From:	Lee Gascho
To:	Thanh Dang; Meghan T. Rupkey; Adam Fletcher; Laura A. Dent; valerie.washington@harrisonburgva.gov; heja.alsindi@harrisonburgva.gov; brent.finnigan@harrisonburgva.gov; richard.baugh@harrisonburgva.gov; kate.nardi@harrisonburgva.gov; shannon.porter@harrisonburgva.gov
Cc:	Dan Rublee; hlb20490@gmail.com
Subject:	Proposed R-1 to R-8 Rezoning on Smithland Rd - Riverbend Investments
Date:	Friday, February 7, 2025 10:16:03 AM
Attachments:	image.png

WARNING: External email. Be cautious when clicking on links or opening attachments.

Dear members of Harrisonburg City Planning Commission and Community Development Staff:

Lana and I are property owners adjacent to the property proposed for rezoning. At this time we have not received any notification from the city other than the sign that was posted near us on February 2nd. The city website still does not have any documents for us to review and we have not received anything in the mail. We did receive a very short letter yesterday from Riverbend Companies that included a conceptual site plan and pictures of two story concept homes. Although we have had little time to evaluate the proposed rezoning, we would like to respectfully submit the following for consideration prior to the public hearing scheduled for February 12, 2025.

When we purchased our home, we understood that the adjacent land would likely be purchased for a housing development, but we never imagined a developer would go so far as to attempt to place 62 two story houses on 10.1 acres. The lots in the conceptual site plan are sized at only 0.076 acre (44 ft X 75 ft) which are sized more for tiny houses than 3 bedroom, 2 1/2 bathroom houses. According to the dimensions on the City's website, R-8 allows the lots to be as little as 2800 square feet (0.064 acre) which would allow a density of 15.6 houses per acre. That is extremely dense and not compatible with the surrounding properties.

Our neighborhood has been well established since it was annexed into the city in 1983. Several houses have been built since annexation when the city included this neighborhood in its planning. Most of the houses are on 0.4 to 1.5 acre lots and most enjoy a significant amount of natural habitat around them. Homeowners have spent considerable time and money to build and maintain the natural habitat for wildlife, to give shade, provide beauty for the community and for personal enjoyment. To take 10.1 acres of our neighborhood that is covered with trees, bushes and grassland and allow it to be rezoned to R-8 would not seem to us to match what the city planners desire, at least from what is found in the comprehensive plan which was amended in 2022. It would meet the objective to have housing for the middle to upper class who wish to live on very small lots, but totally disregards the other objectives found in the Comprehensive Plan related to protecting the environment, making sure there is compatibility between neighborhoods and making sure there is adequate infrastructure in place before rezoning.

From the zoning documents found on the city's website, the purpose of the R-8 zoning does not appear to be in line with this parcel of land.

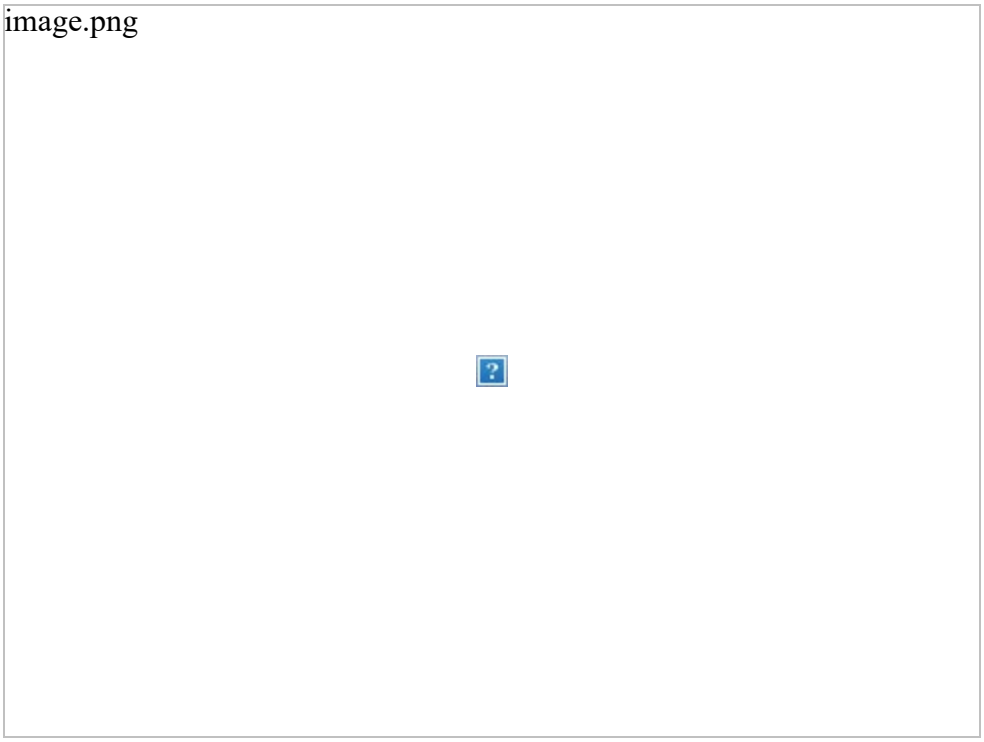
> ARTICLE L.4 - R-8 SMALL LOT RESIDENTIAL DISTRICT, Sec. 10-3-59.2. - Purpose of district.

