



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 3, 2021

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT:

Consider a request from James K. Strawderman (Estate) to rezone 107 and 137 Vine Street

This item was discussed together with the special use permit and preliminary plat, both as identified and described below.

Consider a request from James K. Strawderman (Estate) for a special use permit to allow townhomes at 107 and 137 Vine Street

This item was discussed together with the rezoning, identified above, and the preliminary plat as identified and described below.

Consider a request from James K. Strawderman (Estate) to preliminarily subdivide 107 and 137 Vine Street

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: April 14, 2021**

Chair Finnegan noted that the next two public hearing items and the first item in New Business – Other Items, regarding 107 and 137 Vine Street, will be considered together.

Due to technical difficulties, the following statement by Commissioner Baugh was read into the record at the conclusion of the three requests related to 107 and 137 Vine Street.

Commissioner Baugh read the following statement into the record:

The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosures.

1. The transaction involved are the items taken up on the April 14, 2021 Agenda as Items 4(c), 4(d) and 5(a), requests for a rezoning, approval of a special use permit, and a preliminary subdivision.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.

3. I affirmatively state that I will not vote or in any manner act on behalf of City Council in this matter.

Chair Finnegan read the requests and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

Site: Vacant site, zoned B-2C

North: Across Vine Street, vacant land zoned M-1 and vacant land in Rockingham County zoned A2

East: Multi-family, zoned R-4

South: Townhomes, zoned R-4

West: Automotive and industrial uses, zoned M-1

The applicant is requesting to rezone two lots totaling +/- 2.25-acres from B-2C, General Business District Conditional to R-8C, Small Lot Residential Conditional and 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 also requesting approval of a preliminary plat with variances. If the requests are approved, the applicant plans to construct 29 townhomes on the site.

Rezoning and Special Use Permit

In December 1999, the site was rezoned from M-1, General Industrial District to B-2C, General Business District Conditional. In connection with the rezoning request to B-2C, the applicant at that time proffered to remove several uses from the list of permitted uses in the B-2 district and proffered to install a landscape buffer along property lines bordering residential uses, as well as a limitation on sign height. The 1999 Proffer Statement is attached herein.

With the subject rezoning request to R-8C the applicant has proffered the following (written verbatim):

1. When constructed, there shall be only one entrance onto Vine Street.

The proffer would allow the site to have only one entrance onto Vine Street to serve all uses on the site.

Note that the submitted conceptual site layout is not proffered. The conceptual site layout illustrates a central open space area. While the applicant explained to staff that they intend to provide a central open space area, at this time, the applicant is not comfortable proffering a minimum size of central open space.

As previously noted, the subject property is designated Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. While this site by itself is not a mixed use development, as it does not contain a combination of residential and non-residential uses, staff believes that a townhome development at this location is will contribute to the Mixed Use area designated along the North Main Street corridor in the Comprehensive Plan's Future Land Use Guide. The Comprehensive Plan describes residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted. Adjacent to this site are existing townhome and multi-family developments that are designated in the Comprehensive Plan as High Density Residential which are planned to allow up to 24 dwelling units per acre. The proposed 29 townhomes on +/- 2.25-acres calculates to a density of 13 dwelling units per acre.

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.

Preliminary Plat

If the rezoning to R-8C and the SUP to allow townhomes of not more than eight units are approved, then the preliminary plat can be considered. If the rezoning or SUP are denied, then the preliminary plat must also be denied.

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows how existing and proposed water and sanitary sewer lines will serve each new lot. An existing public water main and an existing public sanitary sewer main run along the frontage of an adjacent lot addressed as 1370 North Main Street (tax map parcel 42-D-16), and the public water main extends further across the frontage of one of the subject lots (107 Vine Street, tax map parcel 42-D-22).

On Sheet 3 of the preliminary plat, the applicant illustrates the location of easements for public water, public sanitary sewer, public general utilities, and stormwater best management practices (BMPs).

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) and describes in their application that “[t]he configuration of the properties is such that frontage of the buildings onto Vine Street would severely limit the number of townhouse units. In addition, existing developments adjacent to this property have their buildings facing a private parking unit, as is being proposed for this development.”

The second variance request is to Section 10-2-43 of the Subdivision Ordinance which requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others as deemed utility by the City. The applicant describes that “[t]he preliminary plat illustrates, 5-ft and 10-ft public general utilities are provided to serve each new lot. This variance is requested so that additional easements that would otherwise restrict use or conflict with other easements (i.e. public water, public sanitary sewer, and BMP maintenance areas) are not required along the frontage and side or rear lot lines for each newly created lot.” Know that the public general utility easements provided would not preclude utility companies from negotiating alternative easements with the property owner(s). More or less, the requirements as specified in Section 10-2-43 are to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. Staff does not have concern with the proposed development deviating from this section of the Subdivision Ordinance as it appears all issues typically associated with this requirement are being addressed.

The layout shows 58 off-street parking spaces provided along the private streets at a ratio of two parking spaces per dwelling. The Zoning Ordinance requires one parking space per dwelling in the R-8 district.

