



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Agenda Planning Commission

Wednesday, April 8, 2026

6:00 PM

Council Chambers

1. Call To Order

2. Roll Call/Determination of Quorum

3. Approval of Minutes

3.a. Minutes from the March 11, 2026 Planning Commission Meeting

Attachments: [Minutes](#)

4. New Business - Public Hearings

4.a. Consider a request from Mick or Mack LC for a special use permit at 140 East Wolfe Street

Attachments: [PC Memorandum](#)
[Site Maps](#)
[Application and supporting documents](#)

4.b. Consider a request from Big Brother and Holdings CO LLC for a special use permit at 165 South Main Street

Attachments: [PC Memorandum](#)
[Site Maps](#)
[Application and Supporting Documents](#)

4.c. Consider a request from Collicello North LLC to amend the approved master development plan (rezoning) for various addresses on Collicello Street and Kates Lane.

Attachments: [PC Memorandum](#)
[Application and Supporting Documents](#)
[Site Maps](#)
[2013 staff report for the Collicello North Master Plan](#)
[2013 Collicello North Approved Master Plan](#)
[What is an R-7 Development? Information Sheet](#)

5. New Business - Other Items

5.a. Consider initiating Zoning Ordinance amendments related to poultry hatcheries, shopping center parking calculations, and the Zoning Ordinance update project

Attachments: [PC Memorandum](#)

- 5.b.** Clarify action taken during the March 11, 2026 Planning Commission meeting regarding the special use permit request at 851 Madison Street

Attachments: [PC Memorandum](#)

- 5.c.** Clarify action taken during the March 11, 2026, Planning Commission meeting regarding the rezoning request at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street (The Link Apartments)

Attachments: [PC Memorandum](#)

7. Public Comment

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

8.b. Board of Zoning Appeals Report

8.c. City Council Report

9. Other Matters

9.a. Review Summary of next month's applications

10. Adjournment

NOTE TO THE PUBLIC

Staff will be available at 4:00 p.m. on the Tuesday before the next Planning Commission meeting for those interested in going on a field trip to view the sites on the next agenda.

INTERPRETATION SERVICES

Language interpretation service in Spanish, Arabic and Kurdish is available for Planning Commission meetings. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least four (4) calendar days in advance of the meeting by contacting the City Clerk at (540) 432-7701 or by submitting a request online at: www.harrisonburgva.gov/interpreter-request-form

El servicio de intérpretes inglés-español está disponible para las reuniones públicas de la Comisión de Planificación. Para asegurar la disponibilidad de intérpretes, cualquier interesado deberá solicitar la presencia de un intérprete al menos cuatro (4) días calendarios antes de la reunión comunicándose con la Secretaría Municipal al (540) 432-7701 o por medio de la página por internet al:

<https://www.harrisonburgva.gov/interpreter-request-form>

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

- The City's website, <https://harrisonburg-va.legistar.com/Calendar.aspx>
- Public Education Government Channel 1072

A phone line will also be live where residents will be allowed to call in and speak with Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those have been heard. This will avoid anyone calling on any other item from holding up the queue and then being asked to call back at a later time.

The telephone number to call in is: (540) 437-2687

Residents also may provide comment prior to the meeting by visiting this page: www.harrisonburgva.gov/agenda-comments



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Legislation Text

File #: ID 26-116, **Version:** 1

Subject:

Minutes from the March 11, 2026 Planning Commission Meeting

Presented By: [Click or tap here to enter Presenter.](#)

[Click here to enter the action/summary \(insert the summary from the memo here\)](#)

MINUTES OF HARRISONBURG PLANNING COMMISSION

March 11, 2026

The Harrisonburg Planning Commission held its regular meeting on Wednesday March 11, 2026, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Chair; Shannon Porter, Vice Chair; Councilmember Laura Dent; KC Kettler; Rob Jezior, and Randy Seitz. Heja Alsindi was absent. Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Nyrma Soffel, Planner; Meg Rupkey, Planner; Wesley Russ, Deputy City Attorney; Tom Hartman, Director of Public Works; Matthew Tobia, Fire Chief; and Anastasia Montigney, Development Support Specialist/Secretary.

Chief Tobia went over emergency and evacuation procedures for the evening.

Chair Baugh asked if there were any corrections, comments or a motion regarding the February 11, 2026, Planning Commission meeting minutes.

Commissioner Kettler moved to approve the February 11, 2026, Planning Commission meeting minutes.

Vice Chair Porter seconded the motion.

The motion to approve the February 11, 2026, Planning Commission meeting minutes passed by voice vote (6-0).

New Business – Public Hearings

Consider a request from Katherine S Moran and Marcie E Harris to rezone (proffer amendment) 361 Franklin Street

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to amend proffers for a +/- 10,269-square-foot parcel, zoned R-8C, Small Lot Residential District Conditional. The vacant parcel is addressed as 361 Franklin Street and is identified as tax map parcel 27-Q-1. If the request is approved, the applicant continues to propose to construct a single-family dwelling.

On August 22, 2023, City Council approved the applicant's request to rezone the property from R-1, Single-family Residential District to R-8C, Small Lot Residential District Conditional to construct a single-family dwelling that would have exceeded the R-1 district setback requirements.

The rezoning included a proffer to establish a 20-foot minimum setback along Franklin Street. The applicant's architectural site plan (Architectural Site Plan Sheet A-003, dated 06 Feb 2026) shows their desire to construct a porch roof near the southwest corner of the building that projects five (5) feet into the 20-foot setback.

Zoning Ordinance (ZO) Sec. 10-3-110(a) allows architectural treatments and functional elements such as chimneys, moldings, rain gutters, downspouts, roof eaves, buttresses and bay windows to project up to two (2) feet, eight (8) inches into the required yard setback, provided they do not include additional floor space. Without the proffer amendment, the proposed porch roof could project up to two (2) feet, eight (8) inches into the 20-foot setback. The requested proffer amendment would allow the porch roof to encroach into the proffered setback as indicated on the referenced architectural site plan.

Additionally, ZO Sec. 10-3-110(d) allows for an open, unenclosed and uncovered porch to project up to one-third of the front yard setback. For a 20-foot setback, the allowed projection would be about six (6) feet, seven (7) inches. The applicant's architectural site plan illustrates an open, unenclosed and uncovered deck ("cantilever deck above") that projects six (6) feet, four (4) inches into the 20-foot setback along Franklin Street. In contrast, the proposed porch roof would project up to five (5) feet into the 20-foot setback along Franklin Street.

Proffers

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

1. More than one dwelling is prohibited.
2. The minimum setback along Franklin Street shall be 20 feet, except for the porch roof, which shall extend no further than 5 feet into the setback and shall be in the general location indicated on the Architectural Site Plan A-003 dated 06 Feb 2026.

Proffer #1 remains unchanged from the 2023 rezoning.

Proffer #2 would amend the previously approved 20-foot setback along Franklin Street by allowing the porch roof to encroach as indicated on the architectural site plan. Without the proffered 20-foot setback along Franklin Street, the R-8 district would have permitted a minimum front yard setback of 10 feet. Existing setbacks along this portion of Franklin Street generally range from 20 to 25 feet or more from the public right of way and are generally nonconforming. At the time of the original rezoning, the applicant proffered a minimum setback of 20 feet along Franklin Street to ensure compatibility with other dwellings on Franklin Street.

Land Use

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

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

The proffered number of dwellings and the density conform with the Low Density Residential designation, and the occupancy regulations of the R-8 district are the same as the occupancy regulations for the R-1 district.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

The proffer amendment will not impact housing because current zoning allows one single-family detached dwelling, and the new proffers continue to restrict the property to having only one dwelling unit.

Public Schools

The proposed proffer amendment does not change the existing number of buildable units allowed on property and does not impact the calculated student generation.

Conclusion

The proposed proffer amendment is narrowly tailored to allow the porch roof shown on the architectural plans to project no more than 5 feet into the 20-foot setback along Franklin Street. Staff does not believe that the request would have an adverse impact on the surrounding properties; therefore, staff recommends approval of the proffer amendment request.

Chair Baugh asked if there any questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Matthew Roberston, the applicant's representative from The Stratford Companies, came forward to speak to the request. He said we are the design and building company for this residence representing the Morans. Nyrma did a great job presenting the information. I am here to answer any questions you might have about the proffer amendments or the architecture that supports it.

Chair Baugh asked if there were any questions for the applicant's representative.

Vice Chair Porter said just a brief question about the decision to have the porch extend so far just what the design purpose was or what your rationale was.

Mr. Roberston said the Zoning Ordinance allows the uncovered balcony to project into this setback further than what this porch roof can project. We initially had this porch roof as a balcony and those two planes align in their projection towards Franklin Street. The decision to not make this a balcony and only have it a porched roof as nonaccessible was a part of the design process but at the end result having those alignments of those two planes along Franklin Street, the balcony and the porch roof was what we are looking for.

Vice Chair Porter said have you already built the porch overhang?

Mr. Robertson said no, we have not broken ground on the house yet.

Chair Baugh asked if there were any questions for the applicant's representative. Hearing none, he opened the public hearing and invited 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.

Councilmember Dent said I would like to just recall when we approved this back in August 2023 part of the rationale of this place as I recall is to have one floor living for aging in place and that is part of why it needed the rezoning for smaller setbacks to have enough space on that one floor.

Vice Chair Porter said I will go ahead and call the question please.

Chair Baugh said that is a motion to approve as presented, is that correct?

Vice Chair Porter said that is correct, so moved.

Commissioner Kettler seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on April 14, 2026.

Consider a request from Center for Health and Human Development to rezone 851 Madison Street

Consider a request from Center for Health and Human Development for a special use permit at 851 Madison Street

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 12,944-square-foot property from R-2, Residential District to R-8, Small Lot Residential District. The property is addressed as 851 Madison Street and is identified as tax map parcels 41-K-5 and 6. If approved, the applicant plans to subdivide the property into three parcels, one of which would contain the existing single-family detached dwelling, and the remaining two parcels would be for a duplex structure containing one (1) dwelling unit on each parcel. In addition, the applicant is requesting a special use permit (SUP) pursuant to Zoning Ordinance (ZO) Section 10-3-59.4(9) to allow a reduction in the required number of vehicle parking spaces to zero spaces.

The existing two-story single-family detached dwelling on the parcel is nonconforming to the R-2 district's front and side yard setback regulations. The proposed rezoning to the R-8 district would make the existing front yard setback conforming. The minimum side yard setback for a two-story dwelling in the R-8 district is seven (7) feet. The house is approximately five (5) feet from the property line and would continue to be nonconforming to side yard setback regulations along the northwest property boundary.

The R-8 district's area and dimensional regulations require that each duplex unit be located on its own parcel. For a duplex, a minimum lot width of 25 feet per unit and a minimum lot depth of 60 feet are required. If rezoned to the R-8 district, the two new proposed duplex lots would have sufficient depth to be further subdivided, for a total of four (4) new lots. Should the applicant desire to further subdivide the lots in the future, they would have to come before the Planning Commission and City Council to request a variance from the Subdivision Ordinance because the lots would not have public street frontage.

It should be noted that a significant portion of this parcel is in floodplain. The proposed duplex would be located within the 100-year floodplain and subject to a higher risk of flooding, which may impact financing and insurance. The elevation of the lowest floor, including basement, of each dwelling must be at least 1-foot above the base flood elevation (BFE), and the development will require a floodplain development permit and elevation certificates. In addition, the Design and

Construction Standards Manual section 1.3.1.13 requires an engineered comprehensive site plan (ECSP) for any development in the floodplain.

Proffers

There are no proffers with this request. The conceptual site layout is not proffered.

Special Use Permit

Per the ZO, one (1) parking space is required per dwelling unit for single-family detached and duplex dwellings within all zoning districts. The SUP, if approved, would allow for the reduction in the required number of vehicle parking spaces provided that an equivalent amount of open space is reserved on the property. This area would be required to remain available should it be needed at some time in the future to accommodate parking needs. In addition, the open space used for this purpose must be noted in a deed and not used to meet other requirements of the ZO. The applicant is requesting to reduce the required number of parking spaces to zero and has shown the reserved area on the conceptual layout.

If the SUP request is approved, and if the applicant further subdivides the property in the future, the SUP would apply to all future and existing dwellings located on the site. While staff does not object to the proposed reduction in parking for the duplex shown on the conceptual layout, staff believes that any additional subdivision and/or additional dwelling units should be evaluated for parking if/when such development is proposed. Therefore, staff recommends the following condition:

The special use permit shall apply only to the two planned dwelling units as shown on the conceptual layout.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The surrounding neighborhood is an established residential neighborhood composed of a mix of single-family detached, duplex, and small multi-family dwellings. The proposed duplex would be compatible with the existing neighborhood.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which states:

Market 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.

Staff believes that the requested rezoning to R-8 supports efforts to increase the availability of housing in the City.

Public Schools

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projections for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

The Weldon Cooper Center report states that "[s]ample sizes were too small to reliability calculate duplex yields for Keister, Smithland, Stone Spring, and Waterman [attendance boundaries]," and therefore, the duplex student generation rate for the aforementioned attendance boundary is zero. For this reason, staff used the Weldon Cooper Center report's student generation rate for single-family detached dwelling units, and thus a development proposal for two single-family detached dwelling units is estimated to generate one K-12 student at full build-out. According to the School Board's current attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

The requested rezoning from R-2 to R-8 is generally consistent with the Comprehensive Plan and allows for the development of additional housing in a mixed-density neighborhood. Staff recommends approval of the rezoning. Staff also recommends approval of the SUP request with the following condition:

The special use permit shall apply only to the two planned dwelling units as shown on the conceptual layout.

Ms. Soffel asked if there any questions.

Councilmember Dent said if they were to subdivide further in the future is that what this is about? Because they would have to address the parking somehow. Perhaps some kind of easement for a driveway to the back.

Ms. Soffel said there is a public alley in the back so they would have access.

Commissioner Jezior said who is responsible for developing that alley if that does go back?

Ms. Soffel said if it requires development the applicant would be required to make any changes to [the alley].

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Sam Nickels, the applicant, came forward to speak to the request. He said I am a board member with the Center for Health and Human Development. We are the ones who currently own the property and our intent is to subdivide it and then provide affordable low-cost housing via a small duplex on that property. Our design team, Adam Butler is here. He is with JZ Engineering. They have been working with us through the whole process as have the staff of the City. Thank you Nyrma and others. That is basically what we are doing. The floodplain was mentioned so I will just say that our intent is to provide a solid cement base foundation with accessible access to that and it would be two feet above the flood stage. More than what is required by guidelines.

Councilmember Dent said I just wanted to commend you once again for planning to build housing for formerly homeless people and understand that they do not have the need for the cars; so that is good thinking.

Chair Baugh opened the public hearing and invited 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.

Commissioner Kettler said I would also like to thank you for coming forward with this project. I always love to see more housing for folks that need it and this is a great project. I also appreciate the request for the reduction of parking. One of many reasons why parking minimums cannot always be terribly effective is folks, and particularly folks who were formerly homeless, do not necessarily need a car and therefore needing that additional parking will often increase the development costs. I appreciate you for recognizing that.

Vice Chair Porter said I will also join the admiration society. I really sincerely appreciate this. You know that this population is extremely near and dear to my heart and I want to thank you all personally for the work that you are doing to create this opportunity. This community needs this type of housing so desperately and I assume that I could have asked the question when you were up there and you do not have to do anything other than nod, but will you be providing supportive services as well for these folks? He said yes. I am truly appreciative and I would certainly ask more questions about the parking spaces, but I understand exactly why the request is the way it is so thank you for what you are doing.

Commissioner Kettler said I could not quite hear it. Providing what services?

Vice Chair Porter said supportive services. I would take these would be folks that have been recently homeless or in the process of kind of transitioning. Obviously, Mr. Nickels has some experience in this area so I am quite certain that they will do a wonderful job welcoming these folks.

Vice Chair Porter said I would like to go ahead and make a motion to accept the staff's recommendation to approve the special use permit with the special condition regarding the prohibition of subdividing the lot further.

Chair Baugh said let me just make a suggestion here. I think we can take one vote together. Do you mean that for both items?

Vice Chair Porter said if we could get away with that, absolutely.

Chair Baugh said I will basically say if anybody is not okay with that or would want to split their vote indicate that. Otherwise, I think as long we are clear we can take them both together.

Commissioner Seitz seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of both the rezoning and special use permit request passed (6-0). The recommendation will move forward to City Council on April 14, 2026.

Consider a request from Trenton Inc. and Bernard LC to rezone 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street (The Link Apartments)

Chair Baugh read the request and asked staff to review.

Ms. Dang said the applicant is requesting to rezone a +/- 2.75-acre site consisting of 10 parcels from R-3, Medium Density Residential District to B-1C, Central Business District Conditional. If the request is approved, the applicant plans to construct a 6-story apartment building consisting of a maximum of 250 units and 2,000 to 5,000 square feet of commercial space, with a parking garage consisting of a minimum of 480 off-street parking spaces.

Planning Commission reviewed a request to rezone the subject property on July 9, 2025. Due to an error in advertising for the July 2025 Planning Commission public hearing, a new public hearing must be held for the request. Before staff realized there was an advertising error, City Council held a public hearing on August 12, 2025, where they tabled the request and directed staff to facilitate a process in engaging the applicant and residents for discussion of the project. Previous staff reports, application materials, and public comments are available at: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7507770&GUID=BCCA5060-6091-4F84-B392-674CDE97EBE5&Options=&Search=>.

Since August 2025, the applicant worked with facilitators to engage with community members, updated the Traffic Impact Analysis (TIA), completed a cut-through analysis of Paul Street, and updated the rezoning application.

Proffers

The applicant has organized their proffer statement into five sections:

- I. Development Standards
- II. Transportation Improvements
- III. Parking/Access Improvements
- IV. Amenities
- V. Implementation

Please refer to the attached file “Application and supporting documents,” which includes a document titled “Rezoning Request Proffer Statement” for the entire proffer statement.

Proffers within *Section I. Development Standards* control the layout and design of structures on the property, including general layout and architectural features and screening on the parking garage’s north facing wall and west facing building plane (Proffer I.a., I.g., and I.i.). Additionally, with recent applications to rezone property to B-1, staff has encouraged applicants to consider proffering to prohibit drive-through facilities and that no parking lot would be located between any building and public streets. Both drive-throughs and parking lots between any building and public streets would be prohibited through the details of Proffer I.a., which requires that the development substantially conforms with the Concept Plan.

The applicant has proffered sustainability features including, but not limited to, rough-in measures to allow for future installation of solar panels (Proffer I.j.), a minimum of 14 electrical vehicle (EV) charging stations (Proffer III.c.), a minimum of 120 secure indoor bicycle parking spaces, and a minimum of 16 exterior bicycle parking spaces (Proffer III.d.).

Proffers related to the Downtown Park, Land Use, Transportation, Parking, and Cash Proffers are discussed in the following sections.

Downtown Park

Providing a downtown park in the area between the subject site and the Turner Pavilion (home to the Harrisonburg Farmers Market) has been discussed for a number of years. On September 24, 2024, City Council approved a conceptual plan for the park, which included a stage for performances. Later that year, on November 26th, City Council unanimously voted to accept a Downtown Park Donation Agreement, which was then executed between the City of Harrisonburg and Build Our Park’s Board of Directors on December 10, 2024. The agreement formally defines the process of constructing and operating the downtown park. General next steps for the park include fundraising, completing final design plans, and securing a contractor for park construction.

With this rezoning request, Proffer III.e. includes commitments by the applicant to coordinate back-of-stage access and a vehicle turnaround for the downtown park as generally shown on the Concept Plan and includes the dedication of an ingress and egress easement across the applicant’s property to the park.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are

finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

Proffer I.b. restricts the number of dwelling units on the property to a maximum of 250 units putting the development at about 91 units per acre. The table below compares Lineweaver Apartments, The Colonnade, Urban Exchange, and The Link Apartments:

Apartment Name	Acres	Units	Units/Acre (rounded up)	Bedrooms	Bedrooms/ Acre (rounded up)
Lineweaver, 265 North Main Street	+/- 1.98	121	62	121	62
The Colonnade, 351 North Mason Street	+/- 2.20	60	28	126	58
Urban Exchange, 238 East Water Street	+/- 2.63	196	75	407	155
The Link Apartments	+/- 2.75	250 (max. Proffered)	91	555 (max. Proffered)	202

Staff believes that there is a high probability that college students would be interested in residing at this location. The applicant is planning for a mixture of 1-, 2-, 3-, and 4-bedroom apartments and has stated that the 4-bedroom units will be designed as 4-bedrooms/4-bathrooms. Staff encourages developers to provide a balanced mix of bedrooms per unit so that such buildings can serve a variety of needs. There can be disadvantages to providing too many 4-bedroom/4-bathroom units as they typically best serve college students and can be difficult to accommodate other users.

However, staff also recognizes the advantages of providing student housing in close and walkable proximity (about ¼-mile) to the James Madison University campus as well as to the downtown area. Providing college housing in such locations can help reduce daily vehicle trips on City streets—especially Reservoir Street and Port Republic Road, off of which many college students currently reside.

The applicant has proffered a minimum of 110 studio or one-bedroom apartments (Proffer I.c.), a maximum of 85 four-bedroom units (Proffer I.d.), and that no units will consist of more than 4-bedrooms (Proffer I.d). While the exact bedroom count and unit type composition is not known at this time, if there are 110 one-bedroom units and 85 four-bedroom units, then the remaining 55 units would be made up of a combination of 2 or 3-bedroom units. However, there could be other combinations if there are more than 110 one-bedroom units or less than 85 four-bedroom units.

Additionally, the applicant has proffered restrictions on occupancy; that studio and one-bedroom units may be leased to a family or no more than two unrelated individuals and that all other residential units may be leased to a family or no more than one unrelated individual per bedroom (Proffer I.f.). In the B-1 district, without proffers, zoning occupancy regulations allow a family or no more than four individuals in each dwelling unit. While staff can accept the occupancy related proffer, we have concerns that such a proffer can be overly restrictive. The proffered constraint, applied to two- or three- bedroom units, could limit choices for non-student, non-family households such as a married couple and their friend seeking a two-bedroom unit, or a three-person family that wishes to include a roommate seeking a 3-bedroom unit. For market-rate rentals, these types of shared housing scenario may be what makes housing costs affordable and attainable for Harrisonburg’s non-student population.

