



February 12, 2025 Planning Commission Meeting

Title

Consider Rezoning at 1211 and 1231 Smithland Road — Meg Rupkey, Community Development

Summary

Project name	N/A
Address/Location	1211 and 1231 Smithland Road
Tax Map Parcels	71-A-3 and 4
Total Land Area	+/- 10.14-acres
Property Owner	Janis Brown Enterprises LLC
Owner's Representative	David Gast
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Staff Recommendation	Option 1, denial.
Planning Commission	February 12, 2025 (Public Hearing)
City Council	Anticipated March 11, 2025 (First Reading/Public Hearing)
	Anticipated March 25, 2025 (Second Reading)

Recommendation

Option 1. Recommend denial of the rezoning request.

Fiscal Impact

N/A

Context & Analysis

The applicant is requesting to rezone two parcels totaling +/- 10.14-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The parcels are addressed as 1211 and 1231 Smithland Road and identified as tax map parcel numbers 71-A-3 and 4. The applicant intends to rezone the site to allow up to 70 single-family detached dwellings.

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

Site: Vacant land, zoned R-1

North: Vacant land and single-family detached dwellings, zoned R-1

East: Single-family detached dwellings and across Smithland Road, vacant land, zoned R-1

South: Vacant land, zoned R-1

West: Vacant land and single-family detached dwellings, zoned R-1

Proffers

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

1. The overall density of the development shall not exceed 70 units.
2. Only single-family detached dwellings are permitted as principal uses.
3. No more than one public street connection to Smithland Road shall be permitted. The public street shall end in a street stub to provide connectivity to the parcel identified as tax map number 71-A-13. This public street shall meet access management standards in accordance with the Virginia Department of Transportation's (VDOT) Road Design Manual Appendix B (2) for an "avenue." No driveways will be located on this new public street. Location and alignment of the public street shall be as approved by the Department of Public Works. All other streets in the development shall be considered "local" and shall meet VDOT's Road Design Manual Appendix B (2) standards.
4. In addition to the public street stub described above, a minimum of two public street stubs shall be constructed to the southeastern boundary of the development to provide connectivity to the parcel identified as tax map number 71-A-13. Location of the street stubs shall be as approved by the Department of Public Works.
5. Upon request from the City, the Owner/Applicant will dedicate the necessary public street right-of-way along Smithland Road approaching the intersection into the development; up to twenty feet (20') in width to allow for a two-hundred-foot (200') right turn lane and a two-hundred-foot (200') right taper and to include curb and gutter and a five-foot (5)' sidewalk with a two-foot (2') grass buffer . In addition, a ten foot (10') temporary construction easement shall be provided.
6. Upon request from the City, the Owner/Applicant shall dedicate land adjacent to tax map parcel 64-B-4-A for public street right-of-way as generally depicted on the Concept Plan, in Exhibit A.
7. A shared-use path shall be constructed along one side of the new public street connection between Smithland Road and tax map parcel 71-A-13. A sidewalk will be constructed on the other side of the public street.
8. A ten foot (10') wide shared use path will be constructed between a public street and tax map parcel 71-A-13 in the location generally depicted on the Concept Plan in Exhibit A. A twenty foot (20') wide public shared use path easement shall be conveyed to the City upon

completion. The shared use path shall be constructed and dedicated to the City of Harrisonburg as a public shared use path easement prior to the completion of the Development.

9. A recreational play area of no less than 500 square feet shall be provided. If provided adjacent to Smithland Road, then a privacy fence at least six feet (6') in height shall be constructed between the recreational play area and Smithland Road. Between the privacy fence and Smithland Road, a staggered double row of evergreen trees shall be planted and maintained by a Homeowner's Association, with the trees in each row planted not more than ten feet apart and a minimum of six feet (6') in height at the time of planting.
10. One (1) large deciduous tree for every forty feet (40') of public road frontage shall be planted and maintained by a Homeowner's Association along the frontage of all streets. At the time of planting, trees must be at least two inches (2") in caliper and at least six feet (6') in height.

The conceptual plan is not proffered.

Land Use

The Comprehensive Plan designates this site as Low Density Mixed Residential (LDMR) 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 applicant has proffered that the site will not exceed 70 single-family detached dwelling units and has committed to planting trees along public streets, that would be maintained by a

homeowner's association (HOA), and to providing a minimum of 500 square feet of play area. As noted above, the layout of the development is not proffered. Thus, the applicant would have the ability to design the site in a different way as long as the proffers, Zoning and Subdivision Ordinance requirements, and other design standards are met. Staff continues to encourage the applicant to locate the proposed play area in a more central area to the development to encourage social activity within the neighborhood rather than at its perimeter near Smithland Road.

When looking at the density and housing type that is proffered, the applicant's proposal of 70 single-family detached dwellings is 6.9 dwelling units per acre and aligns with the LDMR's recommended density of about 7 dwelling units per acre and in providing small lot single-family detached dwellings.

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.

As previously noted, the concept plan is not proffered. Proffers 3 and 4 address the construction of new public streets and requires a minimum of three public street stubs to provide connection to adjacent parcels. As described in Proffer 3, no more than one public street connection would be made to Smithland Road. This street is also required to stub to the adjoining parcel to the southwest identified as 71-A-13, and requires the same street to meet access management standards in accordance with the Virginia Department of Transportation's (VDOT) Road Design Manual Appendix B (2) for an "avenue." Streets that are "avenues" balance access to destinations with vehicle and pedestrian traffic. Typically, "avenues" have fewer travel lanes, a slower design speed, and dedicated space for pedestrian and bicycle facilities. While it was staff who originally suggested to the applicant to use the Appendix B (2) standards and staff has supported Subdivision Ordinance and Design and Construction Standards Manual (DCSM) variance requests to reduce public street right-of-way and street width requirements, staff does not believe it is appropriate for these standards to be proffered and that deviating from Subdivision Ordinance and DCSM requirements should be evaluated during the preliminary platting phase of development.

