Single-Family Detached	Duplex	Townhomes	Multi-Family	Total
Total Units	160	40	589	1,747	2,536
Percentage of Total	6.3%	1.6%	23.2%	68.9%	100%

Given the lower number of single-family detached and duplex dwellings that have been given use-approval compared to townhomes, and that the Comprehensive Plan recommends single-family detached and duplexes for the subject property, at this time, staff does not believe the subject property needs to be rezoned to allow for more townhome development.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

Proffer 4 requires an easement for a bus shelter and construction of a concrete pad for a bus adjacent to Port Republic Road at a location acceptable to the Harrisonburg Department of Public Transportation (HDPT). While the applicant has illustrated on the concept plan a possible location for the bus shelter, know that this location has not been vetted by HDPT. The location of a bus shelter would be determined during the engineered comprehensive site plan review.

Proffer 5 requires public streets to be constructed to include connections to Port Republic Road, Decca Drive, Skylark Lane, and two street stubs for future connections to tax map parcels 8-F-6 and 7A as generally depicted in the concept plan. Proffer 15 reserves necessary temporary construction easements so that future development can connect to the public street stubs. Additionally, Proffer 5 requires dedication of public right-of-way and temporary construction easements to allow for the future extension of Westmoreland Drive in the northern corner of the property.

Proffer 6 requires street extensions to Decca Drive and Skylark Lane and provides the timeline for when those connections must be made with respect to the number of certificates of occupancies issued for the planned units. When the adjacent neighborhoods of Stone Spring Village and Ashby Meadows were constructed, which included the construction of Decca Drive and Skylark Lane, the public street right-of-ways were stubbed to the adjacent property lines for future street connections into the subject property. The developers for those neighborhoods dedicated 50-feet of public street right-of-way width, which is adequate for a street, curb and gutter, grass strips, and sidewalks on both sides of the street. However, the physically built streets stop short of the property line and temporary construction easements for grading outside the limits of the 50-foot public street right-of-way width were not reserved by the developers. Therefore, within Proffer 9, the applicant has proffered that if existing right-of-way (which includes needed temporary construction easements from adjacent property owners) does not provide sufficient space to construct the street, curb and gutter, and sidewalks, and if the applicant is unable to obtain the needed additional right-of-way “after reasonable effort,” then the City would be responsible for obtaining

the necessary right-of-way to allow the completion of the proffered improvements. Staff understands the complexity of this particular situation but does not believe the City should be involved and that the applicant should be entirely responsible for obtaining the necessary right-of-way and temporary construction easements. Additionally, the applicant cannot use proffers to obligate the City or any other entity to participate or take actions.

Proffer 11 restricts construction access during site development (i.e. grading, utility construction and street construction) to Port Republic Road. Once site development is completed and the public streets are connected, building contractors would be allowed to enter from any direction.

During review of the requests, staff suggested that the applicant add traffic calming measures to reduce speeding. The applicant has provided proffer 13 to construct speed tables or intersection safety measures and, as indicated by proffer 16, will post speed limit signage not to exceed 15 miles per hour on private streets to help with this regard.

With proffer 14, the applicant is committing to construct a 5-foot-wide compacted gravel, or other hard surface material, pedestrian connection that connects the existing shared use path along Port Republic Road to the sidewalk system internal to the site as generally depicted on the concept plan. Additionally, if a bridge is necessary, the applicant would construct a pedestrian bridge across the low drainage area. The pedestrian connection would also be within a public access easement. (Public access easements are privately owned and maintained sidewalks that are open for the public to use.)

With proffers 10 and 17, the applicant commits to constructing and dedicating public access easements for sidewalk along private streets. While staff would prefer sidewalks on both sides of the private street, the applicant is only proffering to construct sidewalk on one side of private streets. The applicant has proffered to provide sidewalks on both sides of public streets. While the Subdivision Ordinance and Design and Construction Standards Manual (DCSM) requires sidewalks to be constructed on both sides of newly constructed public streets, the Subdivision Ordinance has a provision that allows developers to request variances to deviate from requirements. By proffering that sidewalks will be constructed on both sides of public streets, this removes the ability to consider variances to sidewalks in the future unless the proffer is amended.

Public Water and Sanitary Sewer

Staff has 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 A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market Type A areas include an emphasis on

increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

To be clear, the LDMR land use designation supports the idea of rezoning the subject property from R-1 to another zoning category that would allow for around 7 units per acre. Thus, the Land Use Guide (LUG) of the Comprehensive Plan and the recommended policy to increase density through zoning changes as identified by the Housing Study for Market Type A areas does align. However, the question is whether the area should be rezoned to allow for a higher density of single-family detached homes and duplex development or whether greater density should be provided through townhome development. At this time, staff believes it is the former.

Public Schools

The student generation attributed to the proposed 26 single-family detached dwelling lots, 28 duplex units, and 74 townhome units is estimated to be 42 students. Based on the School Board’s current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

Recommendation

Staff recommends denial for both the rezoning and SUP.

As most are aware, the City needs more housing in the City, and while this project would add more units, staff does not believe this project at this location should be approved at this time. While staff understands that the style of buildings and unit types is what is desired by the current developer, at this time staff does not believe this development is what is best for the City. Staff is concerned with:

- The lack of conformance with the Comprehensive Plan’s Low Density Mixed Residential designation, which does not plan for townhomes in this area.
- There are already 589 townhome units in the City that have received use-approval from City Council since January 2021.
- Proffer #9 attempts to obligates the City to acquire right-of-way for street and sidewalk connections if the applicant is unable to obtain them. As previously stated, the applicant cannot use proffers to obligate the City or any other entity to participate or take actions.

Staff recognizes the difficulty and the complexity of recommending denial of residential development during a time when the City needs more housing. However, we cannot ignore the greater concepts and planning efforts. As described in the Land Use section of this report, if the private industry continues forward with projects that have already been given use-approval, more housing units should be on the way.

As should be understood, staff is not opposed to rezoning the subject site to R-8 generally, but has concerns with the amount of townhouse development proposed on the site, where such development was not previously anticipated. As noted earlier, the LUG and policies identified in the Housing Study support rezoning this site. An appropriate request might be to rezone the property to the R-8 district with appropriate proffers to allow only for small lot single-family detached and duplex dwellings.

While staff recommends denial of the rezoning and SUP, if there is desire to approve the rezoning and SUP request, staff recommends tabling the request to allow the applicant and staff to further discuss the matters associated with Proffer #9.

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 conditions;
- (c) Approve the rezoning and deny the special use permit; or
- (d) Deny the rezoning and special use permit requests.

Community Engagement:

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

Rezoning – 1211, 1225, 1245 & 1261 Port Republic Road (Weston Park) (R-1 to R-8C)

Public hearing to consider a request from PRR 1 LLC to rezone four parcels totaling a +/- 19.66-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The parcels are addressed as 1211, 1225, 1245 & 1261 Port Republic Road and are identified as tax map parcels 88-F-7, 8, 9 & 10.

Special Use Permit – 1211, 1225, 1245 & 1261 Port Republic Road (Weston Park) (To Allow Attached Townhomes of not More than 8 Units in the R-8)

Public hearing to consider a request from PRR 1 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 +/- 19.66-acre property consists of four parcels addressed as 1211, 1225, 1245 & 1261 Port Republic Road and are identified as tax map parcels 88-F-7, 8, 9 & 10.

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 (d) to deny the rezoning and special use permit requests.

Attachments:

- 1. Site maps
- 2. Application and supporting documents

Review:
N/A