With regard to non-residential uses, the applicant proffered a minimum of 2,000 square feet and a maximum of 5,000 square feet of commercial space to be on the southeast corner (Paul Street and South Main Street) of the building (Proffer I.e.). The proffered 5,000-square-foot maximum reflects the largest commercial space evaluated in the TIA. As a comparison with commercial spaces within Urban Exchange, Coffee Hound occupies about 1,600 square feet and Benny Sorrentino’s occupies about 1,400 square feet.

At this time, the proposed 6-story building is planned to be close to the maximum height allowed in the B-1 district of 75-feet, which is about the same height as Urban Exchange. The applicant has proffered that the fifth and sixth floors of the building will contain stepped back elevations along the South Liberty Street and South Main Street frontages as generally shown in the exhibits provided (Proffer I.h.).

Staff believes that the proposed uses, with the submitted proffers, generally conform with the Mixed Use area designation.

Additionally, the proposed development would support the Harrisonburg Downtown 2040 Plan goal to “Grow Downtown as a Neighborhood.” The development would further support the following two action items from the same plan:

- #16: Encourage mixed-use and residential development in key clusters (page 58) and
- #17: In the long-term, seek opportunities to add density and improve the urban design at key Downtown sites (page 58).

The Harrisonburg Downtown 2040 plan describes that “[w]hile the number of housing units and residents have grown Downtown, there is need for more housing to support local businesses.” Additionally, the subject property is within a key cluster area for potential residential development identified as “South Downtown.” The Harrisonburg Downtown 2040 plan is available at the following link: <https://www.harrisonburgva.gov/downtown-2040>.

Transportation and Traffic

A traffic impact analysis (TIA) was first accepted by the Department of Public Works on March 31, 2025. Since August 2025, the TIA was revised to account for changes to proffered conditions (namely, reducing the unit count from 290 to 265 – which has been proffered to be lower at 250 - and increase the commercial space to 5,000 square feet). A new acceptance letter was issued by the Department of Public Works on January 12, 2026.

The TIA models “showed that both controlled delay and queueing increases minimally at all intersection movements within the study area, none of which were deemed to warrant mitigation to be borne by this development.” Additionally, the study noted that multiple movements within the study area have a level of service categorized as failing under current traffic conditions, even without the proposed development and that such movements may warrant further study by the City. These locations include:

- The westbound left-turn movement from East Grattan Street onto South Main Street,
- The westbound through movement from East Grace Street across the South Main Street intersection, and
- The eastbound left turn from West Grace Street onto South Main Street.

Since the August 2025 City Council presentation, the applicant completed a cut-through analysis of Paul Street to evaluate concerns raised by community members. The cut-through analysis “[found] no evidence that any significant traffic will opt for the cut-through route over the existing, traditional route” and “[t]he existing traffic calming measures on Paul St are expected to continue in their effectiveness to deter cut-through traffic.”

The Department of Public Works will be making changes to the intersection of South Main Street, Liberty Street, and East Grattan Street as part of the Liberty Street project. The Liberty Street Project proposes to transform one lane of South Liberty Street in the downtown area (starting at Noll Drive at Kratzer Avenue, moving south on Liberty Street to South Main Street) into two-way separated bicycle lanes protected by a median separating the bike lanes from traffic and to make

other improvements along the corridor. The project is anticipated to begin construction in 2028. Changes associated with the Liberty Street Project were assumed as part of the completed TIA for this project for the future conditions. More information on the Liberty Street Project is available at the following link: <https://www.harrisonburgva.gov/transportation-projects#LibertyStreetProject>.

The *Transportation Improvement* proffer II.a. explains that the applicant would design and construct a public street extension of Paul Street between South Liberty Street and South Main Street, adding to the gridded street network encouraged by the Comprehensive Plan and staff. The Paul Street extension would include sidewalks on both sides of the street. Proffer II.b. describes how the Paul Street extension could accommodate new entrances from the existing Harrisonburg Baptist Church (HBC) parking lot to the new street. While the applicant has been in communications with representatives from HBC, HBC has not formally committed to this change and completion of this proffer will require HBC's approval during the engineered comprehensive site plan (ECSP) phase of the project. Proffer II.b. also includes the installation of street bump-outs (curb extensions) along South Main Street by the applicant. Street bump-outs have many safety benefits including, but not limited to, improving pedestrian visibility and reducing crossing distance, prohibiting vehicle parking close to the intersection, and reducing vehicle speeds (both for through and turning vehicles). While at this time, staff does not foresee waiving the requirement for the applicant to complete the bump-outs, staff requested language in the proffer to allow the Department of Public Works to waive the requirement in case there were unforeseen reasons why the bump-outs should not be constructed in the future.

The applicant's completion of proffers II.c. and d. would help improve the pedestrian experience with improved sidewalks along the development's South Main Street and South Liberty Street frontages to match the width, material, and appearance of sidewalk fronting the adjacent City Hall and future downtown park properties. These improvements will be complemented by pedestrian-scale lighting, street furniture, and landscaping (Proffers IV.b. and c.). The applicant has also proffered a minimum of two sidewalk connections from the project site to City Hall and to the future Downtown Park (Proffer II.d.).

The applicant is aware that if the rezoning request is approved, they must request approval from City Council for any needed Subdivision Ordinance and Design & Construction Standards Manual (DCSM) variances prior to the Department of Public Works' approval of an ECSP for extending Paul Street. The applicant has identified on the Concept Plan that they intend to request a variance to Subdivision Ordinance Section 10-2-41 (a) to allow alternative street design for curb radii and access (entrance) spacing on the Paul Street extension. The Concept Plan illustrates a street width that does not meet DCSM standards, and thus a variance would be needed for such a design. Staff will further evaluate these and any other variances at the time they are requested.

Parking

The applicant has proffered to provide a minimum of 480 structured parking spaces on the property (Proffer III.a.). Proffer III.a. includes language that the structured parking spaces shall be “substantially completed” and open for public use prior to the first issuance of any Certificate of Occupancy (or Temporary Certificate of Occupancy) for the property. “Substantial completion” is a term used in construction to describe a milestone occurring when a project is sufficiently complete for its intended use, even if minor “punch list” items remain. For the parking garage, this means that it is safe and can be open for use as determined by the Building Official and Zoning Administrator, but there is minor work to be completed prior to overall project completion.

Proffer III.b. states that the applicant would enter into a Parking Agreement with the City consistent with the attached Memorandum of Understanding to reserve up to 65 parking spaces for municipal/public uses in the parking garage.

A parking occupancy count completed in April 2019 as part of the most recent Downtown Parking Study (April 2020) indicated that the midday count period for the Municipal Lot (identified as ID# 44B in the Study and described as “Harrisonburg Farmers Market”) had an 80% utilization rate (145 parking spaces occupied out of 181 parking spaces). Utilization rates reflect the ability of a motorist to find convenient and available parking within a particular area. It is a generally accepted principle that a supply of parking operates at optimum efficiency when peak occupancy is at 85% to 95% of capacity.

The Downtown Parking Study evaluated 17 potential developments that could impact parking dynamics in the near future. Within the study, Figure 21, Long Term Peak Hour (long term being described as 6 to 10 years from 2020), illustrated a peak hour demand with greater than 95% utilization for Block 43, which constituted the subject site. The proposal for 250 apartment units and 2,000 to 5,000 square feet of commercial space on the subject site was not known or studied in 2020. Staff believes the applicant’s proffer to provide a minimum of 480 parking spaces on the property will assist in mitigating parking pressures resulting from this development, the Downtown Park, and the surrounding area.

More information on the Downtown Parking study is available at the following link: <https://www.harrisonburgva.gov/transportation-studies-plans#DowntownParkingStudy>.

On-street parking on the South Main Street and South Liberty Street frontages of the subject site has a 10-hour time limit. The on-street parking on South Liberty Street will be removed by the City as part of the South Liberty Street Project. If the proposed development is constructed, staff recommends the City evaluate whether on-street parking on South Main Street should be converted to different time-limits.

Cash Proffers

The Applicant has proffered cash contributions for

- Proffer II.c. Traffic calming (\$30,000),
- Proffer III.f. Parking enforcement (\$30,000), and
- Proffer V. Affordable housing (\$93,738).

The applicant commissioned a report completed by Virginia Proffer Solutions titled “Proffer Analysis for Housing Affordability, The Link Project, City of Harrisonburg, VA” (January 2026). The report details impact to affordable housing in the City related to the project. The applicant has based the amount of the affordable housing cash proffer on the report.

Staff notes that parking enforcement and affordable housing fall outside of the specific categories of cash contributions for off-site infrastructure under Virginia Code Section 15.2-2303.4. Additionally, the Traffic Impact Analysis (TIA) and cut-through analysis submitted for the project did not identify a specific need for transportation mitigations.

The Applicant submits these proffers pursuant to Virginia Code Section 15.2-2303.4(D)(1), which states that an applicant may submit any offsite proffer they "deem reasonable and appropriate, as conclusively evidenced by the signed proffers" and the Applicant has "conclusively evidenced" their belief that these are reasonable by signing the proffer statement.

Public Water and Sanitary Sewer

The applicant has been advised that they will be responsible for completing 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.

Housing Study

Matters related to housing have been discussed in the *Land Use* section of this report. Additionally, the City’s Comprehensive Housing Assessment and Market Study (Housing Study) has this property in a Census block group that is classified as “No Data” according to market types. This block group did not have any housing sales data at the time of the study. The Housing Study identified that there is strong demand for expanding rental housing inventory at the lowest and highest income spectrum because the number of households in the lowest and highest income groups significantly exceed the number of housing units available for and affordable to them.

Public Schools

The City contracted with the University of Virginia’s Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link:

https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Based on the Weldon Cooper Center report's calculation, the proposed 250 apartment units are estimated to generate 83 K-12 students at full build-out. According to the School Board's current attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

Staff believes rezoning the property to B-1C has more advantages than disadvantages and it generally conforms with the City's Comprehensive Plan and the Harrisonburg Downtown 2040 Plan. Staff recommends approval of the request.

Ms. Dang said I am happy to answer any questions you have, the applicant is here, and the Director of Public Works Tom Hartman is also here to answer questions related to traffic and the TIA.

Chair Baugh asked if there were any questions for staff.

Vice Chair Porter said [to Tom Hartman] there was definitely some questions brought forward about the methodology of the TIA and there are multiple. Can you speak a little bit to the methodology in terms of the [unintelligible] of whether this is an adequate study?

Mr. Hartman said the TIA [Traffic Impact Analysis] follows standard procedures that we look at when we see Traffic Impact Analysis provided to the City from developers from any type of development that would trigger our threshold. Any development that would generate more than 100 new trips in either the AM or PM peak hour they are required to go through a TIA. This development triggered that threshold, so they went through the TIA process. It was written and sealed by a professional engineer in Virginia, which is a requirement, and it followed the standard methodology that we would expect to see for any type of TIA of this nature. A thing to remember that within the TIA we do not look at a 24-hour day because that modeling would be way too much and way too involved for the impact of a development. In a TIA we look at what we would consider to be the AM peak hour and the PM peak hour. We determine that based on traffic counts that we take within the network that we would anticipate would be impacted by the development. For the City, we do [traffic counts] when JMU is in session and when schools are in session. We do not do that in the summer because we know those rates are going to lower and they are not going to be accurate. This development followed that protocol as well. Once we collect the data, we determine the AM and PM peak hour then we have to distribute those new trips onto our street network. We do that with percentages. We say that 50 percent would go down [South] Main Street. 10 percent are going to then turn and go up MLK [Martin Luther King Jr Way] or go to Grace Street. We do that in percentage basis and we typically do not like to get lower than five percent

because then those become margins too small to really equate any kind of impact to the network or to those intersections. We went through the process. We went through scoping, then we had one or two rounds of review where we received a TIA. Our staff went through it and found areas of concern and areas we needed some additional insight. Their engineer provided those corrections and at the end of the day we found that the document was acceptable. As Thanh mentioned, after the August meeting, they did a resubmittal of the TIA to correct the unit count for the development as well as the commercial space. They did that, we rechecked the analysis and still found it to be sound and we accepted it again. I do not know if that answered your question but that is the general process for how we handle TIAs when they come into the City.

Vice Chair Porter said one of the questions that I saw on the packet that was provided by folks in opposition was saying that the westbound trips were not analyzed. It says, “section seven study only examined eastbound trips and westbound inbound trips during peak congestion on MLK [Martin Luther King Jr Way] are likely to prefer Paul Street from distributing traffic onto residential streets.” Was that taken into consideration?

Mr. Hartman said again that goes back to the distribution that we select. We assumed that most of the trips would stay on MLK [Martin Luther King Way] and [South] Main Street. We have a few trips that would be down Mason [Street] that would turn onto Paul [Street]. Predominantly, those trips would stay on MLK [Martin Luther King Way] and Mason [Street]. I cannot speak specifically to exactly why we did not assign a trip to a certain movement. If we did not, then that means we just did not anticipate any attributable percentage of that AM or PM peak trip to trigger that movement.

Commissioner Kettler said would you be available for questions after we hear from the applicant and the public?

Mr. Hartman said yes.

Vice Chair Porter said I just have one question also and I apologize if you had a follow up. You are probably about the closest thing to an expert I am going to have access to tonight. What is your opinion of the impact of the Paul Street extension? In general, how do you think that will impact if it was not completed and if it was completed in terms of how you would view the results of...this is somewhat of a hypothetical at the moment, but what is your opinion?

Mr. Hartman said in Public Works we see a benefit with the Paul Street extension just because of the gridded network in the downtown. As you get a little bit further north in the downtown with one-way streets. Right now, when you are heading north into Downtown, the soonest that you could take a city street to go westbound is Water [Street]. By adding Paul [Street] that gives us more connectivity throughout the City, which will help some of the other intersections within

downtown. We see that as a benefit to make that connection to help the overall health of the network in downtown.

Vice Chair Porter said do you have any concerns about that left hand turn coming out onto [South] Liberty [Street] in terms of bottlenecking or causing problems there with that?

Mr. Hartman said the left turn off of the new Paul Street extension?

Vice Chair Porter said if you enter onto Paul [Street] and then come onto [South] Liberty [Street], do you feel like the flow of traffic will be adequate as it relates to the current flow of traffic on [South] Liberty [Street] and will there be any issues or problems with that kind of merge?

Mr. Hartman said I do not think that the study saw any significant queuing issues with the left turn from Paul Street onto [South] Liberty [Street]. Also, [South] Liberty Street is signalized. With the signalized nature of Downtown, we are going to get platooning. Which means the signal will turn red, there will be a gap, and there will be the ability to get gap acceptance to get into the lane off of [South] Liberty Street. We will have to see how that works with the new cycle track once that is built in 2028. That is going to be some learning curve for everyone as they are driving through Downtown. I think we did not predict any type of queuing or impact significant issues with that left turn off of Paul [Street] extended onto [South] Liberty Street.

Vice Chair Porter said what about pedestrian issues with a pretty impacted intersection already with MLK and [South] Main [Street]? Do you have any impact on how that might affect traffic on those two streets?

Mr. Hartman said what streets?

Vice Chair Porter said the current intersection over by Hotel Madison entering the campus. There is obviously substantial traffic during certain times of the day and student foot traffic. Obviously with more students in this area and more cars in the area, what is your opinion of how that would impact MLK or [South] Main Street in that section?

Mr. Hartman said minimal. I think we still allow enough time for pedestrians to cross the intersection. That is a signalized intersection with appropriate pedestrian timing. I think pedestrian services will still remain as consistent as they are. You might see more pedestrians using it, which would be great. Let's hope that equates to less vehicles in the intersection. We have not foreseen any significant concerns. If we start to see issues with needing more pedestrian time to cross or some close calls there is always some tools in our toolbox that we can throw into the intersection and increase the pedestrian time for crossing and we can do leading pedestrian intervals to help get the pedestrians out in the intersection to be visible by vehicles before they make those turns.

We will continue to evaluate like we do with the rest of our intersections in the City with our pedestrian volumes, we would just evaluate and react as needed.

Commissioner Jezior said the TIA right now is saying that MLK and Grace Street are already failing.

Mr. Hartman said certain movements at those intersections...the level of service was below what we expect it to be.

Commissioner Jezior said how is if you were adding in this new population here how is that not affecting the...

Mr. Hartman said it did not substantially make it substantially worse. It was already in failing condition when we added the trips to it, it did not trigger something that would require mitigation from the developer because there was already some issues with those specific...

Chair Baugh interrupted to remind the audience to be mindful that comments and laughter are disruptive and makes it difficult to hear the speakers. Everyone will have the opportunity to speak during public hearing.

Mr. Hartman said again that goes back to the standard practice we see when we review any other TIA within the City. If we are at an intersection that has some failing concerns, we cannot impose to a developer to fix our problems. We did see that they were not those problems significantly worse.

Commissioner Jezior said second question, if we get four or five years from now and there is an impact, what is the mitigation process? Would it have to go through the Neighborhood and Traffic Calming Program or is there another avenue to help correct traffic problems?

Mr. Hartman said which concern?

Commissioner Jezior said if there is traffic coming down Paul Street or wherever it is going through that we were not expecting the traffic to go.

Mr. Hartman said if there were concerns on the arterials on Martin Luther King Street [MLK], [South] Main Street, or Grace Street those larger roadways, if we see issues four, five, or ten years down that is the City's responsibility. As administrative staff, we would look at either retiming, capital projects, capital improvements to help alleviate those concerns because some of that you could not track it back that far to just one specific development because we are a growing city. We are growing every year. If we see concerns within the neighborhood, we have a new traffic calming

program where those residents can apply yearly to the program. If the street meets some benchmarks we would accept it into our program. Our staff would go out, we would do a quick analysis to look at traffic volumes, traffic speeds, safety concerns and then it would be scored and ranked with the remaining requests that we receive that year. If we prioritized it high enough then we would allocate funds to that street to go out and address those problems. We would use our new traffic calming program for any concerns that may come to fruition four, five or ten years down the road within the neighborhood.

Commissioner Jezior said how did the proffers that are in there, the \$30,000 for the traffic calming, how would that be implemented or does that just go into the neighborhood traffic calming program?

Mr. Hartman said within the event horizon that the proffer would be valid and the City would have access to those funds, if we were to receive a request from the neighborhood to enter into the traffic calming program, if we did our analysis and it was prioritized high enough that it would be a street that we would have concerns with and we would select it... then we would go to the further steps in the traffic calming program, determine a budget and access those funds and that that point to implement those measures. If we received a request with an analysis and it did not meet the thresholds to be prioritized and be funded within our current program, it would sit on the list and we would wait. We would not allow it to jump over needs in traffic calming in the City.

Commissioner Jezior said I do not know if this is a question for you or not. Is there something in the proffers that link that money directly to like it has to be attributed to The Link or can that be Citywide?

Mr. Hartman said not Citywide. Within Paul Street and surrounding streets I think is how it is worded. It would be impossible to go back and say that vehicle came from that development. I think as long as it is within Paul [Street] or the surrounding area within the Old Town neighborhood then we can access those funds.

Councilmember Dent said I have sort of a follow up question to the one about the so called failing as of now intersections MLK and Grattan [Street]. Is there some possibility that the Paul Street extension could help alleviate that pressure?

Mr. Hartman said I would have to look more into the analysis before I answer that question for you.

Commissioner Kettler said just to make sure that I understand with respect to the proffer for traffic calming and prioritization. Basically, it needs to meet that minimum threshold and then once it hits that point then the fact of their being some funding already available will affect its prioritization?

Mr. Hartman said no. We would accept the street into the traffic calming program, we would do our analysis and then in the winter when our staff ranks the new streets that we have received if that segment would be high enough to be prioritized and we would select it, whether we have funds are not, then we would go access the funds. If it is below our funding threshold of where we would select the street, then it would have to wait until the subsequent year and see where it would rank out that next round. That is being fair because not only are the funds to implement the measures, it is staff time to do the additional analysis, the design, the engagement, all of the outreach that has to happen before we get to the point where we just put in a speedhump or the raised intersection or the bump out. We have to think about the use of our staff time and being fair to the other 17 and half square miles of the City where we have 40 neighborhood streets or more that are in the program already.

Commissioner Seitz said I just have one question regarding TIA methodologies. You said the TIA that was submitted was done according to methodologies that you have seen before with other developments and so on. Are there multiple methodologies that could be accepted by the City? I guess what I am ultimately asking is that obviously groups opposed to this did their own analysis and came out with significantly different conclusions. Is that on the basis of starting with different assumptions or selecting different methodologies?

Mr. Hartman said I think within the TIA the goal was to study existing conditions of what the network looks like. Understand what the impact and the trips generated from that development would be. Plug that into a build year so a predicted year of what your street would look like and see how it breaks and then fix those breaks and see how it operates once you propose mitigations. That is the standard process for how a TIA is put together. Each engineer, similar to each architect, goes about it a little bit differently but the general methodology is that. In the report that we received and read, they looked at it from a non-traffic engineer perspective. One part of the report assumed the trip generation for the use that they provided. They just did some ratio comparisons to get to a larger trip generation number. That is not how we do that. Each different use has a different code that relates to a different trip generation per dwelling unit. It is not linear. They are based on studies from around the country. I think they were looking at larger numbers because they did the math wrong or they approached it in a way that we would not approach it in a formal TIA. When we look at the City grid, we are going to look at key intersections that would be impacted during the peak hours. Again, that is the busiest times of day. Granted we are not saying there is not going to be a vehicle that travels to Old Town and Franklin [Street] to get to Ott [Street]; we are not saying that is not going to happen but during the AM or PM peak hour the percentage of vehicle trips that leave the site are not going to do that. They are going to leave and take the major corridors of those larger intersections. That is where we need to look out for our infrastructure.