> **This district is intended for medium-to high-density residential together with certain governmental, educational, religious, recreational, and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings.** Residential development includes single-family detached, duplex, and in special circumstances townhouse development. **Vehicular, pedestrian, and bicycle transportation is facilitated through a connected system of roads, sidewalks, and shared use paths, so as to provide many choices with regard to mode and route, and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.**

This purpose seems much more suited to have R-8 districts to be mixed into neighborhoods with the capacity to incorporate these very small lots with larger lots and a variety of housing types with enough acreage for ample green space, recreational facilities, paths for all types of vehicles, etc. As mentioned above, the conceptual site plan does not appear to incorporate green spaces. In regards to transportation, the parcel of land in the rezoning proposal enters off of Smithland road which has only two lanes, poor sight lines (due to sharp curves), no shoulders and it has no walking or bike lanes. There may be a desire to connect this subdivision to others in the future, but for now it is all surrounded by private property with a desire of most homeowners to keep it that way.

This image shows that the 10.1 acres in the rezoning proposal currently contains beautiful mature woods, brush and grasslands. Removing it and replacing it with pavement, concrete and houses would destroy existing, important wildlife habitat, change the character of the neighborhood and affect property values. Even if the developer had the desire to add green space and plant trees and grass, there simply isn't room with the number of lots being considered if this is rezoned to R-8.

image.png



In conclusion, we are requesting that the proposed rezoning as R-8 be denied and it remains

zoned R-1.

Thank you for your consideration,

Lee and Lana Gascho
1270 Smithland Road

From:	Dan Rublee
To:	Thanh Dang; Meghan T. Rupkey; Adam Fletcher; Laura A. Dent; valerie.washington@harrisonburgva.gov; heja.alsindi@harrisonburgva.gov; brent.finnigan@harrisonburgva.gov; richard.baugh@harrisonburgva.gov; kate.nardi@harrisonburgva.gov; shannon.porter@harrisonburgva.gov
Cc:	lgascho@gmail.com; hlb20490@gmail.com; mvs@fplegal.com
Subject:	Proposed R-1 to R-8 Rezoning on Smithland Rd - Riverbend Investments
Date:	Tuesday, February 4, 2025 7:03:11 PM

WARNING: External email. Be cautious when clicking on links or opening attachments.

Dear members of Harrisonburg City Planning Commission and Community Development Staff:

The property owners along Smithland Road adjacent to and nearby the proposed rezoning are only now finding out about this proposal, yet it is scheduled for Public Hearing in one week. My understanding is the sign announcing the proposal was placed on the property only last Wednesday, was quickly blown over and then put back up today. I have been contacted today by several neighbors asking if I know what is going on. I and one other neighbor have received some helpful information from Meghan Rupkey. However, the QR scan code on the sign does not link, and further there is no agenda nor meeting materials on the PC agenda webpage. No one in the neighborhood, including those on the applicant's adjacent property list, has received direct written notice from the City as required. I only knew about it as I was in the Community Development office at the end of last week and Meghan gave me the word. The developer has not reached out to anyone in the neighborhood to discuss or get feedback on their proposal. In essence, we are for the most part in the dark about the whole thing.

