



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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September 30, 2024

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

SUBJECT: *Consider a request from Ritchie Vaughan to rezone 439 and 445 Myrtle Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: September 11, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone two parcels totaling +/- 14,424 square feet from R-2, Residential District to R-8C, Small Lot Residential District Conditional. There are currently two single-family detached dwellings, one on each parcel that front along Myrtle Street. In the applicant's letter they explain that they want to rezone the property to R-8 to subdivide the two parcels into four parcels and build two new single single-family detached dwellings that would front along Effinger Street.

Proffers

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

1. Proposed lots 3 and 4 along Effinger Street will have a 25 ft front setback.
2. A variable width public sidewalk easement along the front of all proposed lots will be provided for the City to construct a sidewalk in the future. The easement will extend 7.5 ft from the existing back of curb into the property and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the 7.5 ft sidewalk easement will be provided for the City to have sufficient space to install the proposed sidewalk.

The conceptual site layout is not proffered.

As noted in proffer #2, the applicant would dedicate public sidewalk and temporary construction easements to allow the City to construct sidewalk along the streets at some point in the future.

Land Use

The Comprehensive Plan designates this parcel as Neighborhood Residential and states that:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings. Townhomes are permitted with a special use permit. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can at times work well within areas designated as Neighborhood Residential and should work well within the nearby neighborhood.

The conceptual plan illustrates the two +/- 7,400 square foot in size subject parcels being potentially subdivided into four parcels ranging in size from 3,634 square feet to 3,882 square feet in lot area. When compared to the nearby neighborhood, and within only about a 300-foot radius of the subject parcels, there are eight parcels that are less than 5,000 square feet in area, the smallest of which is about 3,613 square feet.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

If the site is subdivided in the future, the applicant will be required to provide off-street parking for the proposed new lots, as well as maintain an off-street parking space for the existing home at the corner of Effinger Street and Myrtle Street. Although the applicant has indicated driveway locations on the concept plan, these locations have not been finalized and may change.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters. The applicant is aware though that any future new lots will be required to connect to the City's water and sewer systems, which may require extensions of existing facilities. For example, if they subdivide to create two, new lots, Lot 2 would likely require the extension of a public sewer main, which is conceptually shown on the submitted layout.

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 two new residential units is estimated to be one student. Based on the School Board's current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

Recommendation

Staff believes the rezoning provides opportunity for infill development in a well establish neighborhood that is consistent with the Comprehensive Plan's Land Use Guide and utilizes ideas promoted by the Housing Study. The conceptual layout is also in a form that is consistent with existing, smaller lot sizes within the nearby neighborhood. Staff recommends approval of the rezoning as submitted by the applicant.

Chair Finnegan asked can you just go over the 25-foot setback, does that not include that sidewalk?

Ms. Rupkey said it would be from the property line. With the area being dedicated as an easement and not as right of way, it would be from that existing property line.

Chair Finnegan said does the sidewalk count as part of the 25-foot setback?

Ms. Dang said a portion of the sidewalk might. [Referring to the drawing] Behind the back of curb there are several feet of white space before you get to the thick black line what represents the property line. Then there is an orange line, that is the proposed public sidewalk easement. Imagine that the sidewalk would be half a foot closer to the street. The setback would not be measured from the public sidewalk easement but would be measured from the black solid line where the property line is illustrated.

Vice Mayor Dent said where is the sidewalk in relation to the orange line?

Ms. Dang said the sidewalk would be in that space between the orange line and that shaded color that represents the street.

Vice Mayor Dent asked that is the bottom edge of the sidewalk?

Ms. Dang said the orange line would be six inches away from the back edge of the sidewalk.

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. Gil Colman, from Colman Engineering and applicant's representative, came forward to speak to the request. He said I was happy to help them with this because this is a great opportunity of some of the things we were looking for infill development and, in this case, also, the character of the proposed homes is consistent with that neighborhood. It is not high-end housing. These are planned for rentals which also provides much needed...Basically we are always looking for opportunities

for home ownership but also we notice there is a huge need for rentals and this provides this opportunity right there. In terms of the setbacks, the 25-foot setback is a volunteered setback. The actual required setback would be ten-feet. We are pushing the setback way back there to restrict the building to behind the 25-feet. The sidewalk itself is a variable distance between the current curb and the property line then we have to have a variable easement for that sidewalk so that we can fit...If we gave a specific number, it would be either too much or too little. We had to provide a number that was a variable measurement from the back of the curb back to six inches behind the sidewalk plus another three or four feet of temporary grading so when the City goes to build the sidewalk, they have some room to work.