Commissioner Seitz said there was a route analysis in the information that was provided to us about different routes and times to get to Target as an example. Is that kind of route analysis part of a TIA or is that...

Mr. Hartman said it can be, we typically do not see that in TIAs that are submitted and that was not part of the formal TIA that we accepted. I think that was an analysis that the developers wanted to look at just to provide some context about trips and time and houses and streets. Things may be more effective versus going through the neighborhood. If we would have added it to the TIA there would have been different points of analysis and different ways to look at it that we did not do. That is the reason we did not provide comments on that and it was not part of the accepted TIA it was just an appendices note that the developer wanted to share with Council and Planning Commission.

Commissioner Jezior said I was wondering what kind of review was done on how the public utilities would be affected by it.

Ms. Dang said from a water and sewer perspective the Department of Public Utilities is part of the review team when we receive rezoning requests and they are reviewing for water and sewer capacity. They had submitted a comment to the effect of any upgrades that would be needed to the system that is caused by this development, the costs would be on the developer. They encourage the developer begin any studies of water and sewer capacity as early as they can so that they can begin working on the design. In conversations also with the Deputy Director of Public Utilities just about this area and Downtown in general, I want to acknowledge that the Liberty Street Project that I spoke about earlier, there is also this opportunity to...while the road improvement changes project is occurring there is also an opportunity to upgrade or repair the infrastructure that is underground so there is some work that Public Utilities will be doing on their own not because of this development but people will see things happening on South Liberty Street just because it is an opportunity to do that. A need also because the infrastructure is pretty old in the Downtown area.

Commissioner Jezior said the cost of that would be on the developer?

Ms. Dang said anything beyond what the City was already planning to do for the Downtown area as a whole.

Vice Chair Porter said any consideration for special events? For example, we are looking to have a concert space very close to this property or we have a large turnout for an event at the church for example. How does that impact the circumstances when you have these events that come up that could really create, particularly the church because it would probably not be a weekly event but I am sure there are times where they have a fairly full house. What does that look like in this tight space?

Mr. Hartman said from a traffic prospective?

Vice Chair Porter said I think that it definitely could create particularly if the parking lot for the Harrisonburg Baptist Church is coming out on this new Paul Street extension, potentially, we could run into some significant problems I would think.

Mr. Hartman said we do not look at special events or large trip generating events within a TIA because it is like designing for a hurricane. If we designed for a hurricane all of our storm sewers would be gigantic.

Vice Chair Porter said this hurricane is going to hit probably every Sunday.

Mr. Hartman said even better on Sundays our traffic volumes are much lower in the City. Paul Street is not going to be busy, Main Street is not busy. There is going to be offsetting peaks when it comes to that type of impact. When we have large concerts or Levitt Series or things in the evenings it is going to be a busier half hour of people moving around and then luckily things will die back down. We see that in the City routinely traveling Port [Republic] Road. Those are things that we accommodate. That is the reason within the TIA we only look at the AM and the PM peak hour because we know that is when we are the busiest. That is what we want to understand how your development is going to impact us when we are the busiest on a consistently busy methodology not a Super Bowl Sunday or something along those lines. We did not look at it and I do not anticipate any significant challenges other than what we have already experienced when have special events that close streets and detour traffic around Downtown.

Vice Chair Porter said same thing for a JMU football game? Obviously, the traffic pattern changes significantly.

Mr. Hartman said we have provisions in place and right now with JMU events they do a very good job of housing them internally and controlling those intersections along Port [Republic Road] and [South] Main [Street] and Reservoir Street appropriately. If this development is approved and we see things start to creep over to MLK, we would work with the University to put those provisions in place for gameday or gameday changes and impacts to traffic patterns. We would accommodate it and move on fluidly like we do with the rest of the things that happen in the City. We would be reactive to it.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Todd Rhea, the applicant's representative, came forward to speak to the request. He said I would ask the chair for a little leeway in presenting given the complexity and time we have taken with this project. I will try to be concise and be consistent with the presentation made last summer. Good evening Chair Baugh, Vice Chair Porter, Councilwoman Dent and fellow Commissioners, I am Todd Rhea, a local attorney with Clark & Bradshaw here in downtown Harrisonburg. With me this evening are John Hoover, the Principal of Timberwolf Capital Partners, developer of The Link project. Seth Roderick, our traffic and design engineer and Seth will be available to answer traffic and civil engineering related questions that the Commission may have. Sal LaHood with QPK architects, our design architect for this project is also with us this evening. As well as Dr. Charlie Lindsey, property owner. For efficiency I will be making the applicant presentation with John, Seth and Sal available for questions relating to their areas of expertise.

The Commission has heard a detailed presentation of The Link application from staff. Staff and City departments have reviewed the project and the report and questions and answers are indicative of the thorough vetting the project has received. We are pleased with the staff recommendation of approval as the proposal aligns with current City land use plans. The rezoning represents a logical extension of the central B-1 district to those parcels immediately contiguous to the southern end of that district. Every other parcel between Liberty and Main Streets throughout Harrisonburg except for this very southern end is currently zoned B-1. Additionally, extensive voluntary proffers made for the project demonstrate specific commitments by the applicant to traditional architectural design and materials, upper floor step backs, parking, affordable housing and other community priorities.

A brief history, the Lindsey family has been planning for the redevelopment for over a decade. The funeral home was sold and rented to a national operator in 1993. After that 30 year lease terminated in 2023 the property was put up for sale. The lease was extended on a short-term basis with an understanding that the property was slated for redevelopment. In early 2024, Mr. Hoover, who is connected to Harrisonburg through his wife being a JMU graduate, contracted with the Lindsey family for the acquisition for Timberwolf's next project. From inception The Link project was guided by a study of the 2040 Downtown Plan. This award-winning plan adopted by City Council in 2022 after months of public input and committee work established the vision and planning framework for Downtown. Let's review a few specific sections of that plan. An overarching goal of the 2040 Plan is the pressing need to increase population density in the City center. Simply stated, Downtown needs more residents, and more residential density is needed to help support Downtown businesses. The plan also recognized that the City is running out of old buildings to remodel and focused on the areas where new and dense residential construction should be directed. South Downtown containing the Lindsey property is highlighted in the 2040 Plan as one of those targeted areas right for reinvestment to accommodate the goal of "encouraging mixed use and residential developments in key clusters of underutilized space." Zooming in closer to south Downtown, the plan calls for integrating new housing close to City Hall to activate the area

south of Turner Pavilion and the need for additional parking in this vicinity. This slide in the 2040 Plan specifically shows B-1 scale residential buildings on the Lindsey site that could not be constructed under the current R-3 zoning classification. The Lindsey property was further highlighted by the City Economic Development team as a targeted site for redevelopment in a 2024 Economic Development awards presentation surrounding the 2040 Downtown Plan. Leaving it as R-3 does not permit the types of uses the 2040 Plan envisions. In fact, the R-3 current zoning classification permits a little more by-right than townhomes with large areas of required surface parking. The Link project represents the first large new build project in Downtown in over a decade and the largest economic investment ever made in Downtown. It would be equivalent in completed assessed value to the Hotel Madison Conference Center and Parking Garage complex at around \$60 million.

I will now review local land use patterns which are a critical planning consideration for the Commission. The last large multi family build as mentioned was completed at Urban Exchange in 2009. Since that time, eight large for rent multifamily or townhome developments have opened in Rockingham County adjacent to the City limits. Similar projects are in the County pipeline to be built. This development on the City periphery represents hundreds of millions of dollars in residential investment and millions of dollars in recurring real estate tax revenue flowing outside of the City. All from property types with student and nonstudent are not high public school student generating properties. The City bears significant negative peak hour traffic impacts from this development pattern where projects are pushed to the periphery. We see this on Port [Republic] Road. We see it on Reservoir Street. Those challenges pale in comparison to the Grace Street intersection. The City has a competitive advantage to reverse this trend. That competitive advantage lies in promoting density and investment in your downtown corridor. The B-1 zoning district contains 100 acres or just one percent of City land and as this slide from a 2023 presentation to Planning Commission illustrates B-1 contains the most valuable and productive land in the City on an assessed per value basis. At over \$15 million per acre the Lindsey property developed from The Link would represent the highest peaks on this graph. Promoting intensive development in Downtown is the City's competitive advantage and best strategy for reversing the sprawl-centric development patterns which have persisted for the last 15 years since Urban Exchange opened. As described by staff and shown on the proffered concept plan, The Link has been designed to fit under existing B-1 district regulations including building height with no structure related variances. This site has natural separation and buffering on both the east and west in both the wide Main and Liberty Street corridors. On the north by the existing City Hall parking lot and Build Our Park pavilion. On the south from the Baptist church parking lot and the new Paul Street extension. Anticipating comments about open space the concept plan and Ms. Dang's comments demonstrates how the upgraded sidewalks and Liberty Street cycle lane integrate with the Build Our Park space next door providing ample outdoor circulation areas for residents and citizens. Finally, if you look along the Paul Street extension a large drop off area is designated along Paul

Street to serve all rideshare, delivery and related needs to the property; moving these stop and go trips off of Main and Liberty Streets.

In response to citizen and stakeholder feedback the upper or sixth floor of The Link has been stepped back a full 35 feet or a half floor along both South Main and South Liberty Streets with additional four foot fifth floor insets to lessen the vertical appearance of the structure along these two primary street corridors. These design changes reduce maximum unit and bedroom counts from the initial application and design. The applicant has proffered that the sixth floor roof area will not be open and accessible to residents and will not be used for gathering spaces or displays. Finally, the unit count for one bedroom units, in short supply in Harrisonburg, has been increased from 25 percent to 44 percent or a minimum of 110 single bedroom units providing a unit type preferred by recent graduates, young professionals and indeed retirees wanting to stay in Harrisonburg and live Downtown. The applicant's architectural team has worked hard to address community feedback relative to the exterior appearance of the building by fully redesigning and incorporating finished colors and elements, such as brick and gray stone materials, found in downtown Harrisonburg. Townhome style elements, traditional wrought iron balconies and signage cornices, varied foundation materials at pedestrian level and the signature clock tower element as a gateway to downtown. Exterior design is a subjective process as is evident from the complete redesign of the project.

The Link team has listened to feedback and invested significant time and resources in presenting this new proffered designed for approval. This initial view again shows the building from the southeastern corner from the Paul [Street] and [South] Main [Street] intersection looking northwest towards City Hall. The clocktower feature, the commercial area with sidewalk patios a more traditionally mounted sign along Paul Street and building design elements and colors are clearly shown. This gateway corner under the clocktower contains a wide pedestrian circulation area at its base in front of the commercial shops. The second view from the northeast corner looks south towards the back of the property. This view most clearly shows the impact from the fifth and sixth floor insets looking at the back of the building and provides an example of how parking garage screening through muralization can provide a pallet for art installations similar to what is already found in downtown. It shows how the South Main Street sidewalk is widened and landscaped as it activated pedestrian corridor. Activating South Main [Street] is a key goal of the 2040 Plan. The third elevation is from the southwest corner of the property looking north up [South] Liberty Street. The view shows the new Paul Street intersection, the Liberty Street cycle track and additional views of the transformed exterior building design elements. The lower elevation of the site along Liberty [Street] gives you a good view of the very gray stone foundational element added as a part of the stakeholder discussion process. You can also see an example of street level landscape space and pedestrian seating areas along the new Paul Street extension.

I will now touch briefly on six areas of positive planning impact from The Link project. Transportation improvements. The Link solves a significant east-west transportation circulation issue by installing a new two way public street connection at developer expense between South Main [Street] and South Liberty [Street]. The new public street would facilitate the City replacing or repurposing the current substandard Grattan [Street] [unintelligible] turn around there by the statue and Warren Street where you have to drive through the City Hall parking lot to transit between [South] Main and Liberty Streets. As discussed, the Paul Street design provides improved entrance and circulation options. Not requirements but options for the Baptist church parking lot which currently serves for some cut through traffic. If the church would decide to close those entrances the developer would pay the cost for the closure and to extend sidewalks on both streets. The property construction timeline also aligns with the Liberty Street cycle track and intentionally integrates with it through ample secure bike storage in a direct connection from the bike storage area to the cycle lane. There are existing transit stops on both South Main [Street] and South Liberty [Street] in close proximity to the site served by HDPT lines. The applicant has proffered a cash contribution as mentioned to fund Paul Street or surrounding neighborhood for neighborhood traffic calming improvements. We felt like that was most properly run through the City's existing program so that a neutral and professional evaluation of those improvements could be done by Public Works since they are public streets outside of the developer's control.

Two, parking. Parking is a big issue that we have talked about. The Link is designed to meet its resident parking needs within an onsite parking garage. The applicant has proffered a 480-space garage designed for almost 500 spaces. Parking spaces have been increased while units and bedrooms have been reduced from the initial proffers to provide a more ample parking buffer. Timberwolf plans to charge separately for parking as an economic incentive to promote walk, bike, and transit options. Timberwolf has also proffered below market rate parking for 65 spaces at entrance level for municipal use with further opportunity of City parking to be used for night and weekend public parking. Build Our Park is removing about 30 spaces in the gravel lot over here. There is another 20 or 30 spaces being lost along [South] Liberty Street. This public parking would replace those public parking spaces. The parking garage will be built over what is today largely surface parking, greatly increasing the efficiency of that space and not taking up new land for parking. The location close to City Hall was designed to allow City employees to walk directly from the parking garage to City Hall without having to go through the residential building. Finally, in direct response to citizen and neighboring property owner concerns, the project has proffered funding for parking enforcement or public parking technology upgrades to mitigate overflow parking impacts. The project will also employ full time onsite management staff who can monitor and respond to parking issues.

In talking about events on this site, walking around Harrisonburg when Lindsey [Funeral Home] has a large funeral there is a large queue taking up all of those spaces along South Main Street on a fairly consistent basis during the week. There is some existing event parking on that space which

the change in use would impact. We could judge on whether it would improve it or not improve it, but we have put resources in place to address it.

Third, civic space synergy. The Link has been purposely integrated with the Build Our Park design as the complementary use connecting the public commons to an urban residential backdrop. The project provides multiple points of pedestrian connection to the park as well as back of house vehicular access to the park's event stage. With pedestrian seating areas, South Main commercial space, outdoor bike parking, wider sidewalks, The Link will be at the center of creating a new and vibrant south downtown envisioned in the 2040 Plan.

Community Cohesion. The project ties JMU to downtown as a visual waypoint filling a current economic inactivity dead zone identified in the 2040 Plan. The Link would bring a large cohort of residents as potential retail workers and retail customers with an easy walking distance of Downtown establishments in the Ice House, on Water Street, along South Main Street. The property will contain a student population component. Which is easily walk, bike, and transit convenient to campus. This would reverse the trend in recent decades of locating student housing on the Port [Republic] Road and Reservoir Street corridors causing peak hour traffic impacts. Yes, many Link residents will have cars but they will pay for the privilege and will have realistic alternatives to minimize daily driving trips. Centralized and high quality housing convenient to campus also serves to pull students out of the shadow market of chopped up single family homes in residential neighborhoods. With onsite professional management there will be no backyard parties or front yard beer pong tables at The Link.

Fiscal benefits. The project will be highly fiscally accretive to the City with anticipated resident demographics that would generate few public school students. At the comparable Urban Exchange property, 196 bedrooms generates a handful of public school students. The Altitude, 865 East, and other comparable properties have similar demographics. A rezoning of the Lindsey site for the B-1 project, The Link project would provide significant tax revenues to help fund important City priorities. At the budget margin where new initiatives, elective capital projects like new parking decks, and employee raises are funded. The City is currently in a solid financial position but with property evaluations flattening, property tax rates at historically elevated levels and federal funding sources in a state of uncertainty. A focus on fiscally impactful new projects is of growing importance for the City budget. They do not come around all the time.

Lastly, affordable housing. During our community engagement process, affordable housing impacts were stressed as citizen priorities. The Link team took the initiative to develop an affordable housing cash proffer supported by legal and financial analysis prepared by Virginia Proffer Solutions [VPS], a leader in proffer analysis in the Commonwealth. The first of its kind presented to the City. A copy of the report is on file and I am sure the commission members reviewed it with interest.

In summary, The Link provides passive affordability benefits in the form of additional supply of higher end or class A units in a prime location. There are demonstrated benefits from adding more supply to the tight local market benefitting renters over landlords through increased competition all down the housing chain. Additionally, the \$93,000 cash proffer provides direct City housing affordability support in relation to objective affordability impacts at the maximum level legally supported in the VPS study and as was presented to the City Attorney's office and reviewed on that basis.

The Commission will hear much public comment this evening about whether the Lindsey property should be B-1 like the rest of Downtown or remain R-3. This slide summarizes that comparison and the two forward for the Lindsey site in south Downtown. The absence of a decision is a decision. B-1 is your competitive advantage. R-3 allows nothing beyond townhomes with no mixed use component, no on-site management, no public parking, no investment in improved streets and sidewalks and a large reduction in tax revenues to the City.

Thank you all for your time, attention and patience to our presentation. The Timberwolf team is happy to answer questions and respond to comments. We welcome everyone both in favor and opposed to the project this evening to express those views as respectfully as possible. We know everyone is not in agreement. Just like the similar Urban Exchange property The Link represents change and opportunity. Harrisonburg needs dense walkable housing in its City center. Your planning documents call for it. The Link is an urban project strategically located and well designed to provide what the 2040 plan calls for in south downtown. The Lindsey family and Timberwolf team respectfully request the Commission to follow City planning documents and endorse City planning staffs recommendation of approval for the project.

Chair Baugh asked if there were any questions for the applicant or applicant's representatives.

Councilmember Dent said I have a question that I believe that Mr. John Hoover would be able to answer about the soundproofing. We got one comment with some very specific questions about that. I remember you were saying there is more than the minimum sound proofing, could you elaborate on that?

John Hoover, applicant's representative with Timberwolf Capital Partners, came forward to answer the question. He said it is a bit of a pet peeve of mine. We definitely go code plus on sound proofing. I can get into details of how you do it but if you do not do it right from the start it never gets done properly, I learned a long time ago. We will use floor to ceiling assemblies that are robust with chipcrete and sound matting in between the rooms themselves. Staggered studs, multiple installations, five-eighths drywall. There is RC [resilient] channel. There are assemblies that work

really well and that is our baseline to start with. That is code plus. STC [sound transmission class] is like 60 plus usually.

Councilmember Dent said there were specific STC recommendations as in a minimum of 60, so you have already answered that.

Mr. Hoover said that is code plus and any good developer should do that.

Commissioner Seitz said I have a question for you Mr. Hoover, do you know yet what the general construction type of the building is going to be?

Mr. Hoover said Sal would tell you the exact type, but it is a podium with five stories of stick built above it. It is 1-RC, Sal?

Sal Lahood, applicant's representative from QPK Design, came forward to answer the question. He said the podium will be a I-A structure and that has a horizontal separation. Then there are five levels of wood construction type III-A.

Commissioner Kettler said I have a question about parking. The MOU [memorandum of understanding] says that the City shall utilize the leased spaces exclusively for municipal or public parking purposes resale or subletting of the spaces is especially prohibited. I read that to mean certainly that the City cannot just transfer its interest entirely.

Mr. Rhea said that is correct. We would not want those spaces to turn over to a private parking operator.

Commissioner Kettler said I do not think this was intended but would that commit the City to free parking spaces for those 65 spaces?

Mr. Rhea said the City would have control over how much it wanted to charge or not charge for public or City uses yes.

Commissioner Jezior said I have a question on the two-to-three-bedroom units. There has not been too much discussion on those. Is there a plan for the layout on those? Is it going to be an individual bathroom for each unit or is that going to be more of a single bathroom family style orientation?

Mr. Hoover said it is really up in the air right now. Typically, we would do for two bedrooms, two bathrooms. The threes could have a mix.

Vice Chair Porter said one of the questions that was brought forth in the community's response was the issue of light pollution. Which, if I lived in that neighborhood, I would have some concerns about that especially if the slope of that neighborhood comes towards the building and you are kind of at an elevated level. What sort of efforts are being made to address light pollution and the impact on the neighborhood?

Mr. Hoover said we always install blinds and shades so that is the starting point. We can do a light study analysis. That is typically done through the architectural side.

Vice Chair Porter said have you determined what the rent schedule is going to be for each type of unit?

Mr. Hoover said we certainly have a range, but I cannot say that we could not speak to it right now. You back into it to a certain point as to what the total project costs and then you balance against what the market would bear. I would say if there is a statement that is going to be what is currently around Harrisonburg. We cannot come in and try to charge X percent more. I would say within what the market bears currently is where we will land as well. I know there is some variety in that. I would say it will probably be 80 percent threshold of the current rates.

Vice Chair Porter said affordability is one of the tenants you are putting forward. As I look at the website for the site affordability is mentioned quite prominently. I understand that we have a low vacancy rate, putting in more housing theoretically should help some of that. Again, your choices as you make in terms of what you are going to rent a specific unit for is going to have an impact on our local marketplace. Would you be willing to share what those ranges are?

Mr. Hoover said we do not have them today. They are being developed as we run through the pro forma to really understand what we can develop. I would say supply is one of the biggest effects on affordability. Usually in new markets we do pull people from other homes that are scattered about neighborhoods from other apartments, its competition. Usually that has a downward pressure on some other rentals in the area, that just happens. I am convinced that any supply, especially this supply, should help affordability in the macro market.

Vice Chair Porter said would it be fair to say that rents will at least be an excess of the fair market rent for the area?

Mr. Hoover said the average for market rent? I think we will be within the 80 percentile of current rents, I think that is a fair statement.

Commissioner Seitz said there was a suggestion in one of the materials provided to us by the community, they make an argument that the Paul Street piece is not necessary. I am not asking

you to comment on that, but I am asking if you did not build the Paul Street piece what would you do with that additional real estate?