Though we support respectful and appropriate development, I have spoken to no one that feels this project is either. Regardless, we understand the process and rights of the applicant to go through it. However, it is not acceptable that the neighborhood is only now getting to know about this when the applicant's application deadline was 25 days ago (Jan 10). My understanding is the application still remains incomplete and staff is working with the developer to get the appropriate, needed information into the proposal packet. I do not know if Planning Commission members have received anything on this proposal yet, but I do understand that information is not yet finalized.

This is a totally unfair position for the neighbors to be in. I have spoken to several of them and they all have grave concerns over the potential negative impacts of this development on our properties and quality of life. Some of these residents, such as myself, have lived here for multiple decades and this development has the potential to completely change the character of this long established neighborhood.

We ask that Planning Commission delay action on this proposal for at least one month so that 1) all necessary materials are in the submission and properly posted for public review, and 2) so that the area residents and property owners have the chance to discuss the project with staff and with each other so that we may be full informed and prepared to present our concerns in the public hearing

Thank you for your consideration,

Dan Rublee
1251 Smithland Road

From:	Dan Rublee
To:	odonnell@gentrylocke.com; david@riverbend-investments.com
Cc:	Meghan T. Rupkey; lgascho@gmail.com; hlb20490@gmail.com; Laura A. Dent
Subject:	Proposed Rezoning on Smithland Rd in Harrisonburg VA
Date:	Wednesday, February 5, 2025 1:31:00 PM
Attachments:	Gmail - Proposed R-1 to R-8 Rezoning on Smithland Rd - Riverbend Investments.pdf email to previous developer.docx

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Gentlemen-

I have become the de facto neighborhood representative in regard to your proposed rezoning of 10+/- acres along Smithland road in Harrisonburg. I am an adjacent property owner (have lived at 1251 Smithland Rd for 39 yrs) but am also the recently retired City Engineer for Harrisonburg, having served 32 years in that position. So, my neighbors are looking to me to help them understand the process and your proposal. I have been in contact with Planner Meghan Rupkey and have already posed a number of concerns shared by my neighbors in regard to this proposal. We are doing our best to rally together, but unfortunately we have only learned of this proposal in the last few days and neither the City nor you have notified anyone in writing. The sign posted on the property by the City only became visible in the last couple days despite your application for this being submitted almost a month ago.

We consider it to be unfair to proceed with this public hearing given the very limited time available to consider the proposal and prepare comments for the City staff and Planning Commission. Accordingly, I requested to Staff and PC members in the attached email that this hearing be delayed in order to provide adequate time for neighborhood coalition and response. I was told it is too late for the staff or Commission to do that, though the Applicant (you) can still request such a delay. I understand from Meghan that you plan to make considerable changes to your layout and your proffers in the next few days, which leaves us neighbors in an even more uninformed and untenable position.

Therefore, we ask that you consider delaying this action so that 1) the neighbors can be fully informed of your actual proposal, and 2) you may have time to work with the neighbors to develop a more acceptable proposal. Without such efforts, I suspect you will be met with considerable opposition at next week's meeting, and may be unprepared to address the voiced concerns. No one out here is opposed to this property being developed responsibly with respect to the land, the environment and the neighborhood, but we don't see this plan as currently presented as being such.

As you consider this request, I am happy to provide you with commentary I made in the attached doc file as City Engineer in October 2023 to another speculative developer of this same property. There are many considerations in this I think you would want to be aware of. Though I was still a concerned neighbor at that time, this was written mostly to inform the developer of the many challenges in their plan, which is not too dissimilar to yours, so that they can consider the real costs and other implications of the proposal. I hope you find it valuable.

Thank you for your consideration. We hope that you can work together with the neighborhood to address our concerns, though I would say right off the main concern is the number of lots being squeezed into to a small property, which is a drastic change to the character of this area, an represents a doubling of the number of homes present on the entirety of Smithand Road.

