



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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October 5, 2020

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Consider a request from Cobbler's Valley Development Inc. to preliminarily subdivide a +/- 5.66-acre parcel to create a new public street to serve as the entrance to a new residential development located in Rockingham County. The new public street would bisect the +/- 5.66-acre parcel and create two new parcels of +/- 3.13 acres and +/- 2.24 acres. The request includes variance requests from the Subdivision Ordinance and from the Design and Construction Standards Manual (DCSM) to not construct sidewalks on both sides of all new public streets and to allow for a reduction in required street width. The property is addressed as 585 and 611 Pear Street and is identified as tax map parcel 8-E-2.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: September 9, 2020

Chair Colman read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this area 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:

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

The applicant is requesting to preliminarily subdivide a +/- 5.66-acre parcel to create a new public street to serve as the entrance to a new residential development located in Rockingham County. The new public street would bisect the +/- 5.66-acre parcel and create two new parcels of 3.13 acres and 2.24 acres. If the preliminary plat is approved, construction of the new road (Cobblers Court) is anticipated upon approval of the Engineered Comprehensive Site Plan (ECSP), which is already in review. At this time there is no plan of development for the two new parcels, although once platted, these parcels could be built upon or further subdivided.

Both new parcels would have frontage along Pear Street and Cobblers Court. The City's Street Network Plan designates Pear Street as a collector street, which requires a minimum of 50 feet of right-of-way (ROW). As shown on the plat, the applicant would dedicate ROW of up to 25 feet from the centerline of Pear Street along the entire frontage of the subject site. Street improvements of curb, gutter, and sidewalk will also be constructed along the Pear Street frontage as indicated on the plat.

With regard to water and sanitary sewer, water is available in the Pear Street ROW. Sanitary sewer is within a portion of the ROW; but does not extend to Proposed Lot 2. Per Section 10-2-63 (b) of the Subdivision Ordinance, "[e]very subdivision shall be provided with satisfactory and sanitary means for a sewage disposal system as required by the department of public utilities and the city manager." The applicant has indicated on the preliminary plat that the existing sanitary sewer within the Pear Street ROW could be extended to the entrance road, Cobblers Court, where it can serve proposed Lot 2. This satisfactorily addresses Section 10-2-63 (a) and (b) of the Subdivision Ordinance with regard to water and sanitary sewer for the preliminary plat. Prior to final platting of the subdivision, all public improvements necessary to dedicate the public street ROW and to establish the sanitary sewer connection shall be constructed/completed or an approved surety shall be accepted for such improvements.

Regarding stormwater management for the site, the applicant states that best management practices, or BMPs, for the new parcels are not known at this time and will be determined with future development of those lots, which is acceptable from a preliminary plat perspective. All stormwater management for the Pear Street improvements and proposed Cobblers Court will be addressed in the ECSP, with a wet pond located in Rockingham County.

The applicants are requesting variances to Section 10-2-41(a) of the Subdivision Ordinance which states:

“Proposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual, except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the city council when:

1. The proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the city desires.
2. The particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts.
3. The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.”

Cobblers Court is considered a local street; therefore, 50 feet of ROW is needed to encompass 30 feet of pavement, 2.5 feet of curbs and gutters, 2-foot grass strips, 5-foot sidewalks, and 6 inches of buffer strips beyond the sidewalks. A variance to reduce the pavement width from the required 30 feet as per Section 3.6.4.1 of the DCSM to a 22-foot pavement width is needed so that it could match what is permitted by the Virginia Department of Transportation (VDOT) Road Design Manual, which is what would be built in the County. The applicant has described within the application how the narrow width meets the standards of 10-2-41(a). The applicant’s letter is attached.

Staff does not have concerns with the requested deviation as described above and supports that particular variance.

In addition to the above noted variance, the applicant is also requesting to deviate from Sections 3.3.3.1 and 3.6.4.1 of the DCSM, which requires the construction of sidewalk on both sides of the proposed street. The applicant has described within the application how constructing sidewalks on only one side of the proposed Cobble Court, specifically on the west side meets the criteria of Section 10-2-41(a). The applicant’s letter is attached.

The proposed public street will serve as an entrance road to a development within Rockingham County, which is planned for a maximum of 400 dwelling units. As the proposed Cobblers Court enters Rockingham County, the street is essentially centered in the middle of the planned development, with 275 townhomes planned to the northwest of the street and 175 single-family detached and duplex dwellings planned to the southeast. Safe connectivity out to Pear Street for the residents of this development is essential. In an effort to achieve Goal 13 and Objective 13.1 of the Comprehensive Plan, Strategy 13.1.4 states, “[t]o develop pedestrian and bicycle-friendly environments in the City that connect residential neighborhoods to community facilities, to commercial areas and employment centers, and that connect residential neighborhoods to each other, to promote a healthier community.” Providing sidewalk on both sides of the street achieves this. The applicant’s letter indicates that sidewalk is only required along one side of the street within the county development and if sidewalk were to be constructed on the south side of Cobblers Court within the City, it would end at the Harrisonburg City limits, with no sidewalk to ever

connect to on the portion of the street in Rockingham County. Although sidewalk is not required along both sides of the street within the County, it is still allowed and there is nothing preventing the applicants from making the connection.

Staff does not support the applicant's request to deviate from the DCSM Sections 3.3.3.1 or 3.6.4.1 to not be required to provide sidewalk on both sides of the street. In addition to Strategy 13.1.4 discussed above, supporting these deviations would also work against Strategy 13.1.5, which is "[t]o continue to implement measures to expand the network of pedestrian infrastructure (sidewalks and shared use paths) so that all streets will have pedestrian accommodations on both sides of the street."

