



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Planning Commission
From: Department of Community Development
Date: November 8, 2023 (Regular Meeting)
Re: Rezoning – 1149 Clay Street (R-1 to R-8C)

Summary:

Project name	N/A
Address/Location	1149 Clay Street
Tax Map Parcels	29-G-28
Total Land Area	+/- 27,434 square feet
Property Owner	Hewa Mohammed
Owner's Representative	Hemen Rasul
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Staff Recommendation	Approval
Planning Commission	November 8, 2023 (Public Hearing)
City Council	Anticipated December 13, 2023 (First Reading/Public Hearing) Anticipated January 9, 2024 (Second Reading)

Background:

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

Site: Single family detached dwelling, zoned R-1

North: Across Clay Street, single family dwellings, zoned R-1

East: Single family detached dwellings, zoned R-1

South: Single family detached dwellings, zoned R-1, and across Country Club Road and Country Club Court, vacant land, zoned R-3

West: Across Country Club Road, vacant land planned for multifamily development, zoned R-5C

In June 2023, the applicant submitted a request for a minor subdivision of the property located at 1149 Clay Street aiming to create two separate lots—one parcel containing the existing single family detached home and a new undeveloped parcel. During review, staff determined the proposed subdivision would have met all requirements except that the undeveloped parcel would not have met the R-1 district's lot depth requirements. In the R-1 district, new parcels must have a minimum of 80 feet in width, a

minimum of 100 feet in depth, and a minimum of 10,000 square feet in lot area. Because the parcel cannot be subdivided within the R-1 district, the applicant is now requesting to rezone the property to the R-8 district, which allows parcels to have a minimum of 35 feet in width, 60 feet in depth, and 2,800 square feet in lot area.

Key Issues:

The applicant is requesting to rezone a +/- 27,434-square foot property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the corner of Clay Street and Country Club Road, is addressed as 1149 Clay Street, and is identified as tax map parcel 29-G-28.

Proffers

The applicant has proffered the following (written verbatim):

1. No duplexes will be allowed.
2. More than two dwellings are prohibited.
3. The minimum setback for principal structures along Clay Street shall be 30 feet and along Country Club Road shall be 30 feet.
4. The driveway entrance will be located away from the intersection of Clay Street and Country Club Road as generally illustrated on the attached work sheet labeled Exhibit A.
5. At the time of future subdivision, the property owner shall dedicate public street right-of-way as described below:
 - a. A triangular area, beginning at the northern property corner and measuring a distance of ten feet along the bearing of the existing, two property boundaries along Clay Street and Country Club Road, where a straight line connects the two end points; and
 - b. From the new property corner along Country Club Road, as described above, for a distance of 190 feet along Country Club Road, the area needed to ensure 30 feet of right-of-way from the centerline of the existing developed street and tapering to the end point the area needed to ensure not less than 22 feet from the centerline of the existing developed street; and
 - c. For the remainder of parcel, a length along a curve for a distance of about 123 feet, the area needed to ensure at least 22 feet from the centerline of the existing developed street.

The conceptual site layout (“Proposed Rezoning Plat”) is not proffered.

Regarding proffers #1 and #2, in the R-8 district, single-family detached homes and duplexes are allowed by right if the lot area and dimensions of the property are met and so long as each unit is on its own parcel. If the rezoning is approved, although the R-8 district dimensional regulations would allow each new parcel to be further subdivided into more lots, the submitted proffers prohibit more than two total dwellings on the subject property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffer #3 is further restricting front yard setbacks for principal structures to 30 feet, which is the same existing setback regulation for R-1 zoned properties. Note that because the proffer does not address accessory structures, the accessory structure setback would be 10-feet from either public street as allowed by the R-8 district.

Proffers #4 and #5 are addressed in the Transportation and Traffic portion of this report.

Land Use

The Comprehensive Plan designates this site as Low Density Residential and states:

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

With the submitted proffers, use and density conforms with the Low Density Residential designation. Know also that the R-8 district's occupancy regulations are the same as the existing R-1 district's occupancy regulations, which allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals while nonowner-occupied dwellings may be occupied by a family plus one individual or a maximum of two individuals.

Transportation and Traffic

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

Proffer #4 requires the driveway for the proposed corner lot to be located further than the required 50 feet from the Clay Street and Country Club Road intersection.

Proffer #5 has three parts addressing dedication of land for public right-of-way. Proffer 5.a commits to dedicating a triangular shaped area for forthcoming improvements by the City at the intersection of Clay Street and Country Club Road, including an ADA-compliant sidewalk ramp for future sidewalk installations. Proffer 5.b and 5.c requires the applicant to dedicate public right-of-way along Country Club Road to allow for future sidewalk and improvements associated with the intersection of Country Club Road and Blue Ridge Drive, which involves a channelizing island to improve the flow of traffic with the geometry that is currently present at that intersection. The Comprehensive Plan's Street Improvement Plan recommends that Country Club Road be improved to a three-lane facility—one travel lane in each direction with a center turn lane. Staff is appreciative of the applicant's willingness to dedicate public street right-of-way to assist with future street improvements.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

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

Rezoning this property to R-8 with the submitted proffers will not change the estimated student generation for the property.

Recommendation

Staff recommends approval of the rezoning request.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning request; or
- (b) Recommend denial of the rezoning request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing. The advertisement was published as shown below:

Rezoning – 1149 Clay Street (R-1 to R-8)

Public hearing to consider a request from Mohammed Hewa to rezone a +/- 27,434-square foot property from R-1, Single Family Residential to R-8, Small Lot Residential District. The property is addressed as 1149 Clay Street and is identified as tax map parcel 29-G-28.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (a) approval of rezoning.

Attachments:

- 1. Site maps
- 2. Application and supporting documents

Review:

N/A