Cordially,

Dan Rublee, P.E.
1251 Smithland Rd, Harrisonburg

Dan Rublee

From: Dan Rublee
Sent: Wednesday, October 18, 2023 5:37 PM
[redacted]m
Subject: Smithland Rd Development Concept Plan

[redacted]

I normally attend the pre application meetings with City staff, but I was unavailable last week for the meeting to discuss your Smithland Rd concept plan. I was able to watch the video recording of the TEAMS meeting, so am up to speed on things. I am following up with some clarification on some of the discussion, and with some additional information you might find helpful.

I'll break things into categories to keep them straight.

ELECTRIC

- I was a little confused myself as to what Zach Nyce at HEC was referring to by another powerline "across the front". The concept plan shows the obvious power line going through the site. There is another overhead line grouping coming into the property from the northwest that the plan does not seem to show, nor accommodate as far as staying out from under it. See the red line in the exhibit below. I am guessing this is what Zach was referring to, as there are no other additional overhead lines "across the front", unless perhaps he was referring to something underground. Either way it would be good for your engineer to follow up with him.

- As new utilities will be underground, you might explore the idea of putting the existing lines underground as an aesthetic improvement for the neighborhood.

- The proposed western street perpendicular to Smithland Rd passes under the existing powerline at the midpoint between two power poles where the sag of the lines is lowest. Since this is in an area likely to require fill to meet street grade requirements, your engineer should confirm as part of the final street layout that adequate clearance below the lines will be available.

STREETS

- Public Works seemed concerned over having two new street connections to Smithland Road, so perhaps your street layout on the reviewed concept plan will change. I do want to advise you that existing slopes in areas along the line of the two streets perpendicular to Smithland exceed the 10% maximum allowable for City streets. Existing slopes are in the 13%+ range in some areas. Further, the southeast cul-de-sac is situated in an area of up to 20% slope while the maximum grade across a circular turnaround (in any direction) is 4%. The street grades can be made compliant by grading work, though this cul-de-sac area will likely require significant excavation, which will make difficult the development of the lots beyond if they aren't also excavated back. Given there is a big draw down through the site that you will likely want to fill, perhaps this excavation is beneficial for balanced grading, but this is likely an area with significant rock given exposed outcropping in the area. That said, this cul-de-sac is situated on the concept plan in the area preferred for woodland protection and as a stormwater benefit, so perhaps the layout will change there anyway.

- Sight distance at the Smithland Rd street connections looks pretty good, but the southeastern entrance sight line looking right might be impeded prompting the need to cut back the bank beyond. This may be resolved by the widening of the street area for the curb and sidewalk suggested as being needed.

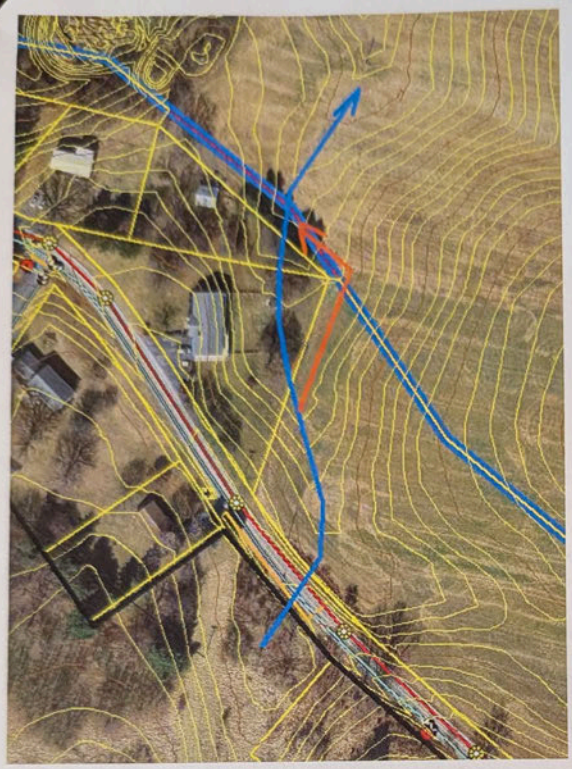
- Fire Department noted the need for an acceptable turnaround at the dead-end streets. This consideration extends to City trash trucks.

