



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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July 31, 2023

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

SUBJECT: *Consider a request from Lowell H. Miller Trustee to rezone two parcels at 1621 and 1641 Smithland Road*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: July 12, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is requesting to rezone two parcels totaling +/- 1.81-acres from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. If the request is approved, the applicant plans to renovate the existing single-family detached dwelling on the property and to construct seven additional duplex structures (14 dwellings). All 15 dwelling units would be served by a private access drive running parallel to Smithland Road. If the rezoning is approved, at some point the developer must complete a preliminary subdivision plat.

Proffers

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

1. Applicant shall dedicate approximately 0.16 ac of right-of-way to City of Harrisonburg for future improvements, at a distance measured no less than forty feet (40') from the existing centerline of Smithland Road.
2. Development shall be limited to no greater than two (2) entrances.
3. 40' access easement shall be extended to both the southern and northern property line, as depicted in 'Exhibit A'. Upon development of adjoining parcel(s), the parties sharing maintenance responsibility of the private drive and access easement shall enter into a reciprocal easement agreement with the neighboring property owner(s) to allow for inter-parcel connection to the constructed roadway stub, as generally depicted in 'Exhibit A'.
4. One (1) large deciduous tree shall be planted for every seventy-five (75) linear feet of street frontage, or fraction thereof, OR, One (1) sub-canopy/ornamental tree shall be planted for every fifty (50) linear feet of street frontage. Trees may be planted anywhere on the Property.

Proffers #1, #2, and #3 are further explained in the Transportation and Traffic section of this report.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

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.

Because the Mixed Use designation supports the development of townhomes and higher density, staff asked the applicant if they had considered developing townhomes. The applicant explained their preference to build and sell duplexes and staff has no concerns with this aspect of the proposal.

While staff believes that the proposed development and rezoning to the R-8 district conforms with the Comprehensive Plan, it should be known that staff also believes an ideal situation would be for the subject property to be part of a much larger development, where the development would be connected with a local street network to the west and dwelling units would front on a local street with back yards along Smithland Road.

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 will not generate 100 or more peak hour trips, which is the threshold for staff to require a Traffic Impact Analysis (TIA).

As indicated in the Comprehensive Plan’s Street Improvement Plan, the City is planning to widen Smithland Road and to construct a shared use path on the east side of the street while providing sidewalk on the west side. To support the future project, the applicant has proffered to dedicate public street right-of-way (Proffer #1).

Streets and roadways are grouped into classes, or systems, according to the character of service they are intended to provide. Smithland Road is identified as a minor collector street and not a local street. Local streets emphasize property access rather than traffic movement and arterial and collector streets serve a combination of property access and traffic movement. The City’s Design and Construction Standards Manual (DCSM) Section 3.1.8.2 states that “[d]irect property access will be restricted along arterials and collectors, whenever reasonable access can be provided to a lower class roadway.” The applicant’s original submittal illustrated five entrances onto Smithland Road to serve the development, to which staff raised access management and safety concerns. The applicant was able to rework their concept and to proffer that the “[d]evelopment shall be limited to no greater than two (2) entrances.” (Proffer #2)

Staff also discussed the idea of whether the future private access serving this development could be located in such a way to connect with future development on adjacent properties. The applicant has proffered (Proffer #3) to create a 40-foot wide access easement that would extend to both the southern and northern property line as depicted in Exhibit A and to enter into a reciprocal access easement agreement with the adjacent properties to allow for interparcel connection. Should the adjacent property owners agree to the reciprocal access easement, an agreement would be created by the private parties when the adjacent parcels develop.

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.”

Public Schools

The student generation attributed to the proposed 14 new residential units is estimated to be six students. Based on the School Board’s current adopted attendance boundaries, Smithland Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Staff recommends approval of the rezoning request.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan said at this point the property owner that is, in this drawing, on top of back towards the quarry, do we know of any plans or...there is no proposal to build anything there currently?

Ms. Dang said that is correct. It is zoned R-7. From time to time there might be somebody interested who inquires about the property with staff, but right now there is no active plans or submittals or anything.

