



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 16, 2024

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

SUBJECT:

Consider a request from Cobblers Valley Development LLC to rezone 585 Pear Street

Consider a request from Cobblers Valley Development LLC for a special use permit to allow attached townhomes at 585 Pear Street

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: December 19, 2023**

Chair Finnegan said before we get into item 3a, Meg is going to give us an overview because these two properties are adjacent to each other.

Ms. Rupkey said yes, the public hearings for tonight are on properties that are adjacent to each other and I figured an overview of the area would be a good way to start. Right here is an overview of the properties along Pear Street, Cobblers Valley and Zephyr Hill. [Referencing to an image on the screen.] In the blue is the Cobblers Valley rezoning that we will be hearing tonight and then the orangish red is the Zephyr Hill which are items 3c and 3d. The item outlined in purple is a previous rezoning that was done in 2020 in the City.

Ms. Rupkey continued and said in August 2021 Rockingham County Board of Supervisors approved a rezoning to R-5C, Planned Neighborhood District Conditional for +/- 75 acres adjacent to the subject site for this report. The 2021 County rezoning request included proffer that the development would not exceed 400 units within the County Development. However, since that time, the County portion of the development is approved for construction of 373 units.

In September 2021, the neighboring property across Cobblers Court identified as tax map parcel 8-E-2 was owned by Cobblers Valley Development Inc., the same property owner of the subject rezoning, and was rezoned from R-1 to R-8C with proffers detailing a maximum of 40 units, providing a landscape buffer, sidewalk construction and connections, providing a bus shelter as approved by HDPT, and ensuring that street connections occur for inter-parcel connectivity. A special use permit (SUP) was also approved in September 2021 to allow attached townhomes of not more than eight units within the R-8 district. Since the time of that rezoning and SUP

approval, that property has been sold. The applicant is hoping to continue with similar development on the subject property.

The applicant is requesting to rezone a +/- 2.18-acre parcel from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance to allow attached townhomes of not more than eight (8) units in the R-8, Small Lot Residential District.

It is worth noting that the neighboring parcel addressed as 465 Pear Street and identified as tax map parcels 8-E-3 and 5 is also requesting to rezone from R-1 to R-8C while also requesting a SUP to allow townhomes. That property and requests will be discussed in a separate staff report.

Proffers

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

1. Density of the development shall not exceed 21 units.
2. Developer shall provide a vehicular connection/road stub to parcel# 008-E-3 & 008-E-5 (located in City of Harrisonburg) to allow for future connectivity.
3. A 5' wide sidewalk extension connecting the existing sidewalk along the south side of Cobblers Court to Tailor Drive as generally depicted on the concept plan.
4. A 5' wide sidewalk along the west side of the private drive 1 extending through the development as generally depicted on the concept plan.
5. Amendment of the 2018 Signal Agreement for Pear/SS to shift proffer funds to other local projects and studies in the form attached as "First Amendment to Traffic Signal Cost Sharing Agreement".
6. Developer shall install and maintain a posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure as generally depicted on the concept plan.
7. Developer shall install and maintain a raised crosswalk to serve as a traffic calming measure as generally depicted on the concept plan. The raised crosswalk design requires approval by the department of public works.
8. Developer shall provide a public access easement encompassing the 5' wide sidewalk, extending from Cobbler's Court to the southern boundary line bordering parcels# 008-E-3 & 008-E-5 as generally depicted on the concept plan.

The conceptual site layout is not proffered.

While proffer number 1 is easily understood, further explanation of the remaining proffers are discussed in the Transportation and Traffic section of this report.

Land Use

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

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. 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. Like the Low Density Mixed Residential designation, 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 could be around 20 dwelling units per acre. 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 conceptual layout demonstrates the proffered maximum 21 dwelling units. At a proffered density of 9.6 units per acre and with the planned townhomes, the requested rezoning and special use permit is supported by the Comprehensive Plan. The construction of townhomes would also be consistent with the townhomes under construction across Cobblers Court in the City and with the townhomes under construction in Rockingham County.