DRAINAGE AND STORMWATER MANAGEMENT

- The concept plan shows just two sites for some type of stormwater management facilities. Mr. Huston pointed out in the meeting that needed reductions in runoff to comply with State regulations will be difficult to achieve given the wooded and grass field existing conditions. The preservation of the wooded and other areas desired by the mixed-use residential Zoning district will certainly help reduce the stormwater impacts for both runoff quantity and water quality. A development of this size and of this density is likely to require more than two stormwater BMPs (Best Management Practices) to gain compliance. For comparison, a recent residential project converting a similar field to a development required three bioretention basins, three manufactured treatment systems and preservation of open space areas, to gain compliance. This was just a three-acre site, less than a third the size of yours, so the implication is you may need a considerable number of runoff quantity and water quality BMPs. The need for additional BMP areas could influence the number and layout of potential lots. Also, the "squeezing" of BMP area availability down to a minimum usually results in the need for more complex facilities with higher pollutant removal capacity, which can add significant expense. I would strongly advise you have your engineer do a more detailed analysis of stormwater compliance needs as part of your contract purchase evaluation, as 1) the stormwater management needs could considerably lessen the area available for lot development, and 2) the costs/benefits for differing types and numbers of BMP facilities, and the preservation of conserved spaces, should be considered up front.

- Note that all stormwater BMPs and any conserved open or wooded spaces must be covered under a court-recorded maintenance agreement with the City. This agreement obligates the property owner to perpetual maintenance of the BMPs and conserved areas in accordance with a maintenance schedule prescribed on the approved plans. It also requires the inspection and reporting of conditions every five years. For subdivisions it is typical that this agreement gets assigned to a HOA/POA, so that will need to be set up sooner than later during the subdivision process. If an HOA/POA is not yet established at the time of site permitting, the agreement is executed by the property owner who can then process an amendment later to change the responsible party.

- The discharge from this site goes under Smithland Rd and flows through a cultivated field for a short distance, then through a residential yard, and then back into the field. this residential yard is already plagued by excess wetness making it difficult to maintain. We would like to see you work with one or both of these property owners to create a diversion around this backyard to reduce the added impact from your development on this situation. You can see below the current flow path in blue, and the desired diversion in red. I would think this could be arranged as a cooperative effort without the need for any formal easement.



- Much of the front of the property sits below the street level. If final site grading retains a sump condition like this, we will look during site plan review for an analysis of 100-yr floodplain impacts on the lot areas in order to ensure they are properly elevated to avoid flooding of homes. This might include the setting of minimum floor elevations.

GRADING

- There is a lot of topographic change across this site. The concept plan shows such density that it seems necessary to mass grade the entire site to ensure the facilitation of buildable lot areas. A more relaxed subdivision can get by with simply building the streets and utilities and letting the home builders arrange houses onto the lots. With this project being so tight, this does not seem possible, as the street grades will extend grading into the lots, and a domino effect will continue through the lots such that individual lot development could become difficult, perhaps requiring retaining walls or special house designs. Given the general description of what you are trying to accomplish, I would suggest that the entire property be preplanned for mass grading such that street and lot grading is all integrated such that lots can be built upon without the need for special construction. This is something your engineer can offer more insight into.

I hope this information is helpful. Please feel free to get in touch if you have any additional questions. Thank you,

Dan Rublee
City Engineer

72 UNITS (36 DETACHED, 36 DUPLEXES)
SETBACKS - SINGLE-FAMILY ATTACHED/DETACHED
SF-D: 2,800 SF (35'x80' MIN)
SF-A: 1,800 SF (25'x80 MIN)
10' MIN.
7' MIN.
15' MIN.
SMITHLAND RD.
SWM
SWM
SWM

From: Dan Rublee
To: Meghan T. Rupkey
Subject: Smithland Rd Proposed Rezoning
Date: Friday, February 7, 2025 10:28:54 AM
Attachments: Rezoning Petition.doc

WARNING: External email. Be cautious when clicking on links or opening attachments.

