CITY OF HARRISONBURG

March 12, 2025 Planning Commission Meeting

Title
Consider Rezoning at 1211 and 1231 Smithland Road — Meg Rupkey, Community Development

Summary

Project name	N/A
Address/Location	1211 and 1231 Smithland Road
Tax Map Parcels	71-A-3 and 4
Total Land Area	+/- 10.14-acres
Property Owner	Janis Brown Enterprises LLC
Owner's Representative	David Gast, Riverbend Companies
Present Zoning	R-1, Single Family Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Staff Recommendation	Staff needs additional time to review the recently submitted revised materials.
Planning Commission	February 18, 2025 (Public Hearing) March 12, 2025 (2nd Review by PC))
City Council	Anticipated April 8, 2025 (First Reading/Public Hearing) Anticipated April 22, 2025 (Second Reading)

Recommendation
Staff's recommendation regarding the revised application could be available the evening of the Planning Commission meeting.

Fiscal Impact
N/A

Context & Analysis
At the February 18, 2025, Planning Commission meeting, City staff presented a rezoning request from Janis Brown Enterprises LLC to rezone two parcels totaling +/- 10.14-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The parcels are addressed as 1211 and 1231 Smithland Road and identified as tax map parcel numbers 71-A-3 and 4. The applicant intends to rezone the site to allow up to 70 dwellings. (Note: The Planning

Commission public hearing for this item was originally scheduled for February 12th, but due to inclement weather, the regular meeting was held on February 18th.)

At the February regular meeting, staff recommended denial of the rezoning due to concerns with the design of the street network and with the overall feasibility of the layout of the neighborhood given that the conceptual development was relying on deviations from the Subdivision Ordinance that staff was not prepared to support. Planning Commission tabled the request and asked for the applicant and staff to continue working on the application.

Since the February regular meeting, the applicant and staff have continued to discuss the project. However, the condensed schedule between the delayed February regular meeting and the March regular meeting added another layer of complication for both staff and the applicant. Revised proffers and a new conceptual layout of the project was not available until the afternoon of Friday, March 7th, the same day the March regular meeting agenda and materials are published. Staff appreciates the applicants continued work on the project and we will continue working with them until the March 12th meeting.

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

Site: Vacant land, zoned R-1

North: Vacant land and single-family detached dwellings, zoned R-1

East: Single-family detached dwellings and across Smithland Road, vacant land, zoned R-1

South: Vacant land, zoned R-1

West: Vacant land and single-family detached dwellings, zoned R-1

Proffers
The applicant revised Proffers #2, #4, #6, and #8 and has added a new Proffer #10. A red-lined version of the edits to the proffers has been provided in the packet.

The revised proffers are as follows (written verbatim):

1. The overall density of the development shall not exceed 70 units.

2. Only single-family detached and duplex dwellings are permitted as principal uses.

3. No more than one public street connection to Smithland Road shall be permitted. The public street shall end in a street stub to provide connectivity to the parcel identified as tax map number 71-A-13. No driveways will be located on this new public street. Location and alignment of the public street shall be as approved by the Department of Public Works.

4. In addition to the public street stub described above, a minimum of one additional public street stub shall be constructed to the boundary of the development to provide additional connectivity to the parcel identified as tax map number 71-A-13. Location of the street stub shall be as approved by the Department of Public Works.

5. Upon request from the City, the Owner/Applicant will dedicate the necessary public street right-of-way along Smithland Road approaching the intersection into the development; up to twenty feet (20') in width to allow for a two-hundred-foot (200') right turn lane and a two-hundred-foot (200') right taper and to include curb and gutter and a five-foot (5)' sidewalk with a two-foot (2') grass buffer . In addition, a ten foot (10') temporary construction easement shall be provided.

6. Upon request from the City, the Owner/Applicant shall dedicate land adjacent to tax map parcel 64-B-4-A for public street right-of-way as generally depicted in Exhibit A.

7. A shared-use path shall be constructed along one side of the new public street connection between Smithland Road and tax map parcel 71-A-13. A sidewalk will be constructed on the other side of the public street.

8. A ten foot (10') wide shared use path will be constructed between a public street and tax map parcel 71-A-13 in the location generally in Exhibit A. A twenty foot (20') wide public shared use path easement shall be conveyed to the City upon completion. The shared use path shall be constructed and dedicated to the City of Harrisonburg as a public shared use path easement prior to the completion of the Development.