Vice Mayor Dent said you say this is rental. Does that mean the property owners would retain ownership of it and rent it out?

Mr. Colman said correct, there is one property owner and they will retain ownership of the four properties. That is the intent right now. We cannot guarantee that it will be long term but that is what they are planning on doing.

Chair Finnegan said I believe the houses up to the front that these are being divided off. Those are one story?

Mr. Colman said I think so.

Chair Finnegan asked would these also be one-story or would they be two-story?

Mr. Colman said I think they are one story also. The owner might be calling they are in California so they could not be here.

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.

Kathy Whitten, a resident of 560 South Mason Street, called in to speak to this request. She said I am speaking in opposition to this rezoning. When the topic of rewriting the Zoning Ordinance came up at Planning Commission, I said that I thought it would be helpful to provide residents of this City with real life examples of how properties could change. I have not seen one example until now. In this case, the backyard of both of these existing single family, affordable houses will be reduced to a small strip of grass and probably two-story houses will be constructed. They will block the western view and most of the sun light in the afternoon from those houses in the front. The rent at all of these properties will go up. Taxes and stuff will go up and quality of life will likely be free. The current rent at one of the houses on Myrtle Street is \$925 a month. This ,by most, would be considered to be affordable in our City. Most of these homes are rentals so it would be pretty unusual to see tenants show up in opposition. There will certainly be less green space, much more pavement, and more density on the same amount of property. The beautiful old maple tree behind the house on the corner of Myrtle and Effinger Street will either be cut in the process or if it is not, it will die because of the damage to its roots as the result of the construction. Is this our idea of good planning? It seems that the only winner in this proposition is the owner-developer who reaps the benefits in cash. People who choose to live in bigger cities choose denser

surroundings. People who choose Harrisonburg expect something more than density. I do not begrudge property owners for making a profit. This owner from California will increase their profit while driving up the cost to live in Harrisonburg.

Ritchie Vaughan, the property owner and applicant, called in to speak to the request. They said I am speaking in favor of this rezoning. The goal when we created this new zoning district was to create more small lots, which is what I am trying to do here. I saw that there was a question about how big the new houses are going to be. They are going to be two-stories. They are going to a farmhouse design. I tried to make them look like other properties in Newtown like the ones on Elizabeth Street. They are going to be about 1,300 square feet. It is true that my tenants in the two existing houses have what would be considered affordable rent. They both know what is going on. They have been long-term tenants, this is not something that is catching them by surprise at this point. The 25-foot setback discussed was to make these houses match the other houses that already exist on Effinger Street because they all have large setbacks as well. I wanted it to fit in with the existing community that is there. If there are any other questions, I am more than happy to talk about what my plans are.

Commissioner Nardi asked do you have a sense of what rent you are going to charge for relative to what the current residents pay?

Mx. Vaughan said one is \$925 and the other is \$875. These are going to be significantly larger than those other houses. The two old existing ones from the 1940s are less than 800 square feet, they are about 720 square feet. They are going to be almost double in size. I will be honest, I do not have a good feeling for what the rent is going to be in these new ones. I know what townhouses that are three bed, two bath rent for \$1,400 a month, at least mine do. My guess would be that this would be somewhere in that range, but I will hand it over to a property manager in Harrisonburg since I am currently located in California.

Mr. Colman said the comment related to the back of the houses being blocked and the yard being reduced, currently there is a fence there behind the sheds which also have to be partially relocated. That open lot is open right now, so I do not know who is making use of it but clearly it is an open field right now, it is not necessarily being used by the two existing houses there. Simply responding to the fact that we are taking away the yard, the yard is not being used so it makes sense to put two new homes there.

Vice Mayor Dent said I can see that the sheds are right on the property lines so they would need to be moved in.

Mr. Colman said correct, it would be relocated to meet the five-foot setback for an accessory structure.

Chair Finnegan said there was a comment about the greenspace being reduced, this is meeting off street parking requirements with two.

Mr. Colman said it provides two parking spaces. Instead of one [space], it provides two. One of the main reasons for that is not to have parking on the street so everything is in the property. We

also had to provide that on the corner house which before there was a curb cut there that they were using for parking but technically staff saw this as us removing that parking, so we had to provide [off-street parking] for the existing housing.

Chair Finnegan said just clarifying that the 25-foot setback that is proffered was to keep it in line with the others on Effinger Street?

Mr. Colman said correct. The idea with these two new structures is to meet the character of the neighborhood as much as possible and the setback there kind of provides that. It aligns with the existing homes.