Transportation and Traffic

The attached letter from the Department of Public Works dated November 29, 2023, states:

“The land use and number of units described in the rezoning application, when combined with the number of units proffered for the portion of the development located in Rockingham County are consistent with the number of trips analyzed in the Traffic Impact Analysis (TIA) accepted by the Department of Public Works in February of 2018 and updated in August of 2022. Therefore, Public Works does not require a TIA Determination Form to be completed for the current rezoning application.”

Proffer 2 would require the developer to provide a vehicular connection/road stub into portions of the development in the adjacent property identified as tax map parcels 008-E-3 & 008-E-5, which is for the project known as Zephyr Hills that is also being reviewed for a rezoning and SUP this month.

With proffers 3, 4, and 8, the applicant is committing to construct sidewalks along Cobblers Court, a public street, and constructing and dedicating public access easements for sidewalk along the private street. (Public access easements are privately owned and maintained sidewalks that are open for the public to use.) While staff would prefer sidewalks on both sides of the private street, the applicant is only proffering to construct sidewalk on one side of the private street. During review of the requests, staff suggested that the applicant add traffic calming measures such as raised crosswalks to help reduce the speed along the private drive. The applicant has provided proffers 6 and 7 to help with this regard.

Proffer 5 references the First Amendment to Traffic Signal Cost Sharing Agreement document, which is included in the applicant’s supporting documentation. The original agreement, dated March 30, 2018, was associated with rezoning of the Rockingham County portions of the Cobblers

Valley development. The new agreement states that the “[t]raffic Signal at the Intersection as outlined in the Agreement is no longer a feasible improvement and has been replaced at City option by the approved Smart Scale project restricting left turns from Pear Street at the Intersection and the installation of a U-Turn traffic signal on Erickson Avenue.” The agreement goes on to state a portion of funds will be reallocated to extend the existing sidewalk along the west side of Pear Street to the intersection of Pear Street and Erickson Avenue. The agreement also states a portion of funds will be reallocated to support the Small Area Study (SAS) to be conducted by the City in partnership with the rezoning that was approved by City Council in September 2023 for the properties addressed as 150 and 210 West Mosby Road.

Public Water and Sanitary Sewer

Staff have no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has “neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth.” The Housing Study further notes that houses in these markets are quick to sell and that “[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.”

Public Schools

The student generation attributed to the proposed 21 residential units is estimated to be 8 students. Based on the School Board’s current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Staff recommends approval for both the rezoning and SUP. Furthermore, staff is comfortable recommending an extension of approval from 12 months to 48 months as requested by the applicant. As identified, by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes the additional time is appropriate for this project.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said when I went out there today it looked like the sidewalk dead ends at the County line, is that right? So, that is the continuation across.

Ms. Rupkey said yes ma’am.

Vice Mayor Dent said the other thing that I am really startled to hear, the 48 months. That seems a little bit extreme to me. We have heard of extensions to 36, the other night we had a 24. Four years to even start, is that okay with everybody? I do not know why they need that much more.

Mr. Fletcher said if you do not grant it to 48 months just think about it from this perspective, it would just default at 12 months and then they would have to come back and ask for special permission. Anytime we are talking about extensions it is basically the applicant saying we might not be able to begin in 12 months and we would not want our special use permit to be null and void so we were hoping to have an extension of approval to whatever their request might be. When you think about special use permits, and granting them for approvals, the reason why there is a time period is that special use permits may... enough of the environment and enough of the conditions of the physical space and maybe uses have changed, it may be the special use permit is not relevant anymore. A special use permit like this probably does not fit that criteria because it is like you are granting permission for townhomes and the environment is not going to change with regard to the type of housing unit that is out there. Special use permits for different kinds of uses all across our Zoning Ordinance, and I cannot think of one off the top of my head, but that is why the time period is there. To say “hey, are we sure we want to grant this approval, if it does not get initiated?” then maybe there is a reason why it needs to come back for review. Maybe there is a reason why a special use permit to have reduced parking or something like that may not be relevant anymore. Enough uses have changed in that specific area that would necessitate another review. What staff is saying here is that we have no concern with the extension that is being requested and if you evaluated all across the city and all the different approvals that have been granted. There are particular reasons why they may need those extensions, mortgage rates, all of these sort of things; that if we are still getting financing lined up, especially for a project like this, is that there are so many units being constructed that maybe their focus shifts back and forth depending upon demand of the type of unit that people are wanting. For us, from a long-term planning perspective, this is not a concern for us for the extension that they are requesting.