Mr. Hoover said from the onset just working with the City, Paul Street seemed to be very important. It was never contemplated not to do the Paul Street extension because that helps alleviate what was thought of as a lot of traffic problems. It also works nicely with our egress into the main of the building. It just worked well so I have not thought about if Paul Street was not improved what that could be.

Mr. Rhea said as part of discussions with the City and bringing up a significant project forward the City has certain priorities one of which was providing additional parking resources and another one was the Paul Street extension. There are existing street openings on the Lindsey property by consolidating those on Paul Street it reduces those street openings. Again, as discussed, it helps facilitate the closure of Grattan and Warren [Streets] in full which are not good east-west connections. It seemed to make sense to everybody in our discussions with the City from the onset. It was never alternately discussed.

Commissioner Seitz said I am not advocating one way or the other I am simply saying that if that path was followed there could be unintended consequences that have not been considered yet. If all of a sudden there is opportunity to do more development because you have more footprint at your disposal.

Mr. Hoover said again we did not even contemplate that.

Vice Chair Porter said I noticed you did not include a management plan, or at least a detailed management plan, as it relates to the property in any of the documents that I have seen. This is going to be a pretty important part of this process and obviously I think the community has significant concerns about the concentration of students that would be in the building and how that would be managed. The opposition group also pointed to some issues in Williamsburg where you had some problems. I would like to hear a little bit more about the management plan.

Mr. Hoover said we always hire staff, ideally local individuals. I would say 90 percent of locals that we hire. A project of this size would probably have a staff of 8 to 10. A general manager, a couple of leasing agents, a few resident services individuals, a few full-time maintenance, maybe a part time maintenance person. You have to have to staff them well, it is a lot of work. As far as Williamsburg, I can address that. I sold that property three years ago. When I was there, we were 100 percent leased every single year. Never had a problem with anything. I hate to speak to what you are maybe hearing about what the current situation is. I know that real estate investment trust is having some issues, outside of just Williamsburg. But when I was there it ran swimmingly and

we did very well with it. I can only manage what we own and at that point sadly enough I do not own it any longer.

Vice Chair Porter said that is a fair response but if you sell the property, you go and it stays, those issues will continue to be a problem in our community if it does become a problem. Also, I wanted to ask some questions about the methodology related to the cash proffers themselves. Specifically, the methodology related to the affordable housing proffer that you have offered. In my sense I feel like it is an inadequate amount, but I would like to hear about the methodology that you spoke to. This might be my ignorance but you spoke to the legal limits. I would like to hear a little bit about that.

Mr. Rhea said it is a fascinating process. The City has only adopted an ordinance change to be able to accept cash proffers about 14 months ago, I believe in January of 2025. Before that time, you could not make a cash proffer that the City could accept. That was a part of the Bluestone Town Center discussions. There are specific categories, transportation being one through the well-known TIA process where cash proffers could be made on analyzed certain impacts. For affordable housing there is a separate code section where the City can adopt an ordinance in inclusionary zoning ordinance or an affordable dwelling unit ordinance and provide things like density bonuses. The City of Harrisonburg does not have such an ordinance in place, it does not exist. Our [housing] affordability cash proffer was thrown back into what is called a catch all proffer where an applicant can make a cash proffer that it deems voluntary and appropriate based upon certain legal limits in that analysis. That is why we hired VPS, who is an authority on the subject, why it is important for that report to be in this City files so it inoculates the City against claims that an appropriately high proffer was required beyond the actual impacts as analyzed under accepted methodologies. Does that make sense?

Vice Chair Porter said to a point. There is also the issue of the fact that the City currently does not have an affordable housing fund. This is a separate frustration I have with the City and the fact that we have not been able to advance a housing trust fund in our community. Again, maybe I will go to Attorney Russ in terms of what would actually happen to these funds. I guess the question I am going to ask, and I would like to have the City Attorney speak to that issue first, but also why not include some sort of affordability within the actual building itself? In other words, a certain number of units that would be affordable that someone could actually use a voucher. If you are in excess of the fair market rents for the area you will not have someone that could come in and use a voucher in this building. Has there been any consideration at all to make some of these units affordable. I would like to hear Attorney Russ...more for the benefit of the community to hear what would happen to those funds and what that actually looks like.

Mr. Russ said our Finance Department would have to weigh in more on the specifics but on an annual basis any locality that accepts cash proffers is required to report what category those cash

proffers fell into. How much of it have they spent, how much of it is sitting there waiting to be spent and you have certain set period of time under State Code to spend the cash before you need to give it back. It would probably just exist as a line item somewhere while we worked on getting an actual mechanism for using the funds towards affordable housing in place. Ultimately, the City would be able to use it towards affordable housing generally and we would document it and report it to the extent that the auditors and the State requires that of us.

Vice Chair Porter said there would be no other funds to comingle this with?

Mr. Russ said correct.

Vice Chair Porter said it will become a line item?

Mr. Russ said yeah, there is no other revenue stream that is currently dedicated to affordable housing that this would be joining.

Vice Chair Porter said my job during the day as an affordable housing developer and I can assure you that \$93,000 is not going to do a whole lot. I would have some concerns about whether this proffer has any validity in terms of actually having an impact.

Mr. Rhea said I certainly believe it has legal validity. I understand the disagreement with the amount. I would encourage the City to adopt appropriate legislation to be able to accept higher cash proffers. That may have been an opportunity in this case. I do not want to criticize an effort done in good faith using existing methodologies that does address a problem. The City has a problem and a lack of supply and a lack of permitting new apartments. There is always a reason. That is the reason behind the high occupancy and high rental rates. A significant amount of new supply like The Link as discussed at length in the VPS study does have beneficial impacts to affordability community wide.

Vice Chair Porter said have you given any consideration to actually putting some actual affordability covenants into this particular property where you would be able to at least have a portion of the units that conceivably could receive a voucher to be able to access the property?

Mr. Rhea said I do not want to speak for John, I believe it was considered but this property is not designed from a number of metrics for that to work as efficiently as a cash proffer.

Vice Chair Porter said now you have seen the AMI figures in our community, correct? A large portion of our community is below the 100 percent AMI in the area. That means a lot of people in this community would not be able to afford to live in this building.

Mr. Rhea said we are aware of the statistics and data.

Commissioner Kettler said I had a question about the ground floor and exactly what would be in there. In terms of what has been proffered there is 120 bike parking spaces and 2,000 to 5,000 square feet of commercial space that is proffered. I am wondering what else is to be included in that space.

Mr. Rhea said there is a lot of amenity space, mechanical space, all the offices for the building, a workout gym. Things that you would typically see on the first floor of a hotel for instance would be on the first floor. Both entrances going into the parking garage go through that first-floor area that cuts down the space by about ten or fifteen percent as well. I do not think there are any residences on the first floor, John?

Mr. Hoover said there are a few residences where the street falls away, and they are elevated enough above the road. You mentioned the bike parking that is in the first level. Gymnasium, management offices, maintenance offices and then there is that 2,000 to 5,000 of retail as well. The large majority, 80 plus percent is for back of office or amenity spaces or the retail side as well.

Chair Baugh asked if there were any questions for the applicant or applicant's representative.

At this time the meeting went into recess.

The meeting resumed after a 10-minute recess.

Chair Baugh opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request. He reminded those who wanted to speak about the request of the 3-minute time limit.

Kathy Whitten, once a Harrisonburg resident and now a Bridgewater resident, came forward to speak to the request. She said I was appointed to Planning Commission in the '90s, some of that with Chairman Baugh, and served for nine years then. I also served on the Board of Zoning Appeals, so I have done a lot of this. I have always tried to consider and use what I thought to be key skills for a Planning Commissioner; analytical thinking, evaluating complex land development applications, communication with the public and with staff, both so important. Strategic planning, really trying to understand long term community growth. Doing the planning certification course through Virginia Tech way back in the '90s really equips new commissioners with vital information that helps in making good and sound decisions for our community. I hope that all of you have done the course. Can I see a show of hands? Has everybody done that course?

Vice Chair Porter said the course was through Virginia Commonwealth University [VCU] that I attended but I did it.

Ms. Whitten said VCU now it used to be Virginia Tech. I am sure it is every bit as excellent so some of you are brand new then.

Commissioner Seitz said I would have but it got cancelled because of the snowstorm.

Ms. Whitten said I understand. We will accept your excuse and if the dog ate your homework or any of those things just do the course, it really makes a big difference. In light of this, please ask yourself and tell us what is the strong case for increasing density and proportions for this project? What will the City and community gain from this project? I am not asking you about the rezoning. I am asking you about this project. By the way, while I was sitting in the audience I happened to have used this device [referring to her cell phone] and the rent currently for a one bedroom in Williamsburg, which they do not own anymore, is \$2,100 a month for a one bedroom one bath apartment. I do not think a lot of students...I do not even know, maybe students can afford that these days. If the answer to what will the City and community gain from this project is more students in downtown, then that may not be enough. That may very well not be enough. Please consider the demands on water and sewer, huge. We just had a situation where our sewer treatment plant was at capacity and we were in big trouble. This is more of that. One day somebody is going to turn on the faucet and go "well where is the water?" That is reality right now guys, it really is. The demands on surface streets and traffic overlay, reduction of green space in Downtown. I know this has been a very big issue for all of the people that I have served with on Planning Commission. Social disruption, a big piece. The larger student occupied buildings in Old Town where I used to live created noise, traffic, and trash in excess. This is many times larger than any of those large complexes except for Urban Exchange but within the neighborhood. It is not enough to vote for a project that is good enough. For this major gateway to our Downtown we must find the project that really fits and enhances our City. If this developer is willing to pay \$6.3 million for this piece of property to tear all of the buildings down and put up a big six story building, believe you me, somebody else will be interested in this property. Just a couple more things, there are multiple large complexes that are approved in the City but not built and you all know that. That makes me wonder why do we need this housing so badly for students? We know from our own commissioned housing study that student housing was not on the list as a big need in Harrisonburg. You need to think about that one. The last thing I want to say, does this firm build and then sell most of their properties? Williamsburg and Clemson are two that I know about that they built and sold. They do have capital management in their name. That always makes me think of Pretty Woman in some way. The City's Housing Study though, remember that one. I thank you for your time very much. I appreciate the fact that you are willing to serve and take that class.

John McGehee, a resident on Franklin Street, came forward to speak to the request. He said I have just a couple of comments one is about the traffic. I engaged in and led the Old Town traffic calming program which is one of the first traffic calming programs in the City. I am aware of traffic flows. I have thought about traffic flows a lot. The JMU students residing in The Link will enter campus through two ways. They will either go straight over Paul [Street] and go into Paul [Street]. The idea of perhaps some go around on Martin Luther King [Jr. Way]. But I am more

concerned, personally, but I know that the Paul Street residents probably have grave concerns about traffic. For Franklin Street, any student who wants to go to the East Campus, they are not going to go around onto Martin Luther King [Jr. Way] they are going to go take a left and go straight down Main Street and they are going to go straight up Franklin Street and connect to Reservoir [Street] and then straight to the East Campus that way. We spent a lot of time, the City spent well over \$100,000 probably \$150,000 installing traffic calming on our street. This will destroy that effort, and it will increase traffic dramatically especially in the mornings and the evenings. I just want to point out a couple other things in the 2040 Plan that does include a provision which no one mentioned, not staff or the developer, about preserving the historical character of the City. I think that is vital. I think that is really my biggest objection is the scale of this building in this historical corridor will destroy the quaint character of the City and that quaintness is precious to us and it should not be just discarded just in the name of profit. In the 1960s the City destroyed a huge swath of the Northeast Neighborhood and destroyed a lot of old homes, primarily minority homes, in the name of progress. It surely was a cadre of men in suits who promised us that this was progress, this was going to benefit us and it is going to have all these economic and social benefits. What it ended up being was a very destructive and then really tragic episode in our City. This strikes me as the same kind of promise. I will lastly just mention that one of you in the Commission here today exchanged a text message that was brought to the public through a FOIA request. Texting back and forth with one of the developers calling us NIMBYs [not in my back yard]. The quote from the Commissioner was something to the effect of better you than me. I would say that I appreciate that you are here listening to our concerns that are made in good faith and that I am not a NIMBY. I care about our City plan. I think that this project is wrong. I think it is the right project, but it is the exact wrong location. It is the only location that should not be built, and I encourage you to vote no. Thank you.

Jordan Leaman, a resident at 345 East Elizabeth Street, came forward to speak to the request. He said if I may just ask for a quick show of hands, I want to see how many people are here from Old Town? Is anybody here from the west side of Liberty Street, Lewis Street, Walnut Street, or West Grattan? I am here to express my support for the rezoning of the parcels of the current Lindsey Funeral Home location for all of the reasons the Planning Commission has heard including increasing the housing supply in an already very tight rental market promoting mixed use development that encourages pedestrian and bicycle transportation and the general alignment of the proposed development with the Harrisonburg Downtown 2040 Plan. I am also here to challenge an underlying assumption here that many of these vocal opponents of this project represent the City of Harrisonburg or Downtown residents. Last September, I walked through all the streets in a one third mile radius around the proposed development in order to count the signs that are represented on many pins here tonight. There were 49 in total as of September and I just wanted to share some general observations. First 42 out of the 49, or 86 percent of them, were found east of Mason Street, which is sort of the upper part of Old Town. Despite this area representing less than one third of the surveyed area and being on the outer ring farthest from the proposed development. Second, according to 2025 tax assessments, the median value of homes displaying

signs was an excess of \$500,000 or about \$175,000 more than the median sale price of homes that are out in the City in the same time period. Tax assessment values have generally been lagging behind sale prices in the past few years, so this gap may be even greater than that. Third, in checking public MLS database I could not find a single one of these homes listed for rent as far back as data was available. There are of course many ways to advertise and fill a property with renters but broadly speaking these appear to be homeowners. Finally, excluding non-sale property transfers, current homeowners appear to have been in their homes for an average of 16 years. All together the strongest antidevelopment sentiment appears to be coming from a relatively small geographic area. Not even in the immediate vicinity of the parcels being considered for rezoning. They appear to be long-term homeowners of high value properties. I would like to contrast that with the most recent census data that indicate less than 40 percent of Harrisonburg residents own their own home. I do not have data for Downtown Harrisonburg specifically, but homeownership rates are often much lower in urban centers than in surrounding areas. Homeownership is something I wish all of us could attain. I do not intend for my comments to be an attack on any individual, homeowners in general, or this group as a whole. I simply want to call out that this group does not represent all of our neighbors, nor can they speak for all of them. The Link is first and foremost a housing project and I guess that very few of these people here are in the market for an affordable rental or afraid that their rent at their existing place might rise to unaffordable levels in the coming years. I implore Planning Commission and City Council to weigh any concerns about neighborhood character or the look and feel of downtown. Second, to the very real need for more housing in our City, particularly the kind of dense urban housing this project puts forth. Thank you for your time.

Sam Nickels, a resident at 340 Maryland Avenue came forward to speak to the request. He said I will have to disagree with my good friend John McGehee. I think it wrong to compare this project to the destruction of low-income, Black neighborhoods in our community from 50 or 60 years ago. What I wanted to say is that Harrisonburg has double the poverty rate of the Virginia average. Five years ago, we had a housing survey and it showed that the largest percentage of people without housing, or trouble accessing housing in the community, was people under 30 percent adjusted median income. It showed that 1,600 of these households did not have access to housing in our community. There was another big issue in this housing survey. It showed that the highest income bracket also did not have enough housing in our community. The dynamic that they talked about was that folks with higher incomes who do not have enough housing then go down and get housing from the next bracket and they go down and get housing from the next bracket. Who is left over with the least housing? The lowest income population. One thing that is important about this development is not that it would serve low-income people directly, but it would do so indirectly because it will take pressure off of the lowest income group by providing more housing for middle- and upper-income population. I have a few questions here. One is for Thanh and the question is the \$93,000 that is being proffered for affordable housing. Is this cash to the City? Can it be used to help us start up a housing trust fund that Shannon discussed earlier. I also have a couple questions for the developers. When would this cash be available? Like at the beginning of the

process? After you get the rezoning? I do not know at what point you can make that decision. We need the money now. I do not want to be in a position where you are making a proffer and then three to five years down the road you are ready to do that. I would be interested in hearing from the developers on that. My last question had to do with what Shannon asked earlier which was accessing vouchers. That is the lowest income population in our community has vouchers. They will pay market rate but they will not pay in the top 25 percent of market rate. So you would have to come up with some other way. The reason I bring this up again is that \$93,000 will help to construct one or two units of housing. If you guys do 2 percent of your units and say you have 10 units that are taking vouchers you are going to be providing housing right from the start for ten families every year. If you want to make a really big impact on this, do a small percentage of your units for voucher housing instead of the housing choice voucher. My last comment is to Ms. Whitten's who asked what is the argument for density? The argument for density is that we need to increase supply. Density is low-cost supply. That slows down demand pushing for increased housing prices and that will help us to slow down housing increases for middle-and low-income people and provide more access.

Cam Giesler, a JMU Student and resident of 725 South Main Street, came forward to speak to the request. He said I do feel as familiar as I could be with Harrisonburg and the surrounding community being a student. I want to recognize that as a student who has lived here temporarily I am providing a certain viewpoint that is different from a lot of people here. With JMU being roughly 30 percent of the City's population when school is in session, I feel like it is an important one to consider. I came across the project in my studies and just keeping up with local happenings and I was pretty intrigued by it. Looking into it I asked myself such a significant project, what is it bringing to the table? Looking at housing supply that we have in Harrisonburg and the very low vacancy rates it has gotten to a situation where landlords can charge and just keep raising rent. Just as a small example, my rent - me and my 15 housemates - our rent has been increased 47 percent in the past three years alone. Just asking around to classmates and peers I find that a lot of people are having similar experiences. I do think that the project would provide housing supply. Not saying that it would be completely dominated by students. I think it is very possible that students would live in the proposed development, but I think that ripple effect of the supply would allow for more affordable rent in general around town for students and non-students. I think a big fact to be considered here is as a graduating senior me and my peers, people are moving to Northern Virginia, Arlington, McLean. People are moving to Richmond, other big cities around, and not a lot of people are considering staying in Harrisonburg. I think a development like this with a great location and premium amenities, similar to Urban Exchange apartments as already been discussed, provides an actual place recent college grads, capable and educated, can see themselves living in and providing service, goods and filling capable job openings in the City. Keep educated, young graduates local and continue to simulate Harrisonburg's growth. To touch on concerns, I think the traffic concerns...I think the planning has been very thorough and I think the walkability from the proposed development to Downtown is going to offset a lot of the traffic concerns. Any resident that lives at The Link would be able to walk to Downtown businesses and continue to stimulate

economic growth by providing business there. I think that the character Downtown is still going to be preserved. I think the building is beautiful and they have revised it to make sure that stayed the case. I just think the bottom line it provides necessary housing to students and non-students alike. Thank you guys for your time.

Weston Marcus, a resident of 1018 Blue Ridge Drive, came forward to speak to the request. He said everybody here has their own vision on what Downtown should be. For me, I see Downtown as a place to live not just a place to visit. Adding housing needs to be a part of that. Housing is a serious issue in the City, we have already talked about it tonight. It is the same across the country and if we want to be serious about housing we need to consider thoroughly how we are using the limited land in the City. I believe that promoting higher density housing is a key component to solving the housing problem and helping create a City that can sustain itself while offering quality City services. Now how high density is applied might look different depending on the location so I am glad that we have as much community feedback as we have been getting to draw from to make our own decision. I support the zoning change when it was proposed in front of City Council last and I still support it as it is today. Hearing comments made by other citizens since then I am open to taking the time to make sure that any changes that could make the project even better should be considered. The developers already spent some time and shown some commitment to making sure they are properly addressing our concerns so even if this passes Planning Commission tonight I hope that Todd and Timberwolf can continue to work with the community to make sure that it can be the best that it can be. Nothing would make me happier than having a project that everyone can be proud of.

Mark Facknitz, a resident of 221 East Grattan Street, came forward to speak to the request. He said I oppose the rezoning of 473 South Main Street from R-3 to B-1C. I attended several meetings of City Council last year and heard some dubious claims that I hope will not be repeated. For example, some speakers last year and this year apparently seem not to distinguish between affordability and availability. Harrisonburg does need affordable housing. Not a surplus of \$1,900 per month one bedrooms. I also heard the rationalization that The Link would not put pressure on the local elementary school because only 3 school aged children live at Urban Exchange. A project is inhospitable to families with young children is not a selling point. I heard that The Link would provide an estimated \$600,000 in taxes to City coffers. The math on that was never explained. There was no promise that the development would remain in private hands and indeed such developments often sell within a few years. Need I mention that there is a large public nontax paying institution several blocks south of here that would be very happy to increase its cashflow by renting to students. Or worse it could stay in private hands and devolve into an enormous version of the Forkovitch building across the street. I heard the complaint that the building is ugly is a matter of taste, that may be. There is a metric for big. For the fact that six stories in a street-to-street sprawl would change access to sunlight, to the movement of air, to the percolation of rain and the way people, residents and visitors, regard the approach to downtown. To give you some idea of what I mean, I want you when you walk out tonight to look south and realize that instead

of seeing the steeple of the Baptist church you will see an enormous cinder block full of automobiles. Of course my principal concern is the building's adjacency to my neighborhood, a large part of my reason for being here. Yes, we have a deep investment in our house, in good reason, to worry about property values. More important I would like you to look at Old Town as part of what makes Harrisonburg a great area that visitors notice and envy. Which those who move away remember fondly and it will be literally overshadowed by The Link. I would ask you to compare this project to the disaster of Urban Renewal in Northeast Harrisonburg decades ago. With all respect to my friend Sam aside from the obvious issues of racism and class biases that motivated that project there are several important similarities. A few people with a big idea full of confidence amply funded and knowing they will not live in the neighborhood, they are profoundly altering and want to build something that will radically disrupt a social dynamic that is working. I live in very close harmony with my neighbors who are students. It is also a neighborhood that is loved by its residents. We are saying R-3 is okay, R-3 we can work around. We can put up with the construction we can imagine how R-3 will have modest effects on traffic. B-1C would change Paul Street into a major cross town road. I know because I use it. B-1C would exacerbate the pedestrian hazards on Main Street, north of here, where the sidewalks are too narrow and traffic is often fast and there are lots of trucks. Affordable R-3 by contrast, come build you houses there Sam, opens the neighborhood to new residents, promotes diversity and intergenerational living. Please keep this link the missing link.

