COMMENTARY

To: Harrisonburg City Council
Date: April 3, 2025
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

Members of Harrisonburg City Council:

Thank you for the opportunity to comment on this rezoning proposal. I am speaking as both an adjacent property owner to the subject site, and as a spokesperson for the neighborhood having developed a petition and worked with neighbors to organize against this proposal.

As you should know, the neighborhood Petition presented at last month's Planning Commission meeting, signed by 29 property owners and residents, included a number of significant concerns regarding neighborhood and public impacts from this development. Though the Planning Commission ultimately voted to oppose, it seemed it was for reasons other than those of most concern to the neighborhood. The petition, and the written and spoken comments from the neighborhood, focus on how the placement of 70 houses/lots within what is now a rural-character neighborhood would impact residents, public safety, City infrastructure and the natural environment. Instead, the discussion and ultimate vote looked to be more over how the development was laid out, and how City street and subdivision standards were not being met by the layout presented in the developer's "concept plan", which is not proffered.

Much of the support from Planning Commission members and staff surrounds the point that the Comp Plan's desirable future use of this property is "Low Density Mixed Residential", which carries a similar desirable density of lots per acre as is allowed in the requested R-8 district. However, I wish to reiterate what has been said already, which is that the Comp Plan has many more considerations for such land use than simply the density.

I give you some excerpts from the Comp Plan:

- Goal 11. To preserve and enhance the City's natural environment for future generations through education and policies that encourage development that is compatible with nature and builds community resiliency and social responsibility within the community.

- Strategy 4.1.5. To encourage or provide incentives for new development and redevelopment to preserve existing trees and vegetative areas and/or to add new trees and plantings.

- Strategy 4.1.6. To require or provide incentives for open space or "cluster" development to preserve green space within new residential subdivisions.

- Objective 4.3. To adapt to new trends and demands while ensuring that new development and redevelopment of residential, commercial, and industrial properties will be compatible with adjacent existing uses and with planned land uses of surrounding parcels.

- The Land Use Guide descriptions and map make up the official land use policy of the Comprehensive Plan and is to be used as a guide in decisions on such matters as rezonings, special use permit proposals, and the location of public facilities.

- [Description of the Comp Plan's desired land use of Low Density Mixed Residential]: "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)."

The above considerations are supposed to guide the City in considering a proposal such as this. I would not be going far out a limb to state that this proposed development fails to meet these objectives. As shown, this development will require the entire 10+ acres to be completely reconstructed, with no preservation of existing features possible.

As stated before, R-8 and the Comp Plan's Low Density Mixed Residential are not the same.

The most recent "concept plan" provided by the developer shows a reduction to 45 or so lots, and shows wider streets and a somewhat revised street layout. That design of the street network still fails to comply with current City standards. I understand directly from the developer that they continue to tweak their concept plan, though to my knowledge nothing new has been submitted.

The reduction of lots evident on the concept plan as it has progressed is the direct result of trying to meet City standards for street and intersection design. With those standards still not met, the question becomes what layout will ultimately prove satisfactory? What will be the lot count under such a plan? The discussion at the Planning Commission meetings, and the Staff Report, imply that the success of this development may hinge on the granting of variances to certain City standards. At what point in the process will those decisions be made, and how will they affect the outcome of the "plan"?

The developer continues to work with staff to produce a palatable plan, with assumptions being considered as to what variances might be acceptable further down the development process (i.e., subdivision). However, the rezoning proposal remains for up to 70 units. If the plan requires a reduction from 70 to 45 lots (perhaps fewer) in order to satisfy City concerns and comply with infrastructure standards, why does the rezoning continue to propose up to 70 lots? It is apparent that such numbers are not feasible, an affirmation that this parcel(s) of land may not be conducive to such a development.

The developer's representative David Gast admitted that to me in a recent email, stating:

"The proffer limiting density to 7 lots per acre was written to align with the recommended density in the Comp Plan. In reality it's impossible to develop this site with that many units. As you saw from our last plan revisions, the true density of Smithland Village will be around 40 - 50 lots. We are open to changing the proffer so it conforms with the plan, but staff has been resistant to any changes."

Here is the big concern with this scenario;

If this rezoning is approved, will the City have put themselves in a position to later be obligated to approve undesirable variances because they approved the rezoning for such a high density? Why not have the proffered maximum number of lots reflect what may actually be possible? Why not work towards a plan that meets City standards, or at least one that reflects variances that staff can support, and set a maximum number of lots based on that plan? Even with a proffered lower density, the R-8 zoning will allow for smaller lots and reduced setbacks which will favor the developer.

I hope you will give due consideration to these concerns and those of the neighbors expressed in the Petition.

Sincerely,

Dan Rublee
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