Chair Finnegan said that R-7, in order to be R-7 it had to be rezoned at some point.

Ms. Dang said yes and the R-7 district is one of those master plan zoning districts.

Vice Mayor Dent said what was the R-7 zoning?

Ms. Dang said [referring to the map] that purple area on the map.

Vice Mayor Dent said that means that somebody would have had to rezone it with one of those master plans at some point.

Ms. Dang said but it has been a long time, it has been since like 2007.

Commissioner Baugh said that is one of the largest undeveloped tracks in the City. It was, I think may have been as many as 4 that at least I think 3 different zonings in the entire parcel. It was kind of a progression of commercial on the Country Club Road side and maybe transition to some sort of proto mixed use [unintelligible] before we even had the mixed-use ordinance. And then there was some debate about, basically, the residential being a little more dense towards Country Club Road and transitioning to what you hope to be a more sort of planned development. It may even be that there is...I am trying to think if there is any...is the majority of it R-7?

Mr. Fletcher said I am just smiling because you have a great memory, but yes.

Commissioner Baugh said well we spent a lot of time on this thing just to sort of not do anything since then.

Mr. Fletcher said there is another person in the crowd that I believe was with us at the same time. We talked quite a bit in 2006 about that project. We went through several iterations it was finally approved in I think August 2007 and it had a range of unit counts. It was like 550 to 700 units. It was a very large rezoning. 118 acres I think it was.

Commissioner Baugh said I think the tentative idea was that even in the R-7 as you got towards the back it was going to be within...because within the R-7 you have the flexibility so it would taper to a more single-family residence...

Mr. Fletcher said it was townhomes essentially along the Linda Lane frontage. There were some apartment units that were sort of central to the interior of the site and then duplexes and single-family homes along the Interstate 81. You have to remember that there is a huge quarry in the middle, and it is a huge lake now essentially that it was going to be built around. There are some sink holes there is a lot of geology complexity with this site.

Commissioner Baugh said I think the operative point for us is that, among the challenges for whoever gets that and develops it in the future, it is really these ones that we are...it is an excellent candidate that whoever buys it, is going to look at the zoning, that sort of very particularized zoning that is there now, and come back to us to ask to do something else.

Chair Finnegan said if this gets approved the folks who live there can oppose that rezoning.

Vice Mayor Dent said another late night meeting.

Chair Finnegan asked if there were any more questions for staff.

Commissioner Alsindi said I have one question. So, proffer 2, the development should be limited to no greater than two entrances and a couple of times you have stressed on that. I see that [unintelligible] on page 3 ,Transportation and Traffic, talks about the road over there and you have the entrances there, but if you combine both is there any issues that might come here in terms of you have only two entrances there is no peak over there but coming in and leaving those two entrances on that road, would that be okay from the movement point of view?

Ms. Dang said I am not sure if I fully understand. I will take an attempt to answer your question but if I do not full answer it, please ask it again. The reason for limiting the number of entrances on the Smithland Road is so that you are prioritizing the flow or the vehicles on Smithland Road so that drivers on Smithland Road are not having to stop at every entrance. There is a potential for them to stop because the vehicle in front of them are looking to turn left instead of right.

Chair Finnegan asked if there were any more questions for staff.

Commissioner Washington said the Stormwater Management Facility, is that just like a retention pond kind of thing?

Ms. Dang answered yes that is the proposed location for something. Could be a detention pond or other feature that they put there.

Chair Finnegan opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Jon Ernest, landscape architect, partner of Monteverde Engineering & Design Studio, and applicant's representative came forward to speak to the request. He said we are here on behalf of the applicant, Emily Harris-Henry. She is the contract purchaser of this property. First off, thank you, Planning Commission, for splitting this up into two times for this week and I guess next week, right? It would have been a long hearing and maybe you will get out soon to enjoy a beer at Levitt