9. A recreational play area of no less than 500 square feet shall be provided. If provided adjacent to Smithland Road, then a privacy fence at least six feet (6') in height shall be constructed between the recreational play area and Smithland Road. Between the privacy fence and Smithland Road, a staggered double row of evergreen trees shall be planted and maintained by a Homeowner's Association, with the trees in each row planted not more than ten feet apart and a minimum of six feet (6') in height at the time of planting.

10. Screening in the form of a privacy fence at least six feet (6') in height shall be constructed along the boundaries of Parcels 71-A-5, 64-B-4-A, and 64-B-5 and maintained by a Homeowner's Association.

The edits to the proffers include:

- the ability to allow for duplexes,

- the removal from proffer #4 the previously allowed provision for the applicant to petition to waive the requirements of the additional proffered street stub to TM 71-A-13, and,

- the removal of referencing the concept plan from Proffers #6 and #8,

- the removal of the proffer that would have required tree planting through the development.

After conversations with the neighbors, the applicant included a new Proffer #10 that would require the developer to provide screening in the form of a privacy fence along the identified boundaries of three neighboring properties.

Land Use
The Comprehensive Plan designates this site as Low Density Mixed Residential (LDMR) and states:

> 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 applicant continues to proffer that the site will not exceed 70 units and has maintained the commitment to provide a minimum of 500 square feet of play area. As noted above, the layout of the development is not proffered. Thus, the applicant would have the ability to design the site in a different way as long as the proffers, Zoning and Subdivision Ordinance requirements, and other design standards are met. Staff continues to encourage the applicant to locate the proposed play area in a more central area to the development to encourage social activity within the neighborhood rather than at its perimeter near Smithland Road.

Transportation and Traffic
The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

Proffers #3 and #4 address the construction of new public streets and, as was presented at the February meeting, requires a minimum of two public street stubs to provide connection to adjacent parcels. As described in Proffer #3, no more than one public street connection would be made to Smithland Road. This proposed street is also required to stub to the adjoining parcel to the southwest identified as 71-A-13.

If the request is approved, the developer must complete a preliminary subdivision plat, where, among other things, they could request variances from the Subdivision Ordinance and the Design and Construction Standards Manual (DCSM). Other recently reviewed development proposals have requested to deviate from location requirements for public general utility easements and to deviate from minimum public street right-of-way and street width requirements. If the rezoning is approved, staff anticipates that the applicant would request the aforementioned variances. When appropriate, staff has supported variance requests to reduce public street right-of-way and street width requirements. However, at this time, staff continues to question whether it would be appropriate for this project.

As noted above, staff has not had the opportunity to fully review the new conceptual layout and has not had the opportunity to provide feedback to the applicant.

Public Water and Sanitary Sewer
As noted last month, staff does not anticipate issues regarding water service availability for the proposed development. The applicant has been advised that they will be responsible to complete a study of the water and sanitary sewer capacity prior to submittal of an engineered comprehensive site plan. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer. Additionally, the applicant has also been advised that sanitary sewage will discharge to a sewage lift station (Smithland Road pump station) that may require modifications of the station by the developer to address increased demand.

Housing Study
The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City."

Public Schools
Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, and on the applicant's original proposal of 64 residential units, it is estimated to result in 28 additional students. Based on the School Board's currently adopted attendance boundaries, Smithland Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development.

As with all requests to the Planning Commission, HCPS primary focus is to ensure that they have adequate classroom space and maintain appropriate class sizes to educate the students of Harrisonburg. While most changes will positively impact residents and the community, HCPS

remains focused on the fact that increased housing opportunities in Harrisonburg will increase the number of students who attend HCPS. HCPS staff also noted that currently four of the six elementary schools exceed effective capacity.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: https://www.coopercenter.org/virginia-school-data.

Recommendation
As noted above, staff will continue working with the applicant and reviewing the recently submitted revised materials. Staff hopes to be able to provide a recommendation regarding the project by the evening of the Planning Commission meeting.

Options

1. Recommend approval of the rezoning request.
2. Recommend denial of the rezoning request.

Attachments

- Site maps
- Revised application and supporting documents