Aside from the variances requested to allow the 29-townhome lots to not have public street frontage and to deviate from public general utility easement requirements, the development meets all other requirements of the Subdivision and Zoning Ordinances.

Staff recommends approval of the preliminary plat and variances as requested.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan asked for clarification regarding the layout of the electric meter bank, transformer line, running through the middle of the development. The way that they are divided, is that a transmission line? What is that running through the middle?

Ms. Dang said that is not a large transmission line. The electric lines running underground typically come together in the meter bank then go under the building slab to serve the townhome units. It is typical of what we see in townhome communities in Harrisonburg. It is an option that HEC offers the applicant, to bring it all to one spot at the end of the row of the townhomes.

Commissioner Whitten said that there is a correction required on the land uses. East is multi-family and west is automotive and industrial uses. Is that right?

Ms. Dang said that is correct. The staff report will be corrected before being submitted to City Council.

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

Ed Blackwell, Blackwell Engineering, spoke representing the applicant. Staff did a good job laying out what we are doing. I think it is a good, compatible use for the neighborhood. It is half a block off of Main Street and fits in with the other residential uses. We have worked with staff to lay out the water and sewer. There could be some additional water connections with adjacent parcels. We are working with the Public Utilities Department on that. That will be part of the engineered comprehensive site plan review process. We are going to do the meter packs. It makes it easier to lay out the utilities on site. We have not finished with the new water quality requirements, having to do everything on site. We do not know how much of that center common area will have to be taken into a bioretention basin or detention pond until we do the calculations. It is a green space, open space, right now. We are okay with the one entrance that the City was asking for. It could have more or less parking. My client would like to see two spaces per townhome. We think that is a good, fair mix. We would love to go less, but it makes it tough when you go to sell these. Most people want two spaces. We did not proffer the plan, but because we are requesting the preliminary plat, our goal is to go right into the design stage and the construction stage later this fall. That is what we are planning for the next year. It is locking us into this layout as it is.

Commissioner Whitten asked is there an idea of what the bedroom configuration is going to be. Are they all going to be the same? Are there going to be some two bedrooms, some three bedrooms? Do you have any idea?

Mr. Blackwell said that the goal is two and three bedroom units. They would be standard townhomes. They may have two larger bedrooms or one large and two smaller bedrooms.

Commissioner Whitten asked if there were any ADA units.

Mr. Blackwell said that there are building code requirements. If we keep these as rentals, then we have certain percentages of type A and type B handicap accessibility. We will have to look into

that as part of the site plan process. My recommendation to the owner is to try to get at least two percent. In this case it would be one A unit and one B unit as a minimum.

Mr. Fletcher asked if the A and B units are associated with apartment units. These are townhomes.

Mr. Blackwell said that Mr. Fletcher is right. These are individually platted lots. Technically, we would not have to follow that guideline. They are platted and end up like single-family homes that are attached. If we rent them, I think you are right.

Mr. Fletcher said that he was not sure if that requirement would come into play because they are subdivided and considered an R-5 unit by the Building Code. I am not sure that the ADA compliance comes into play if they are rentals. I think that it does not. Commissioner Whitten, we can ask the building official and get back to you.

Commissioner Whitten said that it was just a few years ago that we had a good friend who was in need of ADA housing. I was shocked at how little there is in Harrisonburg. I think that while we talk about affordability, that is another specific need that we have in the City. We need apartments and homes that are ADA accessible.

Councilmember Dent said that she noticed that there are parking spaces labeled as disability compliant. I would imagine that whatever requirements the housing units themselves might meet would be those that are adjacent to the parking spaces.

Mr. Blackwell said that, by code, we have to add one handicap space for every 25 parking spaces up to the first 200. That is the ADA parking requirement. Commissioner Whitten was talking about the ADA housing requirements. If you look at the site from Vine Street, it goes up a big hill, then slightly drops to the back, to the south. Our goal is to cut some of the hill in the front and put it in the back. The site itself is going to be relatively flat when we finish our grading. It would lend itself for ADA parking and it could lend itself for ADA housing requirements, if required. I will get with my client to look at making a couple of these townhomes maybe a foot or two bigger to allow for the ADA bathrooms.

Chair Finnegan 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 hearing and opened the matter for discussion.

Commissioner Byrd said that he has been driving past that parcel of land for a decade and seeing "lot for sale" for at least a decade. If changing it to R-8 gets something built there it would be of more benefit to the City than it is as a mound of dirt. I move to recommend approval of the rezoning request.

Councilmember Dent seconded the motion.

Commissioner Byrd	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye

Councilmember Dent Aye
Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the special use permit request.

Commissioner Whitten seconded the motion.

Commissioner Orndoff Aye
Councilmember Dent Aye
Commissioner Whitten Aye
Commissioner Byrd Aye
Chair Finnegan Aye

The motion to recommend approval of the special use permit request passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the request to preliminarily subdivide 107 and 137 Vine Street.

Commissioner Byrd seconded the motion.

Councilmember Dent Aye
Commissioner Whitten Aye
Commissioner Byrd Aye
Commissioner Orndoff Aye
Chair Finnegan Aye

The motion to recommend approval of the request to preliminarily subdivide 107 and 137 Vine Street passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.