Staff recommends in favor of the preliminary plat with the applicant's request for the narrow pavement width; however, staff recommends denial of the applicant's request to deviate from the requirements of the DCSM Sections 3.3.3.1 and 3.6.4.1 requiring sidewalk to be constructed along both sides of Cobblers Court within the City.

Chair Colman asked if there were any questions for staff.

Chair Colman said that he agrees with Commissioner Finnegan's comment that the flow of the meeting and the communication is not quite the same via remote meeting. We do not have the same feedback or the same synergy as we do when we are together and understanding each other's comments, especially when we have connectivity issues.

This is an interesting request here and I would like to hear what the thoughts are on the variances.

Commissioner Finnegan said that he agrees with staff that there is nothing preventing this development from having sidewalks. Just because the County does not require it does not mean that the City should not require it. That is a decision that they can make, if they are only working on bare minimums. We do not control what happens in the County and the County does no control what happens in the City. I am inclined to agree with staff that I do not support the variance for the sidewalk in the portion that is in the City. If they choose to end the sidewalk there, then that is there choice.

Commissioner Whitten and Fitzgerald agreed with Commissioner Finnegan.

Chair Colman said that he understands some of their points, however their argument is not very robust. When it comes down to the sidewalk not being necessary as a sidewalk to nowhere in front of lots 1 and 2. We do not know what lots 1 and 2 are going to have. There might be something there that would use the sidewalks on either side, especially with all the traffic going through there, so it would be nice to have sidewalks on both sides on lots 1 and 2. I do not see it as a sidewalk to nowhere. There is a potential there. Without any plans, we do not know. In response to the comments by the attorney stated that "[t]hird, adding a sidewalk, which is at best a preference or luxury rather than a necessity", it is part of the ordinance, not just that we want a sidewalk. We and the staff have to respond to it because it is part of the ordinance, not because they see it as a luxury. On the other hand, I understand the point that they are trying to minimize impervious areas to prevent pollutant load and support an environmental approach. The impact of this sidewalk is

minimal. We need to weigh what the greater benefit are. Given the length of sidewalk that is requested to be reduced, I do not know that it warrants that. I do agree that the runoff and environmental responsibility is a good approach, but other things might outweigh that.

Commissioner Whitten said that they had a reduction in pavement width. There is more pavement width related to that street. They can put the sidewalk in and still feel good about the impervious surface.

Commissioner Fitzgerald said that she is in agreement with staff's recommendation to accept narrowing the entryway. That seems sensible and safer than having a divergence at the City line.

Commissioner Whitten said that if you have a narrower street width, there is all the more reason to provide a safe passage on either side of the street, so that people are not walking in the street.

Commissioner Finnegan said that he agrees with Commissioner Whitten on that.

Vice Mayor Romero said that he agrees with the other comments. It does concern me that applicant is aware of staff's concerns, yet they were not willing to make any changes until this came to us today. I would say that they had the opportunity to make any changes that they would have deemed necessary, so I plan on voting no to this, or rather, supporting staff in their recommendation.

Commissioner Byrd, via chat message read by Chair Colman, I agree with Commissioner Whitten on the narrow street and the sidewalk comments.

Ms. Banks clarified that the reason for the updated staff memorandum today was due to dealing with the issue of the sanitary sewer line. The variance requests were already on the table. There was not going to be any further discussion. The applicant was aware of what our recommendations would be. The clarification for today was just for the sanitary sewer line. Although this is not a public hearing, I believe that even though we have comments from the attorney, we also have the engineer on the phone to answer questions and offer comments.

Chair Colman said that he believes that the comments on the sidewalk were part of the letter that came in from the attorney in the later package.

Chair Colman asked if there were any more questions for staff. Hearing none, he opened the public comment portion and invited the applicant or applicant's representative to speak to their request.

Carl Snyder, Valley Engineering, called in representing the applicant. I appreciate the Planning Commission taking the time to weigh this out and hear this, this evening. I do not have anything to add beyond the narrative that we provided for the variance request, in addition to what Todd Rhea, the applicant's attorney provided. I do want to reiterate something that was in Mr. Rhea's commentary. If City Council is willing to grant the variance request for the sidewalk on one side, this is not being proposed as a mere cost savings. They are willing to invest real money into providing additional landscaping, a streetscape of sorts. In addition, while there are no plans at this point for any development on either of the City parcels being proposed, on the side where we are requesting the variance to remove the sidewalk there is a wetlands that runs parallel to the proposed

Cobbler's Court. There is a divergent in the wetlands where two come together. There is not an easy, direct connection there. To further complicate the matter, that parcel has the huge Dominion Power high transmission line that runs through with a 100-foot easement. There is a lot that inhibits any future development on that piece.

Chair Colman said that there are certain encumbrances there, the powerline and the wetlands, but given time, those things can be relocated and removed. It is a limitation, but not an impossibility.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public comment portion and opened the matter for discussion.

Commissioner Finnegan made a motion to recommend approval of the preliminary plat as presented by staff with the narrowed pavement, and to deny the applicant's request to deviate from the sidewalk requirements.

Commissioner Whitten seconded the motion.

Chair Colman called for a roll call vote.

Commissioner Byrd	Aye, via chat message
Commissioner Finnegan	Aye
Commissioner Fitzgerald	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Vice Mayor Romero	Aye
Chair Colman	Aye

The recommendation to recommend approval of the preliminary plat, as presented, with the variance request for narrowed pavement and denying the variance request to deviate from sidewalk requirements passed (7-0). The recommendation will move forward to City Council on October 13, 2020.