Sarah Baker-McEvelly, the owner of BMC Bakes in Downtown Harrisonburg, came forward to speak to the request. She said I feel like I am connected to multiple parts of this community that will feel the effects of The Link. I am here speaking in support rezoning 473 South Main Street. Before I go further, I want to say a few names of a few businesses Downtown: Water Street Vintage and Bohemian, Charlie Rose, Rocktown Yarn, Firefly Emporium, BoBoKo., Glen's Fair Price, Village Juice and Kitchen, Capitol Waffle Shop, Mashita, and Lola's. The names of ten businesses that have closed in just the past two years. That is 14 percent of Downtown's retail shops and restaurants closing in two years. I want to be clear that I do not speak for those owners, or their individual struggles, but the closure of ten small town businesses is not a sign of economic growth. It is a sign that something is not working the way that it should. I have lived and worked downtown for almost a decade. Before opening my bakery, I worked at four food service businesses here and I managed one of them for over two years. Long before I was an entrepreneur there was one topic that never stopped coming up behind the counter: foot traffic. Downtown businesses survive on busy seasons. The energy of fall and spring must carry us through slow summers and winters. When there are fewer people Downtown the margin for survival becomes incredibly thin. Despite the challenges I love this downtown. I often say I would not have started a business anywhere else. The community here has been warm, supportive and deeply meaningful to me both personally and professional. Loving Downtown also means being honest about what it means. One of the most important things we can do to support Downtown businesses is simple. Allow for the development of more housing for the many people that desire to live downtown. Right now, there is an extreme shortage of apartments downtown. A healthy rental market typically has a vacancy rate of around

eight percent. Downtown rental vacancy rate is closer to two percent. Most units are rented nearly a year in advance and prices continue to rise because supply simply is not keeping up with demand. Small renovation projects have helped, I personally rent my business in one of them, but they only add a few dozen units at a time and that approach alone cannot meet the need. Contrary to the belief of the opposition, more than just students are attracted to these apartments. Young professionals are more and more attracted to these dwellings and many buildings Downtown are a strong mixture of students and locals. Projects like The Link represent something different. A meaningful increase in housing that brings residents within walking distance of downtown business every day of the year. When housing needs are satisfied outside City limits, as we have increasingly seen in recent years, it pushes tax revenue into the County and forces more people to drive everywhere they go. That in turn aggravates the very parking issues that many opponents are concerned about. When high density housing is built downtown it creates a walkable community that supports the businesses that make the City special. Those ten businesses I named earlier were not just store fronts. They were livelihoods, they were gathering places and they were part of the identity of this downtown and we have lost them. If we want fewer names on that list in the future, then we need to make sure downtown has the density and the residence required for small businesses to thrive. I also want to acknowledge that in my vocal support of this development through my involvement in the developer's community outreach I have received threatening anonymous letters, comments on Facebook and face to face taunts suggestion that I should leave Harrisonburg for supporting this project. I have been told that I am greedy and that my business is destined to fail. While I am happy to be a part of a community so passionate they are engaging in my perspective at all and I welcome their feedback, I want to be very clear, I am not speaking tonight simply in the interest of revenue. I am speaking as someone who has built a life here. I have lived here for years. I have invested my work here and I care deeply about the future of this community. While I draw heavily on my experience as a business owner to support this project, I believe as a resident that this is the best course of action. Approving this rezoning will not solve every challenge facing Downtown nor is it meant to. We should not make a promising development this scapegoat for frustrations with issues that are the responsibility of the City to solve. It is a meaningful step forward for a stronger, more vibrant and more resilient community. I urge you to support the rezoning.

Dr. Bronson Griscom, a homeowner and resident on Franklin Street, came forward to speak to the request. He said I want to touch on primarily the issue of environmental scientist; it is my profession. On the issue of environment and the environmental impact. In my view the fundamental comparison here is the question about the environmental impact of a higher density development and the alternative equivalent development of lower density to house the same number of people. That comparison is very clearly higher impact for the lower density as compared to this higher density. In terms of kind of all in, this is a much lower environmental impact to allow for this higher density development. I had not heard that articulated quite in terms of the whole thing. I think folks are focusing on the local impact which is my neighborhood, and that is very important and of course I care about that. At the whole City level and in fact the whole kind of

landscape level involved, this is good for the environment. I am in favor of this rezoning for higher density. One personal point which is me and my family, we have the privilege of living right near Downtown and we love walking Downtown. It is just a wonderful thing and to be able to enjoy all the businesses that we heard about. I think we would just love to have more people to be able to enjoy that experience. I was one of the core players with John on the traffic calming efforts on Franklin Street and other parts of Old Town. I am right there with them. We are definitely concerned about the traffic. I think there should be more traffic calming measures put in place but I think the reason that I am willing to accept more traffic and accept some of that personally for us is that I think that overall this is a good thing for the future of the City.

Valarie Salfaro, a resident of 611 Ott Street, came forward to speak to the request. She said the first thing I would like to say in defense of people in my neighborhood and who are here. Yes, we might have waited a couple of decades to buy a house in a nice neighborhood and we do pay a lot of taxes. What those taxes support is children from families that cannot afford to live in our neighborhood to go to public schools and other services in this community. The implication that we do not have a right to make comments or that we are somehow free riders I find very objectionable. My other concern is that I think people here are not telling the truth. In particular the developer is not telling the truth. That they could not commit to a price range today just seems fundamentally dishonest. At our group's first meeting with them they suggested \$1,900 for a single. If you take that over the course of the year, we are talking about a commitment of \$24,000 just for a single. For many of us, including those of us who live in Old Town, that is as much as our mortgage for a year. This is not affordable housing. People can call it affordable housing all day long but that does not make it affordable housing. I am going to suggest that we have been presented with a straw man fallacy. The straw man is we have to accept this project or we get nothing in return. We get no development, we get no benefits of trying to have a better and more affordable kind of housing. We therefore have to take this, or we get nothing and it will be our suffering as a result. I am in favor of R-3 and keeping this property R-3. The seller of this property has known for decades that it has been R-3 and it has not been until now that they have suggested that it should be something else. We actually have a lot of R-3 projects inside the City. I am not talking about Massanetta Springs that are under way, like the ones on Lucy [Drive] behind the mall. The difference between this proposed development and that one is the ones on Lucy [Drive] have children's playgrounds, they have greenspace and this has none of those things. It is not a family friendly unit. The construction is not going to make it so. It can be 80 percent three, four and two bedrooms which is not family friendly. The way the building is configured the interior walls are going to support the upper floors. This building cannot be made into something else later. It cannot be made into retirement housing. It cannot be made into family housing. We cannot undo this building once it gets built. Once we commit to this, we lose all possibility for developing that space in another way. I want us to stop and think about what the community needs. We are going to get more green space from the medians and the bike lane than we are going to get from this development which is a sad thing. We can get our bike lanes and our park without this development. We can still have R-3. We can have people downtown and we can attempt to provide affordable

housing. The housing proffer being offered of \$93,000 would what support three or four people for a year in a one bedroom in this building? I am not really sure how that is going to be operationalized, but I do not see it making a dent in this community. The developer and the property owner are going to earn millions off of this property. That under \$100,000 to help the needy in our community is a pittance. It is symbolic, but it is not really doing anything to help us. It is also not something that is probably going to appeal to young professionals although it may appeal to some. Speaking as somebody who started out 30 years ago as a JMU faculty member looking for affordable housing I had to look long and hard before I found a townhouse that was not near students and now it is on Reservoir [Street] and I would never live anywhere near there again. My colleagues live in Bridgewater because they would rather live next to people who work in poultry factories than they would be willing to live next to students. It is just not hitting that market. It is hitting the student market which is fine, but we do not really have a need for more student housing. Let us get thinking about all of the properties you have approved for students and think about what we could do with this space instead. Do we want to keep the character of our downtown and the historic downtown that we have? It is one of the few things we have going for us in Downtown at this point. We certainly need more stores, and I do not feel like it is my job to defend the demise of those stores. I am even unhappy that we have lost some art galleries downtown. The sad fact of the matter is my students do not go to most of those restaurants and they are not going to just because more students are living in that building. They go to get wings and burgers but most of the time they get their food on campus, or they get their food on Port Republic [Road]. JMU has expanding campus dining facilities that serve most of their needs. Essentially, we could build a giant Mall of America monstrosity. We could get rid of our daylight. We could block people's views. We could prevent ourselves from constructing a better historic downtown like Charlottesville and Staunton have. Or we could try to think outside the box and not just jump at every offer every developer gives us in this town and think about what our needs and wants are rather than what their needs and their wants are. I think people in the Harrisonburg community have more extensive needs than are being addressed by this project. Thank you.

Les Bolt, a resident of 255 Campbell Street, came forward to speak to the request. He said we have lived there for over 40 years and have spent a ton of money in putting our house together and fixing our house up and renovating. I was active on the committee that set up the zoning for the Old Town area. I was on the citizen planning committee that developed the Comprehensive Plan to foster mixed use development. We kind of drew the line down Mason Street as to one side would be mixed use and the other side would be residential. The Old Town area that we are talking about...I have been in higher education for almost 50 years and trust me, students do not drive rationally. They do not make logical traffic decisions. They turn in the middle of the road. They pull in parking spaces that are not parking spaces just to go the other direction. Your traffic studies do not incorporate the rationale of students driving in an irrational manner. I agree with my colleague Dr. Facknitz. I agree with my neighbor that was in front of us just a moment ago. The other thing that bothers me about this is what happens five years down the line. Their business model is to build something and run it for four or five years and sell it. Who buys it? The logical buyer in this case

would be JMU. I taught at JMU for 30 years so I am not bashing JMU but it would just be logical. Here this thing sits a block from campus, and it is available, why would I not buy it? It would be a foolish decision on my part. The big problem I have with this is that this is an inflection point. Right now, we are building a balance between the City, the neighborhoods in the City, and JMU. If you approve this you change that balance point, you change that inflection. There are plenty of properties close to the Old Town area I am thinking of one in particular that is on the corner of Mason [Street] and the little block Campbell [Street] that was bought for \$3 million and a property that was assessed for \$400,000 or \$500,000. What is the point of doing that? The point of doing that is to wait for this to happen and then you open the door and you have a precedent. You have more people walking through that door wanting to take away chunks of neighborhood. I do not want to see that. I am getting pretty old so I probably will not see all of that, but I certainly do not want to see it for our neighborhood. We have families in there, we have kids and neighborhoods turn over and people that come in have families and kids and they love the neighborhood. They are willing to spend all of their money on it. I think this is the beginning of a set of dominos that maybe you do not want to set in place. Thank you for your time.

Phil Yutzy, a teacher at Harrisonburg High School, rental investor, and developer in the Harrisonburg area, came forward to speak to the request. He said I am a developer in a very amateur way. With Habitat [For Humanity] we created a Suter Street [Development] extension and tried to build affordable housing. My big concern in doing that was the thousands of kids that I walk with everyday at Harrisonburg High School and my big question is where are they going to buy a house? Are they going to be able to buy a house? The Link is obviously not affordable housing. I do not think it was ever designed to be affordable housing. I cannot build anything affordable on that property. I do not think anybody could without a mass of public input, a lot of money coming in there. It is just way too expensive it is not in the right place. So, I do not think it is really fair to talk about The Link in terms of affordable housing. It is housing, Harrisonburg needs housing. The whole process of people being able to be somewhere and disoccupying somewhere else is real. We need a lot more housing. We need a lot housing in different places. We need a lot more affordable housing and we need it to go up quicker than what it is going up. My project has taken seven years, and we are still not done. The biggest hit in my mind on affordability in the last years has been the rise in real estate taxes. That effects every single renter and it effects every single homeowner. This project is going to provide supply. It is going to supply taxing. I do not know what is going to happen in five years, nobody knows what is going to happen in five years. It is extremely difficult to develop property. It is extremely difficult to develop land and to put in buildings and to make them functional and to make them fit. I believe that this developer has shown a willingness to listen and to change. I was pretty surprised when I saw the changes that they had made from their first drawings. As a schoolteacher, of course I like to see the tax base increase. I believe that will strengthen downtown business. I believe that it is a project that is worth going forward and it is a hard decision. [Turning to speak to the audience] I love all your people have students in my classroom that disagree.

David Bernstein, a resident of 521 Ott Street, came forward to speak to the request. He said I am opposed to the project. A lot of people have talked about how the project is consistent with the 2040 Plan and other regional planning efforts, that is not the case. First, the project is bad for first impressions of the downtown. The 2040 Plan states that Main and Liberty Streets are the primary front doors to the downtown. I think this is currently true of all of the existing buildings changing the zoning from R-3 to B-1C will change that entrance to the downtown and is contrary to the 2040 Plan. Second, the project does not provide affordable housing in any way shape or form and to think that the provision of 600 beds in a market where there are 15,000 rental units is going to have any impact on the affordability of housing going ahead is just plain silly. The project provides an insignificant amount of mixed use development. 2,000 square feet is all that is promised. 5,000 square feet is not enough. The project is not bicycle friendly. It includes 120 indoor bicycle spaces for 695 residents as opposed to approximately 500 cars. It is oriented towards people who own cars. Beyond that the people that are driving cars onto Liberty Street are going to interfere with the people in the lovely bicycle lane that we are proposing to build and make it more difficult to use bicycles. The project is not business friendly. It is going to increase traffic in the downtown and it is going to worsen parking. The TIA was done with a very particular model in mind. It was based on 280 multifamily units. This is not a typical 280 multifamily unit development. It is a 660 resident unit that is target at university students. There are other ITE codes that are supposed to be used when that kind of analysis is done. Sixth, the project is not consistent with the historical zoning of the district. These ten parcels have been zoned R-3 forever. There had been ample time to change the zoning of this as part of the normal zoning process. That change has never been made because that change would have been bad for the City. Seventh, I do not think the project is actually consistent with the B-1C designation. The B-1C designation allows transient housing. Provided that they are assuring a supportive role to the primary functions of the district. This is a transient housing unit that in my opinion does not assure a supporting role to the primary function of the district. In conclusion these lots should remain R-3. Other developers will come. How do I know? There are 21 different residential projects currently underway or recently completely in Harrisonburg. 44 duplexes, 415 townhomes, 763 multi-family homes and 87 single family units for 1,309 units in total are currently being built. If there is need for more someone will come in and develop R-3 here.

Steve Horn, a resident of 285 Campbell Street, came forward to speak to the request. He said I have lived in Old Town for 25 years. I submitted the comment about the soundproofing. I am glad the developers committed to soundproofing and onsite management. If you do not have a proffer on that onsite management, it is not going to carry over to the next owner. I suggest that you get a proffer on that. I would like to also see some type of combination for e-bike which is the biggest vehicle class right now that is driving a lot of growth. As far as the traffic goes, I live next to the triplex, two thirds of those students walk to school right now and one of them does not own a car. In statistics that is called a represented sample. If that holds for this development the City greatly overestimated the traffic impact of this development because they assumed it is an average unit of this type. What units of this type have two-thirds or even one-half within walking distance of where

they are going to go? I made a visual traffic simulation if you are interested in it, it is like watching paint dry for most of the day the impact that this is going to have on the local traffic situation. I know it is hard to visualize all these cars certainly have to have some impact, right? It does. Affordability, density is the bedrock of affordability. Every housing economist will tell you that. You do not worry about the mix, you do not tell the developer what the mix is, let the market decide that. It will filter down that's what all the studies show. Even on this type of a five-over one unit it shows that the local rents go down when these types of things are developed. As far as the building not fitting, none of the buildings in downtown fit when they were built. Okay, the tall buildings. If we get stuck with buildings that fit then we are at one-story brick homes and houses and we never get any change.

Steven Tennyson, a resident of 507 Paul Street, came forward to speak to the request. He said I have been a City resident for 15 years and a lifelong resident of the Harrisonburg area. In difference to the Chairman's remarks, I will say that I agree with many of the points made against the rezoning and will abbreviate my remarks thusly. Maintaining the R-3 designation at this location would demonstrate that the City values thoughtful and consistent planning. It would affirm that the R-3 designation is an important component of the overall City Plan. The R-3 designation should mean something substantial in and of itself rather than simply indicating targets for potential commercial development. In closing, the narrative surrounding this issue has been portrayed as black or white, us or them, all or nothing. A six-story savior of all things Harrisonburg or a desolate wasteland. There can be a middle ground if we are brave enough to search for it. As this particular developer has made clear they see no room in the middle. It is six stories period. As a City, we should be looking for a developer that sees the necessity of compromise. Thank you for giving me this opportunity to speak to you.

Shirley Cobb, a resident of 928 Lee Avenue, came forward to speak to the request. She said I am also a member of Harrisonburg Baptist Church. I have worked at JMU for over 40 years. I love students, most of the time. I am opposed to the rezoning of 473 South Main Street from R-3 to B-1C for many of the reasons that have so eloquently expressed. Thank you.

Sharon Cote, a resident of 521 Ott Street, came forward to speak to the request. She said I have lived there for about 24 years now. I have also been a member of the faculty at JMU for almost 30 years so I have my own perspective from what the students tell me and from their lifestyles about how much traffic there will actually be as a result of all of them living here. I will say one thing, I know that some will walk there sometimes but they are going to have classes that are two and half miles away on the other side of campus and they are not going to walk there and walk another 15 minutes to the buses and wait for the bus and then take the bus over there. Then when they want to come home for lunch, do that all in reverse, which they do they tell me they are going home for lunch and then do it the other way and when they want to go to UREC in the evening that is over on that side of campus. There is going to be a lot more trips actually than what they said. For many of the reasons that I have been hearing people say I will just say while I am not opposed to change

and I love the downtown and I want it to thrive and I love Old Town too. I am opposed to the rezoning of 473 South Main Street. Thank you.

Derik Trissel, a resident of 487 Ott Street, came forward to speak to the request. He said I am in favor of this project. I think it is the right project in the right location. I do not think there is a better location for this six-story building if I am being honest. We need density in the City. It is imperative that we get density in the City. In the housing industry it is imperative that we get density. There has been a lot of smart people that said great things before me so I will not repeat any of that. The one thing that I do want to say is that I have lived in my home on Ott Street for 20 years. I have lived and worked in Downtown since 1997. Grew up in the community and I remember being Downtown in the late 90s and any evening of the week, weekend or not, you could walk from one side of Downtown to the other and not pass another person on the street in those early days. What changed is people. When we revitalized buildings Downtown and brought people Downtown that is what caused businesses to start up. That is what brought more people and more businesses and we have hit a point of stagnation. You have heard it already this evening the number of businesses that are closing and there are many reasons why businesses close. I just want to reiterate that I think in order for Harrisonburg to continue to grow and prosper in the right way we need density in Downtown. Thank you.

Jeff Roy, a resident of 519 Paul Street, came forward to speak to the request. He said I agree with the stuff that is in "The Cost of Compromise." You have got it, you can read it, you have already read it based on the questions you have had. I will not go into that anymore. I am opposed to the rezoning of this property. I just want to mention one thing that was discussed earlier and it was said that we can ask the developer to fix our traffic issues, but we do not have to approve a rezoning for a massive development that is going to make those problems worse. Those problems are not theirs to start with. That is part of the reason why we have these meetings and we have this process and we have these hearings and we get to discuss these things. Sometimes projects are available at the right time, and the timing is not right and we have things we have to fix before we can just approve another project. There are a lot of projects that have been mentioned that have been approved and have yet to be built. There is one next to Regal Cinema that has been approved and not built. All of these things if they ever do come to fruition and do get built are going to add to our problem which is still not being addressed. The proffers offered are not going to mitigate our traffic problems and the taxpayers are going to pay for it. Seeing that we will come back and fix the problem later when we figure out exactly what those problems are going to be although some of them could be predicted is not going to take away from the fact that we as taxpayers are going to pay to fix that. There is no proffer that is going to cover the cost of that. If a speedbump is going to cost you five to fifteen thousand dollars to put one in, \$30,000 does not do a whole lot for mitigating any kind of traffic. Long story short, when things do not go as suggested in the TIA the taxpayer is going to pay to fix the problems. A developer is not going to bare any of that cost. Please vote no on the approval of this change in zoning.

Samson Roy, a resident of 519 Paul Street, came forward to speak to the request. He said I am against the rezoning of 473 South Main Street. I may only be 14 yet I understand this confliction regarding the space at 473 South Main Street. If we proceed with the development, we are destroying the skyline residents have seen for many years maybe even decades. We are destroying a place that has been here for almost a century. By destroying this building and placing a giant development in its place we will be destroying a part of this City's history. I cannot imagine an Airbnb across the street and looking out of the window and seeing a brick wall instead of a beautiful skyline. Please vote no on the rezoning of this property.

