



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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December 5, 2022

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

SUBJECT: *Consider a request from Greendale Road LLC to rezone six parcels addressed as 2744, 2752, 2758, 2762, 2766, and 2770 Dorval Road*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: November 9, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the Comprehensive Plan designates this site as Low Density Mixed Residential. 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 following land uses are located on and adjacent to the property:

Site: Undeveloped parcels, zoned R-2C

North: Single-family detached dwellings, zoned R-2C

East: Single-family detached dwellings, zoned R-2C (City) and PSF (Rockingham County)

South: Single-family detached dwellings under construction, zoned PSF (Rockingham County)

West: Single-family detached dwellings, zoned R-2C

The Crossings Subdivision is located at the southeastern edge of the City and straddles Greendale Road near its intersections with Dorval Road and Ramblewood Road. The portion of the subdivision within the City was rezoned to R-2C, Residential District Conditional in June 2007, with a proffer that there will be no more than 52 single-family detached dwelling lots within the City. In 2007, the overall design of the subdivision proposed a total of 91 single-family lots within the City and County. The property was subdivided in 2007 and in 2021. There are 35 lots located entirely within the City that is part of The Crossings, Phase 1. The Crossings, Phase 2 subdivision created 9 additional single-family lots in the City and 40 lots in Rockingham County.

In October 2018, City Council approved a public utility application to provide water and sanitary sewer services to the portion of the subdivision within Rockingham County. Later, in January 2019, the portion of the subdivision within Rockingham County was rezoned from R-3C, General Residential District Conditional to PSF, Planned Single Family. The approval authorized an increase of lots within the County from 32 to 40 and approved an accompanying Master Plan depicting 30.9 percent of gross area reserved as open space.

The project's engineered comprehensive site plan was approved by the City and County on February 6, 2020, and is actively under construction.

The applicant is requesting to rezone six parcels totaling +/-1.27-acres from R-2C, Residential District Conditional to R-8C, Small Lot Residential District Conditional. Approval of the request would allow the homes on the six parcels to reduce the minimum front yard setback from 30 feet to 10 feet. The applicant explains in their letter that the rear yards of tax map parcels 97-L-7 and 8 are "encumbered by an existing stormwater detention pond that serves the subdivision, resulting in a relatively shallow buildable area" and that tax map parcels 97-L-12, 13, 14, and 15 have "shallow lot dimensions, and exceptional topographic conditions" that make building upon the lots difficult.

As noted in the Background section of this report, the six properties are part of a larger single-family detached housing development that are currently zoned R-2C, Residential District Conditional (City) and PSF, Planned Single Family (County). The 2007 proffers for the City properties state (written verbatim):

1. The uses will be limited to all uses in Article H-R-1 Single Family Residential District. Only area and dimensional regulations for single family from the R-2 Residential District will govern for lot sizes.
2. Existing Ramblewood Road will be straightened with right and left turn lanes on Greendale Rd.
3. Greendale Rd. will be widened with curbs and gutter and sidewalk per city standards. In addition, a left turn and through lanes will be provided at the Ramblewood intersection.
4. There will not be more than 52 lots in the City of Harrisonburg.

Recognizing that a rezoning to R-8 without proffers would open the opportunity to further subdivide the lots to create more dwelling units and would allow duplexes by right, the applicant has proffered the following (written verbatim):

1. Duplex dwellings are prohibited.
2. Area and Dimensional Regulations

Except as provided in article T, and as required in article CC for wireless telecommunication facilities, the following area and dimensional regulations shall apply:

Lot Area Sq. Ft.	Minimum Feet					Maximum	
	*Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories	Height
Single- Family Detached: 7,000	60	100	10	10	20	3	35
Other Uses: 6,000	60	100	10	10	25	3	40

* Measured at the point of require front setback line

By prohibiting duplex dwellings, the proposed proffers would maintain the same by right uses as proffered in 2007. The proposed proffers would also maintain the same area and dimensional requirements as proffered in 2007, except that the minimum front yard setback would be 10 feet instead of 30 feet.

Given that all the use and area and dimensional regulations of the 2007 proffers would remain in place except for the front setback requirement and that the County properties within the development require only a minimum front yard setback of 5 feet., staff believes that this neighborhood would not be adversely affected and therefore, staff recommends approving rezoning the properties from R-2C to R-8C.

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

Jeff Oswald, Blackwell Engineering, came forward as the applicant's representative in support of the request. Thank you for considering the request and thank you to staff for the accurate representation of our reasons for seeking the rezoning. She mentioned that the lots were difficult to build on. One of the other issues was with the current 30-foot setback, the homeowners are going to have little to no usable rear yard space. Part of the reason for moving the house forward, closer to the road, would be to create some flat space in the back that they can at least walk on. Without out that, you have the back of the house then the hill. With 40 other lots in the same subdivision that have a 5-foot front yard setback we are not creating oddball lots. We are actually making them more similar to the lots already in the subdivision.

Chair Finnegan asked if there were any questions for the applicant.

Chair Finnegan said it seems like a tough job at that site. It is steep.

Mr. Oswald said it was tough before development, but it was compounded...

Chair Finnegan said it is a steep hill, so I understand the setback variance that you are requesting. How do you keep the detention pond at the bottom of the steep hill safe from kids falling in there?

Mr. Oswald said you can put a fence around something like that.

Chair Finnegan is that not on this property?

Mr. Oswald said the detention pond is on the back of two of the lots that we are requesting the rezoning for. Sometimes people put a safety fence around a pond like that. If the homeowner buys it and has that pond on their lot, they can put a fence around it.

Chair Finnegan asked if there were any more 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. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said this is a perfect reasonable request. I am in favor of this request.

Commissioner Whitten said my father was a civil engineer. When I saw this, I thought this is an engineering nightmare. It can be built on because of engineering.

Commissioner Whitten moved to recommend approval of the request.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	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 December 13, 2022.