Vice Mayor Dent said it is not going to change from a whole mass of townhomes out there.

Chair Finnegan said I will also say, I have mentioned this before, I have been on Planning Commission for seven years and there are things that we have approved that also got approved by City Council that still have not been built in that seven years. There was a recent story in the Wall Street Journal about some apartment building in California that has been taking 17 years to get built. I have no problem granting an extension if it gives it a better chance at getting built.

Chair Finnegan continued I did have one question that was about the Smart Scale. Was that proffer number 5, did you mention Smart Scale?

Ms. Rupkey said yes, proffer number 5 is the amendment to the 2018 traffic signal agreement repair or the shift for proper funding allowed for local projects and studies in the form of the amendment to the traffic signal cost sharing agreement. The study also is talking about the Smart Scale project in reference also with the Mosby Road projects that were approved.

Ms. Dang said small area plan or Smart Scale funding?

Chair Finnegan said she had mentioned Smart Scale, I was just curious about that. Or am I hearing things wrong, did you say Smart Scale?

Mr. Fletcher said Smart Scale project is associated with the Michigan left. I think Carl or Todd might be able to speak to some of these responses.

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.

Todd Rhea, applicant's representative, came forward to speak to the request. He said I ask Ms. Rupkey to pull up that first slide that shows the first Cobblers Valley and Zephyr Hill plan as an overview because that gives us better context for discussing the two smaller request that are in front of you tonight. Mister chairman, members of the commission and City staff I am Todd Rhea with Clark and Bradshaw here in downtown Harrisonburg. I am here with Carl Synder with Valley Engineering. Carl and I have been working on the Cobblers Valley and Zephyr Hill project since late 2016, so there is a lot of history in context of these overall developments these are some of the last pieces. The reason they have been in piecemeal is that you have a jurisdictional boundary line between City and County that run between both projects. We have two projects in two jurisdictions so it kind of breaks it into four parcels. The bulk of it is in the County. The original Cobblers Valley plan which is almost everything on this side of the dotted black line except for the top right portion which is Zephyr Hill was originally Master Plan approved in 2018. As part of those County proffers in 2018 we reached some agreement with City Public Works to proffer approximately \$82,000 towards contribution for a future signal at Pear Street and the Erickson bypass, which is a problematic intersection. About 18 months after that agreement was reached through the City Public Works studies, it was determined a light could not go there because it was too close to the railroad crossing that is immediately to the left of that intersection. So, the City undertook a process, they applied for a Smart Scale funding grant through VDOT to close that as a through intersection coming off Pear and make it so you can only take a right onto Erickson. There is a design for a Michigan left about halfway up that hill, I am not sure that is lighted or not, it may be lighted, but that is scheduled to go in 2026, if my memory serves me correct. We went back through with staff in planning process for these last couple of pieces of Cobblers Valley and Zephyr Hill. We sat down with Tom Hartman and Chris Brown, what made sense with respect to those funds that were proffered for a specific improvement that was no longer feasible, how would we amend the agreement to make it a win-win for everyone. The solution we came up with, as suggested by Public Works, was let us use half of that money to extend off site sidewalks from the end of the purple western most portion of Cobblers Valley in the City all the way around the curve and over to the Pear-Erickson intersection and take the other half and apply it to the small area study that the City, as you all may recall with the Mosby-Pear affordable apartment rezoning last summer, they were contributing \$25,000 toward that small area study, which is the whole Mosby Road and Main Street all the way out on Mosby, over to Erickson, and down to Route 42. This additional half of the proffered Cobblers Valley money that was originally for that signal would then go to fund a portion of that study. Those were the Public Works' priorities for this area. I know that is a mouthful, but that kind of explains why we are dealing with County rezoning, City signal agreement, proffers. It is just a change in condition and a collaborative effort. Also, as you all can see all of the Cobblers Valley and Zephyr Hill project was designed as an integrated plan, at both City and County level. Where do we want entrances? It was clear from the City's priorities that they did not want any more entrances on Pear Street, so we avoided that as you can see. There is one existing entrance today between blue and purple that comes out to Pear Street. This internally brings the connector through Zephyr Hill down to Cobblers Valley, straight across from the