Sarah Leichty, a resident of Paul Street, came forward to speak to the request. She said I am against the rezoning of this parcel for The Link. I have appreciated being able to meet with many of you and I recognize that your role has a permanent impact on our City. It cannot be easy. The whole process requires a tremendous amount of information collection in order to make a good decision. It is not made easier with a proposal like this one where the basis for decision making is fundamentally inaccurate. The impact of transportation may be the most consequential aspect of this development. Before moving forward the developers should be required to conduct an appropriate TIA for the proposed usage, largely student housing. The developer requests the TIA format. Given that The Link is marketed as off-campus student housing. It uses per bedroom leasing and contains a unit mix dominated by four-bedroom units typical of student housing. Why was the TIA modeled using an ITE multifamily code rather than ITE off campus student housing code? That means that instead of calculating trips based on the number of bedrooms it is based on the number of units. 555 bedrooms versus 250 units is dramatically different in terms of traffic impact. The appropriate ITE code also accounts for trip generation by students which is 2.4 times higher than the suburban workforce code that was used. Interestingly enough this was very briefly addressed in our invitation only, Timberwolf directed, topic restricted, facilitated meeting last fall. When asked why the off-campus student ITE code was not used, Monteverde's representative said that there was not enough precedent for using that code. However, the student based ITE code was used for the approval by this Planning Commission in June of 2025 for The Vista at Forest Hills on Port [Republic] Road. It turns out there is local precedent. It has been routinely used since the early 2000s and it is required by VDOT for accurate trip generation. The final analysis in The Link's TIA of a net zero impact on traffic Downtown would not be accurate. If we do not get this foundational error in the TIA correct then every other decision regarding rezoning and approval of the project is wrong, how does the City anticipate the costs of implementing appropriate traffic calming, pedestrian safety measures and appropriate proffers if the TIA reports no increased demand to our Downtown grid. Who will be left to cover the inevitable impact of adding 500 or more cars on our streets? Without an accurate TIA do we have the necessary information required to vote? The information before you tonight is not sufficient to support a decision of this magnitude. Until those issues are fully addressed, I respectfully request that the Planning Commission withhold approval of this rezoning. You have heard many opinions both for and against the proposal tonight. Please do not dismiss the community concerns as just NIMBYism. This unfairly dismisses the personal and professional experience of those who live here and who you represent.

We support housing and we support students, but we believe that keeping the R-3 zoning for this site ensures that housing can be developed thoughtfully preserving the historic character and appropriate scale of this unique gateway to downtown without overwhelming it with oversized buildings. Thank you.

Mary Jane Tennyson, a resident of Bridgewater, Virginia, came forward to speak to the request. She said I am opposed to the rezoning of 473 South Main Street from R-3 to B-1C. My grandkids live on Paul Street. The Paul Street extension seems like a traffic funnel sending traffic up and over the hill. It has more problems than it would solve. I agree with all of the reasons so well expressed previously and I urge you to keep this lot R-3. Thank you.

Jack McCaslin, a resident of 611 Ott Street, came forward to speak to the request. He said I moved here 50 years ago this coming July. My good neighbor, a young Charlie Lindsey and his lovely family. His mother was actually my landlord, in essence. I do not want to see the property rezoned. I understand that it belongs to Dr. Lindsey, but I feel like that the quality of life that I have come to appreciate in nearly 50 years is going to be severely and negatively affected. I really want to ask you to think twice about this. Obviously, I was not provided with a prepared statement by someone else and I certainly did not get any money to say anything that I am saying. Thank you.

Patricia King, a resident of 280 Campbell Street, came forward to speak to the request. She said I am against the rezoning of 473 [South] Main Street from R-3 to B-1[C]. Thank you for your time.

John King, a resident of 280 Campbell Street, came forward to speak to the request. He said I also disagree with changing the zoning. I did not really come here to say anything but I can tell you this from driving this town and living on Campbell Street since the 1990s that this is going to be a terrible situation for parking, even with their parking garage, and with the traveling through all of Old Town. I drive through it every day for work and it is going to be bad news for all the people that live there. Putting a monstrosity coming into the downtown of Harrisonburg is going to make us look like a big city. It is not going to make us look like a small town of close-knit neighborhoods and people. Thank you for your time.

Todd Alexander, a resident of Paul Street, came forward to speak to the request. He said rezoning may sound to some like a technical adjustment of a boundary line or an abstract municipal policy. In reality it is an act that can reverberate deeply and irreversibly through the very fabric of our community. Tonight, I urge you to consider not only the technical aspects of this proposal, but also the profound human impact such a decision would have on the people of this community. R-3 zoning would preserve a delicate balance between homes and greenspaces between peace and vibrancy. Between tradition and thoughtful progress. Please leave this R-3 zoning in place. The proposed rezoning threatens to upend this balance by shifting land use designation and will open up the door to what you see tonight. Large developments out of scale, out of character and out of step with the values that have made our City so special. Once these changes are made they are difficult if not impossible to reverse. Our current zoning exists for a reason. It provides predictability and a sense of continuity to the residents and businesses alike. It ensures that families

can raise their children in a safe environment. Seniors, like myself, can age in place. Everyone can enjoy tranquility and security that has become synonymous with our beautiful city. Rezoning this property threatens these assurances. Increased density brings more cars, more congestion, and a greater strain on our already overburdened infrastructure, roads, schools and emergency services. The peace and safety we value most is compromised. Some will argue that rezoning is necessary to address the need for affordable housing. Let me be clear, I am not opposed to affordable housing. In fact, it is a vital part of any healthy inclusive community but the solution is not as simple as rezoning this area. We must ensure that any new development is truly affordable not just in name but in practice. Too often developers promise affordable units that never materialize or are priced out of reach for those who need it those most. Effective affordable housing requires thoughtful planning, community involvement, and firm commitments. Not blanket zoning changes that favor profit over people. Just as Thurgood Marshall said “Zoning may indeed be the most essential function performed by a local government. For it is one of the primary means by which we protect that sometimes difficult to define concept quality of life.” Please help us tonight to protect our quality of life. Let us not become just another city overshadowed by high rises and lot traditions. Let us instead be a model for how we can grow responsibly, compassionately and in harmony with those who call it home. Thank you for your time.

Jennifer Cunningham, a resident of Campbell Street, came forward to speak to the request. She said I live on Campbell Street. I was born and raised in Harrisonburg and I am against this rezoning. Like some of the other folks said in the ‘60s and ‘70s cities across America, including Harrisonburg, cleared entire neighborhoods in the name of Urban Renewal and promised modernization and prosperity. Today, the language has changed but the pattern can feel familiar. Mixed use is now a planning term stretched to justify projects that reshape communities while allowing highly capitalized investors to extract value and move on. Are we integrating new development into Downtown or are we fundamentally changing it by establishing a precedence that reshapes the gateway to our historic core in ways we never intended? Rezoning is a legislative decision that should only be granted when a proposal clearly advances the City’s adopted plans and has been proven necessary. When measured against Harrisonburg’s own guiding documents; the Comprehensive Plan, the housing assessment, Downtown 2040, this proposal falls short. What it really does is that it sets a precedent for discretionary zoning. Land use decisions rarely effect only one parcel and when the City approves a major increase in density and intensity nearby properties often seek the same treatment. Over time those decisions reshape entire corridors. The question tonight is not simply to approve rezoning of one property. It is whether or not this rezoning establishes a development pattern that the citizens of Harrisonburg want repeated along the historic gateway to Downtown. Is this the legacy building we want anchoring the entrance to historic Harrisonburg 30 years from now? How many of these cut and paste buildings do we want? When and where does it stop. Today, this proposal is wrapped in polished renderings and in the language of mixed use. Purpose built, student housing leased by the bedroom to a single demographic and functioning as a real state asset follows a predictable life cycle and we have all seen it. Luxury student housing does not age gracefully and in 30 years The Link will become tomorrow’s

leftovers and my children will be asking how The Link became the nuisance property discussed in Downtown 2060. Just as certain properties over on Liberty Street are described as nuisance properties in Downtown 2040. Except, those are actual affordable housing over on Liberty Street. When everything goes to B-1C, where are those folks going to go? It is also worth asking who is shaping that future here and for whom. This project is driven by an outside investment firm whose model is to build these and exit. Timberwolf social media ads frame this as a choice between approving this rezoning or turning our backs on economic prosperity and that is a false choice. We all want Harrisonburg to thrive, and the real question is whether this project follows the plans, policies and municipal zoning laws the City has already adopted. Harrisonburg's plans call for context sensitive development and meaningful mixed use. Diverse housing options and careful stewardship of Downtown's character. If this is not what we want then maybe we need to revisit those plans and update the City's zoning ordinances before rezoning this gateway parcel. For those reasons I respectfully ask that you do not approve the rezoning of this property.

Laura Cammaroto, a resident of Paul Street, came forward to speak to the request. She said as you know Virginia law tells us that zoning exists to protect the health, safety, and wellbeing of the community. To protect our natural environment and guide the land use in the most appropriate way. Zoning helps preserve the character of the neighborhood while guiding thoughtful growth. When making zoning decisions, the law asks you to consider things like the character of the area, the Comprehensive Plan, and whether the development could create congestion on an already strained infrastructure. Virginia courts also already state that community input matters. Our petition tells that story very clearly and now includes over 1,500 signatures. About 75 of those signers live right here in Harrisonburg in the 22801 and 22802 zip codes. That is well beyond our neighborhood. These are people who live here, work here. People who have raised families here and care deeply about how the City grows. When more than 1,500 people took the time to sign a petition about the future of their City. That is not just a list of names. It is about a community participating in the very process that zoning was designed to support. That participation shows it is not simply about opposition or agreement. It shows that people care deeply about how Harrisonburg grows and what place they want it to become. Good planning is not about stopping growth it is about driving it so it strengthens the community, protects our environment, and preserves what makes Harrisonburg so special. These decisions that are going effect Harrisonburg generations from now are going to made by you guys tonight. Long after the project is built and sold, what remains will be the kind of place we have created together. The neighborhoods we live in, the landscape or cityscape that forms our City and the sense of place that makes Harrisonburg unique. Tonight I ask you to reflect on the legacy you would like to leave. I do ask you to please keep the property R-3. I have 200 more signatures to add to our already 1,300. Thank you so much for your time.

Shelia Dart, a resident of 271 South Liberty Street, came forward to speak to the request. She said my home sits directly across the street from the back entrance to the Lindsey family property. My house is an historically significant structure that was built approximately 20 years after the end of

the Civil War. It is built on prime stone from the basement to the attic and the first and second stories were covered in stucco. The house is also unique because it has eight sides, a true octagonal house. A house that my grandmother bought when I was a child. I grew up in the house and spent over forty years restoring it. That included the re-stuccoing of each of the eight sides, they were all cracked by the blasting and machine vibration when South Liberty Street was widened to two lanes when I was a child. To say that the construction of a six-story building directly across the street from me will disrupt my wellbeing, as well as my neighborhood and surrounding neighborhoods, is an understatement. If the Lindsey property remains zoned R-3, family friendly and more affordable two- or three-story structures can be built. Those residents can be architecturally compatible with the surrounding neighborhood and greenspace can be preserved. A smooth transition into the rest of Downtown could be easily achieved. For the record I oppose the changing of the zoning for the Lindsey property from R-3 to B-1C. Thank you.

Diane Gray, a resident of 2192 Lake Terrace Dr, came forward to speak to the request. She said I have been involved with this group since the beginning. I have lived here almost all of my life. I went away for about ten years and decided that the big city life was not for me. I would rather come back to the community. Harrisonburg really does need more affordable housing. Remaining R-3 allows for the past planning councils have been insightful enough to keep it that way. Keep in mind there are many more choices not just B-1C or nothing. Developing duplexes and townhouses for example would address housing needs and have a much less dense impact on the existing neighbors and their quality of life. No rezoning change required to do that. Developers requesting B-1C are not interested in promoting what is good for Harrisonburg. Only wanting big bucks for themselves at our expense and as seen elsewhere walking away leaving us with a lifetime of changes. With the proposed change taxpayers and current residents will be stuck with the resulting burdens. Those living here, many for generations, will have their quality life to be completely disrupted. If the zoning change in the midst of Harrisonburg is allowed... completely out of the character of the surrounding buildings, there will be a six-story, seven hundred plus, mostly student dormitory overshadowing all of the beautiful old homes and buildings which now serve as the gateway to a historic downtown. All this change leads to expensive infrastructure changes plus more policing, more fire protection, much more traffic congestion. I am not against building the appropriate structures at the Lindsey property. I am against rezoning from R-3 which would completely change the character of Harrisonburg. Thank you.

David, a resident at 217 South Liberty Street, came forward to speak to the request. He said anytime that I am on Reservoir [Street] and I need to get to the Ice House, I am cutting right down Paul Street. It is the most direct way there. This is going to be the same for everybody else. I would also like to go to the [Downtown] 2040 [Plan] which you had presented stating that the key cluster of currently underutilized space. 2 South Main is empty. The former Wells Fargo building is empty. This monstrosity would look beautiful across from the other monstrosity of Urban Exchange or where Red Front used to be. Giant empty space would be perfect for something like this. I will also add that I am a mailman and I deliver on Garbers Church Road which three years ago the City

had approved over 800 addresses. They still have yet to break ground. It was supposed to be low income, mixed income, first time homebuyers, affordability and it still has yet to even break ground. I just found out last week that now they are putting 40 apartments on Erickson Avenue on top of the previous 1,300 an earlier person commented to that has been built. Building is not a problem in this community. Ryan Homes is putting them up faster than...I mean they are junk, but they are putting them up quick. Regarding property management, all of these complexes, Sunchase and all of them, they have new management come in every year. They do not know what they are doing. The kids do not know what they are doing, it is a mess. To bring this Downtown, to have a property management group that will be here today and gone tomorrow. It is not what we need Downtown. We do not want this giant ugly monstrosity to be the first thing you see as you come Downtown. Why would you block this beautiful bluestone building to put that? Lastly, I would just like to ask, the attorney representing the party stated that with the increased tax revenue that employees could receive a raise. Is that dangling a carrot for your votes? Just kind of curious.

Matt Winters, a resident of 2627 North Star Terrace in Rockingham County, came forward to speak to the request. He said I am here representing Harrisonburg Baptist Church as their Pastor. I do not speak on behalf of the church I just wanted share some of my observations. The first of which, if you have a proclivity toward looking toward the steeple and what that looks like from across town you can see it. It is beautiful and the trees all around it and I can only imagine from up on High Street on either side and looking towards downtown or even up toward EMU looking downtown is going to be blocked by the six story building that I think is going to just overwhelm the look. I really want to speak to my concerns about parking and the chokehold that we might be facing with the diminished parking that we are going to lose off of South Liberty Street when the City goes to condensing two lanes of traffic into one and creating the bike lane. A third of our congregation uses South Liberty Street to park. We are going to lose one half of that if not both of those. We do not have a huge problem on a Sunday morning right now because we can use [South] Main Street for parking for access to the church. JMU students will often use that when class is in session during the week Monday through Friday. Outside the occasional funeral, we are able to share that space as needed without a problem from the church. My concern and I appreciate the developments desire to build a parking deck and I know that they have tried to assist with the mitigation of the parking by creating so many spots. I read into the future human laziness is that it might be easier to park on [South] Main Street and walk across than to drive up into a parking deck. My concern on a Sunday morning when we are trying to have services is that we may lose access to a lot of our parking on the street because residents instead of parking in The Link parking garage might just opt to park on the street. It is just imagining what could happen. There are a lot of things that we do not know and these are some puzzle pieces that we as a church are concerned about and what the impacts are. The impacts are unknown. Just kind of reading into the future we may have a real desire to have parking addressed now but what happens if that changes hands over the course of time the next five to seven years. If the apartments are sold and new management comes in and has a different mindset. How is the church going to be able to function its best way if we do not have access to that? Trying to imagine that out is a challenge for us. I do believe our

value is to love our neighbors and I think you will find that we are going to love our neighbors whoever they are and whatever that might look like and so we are going to try our best to make whatever happens, whatever decisions you make, that you will be seeing us be supportive of loving our neighbors in whatever capacity looks like.

Kim Leach, a resident of 260 Paul Street, came forward to speak to the request. She said I have been a lifetime resident here. Living in a house that my grandfather built on land that my grandmother brought and it has gone through several generations of family in that house. Things that have not been brought up today are the \$600,000 in revenue that we are supposedly going to be getting from this project. Nobody has talked about the business that we are going to be losing from this project. We are going to be losing revenue. It is not going to be \$600,000. As for affordable housing, the rents are one thing, but nobody talks about what these six-story buildings do is they have so many service fees. You have application fees, administration fees, parking fees, bike storage fees, key fob fees. Applications for getting an animal, you have a fee for that but then you have to pay monthly for that animal being in the building. All of these fees add up. It will not be affordable. As for the parking, like they were talking about on [South] Liberty [Street] taking away a lane, what they did across the street from George Mason [University] they made a walking bike path to get the kids across the street from the rentals into the campus, that is something that we could do on both sides of any project that is done on that parcel of land. The noise study, noise in Old Town Harrisonburg echoes. It sounds twice as loud than what it actually is. The cars that race down [South] Main Street sound like they are racing up my street. There was a party on that lovely Saturday that we had at the end of February, I thought it was a radio in my neighborhood, but it was actually something that was going on three blocks down and three blocks over. We need to have noise studies done. Not just on the six-story building but also on the parking deck because parking decks are notoriously loud. What is the air quality going to be in the park with having a parking deck next to it? Where are the dumpsters for this building? I did not see them on the front. I did not see it on Main Street. I did not see it on the [South] Liberty [Street] side. Are the dumpsters going to be next to the park also? Are we going to be getting that odor while we are in the park? Lastly, an unmanned swimming pool next to a public park. That is just a recipe for disaster. Please rethink this project. We would love to have this property developed. We could do what Old Town Downtown Historic Manassas did. They built wonderful townhomes that blending in with the rest of the buildings. We would love to have permanent neighbors Downtown. Please rethink this. Keep it R-3 and let's develop wisely.

Caroline Allen, a resident of 250 Paul Street, came forward to speak to the request. She said my roots have been in Harrisonburg for the last 63 years. I am opposed to the rezoning of 473 South Main Street from R-3 to B-1C and I thank you.

Rich Ayers, a resident of 250 Franklin Street, came forward to speak to the request. He said I am opposed to the zoning change. The one additional thing that strikes me is 450 parking deck spots. You have 550 beds plus cohabitators. What happens when that does not meet the desire to bring

their car? I do not know a single student that does not own a car. Even if they can walk to campus they want their car to drive home. They want their car to go out to dinner. What do you do when you have a 100 or 200 more cars than you have parking places? You park them illegally in the surrounding neighborhoods. I see that as a potential nightmare. Thank you.

Bonnie Ayers, a resident of 250 Franklin Street, came forward to speak to the request. She said I am opposed to this change for all of the reasons that have come up before. The young lady over here from Ott Street. From the gentleman over here from Grattan Street and John McGehee. For all of those reasons I oppose this change. Thank you very much have a good evening.

Aaron Garber, a resident of 221 Paul Street, came forward to speak to the request. He said I am a sixth generation Harrisonburg resident with strong ties to the area. I want to take you back to last Saturday and the life of Paul Street. Well over across the railroad tracks there was a party. There was a party at the bottom of our street as well. That party across the railroad tracks, next to the campus which is where students are going to go for classes. That party got a little out of hand and so it got shut down. Where did those party goers go? Right down Paul Street. They went up the hill and down into other parties in the area. I saw probably 500 to 600 students walking. I saw multiple cars with multiple people in them driving at unsafe speeds around my two young children. This is a safety issue. You heard earlier that Franklin Street spent over \$100,000 on traffic calming. Now we are going to take and funnel a bunch of cars up and down Paul Street and they are talking about giving us \$30,000. That is going to go a long way. I kind of wonder too why their traffic study did not talk about this. There are too many questions with the proffers. They are not enforceable. There is always a way out, that is what lawyers do. There are too many questions for you guys to go yes. There needs to be more questions asked. The public input session was invitation only. It was restricted and there were topics that were off the table. Was it truly public input? No, it was not. They chose the groups. They chose what they wanted. We did not get a say. I encourage you to vote no to B-1C.

Michael Boland, a resident of 469 Ott Street, came forward to speak to the request. He said I cannot really add anything. I am opposed to this rezoning and I do not want to take up a lot of time. I just want to say there has been some really good points made tonight that at the minimum should be considered for the things I think that we do not know the answers to. I personally think that this is inappropriate in this location. I am all for additional housing that I think that keeping it R-3 could accommodate some of those needs and the growth that would happen there would be appropriate for this particular part of town. This is a great project in a different spot maybe. Certainly, in my view where it is right now is not appropriate. I ask you to not approve this or at least consider the opposition to this and trying to locate this somewhere else potentially. Lastly, thank you for your service here and being here tonight.

Kathy Schwartz, a resident of 457 Ott Street, came forward to speak to the request. She said I too am opposed to this rezoning request. Some of you might know me. I served on the Arts Council, and I am still on the Arts Council board, I have served for 20 years. During that time, I have seen tremendous progress in the City of Harrisonburg in terms of what we are offering for families. I thank you so much for your service on the Planning Commission because that is such a big part of the entire revitalization effort. When I started with the Arts Council 20 years ago I was so surprised. We had moved here from Alaska and I was so surprised to see that there were no children Downtown. Where are all the children? Where are the families? We made such an effort to put in programs that families and children might enjoy but those efforts, in combination with your efforts, in combination with all of the businesses that have come and gone. They tried to figure out what works and what works stays and what does not changes over. You look at all of the programs from the Children's Museum, all of the programs that the library is putting out now and all of the efforts that Harrisonburg has made to revitalize Downtown with our families. A place where people want to bring their children. This is your good work. I am asking you not to go backwards. I think this rezoning is...I agree with my neighbor Michael who just spoke. I think this project is actually beautiful. You have made so many good changes, but I would just like to see it somewhere else so it can preserve this kind of family community environment that we are cultivating for everybody. I will say we have a beautiful park right next to you here. If you have gone to any of our lovely summer concerts and you put your chair down part of what makes that part so beautiful is the greenspace. When you are sitting down you are looking out over at the sunset. The concerts are before dark but then you see the sunset and it is absolutely beautiful over the church steeple. That would be gone. You would be sitting there in a much smaller greenspace looking at that big wall. Thank you again for your service and I hope that you will vote no.

Nancy Steller, a resident of 487 Preston Drive, came forward to speak to the request. She said I just want to thank you for your service and for being here and for listening to us go on for a long time. Both my husband and I would like to vote no to this project for all the reasons that have already been stated tonight. Especially the traffic reasons. We live right on the corner of Preston [Drive] and Paul [Street] and it is hard getting out of our driveways sometimes because of the traffic now. I just cannot imagine what it will be like with so many more people coming down our road. That is only one thing. Many of the points made tonight we agree with. I also want to thank you for all of the changes that you did make to the building and the proffers. Again, I agree with Kathy it is not in the right spot. Thank you.