Commissioner Washington said for the location behind 439 [Myrtle Street], how are people getting there?

Chair Finnegan said the driveway is off of Effinger.

Vice Mayor Dent said there are driveways in front of each?

Mr. Colman said the new ones, yes. The second house...

Vice Mayor Dent said 445 [Myrtle Street] is on the corner, that one will have a new driveway with parking space?

Mr. Colman said yes, the one on the corner. The already existing one, 439 [Myrtle Street], is grandfathered in that they can park on the street they are not required to have off-street parking.

Chair Finnegan said I was just clarifying that point because there was a comment about paved surfaces, this is what is in the Zoning Ordinance requirement now is the two off-street parking. In that drawing it looks like it is a two-car driveway for each unit.

Ms. Dang said the Zoning Ordinance requires one parking space for every new dwelling. They are proposing to provide two parking spaces for those two new homes.

Mr. Colman said one is required and then as you can see there is not a lot of frontage there, if there is another car then it makes sense to have off the street otherwise you will be on the street. I think if we made a long driveway, we would have only had two so this fits.

Chair Finnegan said thank you for that clarification. I am looking at it thinking about the comment we got about greenspace and tree canopy cover in Harrisonburg is 26% right now. I know that until they start digging the foundation, we will not necessarily know about that maple in the backyard.

Mr. Colman in terms of the maple in the backyard, I do not think there is an interest in taking that tree down, that was one of the conversations we had. Even the driveway for the corner lot might end up being a one car driveway just to avoid that. That is a conversation we had in terms of we did not want to lose that tree. The reason I put the driveway there is because discussion with staff

we need to have a driveway for this. Even those dimensions and locations are not proffered.. I would say that whoever lives in the corner property, I am sure they will park in the front along Myrtle [Street].

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 as a renter in the City of Harrisonburg I know the economic realities of rent as I have not moved in 4 or 5 years and my rent has increased; yet, I do not recall actual improvements to my facility at all. If rent is only low in the City of Harrisonburg because buildings are old, then I do not see that as an argument to challenge the building of new places for people to live because that is not in the economics of why peoples' rent is increasing. When it comes to density... because I was arguing with a friend of mine that lives in another city and I say he lives in a suburb and he was like I live in the city and I was like Virginia calls cities, cities. If you live in a neighborhood and you have lots of grass you are in the suburbs, urban areas are full of concrete. I get the desire for people to want to make sure there are areas that have large yards but we cannot expand cities in Virginia until Richmond changes their mind on that subject. Therefore, as costs go up where is the revenue coming from? We need more places for people to be. Therefore, I tend to be in favor of reasonable increase in density in particular areas. The two-story building in this area when I looked around I do not see how that would affect any shadows of other properties minus the obvious of the direct neighbor beside them, but I do not see that as a concern either. In light of those things, I would be in favor of this request.

Vice Mayor Dent said I like the practice of infill that fits in with existing neighborhoods especially that they proffered more setback than they had to and the map with the stars on it showing similar sized lots nearby shows that it would fit in. I would be in favor of it as well.

Chair Finnegan said this is an example of classic infill development and this is what we have been talking about with the Zoning Ordinance revisions making things like this more possible. I will say to the comment that we got about the greenspace and the tree canopy cover, I do agree with that. It is hard to make these tradeoffs between do we want tree canopy cover or do we want parking? It is a bridge we can cross when it comes to making the City-wide regulations. Speaking for myself, I would entertain using the authority granted by the General Assembly to require a certain amount of tree canopy cover, percentage wise, if we were to change the parking requirements. There is a certain amount of land that has to go to the housing, certain amount of land that has to go to parking and if we wanted a certain amount of land to go to tree canopy cover, we need to put that in the ordinance.

Vice Mayor Dent said just to clarify on this, if it turns out during site development that there is a choice between leaving the tree or cutting down the tree to put a parking space, leave the tree.

Chair Finnegan said right but it may not be that simple because a lot of time there is grading. But what the General Assembly has empowered local governments to do is, I think, up to 20% where new developments in general. I think we need to be willing to trade something for that for example, if you want to use a certain amount of land for tree canopy then we need tradeoffs for parking.

Vice Mayor Dent said that is the advantage of not clogging up the streets any further.

Chair Finnegan said it is what we are requiring. We require one parking spot. Other thoughts on this?

Commissioner Nardi said I tend to be in favor. We need housing in the community. The local Housing Study has shown that. It seems to fit in with the character of the neighborhood and I would vote for the proposal.

Vice Chair Byrd said I make a motion to recommend approval of the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	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 October 8, 2024.