



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT November 12, 2014

REZONING – FREEMAN STATION PROFFER AMENDMENT (2014)

GENERAL INFORMATION

- Applicant:** Cosner Construction Inc.; H G M & S, LLC; W. Michael Heatwole, III; Mathew Geary; J. Kenneth Kline; and Roy L. & Wanda L. Hartman
- Tax Map:** 9-T-1 thru 15
- Acreage:** 4.44 acres
- Location:** 1725, 1727, 1731, 1733, 1737, 1739, 1743, 1745, 1749, 1751, 1755, 1757, 1761, and 1767 Pear Street as well as 151, 160, 161, 162, 164, 171, and 173 Howard Lane
- Request:** Public hearing to consider a request to rezone 15 parcels by amending proffers on R-3C, Multiple Dwelling Residential District Conditional zoned property.

LAND USE, ZONING, AND SITE CHARACTERISTICS

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 are located on and adjacent to the property:

- Site:** Single-family dwelling, duplexes, and apartment buildings, zoned R-3C
- North:** Across the Norfolk Southern Railroad and South High Street, dwelling units, zoned R-2, and commercial uses, zoned B-2
- East:** Eck Enterprises, zoned M-1 and single-family dwellings fronting along Sharon Street and Amherst Court, zoned R-2
- South:** Single-family dwellings fronting Amherst Court, zoned R-2 and apartment units fronting Colonial Drive, zoned R-3
- West:** Apartment units, zoned R-3 and industrial use, zoned M-1

EVALUATION

The applicant is requesting to rezone 15 parcels by amending the proffers on R-3C, Multiple Dwelling Residential District Conditionally zoned property. The properties are situated within the Freeman Station Subdivision which is located along the cul-de-sac of Pear Street and Howard Lane, a private street. The subdivision consists of a mix of apartment units, duplexes, and a single-family dwelling.

Freeman Station, which was originally known as Cosner Development, was rezoned from R-2, Residential District and R-3, Multiple Dwelling Residential District in July 2008 by rezoning all property to R-3C. The proffers associated with the rezoning included:

1. The concept plan prepared by Hamrick Engineering, P.C. dated June 10, 2008 is proffered except for the location of street trees which may vary due to necessary sight distance easements.
2. Occupancy will be limited to two unrelated people or a single family.
3. Each duplex unit will have three parking spaces. One in the garage and two in the driveway.

Along with the above, the proffered concept plan included eight general notes and because the concept plan was proffered, the general notes are also conditions of the development. They are as follows:

1. Stormwater management will be provided meeting all applicable City and State requirements.
2. Each duplex unit will have a single stall garage and two parking spaces in the driveway.
3. The privacy fence at the rear of lots 1 through 3 along the railroad and adjacent to the basketball court shall be constructed of wood or vinyl.
4. Utility easements will be granted to all public utilities as necessary.
5. The typical street section shall comply with City standards. The horizontal geometry shall be as shown.
6. The tot lot amenities shall be 2-springer animals, 1-junior swing, and 1-sand box.
7. The existing single family dwelling may in the future be demolished and replaced with a duplex building.
8. Right-of-way and temporary construction easement will be dedicated in the future as shown if the existing railroad crossing is abandoned.

Concurrent with the planning, rezoning, and preliminary platting of Cosner Development, the City was beginning the first phase of the Erickson Avenue/Stone Spring Road improvements. This phase included rerouting traffic from the intersection of Pear Street and Erickson Avenue so that the railroad trestle could be removed and the new roadway completed. Traffic was routed along Pear Street past Cosner Development and the proposed Pear Street extension. During the planning and rezoning stage, the developer worked closely with the City regarding traffic concerns entering and exiting the property. The developer was able to begin site grading and install infrastructure for the proposed development while the City completed phase one of the Erickson Avenue/Stone Spring Road project. Upon removal of the trestle and completion of the road improvements, the developer final platted the subdivision and renamed it Freeman Station.

Construction of the apartment units and several duplexes began in early spring of 2014. It was during this time that several concerns and questions arose regarding proffers and the concept plan general notes. One of those issues was the proffer stating that each duplex unit would have three parking spaces, one in the garage and two in the driveway, was not provided for on the duplex dwelling that was planned to front along Howard Lane. Another issue revolved around converting the existing single-family dwelling into to a duplex, where the concept plan specified the dwelling could only be demolished and a duplex constructed in its place.

After several conversations with the developer and applicants, it was decided that an amendment to the proffers would be the best course of action to take in order to complete the subdivision as planned. The applicants have amended the proffers with the following:

1. The concept prepared by Hamrick Engineering, P.C. dated October 7, 2014 is proffered except for the location of street trees which may vary due to necessary sight distance easements.
2. Occupancy will be limited to two unrelated people or a single family.
3. Tax map parcel numbers 9-T-4 through 9-T-15 will have three off-street parking spaces.

The sight distance easement has been recorded and several of the street trees have been removed from the plan of development, or relocated, to accommodate the easement. Proffer three regarding off-street parking and garages for all duplexes was amended removing the requirement of a garage and specifying that only three off-street parking spaces for the duplex units along Pear Street would be provided; which clarifies that this detail was never intended for the duplex off of Howard Lane.

The concept plan general notes were amended to allow the single-family dwelling to either be converted to a duplex or demolished to allow construction of a new duplex. In addition, the amended third proffer also clarifies that if the single-family home becomes a duplex, whether converted or reconstructed, it would have to meet the same three off-street parking space requirements. The specific amenities of the tot lot were removed too, indicating that just a tot lot area would be provided.

The requested changes are in keeping with the intentions of original rezoning and the Freeman Station Subdivision, and staff appreciates the cooperation of all the applicants involved. Staff recommends approval of the rezoning request.