planned townhome community across the street in the City, which is part of Cobblers Valley. There is another entrance to the upper right of the screen that does come out onto Pear that has been approved, that is in the County I believe. There is another connection off plan to the left where Russell Drive connects into Cobblers Valley. There are three main points of egress out of this larger development, these two rezonings put those final two pieces in place. We would like to get more than 10 units per acre on this corner parcel but there is a large 50-foot powerline easement that bisects the property that restricts our ability to put density there to more than what is shown. We also sort of designed that little loop underneath the powerline so that we would not have long driveways to any of the units, which if you just put one straight road through there, because of the setbacks from powerline, would be required. You can see at the bottom of the blue piece, which is the Cobblers Valley rezoning, there is a large pond. It is in the County, but that pond has been designed and installed proactively in advance. The stormwater needs for both of these rezonings before you tonight flow into that pond, that has already been designed and installed. That piece of it is done. Finally, dealing with two jurisdictions each with their own public water and sewer, that is why we had to come back on this a little bit piecemeal both of these requested rezonings tonight would be on City water and City sewer. Everything in the County is on County water and sewer. It has been a challenge but we feel like it has been a well thought out community. It has been well received. The single family section that has been developed so far is pretty affordable for the locality. We feel like it has been a good project the same developers are requesting this and will be in charge of the development of these communities and you all can expect a continuation of the character the community consistent with what has happened so far. With that said I know there is a lot of questions and a lot of details for a fairly minor final piece of the puzzle. Carl and I have been there from day one and we would be happy to answer any questions that you all have.

Commissioner Armstrong said how much is pretty affordable?

Mr. Rhea said the single-family homes in the Cobblers Valley section are coming in, I would say 80 percent of them are between \$300,000 and \$400,000. Those are detached single family homes, all three and four bedrooms.

Chair Finnegan said are the townhouses for rent or for sale?

Mr. Rhea said the townhouses in the purple and along in the County side I understand those are all going to be for rent. Zephyr Hill, which is the County zoned portion in the red that we will be talking about in a minute, those are all for sale as I understand it. The little blue piece, the final piece of Cobblers has not been determined but more likely than not will be for sale.

Chair Finnegan said just as a follow up question to Commissioner Armstrong's, do you know what range those townhouses are expected to sell for?

Mr. Rhea said I wish Mr. Hurst, who is the developer of Zephyr Hill, was here to answer that question. He is in Disneyworld with his family. My guesses are going to be in the 225 to 250 [thousand] range for those townhouses.

Chair Finnegan said I do have a question for the engineer, it is about the BMPs. Are they just ponds, basically for stormwater, or are there trees? What is being done to mitigate the effects of flooding?

Carl Snyder, engineer with Valley Engineering, came forward to speak to the request. He said they are not the old ugly ponds like we think of from 15 to 20 years ago. These are actually wet ponds, so there will be a permanent pool designed into them. I do not recall off the top of my head whether it is a level one or a level two pond that dictates how much plantings you have for a marsh area around them. I would encourage everybody, if you are out that way, to drive by. I have been by several times recently, especially with the rains we have been fortunate enough to receive here lately, they actually look very attractive even without a huge stand of grass around. They actually look very good in my opinion. Wet ponds have clay liners in them so it should be there all the time unless we are in a severe drought. Did I answer your question? I will say you ask about the trees and things, I do not want it to get confused with a bioretention that has a certain amount of plantings that are required in it because this is a pond. There are no tree requirements according to the DEQ specs to actually be in the BMP.

Mr. Fletcher said just to add to the conversation about the BMPs, it does not come up quite a bit in here but I know folks are interested in it. The regulations for stormwater management really took a significant change on either January 1, 2014 or July 1, 2014, which not only required quantity measures but quality measures. Then even since those regulations went into place, you used to be able to buy nutrient credits in the Blacks Run Watershed and you no longer can which means that you have to retain and clean your water on site and that is why you end up with, I do not know if I would necessarily call them rain gardens, but they are smaller bioretention spaces that people are utilizing in their parking lot landscaping and their islands in a lot of those spaces. Although we do not talk about it a lot, people are utilizing them all the time.