Sierra Lambert, a resident of East Elizabeth Street, came forward to speak to the request. She said I would like to reference the Downtown 2040 Plan, your guide for making recommendations to City Council. In the plan it says that less than one percent of Downtown is used for greenspace. Downtown lacks greenery and our current public outdoor downtown areas do not provide enough space for large groups to gather. Then it states its goals to address these issues being to expand off-menu paths, create new open spaces, redesign [South] Main [Street] at Liberty [Street] and

showcase Downtown's history and identity in the streetscape. Although we are excited about Turner Pavillion's new makeover there is extremely little greenspace that will be available for the public at that park. The Lindsey lot is the last green area left in Downtown and it is perfectly located right next to the Turner Pavillion and parcels already owned by the City making it the idea location for an expanded park. The commercial space and cash proffers in The Link's proposal are negligible. Their plan does not have setbacks, nor does their parking deck include enough spaces to accommodate one per person per bedroom let alone enough spaces for resident's families, visitors, or the public. The Link is not inclusive to a diverse range of people with this extremely close proximity to JMU and high rents. It is going to undoubtedly served mainly as an off-campus dorm for those who have family to financially support them and they will not blink an eye at the idea of paying for parking. The Link offering rental units focuses on short term residence instead of selling units to allow for people to lay down roots and grow it into a community. Downtown's plan is to divert traffic away from [South] Main Street, remove a lane from [South] Main [Street] to replace it with a widened sidewalk and repurpose a lane on Liberty Street to be used for cyclists. The plan is to remove traffic lanes on the two main roads surrounding The Link that the residents would be primarily using. As someone who went to JMU and has lived with many students Downtown, I can confirm that many will drive no matter how close they are when they are rushing to get to class on time. Additionally, The Link residents would undoubtedly use their car to get groceries and go elsewhere. To maintain Harrisonburg's historic charm and character, Downtown should prioritize building restoration instead of destruction. How housing is done and where it is places is key. The [Downtown] 2040 Plan involved redeveloping the current parking decks and wrapping them with new mixed use structures including housing. Which is a great idea. Additionally, there are over 421 units in the City that are currently under construction and over 444 units, excluding this, under review to serve the housing need. The majority of these units are within walking distance of JMU and Downtown. These developments can take the place of any need for housing and growth that The Link would have to offer. Projects like The Link have the potential to be beneficial to Downtown but only in the right location. Placing it on the north end of town where I am, that was historically destroyed by the Urban Renewal which was mentioned earlier, can help improve and reactivate that area making it more appealing for businesses to locate there encouraging positive growth. This location would also not have as negative of an impact on traffic as it would at this proposed location. The [Downtown] 2040 Plan mentions transforming Roses to better serve this area. Roses just so happens to be for sale for under \$5 million, is over eight acres, a short walk to a local grocery store, and is still in walking distance of Downtown and JMU. Making it the perfect location for this project. You also still get your revenue. Let's consider the alternatives. I ask the City to think strategically about the long-term impacts of approving projects and where they allow them to be located in order to use land to its highest potential and best serve the community as a whole. Keep Lindsey R-3 say no to B-1C.

Sheree Boland, a resident of Ott Street, came forward to speak to the request. She said I came it Harrisonburg 55 years ago as a freshman at JMU. I was still a teenager. I have fell in love with

Harrisonburg. If any of you were here at that time you remember Downtown before the mall was built it was like the perfect small town. I have stayed here my entire adult life and raised our children here because I love Harrisonburg. It has not been easy living in Old Town. I taught how to be a good neighbor 101 to college students every year. When I was raising my children, I dealt with an illegal rooming house for years that I was unable to stop and had to move to another house in Old Town because that became unbearable and I could not sleep at night. I have been through a lot to be there, but I still want to be there. I find it important that we maintain our Downtown and the integrity of our community and the spirit. I remember when Downtown Main Street has housing for older people and now I am in my 70s I would love to be able to move into a senior housing on Lindsey's property if you could build little places for older people. We do not want these big houses anymore. We would love to have something Downtown where we could walk Downtown and have a townhouse and affordable housing for families down there would be great. I ask that you please consider keeping Lindsey property R-3 and not approving the B-1C. Thank you so much for your time.

Keith May, the listing agent for the property, came forward to speak to the request. He said I know that tonight is a night that you all really earn that extensive pay that you guys are getting. We appreciate you serving in this capacity to put up with all of us. I own several businesses here in the City and several residences and also a multi-family unit here in the City. Tonight, we are not here to really count how many are for and how many are against. We are here to really ascertain what is the best use for the property. It is normal to have a lot of people to want to oppose a project because inherently as humans we are against change. Change creates fear. Tonight, we are here to determine what is best for this strategic property located in Downtown Harrisonburg. When I first listed this property, this is the exact type of project that we thought would do well here. In fact, we even marketed for this very thing for this very thing. For some retail and for multifamily above it. I have worked in commercial real estate almost 40 years now. Whenever I look at a property I try to ascertain what is the highest and best use for the community and what is the highest and best use for a locality. That is how we actually marketed the property and that is how even interest was obtained on the property, by marketing it in this way. Do we think that townhouses really make sense on this property? If we built 30 townhouses you have two major streets on both sides of you. A townhouse is made mainly for purchase and who wants to purchase and live between two very busy streets. Let's just think about this scenario. Let's say we move this project on the other side of the municipal building. If we did that we would have to tear down a whole lot of buildings to do so but we could do it by right and also would not have to supply any additional parking. In this situation you have some control over the situation. You are going through the process of getting community buy-in and getting all of this additional parking for Downtown. I think that is incredibly valuable. Right now we are going through a housing crisis in the US. We have builders, we have banks, we have demand and we have land. What we do not have enough of is zoned properties. The reason we do not have enough zoned property is because we allow anti-housing groups to actually control the process. The State is even considering taking part of these powers

away from localities to make sure we have enough housing stock. What is on the line here? \$600,000 additional real estate tax revenue for the City. A huge boost to the Downtown businesses. Bikeable and walkable to Downtown services and restaurants. A huge amount of parking to support the project, unlike other B-1 projects. A gorgeous building. Additional housing supply to help drive down the housing costs. The project does not adjoin any other single-family housing and it is exactly what the [Downtown] 2040 Plan called for. This building will be an asset for the City of Harrisonburg in just about every way. The Planning Commission made this decision once to recommend this approval. The project has only improved since that point. I hope that we have the courage to vote yes on this project. Thank you very much.

Carolyn Purdy, a resident of Harrisonburg, came forward to speak to the request. She said I did not come here planning to say anything, but I am adamantly opposed to this change in zoning and I agree completely with everything I have heard from the others who opposed. One thing no one has mentioned here...I do not live in Old Town. I am a JMU grad. I have lived here since '88. I live off of South Avenue and my dog and I walk South Avenue east, South Main [Street] north, Maryland Avenue west and [Route] 42 south everyday a little over two miles. When we get to student housing the garbage and trash on the sidewalks, on the street and the yards it is just unbelievable. Most of it is on the sidewalk. I am talking broken beer bottles, broken wine bottles, beer cans, chicken bones and then fast food wrappings, which frankly do not worry me they are not going to cut my dogs paws they are not going to cut my feet. The garbage after games and after parties is just unbelievable. For those who do not think this is a bad idea and do not live near Old Town or South Main [Street] or [South] Liberty Street. You guys already know about the garbage you have on your streets, and it is only going to get worse. If you think the students because they live in a very nice, elite building are not going to throw their garbage down when they come in and out or they are walking home inebriated at night after another party. I get it, it is terrible. As I have said, I did not hear that mentioned before but for those of you how would like to see that on a Saturday or Sunday morning when you look at in your yard and see all of that. Thank you.

Marsha McGrath, a resident of Ott Street, came forward to speak to the request. She said I want to thank you for your service, I have been like you in a previous life, most of all for your patience with us tonight. I agree with much of what has been said tonight so in the interest of brevity I just wanted to let you know that my husband and I very much embrace change and welcome increased population in Downtown. We feel that this can be achieved with R-3. There is already a three-story apartment building there on the corner. What has not been addressed is our fear that if you do this zoning change what is going to happen with the Elk Street property? That property is going to be coming up for sale and any kind of zoning changes... how does it effect that property and areas in the Downtown. Once again, I will keep it brief but thank you for all that you guys are doing for us.

Carl Larsson, a resident of 487 South Mason St, came forward to speak to the request. He said I have sent you some emails on the physical impact of this project as well as sustainability concerns about this project. I am opposed to the rezoning of this property. I think most people here would agree that Harrisonburg needs more housing, including Downtown. The question tonight however is not whether housing should be built in the City. The question is whether this six-story building is compatible with this particular block in neighborhood context. Planning guidance used by Virginia localities such as the Albemarle County Land Use Law Handbook, which I believe you are all familiar with, notes that rezonings are typically evaluated based on compatibility with surrounding development appropriate transitions in scale. Consistency with adopted plans, and protection of historic resources. First, compatibility with the surrounding neighborhood. Virginia Law instructs that zoning decisions should give reasonable consideration to the character of the district and its suitability for particular uses. Around the site the surrounding buildings are overwhelmingly two or three-story historic structures along with our three-story City Hall. When planners evaluate compatibility they typically look first at the immediate block and neighborhood context. Not a building several blocks away on the JMU or in the Downtown commercial core. Within this block three stories whether R-3 or maybe even a three-story B-1C apartment, such as the Campbell Court apartments across the street, fits naturally within the existing pattern. While six stories represents a more jarring jump in height and massing. Second, good planning practice favors gradual transitions in scale. This site sits at an edge between a historic residential neighborhood and the Downtown civic core. A three-story building can provide housing while creating a natural transition between those areas. Whereas six stories introduces a much more abrupt change. Third, consistency with the Downtown 2040 Plan. Mr. Rhea pointed out that the Downtown 2040 Plan rendering in his slide deck clearly shows B-1 scale on this property. I love to look at that image again. What I notice is that it shows the Lindsey site built out with low rise, three-story buildings with the two historic properties preserved. It also shows taller buildings appearing in areas already surrounded by taller buildings such as the Water Street garage. Preserving and integrating the historic buildings would align with both historic stewardship as well as environmental sustainability of not demolishing sound buildings. Finally, stewardship of our nationally listed Downtown Historic District and civic core, the reason many people are attracted to come to Downtown in the first place. This site sits within a national historic district where continuity of buildings contributes to the historic environment. The proposal would not only remove historic structures but also alter the setting of some of our most treasured buildings in the immediate vicinity. The site also sits directly beside City Hall, the focal point of our civic life. The current plan would block sight lines from South Main Street and place City Hall on the backside of a six-story student housing complex and parking deck. At the very least I hope the commission will encourage design improvements such as a wrapped parking deck, mandatory in many cities, or a pedestrian friendly tree lined promenade on South Main [Street] as illustrated in the rendering by local architect John Mather [holding up a poster of the rendering to show the Planning Commission] who also designed this building which we are in right now. The applicant has cited potential benefits such as housing walkability and support for downtown businesses. Even if these

goals are worthwhile, it remains unclear why they require six stories at this location rather than a much more contextual three-story building. A three-story apartment building would still achieve the goals of the [Downtown] 2040 Plan of increasing downtown density. No where in the Downtown 2040 Plan does it call for six stories in this area. We heard that over 1,500 people have signed a petition opposing the proposed B-1C rezoning and supporting retention of the current R-3 zoning. Even if the developer insists on B-1C, I wonder how they would feel about a smaller three-story building, perhaps even under a B-1 zoning, that preserves the historic structures and fit the surrounding neighborhood. There have been many recently developed multifamily apartments such as the DNR building, the addition to the Ice House and The Foundry that could be a good role model for the type of density that we need in this particular location. I understand that discussion of building height and overall scale was apparently off the table at the developers invite only facilitation session last November. Fortunately, that question is very much on the table tonight. While I oppose approval of this rezoning request, something I would be open to as a possibility as a helpful next step tonight would simply be to ask the applicants to explain what specific public necessity requires six stories at this location rather than three stories. Three stories is what is depicted on page 60 of the Downtown 2040 Plan for this exact site. This is the exact image that Mr. Rhea appealed to earlier this evening. Thank you.

Karen Short, a resident of 905 Mockingbird Drive, came forward to speak to the request. She said I have been a resident of Harrisonburg for over 40 years. I love Harrisonburg. I do not want to say all that much except many of the people that have talked this evening their reasons for wanting the Lindsey location to stay R-3 are really compelling for me. You received "The Cost of Compromise" document that was filed with you in February 2026 and those concerns concern me. I do think with R-3 we can still achieve a higher density population or housing in Harrisonburg; we really need it. We need cost affordable housing. I do think that this developer seems to have a pattern of building, maintain and then selling. I had a 34-year career with JMU after being a 1977 graduate. Within JMU the employees think "oh we are moving again!" if that property were to be developed and sold with six stories I do believe JMU would be one of the top betters on the resale of the property. I do not know that we would necessarily want that. Thank you all for considering. I hope that you will vote to keep the property R-3 or some other zoning that would allow an apartment complex to be built, but not a high rise. Thank you very much.

John Mansfield, a resident of Mason Street, came forward to speak to the request. He said given the significant questions that have been raised by you and by the constituents here, I wonder if it would not be responsible to approve this project without having these questions adequately addressed. Specifically, the parking and the traffic. Does anyone really believe that 600 students coming in this area will not impact the surrounding streets? The adequacy of the financial reimbursement for the risk that the City is taking regarding these issues, regarding traffic, regarding the community input, regarding the infrastructure. There is competing interest. I hope

you will consider approving this at this time without addressing these issues is not the most responsible position. Thank you.

Kathy Moran, a resident of 3420 Lake Pointe Drive in Rockingham County, came forward to speak to the request. She said I own three residences in the Old Town area. One is 361 Franklin [Street] which I hope soon enough to break ground and be living there within the next year or so. I am strongly opposed to the rezoning, but I really want to bring it home if I might. If you listened to all of the folks that have come up here tonight, those that are for Harrisonburg rezoning of this property are for it because they love Harrisonburg. They love what the Downtown culture and aesthetic bring and yet they might be for this project, but it is what brought them to Harrisonburg in the first place. Overwhelmingly if you count those that came up and spoke, let alone those that did not, it is clear there is strong concerns about rezoning this property. What I hear in being here from the beginning, four hours ago, and I think everybody heard is we are not opposed to building on the Lindsey property. I think there is overwhelming opposition to the rezoning and putting in a six-story building. It is not an opposition to housing it is an opposition to the type of housing that is being proposed. I know the realtor stood up a little while ago and said that tonight is not being about for or against well, I dispute that. I think tonight is exactly about being for or against. It is being for or against the rezoning that changes dramatically the landscape of those that live in this area. Whether you live in Old Town, or any other area within Harrisonburg, your taxes are supporting this. I think someone earlier mentioned that it was just the Old Town community opposing this; well, that is not true. It is not just the Old Town community opposing this. It is broadly opposed and I think as your constituents, you owe it to the constituents that have been here tonight that have opposed this because overwhelmingly there is opposition to this rezoning and I would find it a bit unconscionable not to take that for what it is. I do want to end with saying thank you because you have been here for four hours and I really appreciate that each of you volunteered your time and your effort in doing this work. I do hope that you take these comments into consideration.

Issac Whitmer, a resident of Rockingham Drive, called in to speak to the request. He said I was not able to listen to the presentation by the developer today, but I did sit in at City Council last year and spoke in favor of that. Since then, the project has only gotten better so I feel confident speaking in favor of it now. I would change the disaster that they are not prepared for. It continues to get worse and worse with no substantial changes in sight. The way we protect our [unintelligible] from climate change is to build a community that do not depend on cars. This project is not perfect, but it is a step in the right direction. Not just for this project but the next one like it and the next one after that. Our Downtown needs to hold as many people as many people as we can fit because the future of our world demands us to find alternative forms of transportation. I wonder if this is a bitter struggle with those expecting to see our beautiful valley and hoping that we can move towards a City that houses people. It is understandable that those who are used to these views would be tense around the prospect of losing them. My concern is that those views are not

compatible with a climate forward model. To protect the forest around us we need to build up. We need to block the views so that we can still [unintelligible]. The alternative if those forests being cut down so that people can work out there and then drive into our City. It is already happening as large housing projects are being built in the County to make up for the lack of housing that we have here. The other issue is that as we continue year after year to make wrong decisions regarding climate change. They are going to continue year after year to see an influx of climate refugees. Our town will continue to grow as we desperately need homes for them. Lastly, the alternative to The Link is not an open lot, it is townhomes. These townhomes will be worse than this project from all manner of the metric. More college students, more trash, more cars, and less places for our neighbors to stay. Please vote in favor of The Link so we can build up our City in a climate forward way.

A Harrisonburg resident called in however the call was unintelligible.

Corey MacDonald, a resident of 271 West View Street, called in to speak to the request. She said I am in opposition and I echo the statements that were said by Todd Alexander and other folks in opposition. I strongly urge you to vote no. Thank you.

Chair Baugh 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.

At this time the meeting went into recess.

The meeting resumed after a 6-minute recess.

Vice Chair Porter said I want to acknowledge the officer in the back of the room has been standing for over four hours. We live in a very difficult time and people have a hard time being able to communicate, listen to one another, and be able to actually compromise. I am very proud of the civic process that occurred here this evening and I want to thank all of you for your thoughtful comments. I learned a lot of things tonight. I think regardless of how this ends up, the fact is that this would be a better process because of what has occurred and I want to thank all of you for your time and willingness to come and sit here tonight. It is not lost on myself, and I am sure my fellow commissioners, that you deeply care about this. I was extremely impressed with the work that was put into both sides of this presentation. I will be very honest with you I am extremely impressed with how many concessions were made by the developer and the thoughtfulness of the issues that you as a community brought forward to us. This is not an easy decision, and I want to be very clear about this that as a Planning Commissioner we have really limited authority as to where this goes next. We are making a recommendation. There is only one person on the dais this evening that really has a vote that fully counts and that is Councilwoman Dent. With that being said I think that this process has surfaced a lot of things that are extremely important for us to consider as a

community. I appreciate it very much. I will pretty much give you where I stand on this and hopefully start the discussion this evening for the commission.

Commissioner Kettler said I would like to echo that as well and also just say for those that submitted written comments but did not feel comfortable with speaking, those were definitely read. They are every bit as much of a matter of the public record and I appreciate those as well.

Chair Baugh said I will just jump in also. I was giving people more than three minutes. I had a limit that you could cross and nobody did it. Again, I echo those comments made while at the same time just sort of saying I think everybody sort of did what they could. Yeah, we have been here four and a half hours but it could have been a lot longer and you guys certainly did good on that part. Mr. Porter you were still talking.

Vice Chair Porter said I want to first of all say there are no bad people in this room as far as I see this. I would like to thank Dr. Lindsey first and foremost. To give you a sense of how the Lindsey's care about this community, there is a house on the backside of this property that they went to painstaking lengths to try to relocate. At the time I was the Director of Mercy House here in Harrisonburg.. We are going to make that house available to our organization to try to shelter homeless families. Although that did not quite work out, the fact is that is the level of care that was taken to try to preserve the resource that existed a home that had been in that place for a long time but also some care for the community. Please understand as someone who is making this lot available, there has been some thought and care and consideration in this process that has started well before many of you knew that this place was going to be sold. I appreciate that. Thank you Dr. Lindsey for your consideration and care for the community. Also, I have a lot of respect, and I think he has taken a few knocks tonight, but I appreciate Todd Rhea and the work that he has done representing this. It is not an easy position to be in and I asked some pretty tough questions of Todd during this process; both the first time this came before the Commission and now. I guess I will wrap up here by simply saying this, the first time this came before the Commission I voted for it. I asked a lot of questions about affordability and did not quite feel very good about the decision that I made when I walked away. I am still of the opinion that there is great value to a lot of the things they are trying to do with this property. However, I do have some very significant concerns and because of the fact that we are a Planning Commission and ultimately we are making a recommendation, I have some significant concerns that would likely lead me to vote no.

I want you to understand. I have a lot of faults, but I am not a hypocrite. I believe in density. The B-1 designation that a lot of you are concerned about I think probably would still benefit this part of town. We need density in this community. The affordability issue in our community is a significant problem and I think that this property has some things that I have some deep concerns about. I will also tell you that the fact is that they would be adding 2.7 percent to our total amount of units in our community. It would change the balance, it would make a difference. However, I

do believe that this process is in some ways a negotiation is set up in this way. I am going to tell you about the things that I am deeply concerned about that I would like to see addressed somewhere in the process before this goes to Council.

First of all, I think that there are enough significant concerns about the TIA and how it was conducted that this should be reevaluated. I am also deeply concerned about the fact that there is not a proffer for a management plan. The fact is that management piece is extremely important and if this property is sold, I would like a proffer in place to convey with the property. There are a lot of poorly managed units in our community that costs us a lot. Finally, I would like to see a greater investment in affordability. Again, I understand these folks here are business people and they are trying to make a deal work. They have financing and investors and people that they have to answer to. I do believe however that we do need affordability in this community. This is going to be a significant investment if this property is built and I do not necessarily believe that it is going to fully serve what it could serve in our community. By allowing a certain percentage of people to have access to this place it would have the ability to be able to take a voucher and live within the downtown area with a family. I still strongly suggest, and hope, that in the process as this goes before City Council and moves forward that somewhere in the process there is strong consideration given to that. Reality is that the Fair Market Rents [FMRs] in our community will not support the type of rents that have been discussed this evening. Finally, I hope that there is further discussion with the folks at Harrisonburg Baptist. I have deep concerns for not only your neighborhood for those of you that are in Old Town but also concerns about that church. I think that their parking issues are valid in concern and I think there needs to be more discussion about what that looks like. I hope that continues to move forward.