Although a development layout is shown on the concept plan, staff does not believe this layout addresses all matters that staff would typically expect in preparation for a rezoning request of this magnitude. As indicated within the General Notes of the concept plan, the plan was created based on limited data and without a site visit. The notes also state that grades and conditions of the site are not known at this time and that a more detailed investigation of the City's regulations is required. While a site visit is not required or may not always be necessary, in this case, staff is concerned that the applicant might either have proffered too many restrictions that could make the development difficult to achieve or has not considered the interplay between various needs

and requirements and how they could be addressed to design a well-planned residential neighborhood.

If the request is approved, the developer must complete a preliminary subdivision plat, where, among other things, they could request variances from the Subdivision Ordinance and the DCSM. Other recently reviewed development proposals have requested to deviate from location requirements for public general utility easements and to deviate from minimum public street right-of-way and street width requirements. If the rezoning is approved, staff anticipates that the applicant will request the aforementioned variances.

When appropriate, staff has supported variance requests to reduce public street right-of-way and street width requirements. However, at this time, staff is uncertain whether it is appropriate in this development due to questions staff still has about the design of the public street network, public street intersection spacing, the number of driveways along the public streets, and parking abilities for residents and visitors. The concept plan illustrates 24 feet of public street pavement width from curb face to curb face, which would not allow for on-street parking. Additionally, the applicant described to staff that they plan for each home to have a two-car garage and that the driveways would not be large enough to accommodate additional car parking in the driveway, however, know that these details are not proffered. Acknowledging that there is likely not enough space to park cars within the driveway also identifies another concern staff has with the compacted design of the neighborhood. Proffer 10 is intended to provide street trees between the dwelling units and the public street, yet staff is uncertain as to whether there will physically be enough space to accommodate this desirable detail. It appears the development might want to utilize reduced public street right-of-way widths and might be utilizing a 10-foot setback for the planned dwellings. If such a design is planned, it leaves very little space to accommodate street tree planting and maintenance.

Proffers 5 and 6 relate to the dedication of public street right-of-way and Proffers 7 and 8 address shared use paths in the development.

Staff believes more planning and design work is needed for the street network, which impacts the overall layout of the development. Additional design elements that cause concern for staff include:

- The design of the “T-intersections” located near lots 58 and 26 is not supported by staff as presented. The concept plan shows that lot 58 would be built at the end of the stub of the T-intersection and the T-intersection next to lot 26 does not take into consideration the necessary width of pavement for the public street stub to 71-A-13 and may result in the loss of lot 26. Additionally, if a street stub is intended, the applicant should expect to dedicate public street right-of-way to the property boundary to provide connection to adjacent parcels and to construct the public street, unless a variance from the Subdivision Ordinance to not construct the street is approved.

- While Proffer 8 requires construction of a shared use path the call out showing the shared-use path from “public street A” demonstrates only the future shared-use path easement. Additionally, Proffer 8 references that the connection would be to tax map parcel number 71-A-13 but shows the easement connecting to 64-B-4-A.
- The concept plan only demonstrates two of the three proffered public street stubs to tax map parcel number 71-A-13.
- A number of elements are not drawn to scale such as the shared use path along “public street C,” which would require a 10-foot-wide path with a minimum 5-foot grass buffer between the path and the street, along with dedication of public right-of-way or shared use path easement.
- Staff has concerns with the design of the median shown along “Public Road C”. Staff understands that the median was provided to be able to control traffic movements to meet the minimum intersection distance requirements, but the Fire Department has not had an opportunity to weigh in on the lane widths shown nor is staff convinced of the street network design that necessitates the purpose for the median. Additionally, the median is illustrated as a 5-foot wide median, which likely will be constructed of concrete. Staff recommends widening the median to accommodate landscaping for an inviting entryway into the development.

Public Water and Sanitary Sewer

While staff does not anticipate issues regarding water service availability for the proposed development, the applicant has been advised that they will be responsible to complete a study of the water and sanitary sewer capacity prior to submittal of an engineered comprehensive site plan. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer. Additionally, the applicant has also been advised that sanitary sewage will discharge to a sewage lift station (Smithland Road pump station) that may require modifications of the station by the developer to address increased demand.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that “[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.”

Public Schools

Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, based on the applicant's original proposal of 64 residential units, it is estimated to result in 28 additional students. Based on the School Board's currently adopted attendance boundaries, Smithland Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development.

As with all requests to the Planning Commission, HCPS primary focus is to ensure that they have adequate classroom space and maintain appropriate class sizes to educate the students of Harrisonburg. While most changes will positively impact residents and the community, HCPS remains focused on the fact that increased housing opportunities in Harrisonburg will increase the number of students who attend HCPS. HCPS staff also noted that currently four of the six elementary schools exceed effective capacity.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: <https://www.coopercenter.org/virginia-school-data>.

Recommendation

While the planned project's housing types and density are both in conformance with the Comprehensive Plan and will accommodate interparcel connectivity, there remain significant concerns with the overall public street network and layout of the site. Staff recognizes that single-family detached dwellings on small lots is a desirable type of housing that is needed in the City, however we must ensure that neighborhoods are planned and designed accordingly for the long-term success of this neighborhood and future residential developments that would be constructed adjacent to the site. At this time staff cannot support the rezoning request and recommends denial.

Options

1. Recommend denial of the rezoning request.
2. Recommend tabling the rezoning request.
3. Recommend approval of the rezoning request.

Attachments

- Site maps
- Application and supporting documents
- Public Comment