Mr. Snyder said just to I guess close the loop on that, I said these are not the ugly old dry ponds we are used to seeing from 15 years ago because of the change in the regulations, those are pretty obsolete anymore. There is very little value both from a quantity and quality standpoint that go along with those, so I would be shocked if we see any of those anymore. The development as a whole actually has five of the wet ponds. All of them are done and active at this point. They have proven to be an efficient and yet productive BMP. On a larger development like this we have the space, this is one of the more economical BMPs. You start seeing the bioretention and the rain gardens when you get in more a compact development.

Vice Mayor Dent said just for clarification when you talk about the new wet ponds, you mean like a clay lining so it looks more like a natural pond as opposed to a pile of rocks?

Mr. Snyder said yes, it has a clay lining. The reason that clay is put there is to make sure it does not just seep out, it is meant to retain the water in the pond and keep that permanent pool so it looks like an aesthetic.

Vice Mayor Dent said the old kind you were talking about have just has the pile of gravel?

Mr. Snyder said not necessarily, they were seeded but the orifice for the water to drain out was at the bottom of the pond. It controlled at what rate the water went out of the pond, but they were all intended years ago to drain down to dry.

Mr. Fletcher said sometimes certain detention ponds are grass, it looks like a depression in the ground.

Mr. Snyder said especially in dry times then you start to see the weeds, that is not the deal here. These are going to have a minimum of four feet of water in at all times. Again, notwithstanding droughts.

Mr. Rhea said you all have made Carl's night being able to talk about stormwater management practices at a public hearing. At the bottom you see a triangular pond, that was the first one that was put in and that holds water and I have been out there and there are always ducks and geese in that pond. Stormwater management areas can be a part of the natural habitat.

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.

Michael Hoak, a property owner on Pear Street, came forward to speak to the request. He said my family owns property on the other side of Pear Street. It is approximately 12 acres; it is developable property. So, I am having a little bit of concern when I hear and I had not seen anything written about this but I have heard that there will be no left egress or access from Pear Street onto our property, so no left turn lanes. The problem is I am worried a little bit because the best and the highest use of this property is going to be developed. We have two homes up there right now. At some point we will want to sell it to a developer but we want to make sure that we are not going to be limited to have the property be adequately developed. We have already lost access along Erickson/Stone Spring because the road that came through.

Mr. Fletcher said I can clarify that it is not that you will not be able to turn left, it is that you have to do an additional movement to go left, to go west. So, when you come to the intersection of Pear Street and Erickson Avenue today where you can turn left immediately to go west...

Mr. Hoak said we are up the hill on Pear Street going towards the top. So, where I am looking at... actually, there was a maps that had yellow coloring on it that showed the layout... [Mr. Hoak went to the monitor/screen away from the microphone to point and describe his concern and was inaudible to the recording equipment.]

Chair Finnegan ask Mr. Hoak to return to the microphone so that what he says could be captured in the minutes.

Mr. Fletcher said sir that is not actually what we are talking about. The controlled left turning movement was associated with the left turns from Pear Street at the intersection of Erickson Avenue.

Mr. Hoak said that is the perfect clarification.

Commissioner Baugh said it is not directly in front of you, it is addressing the fact [unintelligible] more pressure on that already crazy at times intersection.

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.

Ms. Dang said before we continue on if I may request that when you speak if you all could lean in closer to the microphone. We are getting reports of difficulty hearing individuals sitting too far back. Thank you.

Chair Finnegan said I did have one clarifying question for staff. So, the portion of this development that is in the City is being served by City sewer and water and the portion that is in the County is being served by the...

Ms. Rupkey said County.

Vice Chair Byrd said based on the applicant's presentation, it was mentioning that intersection that we have been discussing might come in to being made in 2026 and that is two years from now. It makes me understand better the 48 months that we were discussing earlier. If they are involved in that, why have them come back two years from now if we went with 24 months.

Ms. Dang said I am not sure those two schedules are connected. The City's project is independent of their development project, I just wanted to make that clear.