AMP. Thank you, Thanh, that was a comprehensive presentation and basically went over everything I was going to discuss. I would like to commend staff for the efficiencies in conversations that we have had. There were a couple items that were on the docket that kept going back and forth in discussion and it required very timely responses and lucky and fortunately our team and staff we able to coordinate that in a timely manner. Those two specifically, just for context, issues were one regarding the interparcel connectivity, understanding the greater context with the historically known quarry development that is zoned R-7 and wanting to provide that interparcel connectivity. We ended up providing the end result of that frontage alley with the 40-foot access easement providing interparcel connectivity for that unknown development. Then the additional item was the second entrance. The applicant was at the time willing to even limit it to one. Even now, we are still little concerned with conditioning one, but I would like to keep in mind that, I guess it would be four entrances that technically could be permitted. We are cutting that back by a minimum of 50%. Any questions related to those? Those were the two main issues that we had discussed with the City back and forth. But if there are any planning related comments or questions that you may have or any additional correlation that it may have with the future unknown development of the quarry land. I am here to answer, now if you have the questions or if there is applicant specific questions, our applicant is here. Also, she is willing to answer any questions you might have for her.

Chair Finnegan said I do have a question about the house that, I think it is good that you are not demolishing what is there. Was that part of the original conversation. Just like, “we want to keep this and we need to build around it.”

Mr. Ernest said the applicant felt strongly to preserve. It has a lot of character and she felt strongly to preserve that. I do not know what age it is, but it defiantly has some character to it and some local material that could be a really good renovation project that she was excited about. Although, it would be 14 total single-family attached units, that center of the property would remain a single-family detached lot.

Chair Finnegan said I did have one question just kind of following up on Commissioner Washington’s question about stormwater. I know that engineering site plans, there is a certain requirement for that, but I have also seen some more creative stormwater management that includes trees. I know that there is a bare minimum put a hole with riprap and a drain, but I will just say the comment that I am hopeful that there is considerations on other ways of handling stormwater.

Mr. Ernest said there is and we always look at that and we always prefer that for ample reasons, a lot of times it winds up being more cost effective for the developer depending... It could be more expensive in certain areas. But in this stage, we did not want to present or illustrate that. Potentially leading to a conversation that would extend interparcel connectivity in a key area that we needed to make sure was at least evaluated for stormwater in case we were not able to achieve the requirements set by DEQ when site plan phase occurred. It is intended to be stormwater, but our first priority will be looking at BMPs and better applications for that than just a dry pond essentially.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

Mary Van Pelt came forward to speak on this request. She said I grew up in that rock house so the fact that she wants to preserve that means a lot. I grew up in that when it was a dirt road. I had a great childhood, and I would like to see other families raise kids in that area. Thank you.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said my thought is that the proffers that concern the trees is always interesting. Board members have mentioned before their concerns about the words say one thing and then we will have to see if it actually ever happens in the way the words say. That is what it is. The two entrances I understand. Especially before the bridge was being repaired and rebuilt. Having the commute onto this road to pick up children from Smithland, more entrances will just create more issues. There is enough right-of-way I feel it was proffered. I would be in favor of this.

Commissioner Armstrong said I am really glad to see a lower density development. We had a whole spate of pretty high density multifamily. I think this is great.

Vice Mayor Dent said I am just thinking of the proximity to the schools. That could be beneficial addition to the area for families with children and growing up there.

Chair Finnegan said I would also say just thought about...I do agree with staff. It would be nice to see more connected walkable neighborhoods here. On the flip side of that is when you look at Strong Towns it means you needed to have more and more capital to do these bigger projects. I agree with the want to have a planned community and also, we need opportunities for infill and for other folks to be able to, without access to a whole lot of capital, do this. I would love to see something more walkable, and I do hope as staff mentioned on the Street Plan for the Comprehensive Plan that adding a bike lane or a shared use path on the other side. I do have some concerns. Nothing that would prevent me from voting for this, but just concerns that it is across from the park across a very busy fast-moving road. I am hopeful that when Public Works goes to redo this street that we put in some pedestrian islands or ways to get folks to get safely from these housing units to the park with their dogs. Other discussion or motions?

Vice Chair Byrd said I move to approve the rezoning with the presented proffers.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye

Commissioner Washington Aye
Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on August 8, 2023.