Meg-

Please print include this email and attached petition in the documents going to Planning Commission members today. This has been a hurried effort given the short time frame we have had to discuss and gather our concerns. Accordingly, we continue to gather signatures from the owners and residents along the road. There are already numerous signatures on the petition. We will provide the completed signature pages in the following days leading up to the meeting, or at the meeting if we need the time.

Thank you,

Residents and Owners along Smithland Rd
by: Dan Rublee 1251 Smithand Rd

PETITION

To: Harrisonburg City Planning Commission
Date: February 5, 2025
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

The below residents and property owners along Smithland Road surrounding and near the property proposed for rezoning wish to voice our concerns over this proposal. Several of us have lived here since before or just after this area was annexed into the City in 1983. At that time, the City designated and zoned this area for R-1 single family use, which, aside from a couple of now-demolished farms, was the existing land use of the area. There are currently about 33 homes, many on large lots, along the entire 1.8 mile distance along the road. Also, since the mid 1980s, only about 8 new homes have been constructed, all on lots conforming to the current R-1 zoning requirements.

Though we understand that property owners have a right to develop their properties in accordance with local requirements, this proposal represents a significant change to both the current property zoning of R-1 and to the character of this long-standing neighborhood. The 33 mentioned existing homes are constructed on roughly 60 acres. This proposal is to build more than twice that many additional homes on a parcel of land $1/6^{th}$ the size. This seems totally unreasonable in such an area. The focus we've seen in City staff information and in the developer's proposals simply points to "density", using that as the only comparison to existing and proposed zoning (and Comprehensive Plan designations) and numbers of lots allowed to be placed on a given property. Zoning is supposed to be about much more than that. In particular it is about maintaining compatibility between land uses. Crowding this type of numbers-driven subdivision into an area such as Smithland Road is not respectful to the current land use and should not be acceptable to the City. When one looks at density, it is a given that the 4 units per acre allowed in R-1 is rarely achievable once streets, open spaces, utility needs and such are considered. That makes this proposal even more contradictory to the current character of the neighborhood. We foresee this development making an adverse impact on property values of existing homes, given the density and sheer numbers of homes it contains.

Again, we re not opposed to respectful and compatible development of this property. However, we do ask that the City reject this particular proposal and suggest the applicant present a plan that is better representative of the neighborhood, that protects existing property values, protects natural resources, creates less of an impact on traffic, reduces school populations and burdens on public utilities, etc.

Aside from the significant change in dwelling unit density discussed above, below are some other concerns expressed by the neighborhood group:

1. The developer has tried to justify that the R-8 district is a close equivalent to the Low Density Mixed Residential (LDMR) land use designated for this area in the Comprehensive (Comp) Plan. This comparison has been made simply by considering dwelling unit per acre densities listed in the two provisions. There is more to the LDMR use than just consideration of density. Below is an excerpt from the Comp Plan:

> 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).

From our review, this proposal fails to comply with the desire for open space and recreation (a tiny playground along a public street seems a way to simply fill a square in the proposal, and is unusable for lots given the proffer of "no driveways along the entry street"). Perhaps more importantly, the plan fails in the goal to "protect environmental resources or sensitive areas". Planning Commission should be aware that over three acres of this property is currently mature hardwood forest with significant hardwood trees including large oaks, poplars, hickories and other species. Another acre of the property is in forest as well, albeit less mature. Both these areas provide significant tree canopies that help to offset environmentally insensitive conditions in and around the City.

2. The above forested areas also provide significant wildlife habitat, as does the grasslands that comprise the remainder of the property. These areas support deer, black bear, foxes, pileated woodpeckers, owls, hawks and many other bird species, as well as more typical urban wildlife. The property seems to be a thoroughfare of sorts as wildlife are consistently seen migrating through it.

3. We are very concerned with the increase in traffic. Smithland Road is a narrow street with many curves and poor sight distance in places. This development has the potential to significantly increase the number of vehicles traveling the road. There is no curb nor sidewalk along Smithland Road, nor even suitable shoulders, meaning pedestrian and bicycle safety along the road is already compromised, and will be significantly worsened by this development.