Vice Chair Byrd said I was just mentioning that in that when people are developing and building houses sometimes, they consider the rules that are currently existing or what current rules might exist in the future. As I am starting to notice from when, I cannot remember the name of the development... when they learned about the possible road coming off of MLK and it changed how they thought about...

Ms. Dang said 241 Central I believe is what it is...

Vice Chair Byrd continued it changed how they were talking about they should consider their properties. So, I was just bringing it up just to mention. It helps me better understand the 48 months. Before I was a little bit more uncertain about that timeframe but if the City does plan on doing something two years from now, I can see why they would need to have that little bit extra cushion time to finalize any developmental decisions they want to make. That is all I have to say on this particular application.

Commissioner Armstrong said I wanted to just acknowledge the public schools note that "the proposed 21 units is estimated to generate eight students in Harrisonburg City Public Schools. Staff noted that schools are over capacity and many of the schools that would serve the students residing in this development." We do tend to approach these things in a siloed way and what gets sourced/referenced over and over is the housing market study. There are problems with that, it is not an integrated plan and we just skip over it. I just wanted to take note of it.

Commissioner Baugh said I will just sort of echo that a bit. Again, not that I think that at this point it is going to affect my vote tonight, but I mean it is a point that I have made and have not been in the position because we have a Housing Coordinator now and that may be the spot where this takes place. My observation is that it is part of the larger thing that yes, there are times that we are not looking at this comprehensively. What I feel like I have identified is the weakness in the overall analysis from a body like this is that we are not involved in the budget side, which may be the

biggest component, it is just part of it. I continue to have some concern about, again in particular in the environment we are in now where so much of the attention is need more housing but looking at the long-term economic impacts of some choices versus other choices. My sense is that unless Council or the City Manager, perhaps, directed the Housing Coordinator to even look at those questions, nobody really has in their job description to look at them, or has the ability to give it a comprehensive look.

Chair Finnegan said one thought, since we have opened this can of worms, we have an ex officio member of City Council on this body and I do think it would be worthwhile to at least consider adding an ex officio member of School Board to this body. It may conflict with their meeting schedule, but this comes up every six months or so when we talk about schools. I will also say the presentation that we saw on different types of development and the tax revenue that it brings in, it is not that we want it everywhere but that is why we see a lot of...when you look at the Comprehensive Plan; mixed use, mixed use, mixed use because that does have the highest impact for tax revenue and also walkability so that people can walk from their homes. My concern for this is there are sidewalks, but where would anyone walk to. It is not necessarily a critique of this plan, but it is a critique of this type of development in general and I do think that our City does have an east/west equity problem when it comes to walkability. If you live on the west side of town and your kids go to school on the west side of town, they can walk or bike to school, high school, elementary school, middle school. If your kids go to school on the east side of town, that is simply not a safe option to have them bike to school. That will also be true when Rocktown High School opens. I do not know where to insert these conversations, I am inserting it here, but I hear concern about students in school, I think those concerns can be met if the tax revenue is as strong as it can be and that I do think for a mixed use development you see that it is more walkable and more economically productive.

Commissioner Armstrong said I think again we get caught up [unintelligible] when we talk about walkability because what should be right linked in with that is public transportation. It is not just walkable; it is can you hop on a bus and go half a mile? We need to not just talk sidewalks and walkability, there is not enough push to integrate our public transportation system, which I think is actually pretty good. That is a big problem that we have talked about lots of times with the JMU developments, they are not pushing for public transit. We focus on walkability, but we should be focusing on public transportation use.

Mr. Fletcher said the first one that sort of caught my attention was the making decisions in silos. I am not going to speak directly to that, but I just want to remind folks that if you go back maybe 15 years, we did not have the school projects in our CIP, we do now, we meet with them. In fact, those are the documents that are in front of you where it identifies buying land for a seventh elementary school, recognizing that we are continuing to grow and we are continuing to build homes and that if we are going to do those things, we need to plan in advanced by buying the land and being prepared to build a seventh elementary school. The sidewalk comment about where do they walk to, I tend to hear folks a lot when we have our internal conversations and you know you all do not get the benefit to hear a lot of the internal conversations, the conversations we have with developers about connectivity. But when you look at the big plan that is in front of you, the big overall picture is you see street stubs and we talked a lot early on, years ago, about how do we will ultimately connect this neighborhood over to [Route] 42 and get you over to Virginia 42 and these