3. We are concerned that approval of this development will set a poor precedent leading to similar proposals on other undeveloped or partially developed properties along the road. Such a precedent could lead to even more significant impacts on the character of the area and on the natural resources it contains.

4. Though perhaps the time to argue this position is past, the Comp Plan's designation of Low density Mixed Residential already makes a significant impact to the Smithland Road area compared to the current R-1. As you know, the Comp Plan also includes a Low Density Residential land use which seems to be the equivalent of the existing R-1. Planning Commission (and staff) should be aware that out of the approximately 1650 acres designated in the Comp Plan for Low Density Residential, less than one percent of that is undeveloped land as opposed to long established existing neighborhoods. The few areas remaining for LDR development are smaller parcels sandwiched within or near to larger existing neighborhoods. The Comp Plan has effectively eliminated new development of the traditional R-1 type. It seems preserving much of the existing R-1 land as R-1 or Low Density Residential would be important to the diversity of new development within the City. Despite what market reports may claim, the City does not need to utilize every vacant parcel for maximizing available housing.

5. The developer states in their information that real estate market reports identify the "need" for significant numbers of new single family lots/homes in Harrisonburg. Perhaps that is true. However, there are several developments in the City that have the potential to provide such numbers that are either approved and currently dormant, currently active, or in the proposal stage, respectively Blue Stone Town Center, the Smithland Road "Quarry" property rezoned many years ago, and the proposed development of the Waterman Drive quarry property. It would seem the City should be considering

there are already a number of yet to be built upon lots in, or close to, a ready to build state, before they approve significantly more.

6. We understand the concept plan is not an obligation, and that the proffers simply provide for a maximum number of lots. However, it should be pointed out that the plan shows streets that do not comply with City geometric standards for centerline radii, horizontal sight distance, intersection design and perhaps other factors. The plan as shown seems to need variances which are not identified. Absent such variances, the layout of the plan will need to change, which could reduce the lot yield. Similarly, the property boundary on the plan looks to have been derived from the City's GIS mapping and is not correct. There is a 50ft. Private right-of-way with a 100ft. diameter turnaround along the western boundary that is not shown. Preservation of this right-of-way may result in changes to the layout.

7. Managing stormwater for this development will be very difficult given the current state of the property generates very little runoff. The drastic difference in land cover posed by the development will force the need for multiple stormwater treatment and flow reduction facilities. Such provisions could have a significant impact on cost, and may also require additional space. The use of open space and tree preservation encouraged by the Comprehensive Plan would be beneficial in reducing the stormwater impacts caused by the rest of the development. There are no adequate receiving channels for generated stormwater from this project. The developer will likely need offsite improvements requiring easements and maintenance agreements with downstream owners, who would not be obligated to grant such.

8. We understand from the developer that the "guest parking" areas shown at one point on the plan have been requested by City staff to be removed from the plan. As laid out, there is no on-street nor off-street parking shown. All parking is provided solely by garages as the 10ft. front setback does not allow for driveway parking. Therefore, there will be nowhere for visitors, or additional family cars to park, based on this plan. Perhaps this could be solved by modifying the building footprints to back-set the garages, but the plan does not illustrate that.

Also, please know that the neighborhood owners and residents only came aware of this proposal within the last week or so despite the application being first submitted on or before January 10. City staff states they have met all the requirements for public notice. However, the signage announcing the rezoning was made visible only a few days ago and, as of this date, none of the adjacent property owners have received any written notice. Lastly, as of this date, there is neither an agenda nor any related materials concerning the upcoming 2/12/25 Planning Commission posted in the City's boards and commissions webpage. The neighborhood has had little time and sparse information to give this proposal full consideration.

We the undersigned appreciate the opportunity to voice our concerns through this petition and narrative. We hope you will consider our issues to be important and relative, and take action to protect our interests, to protect the local natural habitats and to consider that the quality of a development is equally or more valuable than how many building lots it provides. Thank you.

SIGNATURE PAGES FOLLOW

PETITION

To: Harrisonburg City Planning Commission
Re: Proposed Rezoning of 10+/-ac from R-1 to R-8 along Smithland Rd
Applicant: Riverbend Investments

NAME	DATE	SIGNATURE