are making those accommodations, the street stubs. They are connecting into Russell Drive, there was a street stub. So, while it maybe does not happen as fast as we want it to be, those plans are in place. We want them to be able to connect over to Virginia Avenue. I do not know if I remember or not about the connecting walkability to get to over there if there were easements in place, but this plan does create the opportunity so that we can connect so that people do ultimately have a place to walk to eventually. Then the bus stop, you are going to hear Meg talk about the bus stop in the next project where we have reservations for where the bus stop can be located and also our Harrisonburg Department of Public Transportation is doing their six year plan right now, so those plans are in place and a lot of comments that have come up is about accommodating more of the community that is not JMU and trying to figure out ways to work with the County and to accommodate bus transportation that we are not just bypassing neighborhoods like this. We can actually go into these neighborhoods and to actually connect industry and places where people work, to the City. I just wanted to make sure that people are aware of those things because while you all do not always get to hear those things, those conversations are absolutely happening and staff members are on committees they are on those groups that make those connections and we have these challenging conversations with developers where they are serving their clients and they may not necessarily want to hear the things we are challenging them on, but we are talking about connectivity. We are talking about sidewalks on both sides of the street all the time. So, just be aware that I think you can be proud of staff for knowing that all those things are taking place.

Chair Finnegan said thank you, I do appreciate that and I recognize in the staff report it talked about the conversation about the sidewalk and the raised crosswalks and I think that is really important.

Commissioner Armstrong said maybe in the presentation we get, maybe another subsection is needed like we have environment, fiscal, prior actions, alternatives, public water, housing, and public schools. Maybe there should be another little section in there about integration of connectivity or something that just references how this fits in a bigger plan that is longer term; we see the silo.

Mr. Fletcher said we probably take it a bit for granted because we require these things, we know where the regulations are in place and it used to be that you could build cul-de-sacs by right and you cannot do that any longer because we do not want cul-de-sacs so they actually have to get special permission from you all. We changed the rules years ago that you just cannot dead end a street without prior approval because we want that interconnectivity. So, some of those things we probably take for granted as just common knowledge that we know that they have to do those things. We do not hold anything against you for asking these questions because we recognize that you may not know and I just like to take these opportunities just to sort of remind you all that those things do get discussed at the staff level.

Chair Finnegan said the zoning and subdivision ordinance is something that I hope we can discuss next year in the subdivision ordinance those sort of modal filter walkways to other places and building that in as a requirement.

Commissioner Baugh said I will just throw in too that it may reflect part of it too, because we are at a part right now where we have a lot of commissioners here with a lot of experience who have

been here for a while. But we are also at the point where we are about as far away...as we are going to hear later, it is time to start looking at the next Comprehensive Plan update. We are about as far away from the last Comprehensive Plan review that we had and that is kind of the time that this body...So, I do think it is maybe some of it that is just a structural thing where, when we are doing Comprehensive Plan review these types of things get discussed a lot. We are far away from that now we are in the stretch where we keep hearing the presentations on the stub of the infrastructure that is being built for this and if you do not have reference to the larger piece or if we do not go out of the way to say it, which a lot of times we do not it just starts to feel like we are just looking at these little stubs and are we just hoping they connect at some point. We are not, but I feel it too.

Vice Chair Byrd said this is an R-8C rezoning. I make a motion to approve the rezoning. Commissioner Baugh seconded the motion.

Vice Mayor Dent said is the 1st amendment to the traffic signal, is that part of this exercise or is that handled separately?

Mr. Fletcher said it is all a part of the proffers.

Chair Finnegan said that was just made reference to in the proffers.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	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 passed (7-0). The recommendation will move forward to City Council on January 23, 2024.

Vice Chair Byrd said I will make a motion to approve the special use permit.

Vice Mayor Dent seconded the motion.

Ms. Dang said may I ask for clarification that it will include the recommendation to extend to 48 months?

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	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 special use permit passed (7-0). The recommendation will move forward to City Council on January 23, 2024.