Regardless of what comes out of this process we need to make some really good decisions about how we will use this space. If it is this project, so be it. If it is not, then it needs to be a better project than it currently is. That being said the developers have made significant changes to the process, they have listened to you. I believe that there is still room for compromise and hopefully the cost of compromise sometimes is actually getting a better situation that serves a lot of people walking away with only half a loaf. Not everybody is going to be happy with what comes out this process. I think it is a thoughtful process that has occurred so far. I know there are some folks that feel very passionately about this issue. Please understand every person on this dais takes those issues seriously and again wherever we fall on this issue whatever City Council decides in a few weeks the reality is that you have been heard and it is a better process and it continues to be something that hopefully these developers will listen to.

Chair Baugh said we have guidelines for how we make decisions. I know probably like most people when I first became a Planning Commissioner, I thought that we would just sit up here and listen to pros and cons and did whatever we thought was best. We only get into the weeds a little bit but like earlier tonight we had special use permit items. Special use permit items kind of work

that way. With a rezoning there is law in this. The Virginia Supreme Court says local governments are not strictly bound by their planning. When they deviate from their planning they really need a note to show how the deviation serves a public interest. In particular it is not sufficient that you deviated from planning just because it was popular with the public while leaving your planning largely in place. Those are the cases that local governments lose. Someone dear to me, who very much opposes this project, got frustrated with me and part of what she was articulating was a sense that our core downtown area extends to City Hall that this is a de facto boundary and that the core downtown area should extend to about here and no further. This generated a number of thoughts with me. One is that if you asked people a year ago whether Lindsey's is a part of downtown you would have gotten a lot of yes answers. It is Downtown if it is a funeral home, maybe not if it something else. In any case, the ideas that where we are now should be the limit of where Downtown extends in this direction. What we want between there and JMU is the status quo which is something of a residential buffer and it something we want to preserve for the foreseeable future. That is not what our planning says. My first point is that for me to vote against this it would help a great deal if I agreed with that idea of a buffer. Our planning may say this is an appropriate place for this building. Well maybe our planning is wrong. Since our planning says this is an okay place for a building of this type. My reason to vote against it, if I am doing my job the way I understand it should be done, is to conclude that the planning is wrong. Not that I think it is too big, I do not like the way it looks, I am afraid of the parking issues, or things like that.

A quick aside I did not listen to all the public hearing when this went to Council but I listened to most of it. There was one person who made a comment that started off very interesting and the assertion was that there is research to support the fact, this is when they were talking about the aesthetics of the building, that one thing that is consistent you can pull people, across party lines and all sorts of stuff, 75 percent of people will always say that they prefer what they pursue to be a classic style of architecture. Then he proceeded to make the point that therefore it is okay for us to be against it and not like it. I remember sitting there thinking gee I thought you were about to say something more interesting which is that what I took out of that was affirmation that if a group was having a meeting like this 25 or 50 or 75 years ago that you get to a point where the stuff that we call classic now was the new crap that they did not want to see built.

So, I went to refresh my memory on the planning for this area in each Comprehensive Plan there is a document called the Land Use Guide it was put up here earlier. It is a map of the City that is color coded to say not how property is zoned or can be used now but it would be if we could wave a magic wand and pretty much have everything where we wanted it. Going back to the 2004 Comprehensive Plan this immediate area was designated for professional offices which reflects a lot of the actual use of this area. For a number of reasons I am thinking while professional offices were seen as largely okay, it was also seen maybe as too limiting. In any case, in the next update in 2011 this areas designation was changed to Mixed Use which translates to an extension of the B-1 zoning in our Downtown. Moreover, the boundary was not here. The boundaries were

everything between this side of South Main Street and the railroad tracks all the way down to MLK [Martin Luther King Jr. Way]. The planning boundary for what we considered Downtown was extended such that in 2011 this property was not so much at or near the boundary of the planned downtown as it was surrounded on three sides by planned mix use property with the area across from South Main Street still designated for professional offices. The most recent update of the Land Use Guide which has now been in place going on eight years extended this area considerably. It now goes all the way to West Grace [Street] it is bounded by Routes 11 and 42 and does not extend to the other side of [Route] 42 but it does cover both sides of South Main [Street] and the downtown side of MLK until you are just short of Ott Street. For planning purposes this property is no longer at or near a boundary of the planned Downtown. It is well within it. To put it another way, if large mixed use structure is inappropriate here it is presumably inappropriate in a lot of this area between here and JMU. We could have said in our planning that the Downtown area stops here and that we envisioned the space between here and JMU as a buffer that would not be an extension of Downtown, but we have not said that. In my view a no vote on this really only consistent with good planning if we say we need to rethink this entire issue of a Downtown extension in this direction. While some people may hear me say that and say okay well then let's do that. I am having a hard time seeing that the idea of potentially extending Downtown to Grace Street is a bad one. Much less that the plan should be to simply try to maintain a buffer between Downtown and JMU.

One point that was made, it is a scenario I have thought of... The example was given of the property right back here. I mean I do not think it is going to happen, but stranger things have happened. If somehow the City got the ability to build an office complex somewhere else, the property we are sitting in right now is B-1. In other words, this project could just be built we would not be having these meetings. The property line if I start walking in that direction is the next property line I am going to hit. That sure feels to me like we are putting a whole lot of weight on that property line that we have not until now said that we intended to do.

Finally, I am going to add that as a member of Harrisonburg Baptist Church, I know there are many folks there that would like for me to vote against this. I will simply say that one of the main reasons I am not still in elected office is I could never get over the idea that I was to trying to make decisions that to the best over my ability and thinking best serves the City as a whole, not the best decision I could make after first satisfying my friends and supporters. As I said I am not in elected office anymore.

I have lived here for over 40 years and I think I can say I love this place too. I am anxious to hear what my other colleagues up here have to say. As I would like to do, I am keeping an open mind on the subject incase things are brought up that I have not considered. At this point I see a project that checks a lot of boxes that we have sat in here planning that we like. From building up not out, promoting walkability, discouraging at least some levels of automobile use. Much less the fact that

as our most recent housing study tells us we have a pervasive housing shortage at all levels. At this point all new housing benefits us to some extent. With that in mind it is my present intention to vote in favor of this proposal, but I look forward to hearing the thoughts of the rest of you.

Commissioner Kettler said I did not have something in particular I was planning to say prepared. I do have a few questions, but I am going to state some initial thoughts first. One thing that I look at when I see the process for this development and how it got here is how we look at proffers and how we look at when something is by right, what rules are there in place that are already there. Basically, to my mind, if you can build something by right in a place and there are rules in place that achieve the things that we need from that such as a percentage of a particular housing development be for a capital A Affordable housing, using housing vouchers. We can write that into our zoning laws, we can do that, we have not done it. There are several examples like that including the fact that there is not currently a housing fund that is set up with the City right now. What often happens with projects like this when there is a voluntary rezoning is that suddenly there are all sorts of things that can be a matter of proffers. That we all try and get one more thing whereas that would never be true if that was allowed by right and we would not be asking for it if it was by right. We do not get the things we really want because they are not a matter of policy. I think affordable housing in the context of the lowest income is a victim of that not being in our zoning code. When I look at this particular property, and where it is, I largely echo Chair Baugh's comments, in this particular property given its location it is a quarter mile from Court Square. It is a quarter mile from Hotel Madison. As a result of that there is going to be a lot of folks who can quickly and easily get to those locations. The need for housing is so acute on every level in Harrisonburg and if you bought your home even five years ago then you may not have a sense of what that looks like. You go back to 2020 the median sale price was about \$215,000 for a home. Now it is about \$345,000. For renting it is a little harder to track that. Anecdotally a couple years ago I was living at Urban Exchange as a young professional with several young professional friends and very happy with it. The rent was about to shoot up by about \$200 a month in one year. They can do that because they have no competition. The vacancy rate at two percent, they can do that. All of my friends moved out and we did too for that matter. Many moved to the County and now they drive everywhere. They did not before, but now they have to drive everywhere. We are paying for the taxes that repair the streets they are driving on and others moved elsewhere in Downtown or outside of Downtown where they could afford it. The need for new housing is so acute, and I think this addresses a key portion of that. Part of the Downtown 2040 Plan notes that there is a need for new housing at high income levels too. Just like Sam Nickels said towards the very beginning of public comment, if because of the housing mismatch there is a lot of people who are relatively high earners who are in lower and cheaper housing than they need but there is also a lot of need for the high income housing for people to live in. There is more of an opportunity and more housing in the other places and the last thing I am thinking is the walking and biking component. I am going to ask a few questions about this after we have some initial comments. The common theme that I have heard from people who are opposed to this project and in favor of this

project is some combination that if we do not like traffic and we want it to be walkable and bikeable and that is the same thing. Often times there is one way to reduce traffic. Viable alternatives to driving, that is it. When you look at the plan and you look at the streets adjacent, I think about how can we make it easier for people to walk and bike and how can we make it more challenging to drive for folks to live in the project so that on balance it is easier for everyone to get where they need to go. Separating parking from the cost of rent is huge. That means people who are renting who do not necessarily need a car do not pay for the space. They are not subsidizing the parking for people who do need the car. It does not encourage people to drive when they otherwise would not have to. 120 bike parking spaces in the indoor the property is really helpful. The design of that is really important and it is really important to get that right. Making this easy as possible for folks there to go up [South] Liberty Street or go to JMU is really important. That is how you can encourage people to walk and bike and not drive. Paul Street in terms of wanting to discourage traffic there and encourage walking and biking, that I think is a through point through all of this and that is a point that I want to explore further.

Commissioner Seitz said thank you to everyone who has put a lot of effort into considering this and studying it. I appreciate the efforts of the developer in seeking input and I echo what has been said already about the changes that you all have made. I am going to avoid getting too philosophical about this because I think it raises a whole lot of issues, but I think it is a good project having been involved in both development of the last Comprehensive Plan as well as participating in the Downtown Master Planning process and also just my own experience. Ms. Whitten, I have not been through the planning course yet, but I have been an architect for 35 years so I have a little experience with this stuff. I am not an urban planner, but I do believe profoundly that density is important to a lot of the challenges in Harrisonburg. I appreciate the density. I do believe I know a lot people debated it but I do believe that it is largely consistent with the Downtown Master Plan. You can debate about the tax impact but as somebody who has owned a home in Harrisonburg for 20 years and seen my tax rate go up, I appreciate any additional revenue however incremental. I do also, as a friend of a lot of Downtown business owners, believe that this will raise the tide that will raise a lot of boats economically Downtown. A 450-parking space garage, how does that not help the parking situation? I am trying to wrap my head around that. I do have some reservations and whether or not they are enough for me to vote no, I do not know.

I do take seriously the work that has been done to critique the Traffic Impact Analysis. Regarding, I think it is really difficult regardless of what approach you take to truly know what the traffic impact is going to be. When landscape architects and planners plan college campuses there is a practice that says we do not put in the sidewalks right away. We let people walk around on it for a couple of seasons and then we come back and put the sidewalks where they work. I think we should do the best required with a professionally competent TIA but understand that we cannot really know at the end of the day what the impact is going to be. What that means whenever there is a risk you have to figure out how you are going to mitigate it. All of which is a long way to say

that I wish that the proffer for traffic mitigation was higher. I do not know short of voting against it this and going back to the negotiating table how we do that. I wish the number of four-bedroom units was less. What keeps going on in my head is the question are there enough JMU students from privileged households whose families can afford to rent this whether it is two, three, or one bedroom? How essential is the four-bedroom model to the success of this? That I do not know but just as I think about adaptable reuse of this building over time I would disagree with the person that said this cannot be senior housing. I am very involved in senior housing issues and it can be adapted within certain range. A wood framed residential building can be adapted quite a bit over time. Four bedrooms make that a little bit more challenging than standard configurations. I try to get my personal aesthetic tastes out of this, but I have to say I hope you guys do a better job on the screening of that parking garage. There are better choices for how to screen that from the park that is going to be built. The last thing I wanted to say to Vice Chair Porter is thank you for raising the issue of the property management I had not thought about that in all the stuff that I have read. I share your concern that I do think the fact that this is a managed property is huge relative to any other development that goes there which would not be managed centrally under its current zoning. To the extent that is important then there should be something in place to make sure that is done in perpetuity.

Commissioner Jezior said I will keep my comments brief as well but thank you so much for coming out and giving all of your opinions. I have some great conversations with some of you as well. I think a lot of what I heard tonight was this is the wrong location. And the way that our Comprehensive Plan and the way that our City is being designed to grow wants that density Downtown. I disagree with that I think that having this property Downtown is where we need people to be able to walk to Downtown to walk to campus. To be able to get around because we are not going to be able to reduce traffic without alternatives to driving. The only way we can guarantee that we are going to get more cars in here is if we have more housing outside the town. At least even if get a ten percent reduction in driving, that is some reduction. I think while it is difficult we are also very lucky as a city to have so many people wanting to move here. It is a good problem to have because a lot of cities do not. They have people leaving and it is hard to get tax revenue. While it is hard, it is a good problem to have. A lot of Chair Baugh said I agree and I plan to vote yes.

Councilmember Dent said the whole time I have been on City Council and Planning Commission, for five years now, I have been saying Harrisonburg is a city, we need to grow inward and to some degree upward because otherwise we lose all of the people and the revenue to the County and that is exactly what has been happening as housing building has been stagnant in the City and the County is literally building rings around us. This project is by far the best example I have seen of meeting that needs. Drawing inward and actually I would still say a limited degree upward. We could be building ten, twelve, twenty story buildings within a few years if Harrisonburg continues to grow and flourish and thrive. That is where I am seeing a city really growing. Now that is sort

of futuristic mode where many of the people are fond of the rural community and classic beautiful neighborhood. My thought on that is Old Town will still be Old Town and in fact might become more valued for its proximity to a thriving Downtown. We do need that density, I will echo that. From all sorts of perspectives. One, to keep the businesses thriving. The environmental impact, I mean humans are not good for the environment. Downtown density is far better for the environment than suburban sprawl which generates car traffic and is a waste of land use. Addressing the concerns of climate change we are going to have to build in cities as laboratories of innovation. As for the students, I believe that part of welcoming our students is saying welcome to your new home rather than saying and now go live in the County and here is a place for you to live. The whole concept of The Link is to like JMU to Downtown. To integrate JMU instead of being just in its own bubble make that be a permeable membrane so that JMU students start to feel like they are a part of our community and that there is a link back and forth. I love the prospect of fewer cars and charging separately for the cars. Just from my own experience, I lived for four years in the Boston area in college and five years afterwards in San Francisco with no car. I loved it. I did not need it, and I did not want it. It would have been a major expense and a hassle. Those are some of the most expensive cities in the country and the most robust transit system so that I could live that way. I could either walk to work or take the cable car or take the electric bus and that was a wonderful robust sense being part of a downtown community that I foresee Harrisonburg growing into and this is a key anchor in being able to do that. As for the housing supply and their affordability, some years ago I was really baffled by the housing mismatched that there needs to be more upper scale housing because people who could afford more are buying cheaper houses or renting cheaper and I thought why would you not live in less than you could possibly afford. The problem is that squeezes the middle range that is all they could afford which then squeezes the lowest range. I have come to see that sort of migration chain upwards and as we grow and thrive we could well have more young professionals who can afford a higher rent and live Downtown. Somebody asked me what would pre-City Council Laura have said about this? I said when I was working at Rosetta Stone a lot of my colleagues would have been living there if this development were there.

A couple of things I would like to say that are really separate from this discussion but pertinent, recently in the General Assembly of Virginia there was a very strong bill that would have made all of this process moot. Meaning there was Senate Bill 454 that would have removed all rights to public input for proffers, special use permits. That multifamily housing could be built in all commercial zones by right. You were saying about proffers we would not have had the chance to do any proffers. It would have basically wiped out our Comprehensive Plan and all of the zoning that we have done. We fought hard against that and we won. That bill was stuck in the Senate and it might come back in a more form of lower percentages like 50 percent instead of 75 percent of the commercial zone. We fought hard for exactly this process to have the public input that I believe has made this a better project and I thank you for all your good faith participation in that and raising the concerns. Most of all I would like to thank the developer for your willingness to invest in our community to help us thrive and for your participation in this robust public input process.

Vice Chair Porter said at the risk of keeping us here longer I want to add a little bit more to my comments from earlier because I think there is some context that has been added. I think it is pretty clear that I am probably going to be the only no vote this evening. I want to be very clear about this, the folks that are sitting across from me have given some very thoughtful arguments to their positions. I will be perfectly honest with you as someone brought it up earlier, I was the Commissioner who talked about NIMBYism and not wanting to be in the shoes of the councilperson that was going to have to go through the process in a couple weeks. I want to provide some context to that. Very rarely does anyone want to see large scale development built in their neighborhood. There are very few people that would say absolutely yes, bring that to my neighborhood. I see the concerns on your faces. I see in your faces to a certain extent you feel like you have been betrayed in this process. You and almost everyone you know is opposed to this project. The reality is that I think there has been a lot of thoughtful consideration and I think you have made this process better and I encourage you to continue to stay in this process. The Planning Commission is merely a recommendation. Council will vote on this in a few weeks. This process should not be closed. I think that there are still things in this process that I have deep concerns about. I do not think the proffers are adequate. They have shown a willingness to at least make some changes. I hope that you continue to look at some of the suggestions. I will also speak to the four-bedroom model that was brought up earlier. I think that is not a good model. I think it creates housing that does not necessarily fall well back into other uses if we have to repurpose this space. I encourage you to continue to look at that design. I also encourage you to try to put that...I know there are design reasons why it may not be able to happen. If you are going to have folks that are going to be living in this building that are working professionals and local folks and possibly even maybe some families, I would keep those four-bedroom units as far away from them as possible. If you are able to design it in such a way to try to put that buffer, I encourage you to do it. I am not sure where Council will take this in a couple of weeks, but what I will tell you is this, I do believe very strongly that your concerns should be heard. I understand a lot of your concerns. I feel the same way about that parking structure. I feel the same way someone spoke this evening about being able to look at that steeple in the sunset while you are at the park, I get that. That speaks to me on a very profound level. The reason I am continuing to speak to you is the fact that a lot of you are going to walk out of here tonight angry, upset, and think it was a done deal. It was bought and put up situation. It is about tax revenue. It is about all of these things. I have seen some pretty ugly stuff written on Facebook and other places. I can tell you as someone that is new to this process that also has a deep stake in trying to improve the mixture of housing in our community I am an advocate for affordability. I am an advocate for the people in this community that do not have access to housing. The one thing that this project does do is it does bring more units to the table. That mathematics, regardless of all of the other concerns that have been brought up here tonight, there will be a benefit to having these units. That does make an impact. I wish they were affordable. I will also tell you if they were building the same property, which I would have voted for in a heartbeat, that included a substantial amount of affordable units in it, a lot of you would

have still been here opposing it tonight. That is NIMBYism and it is okay. I do not judge you for that. Given your property or quality of life, your concerns about traffic, they are all valid. That phrase has taken a negative connotation. Literally you are saying put this someplace else, not in my backyard. I would support it just as long as it was any place else other than where it affects me. I encourage you to all think about that. I know a lot of people will walk out of here tonight offended by my statement. What I will tell you is that on some level that is absolutely true. We have to weigh out the entire benefit to the community. Again, I will be voting no but I will also tell you that I think there is a lot of value to this project and you need to continue to stay engaged and hopefully we can make it better for our community.

Commissioner Kettler said to Tom Hartman, I have a couple of questions about Paul Street. A lot of the concerns that we heard tonight was about traffic generally but particularly on Paul Street being used as a through street. It is the only true through street in Old Town. We have talked about traffic calming and what that process looks like. I am wondering what feasibility there would be for a modal filter on [South] Main [Street] at the entrance to existing Paul Street now?

Mr. Hartman said that would have to be a reactionary tool that would come out of traffic calming. That type of measure is a tool in the toolbox for traffic calming. We would have to evaluate what would make us think that would be a suitable solution to the concerns. Is it angled crashes, rear end crashes, vehicle pedestrian interaction that would cause the crashes. I think there is a multitude of different scenarios that we would have to look at. That would be a reactive tool that we would put into play as part of a traffic calming process or if we would just generally see an intersection that had a spike in crashes and staff would look at it. It is not something that we evaluated as part of this development.

Commissioner Kettler said just for context a modal filter is basically a feature in the road such that cars cannot go one particular way, but bicycles and pedestrians can. This could eliminate all through traffic from [South] Main Street onto Paul Street and allow and encourage pedestrian and bicycle traffic.

Mr. Hartman said in the right spot because you are then going to push that traffic somewhere else. We have to evaluate and analyze where that traffic is going to be dispersed to and whether it is going to cause more of a problem there than it would be here. As far as the reactionary tool that we would use if we saw something get to that level. The closest we have to one in Old Town is on Bruce Street where we had the half street closure. That is the closest to a modal filter that we have in the City.

Commissioner Kettler said generally Public Works favors a connected street grid. I wonder how do you look at that in the context of does it matter that people are going through whether that is in

the form of pedestrian, cyclists, or drivers or whatever? Or is there something in particular about car traffic that we want to disperse more?

Mr. Hartman said we want our streets and neighborhoods to be as modal as possible. We want to be able to have sidewalks. We want to have safe bike lanes where we can. We want access to transit. When we look at it from a development perspective, we are focused on the vehicles because that is something that is measurable. You can calculate it. There are studies that help show it. We have very few developments where we consider pedestrians at any kind of scale that would offset a vehicle trip. We want to be that walkable and bikeable, but we are just not like more of an urban Northern Virginia community that is very dense and very urban where they can offset vehicle trips and assign them to the pedestrians. We just do not have that makeup yet.

Commissioner Kettler said Councilmember Dent and I basically had this conversation last time. We were talking about the legislation proposed on commercial properties to allow multifamily housing by right. That sounds huge and it is. It would be wildly disruptive to the whole process. I mentioned the jump in housing costs. The over 50 percent jump in the last few years. As a result of that, there is the better part of a generation coming to age believing that they will not own a home. That is what is driving it. Because they cannot own a home, they are stuck in the renter route and because renting is tight...it is a difficult stage for younger folks who are trying to get on that ladder.

Councilmember Dent said can I get clarification on what you mean of what is causing that jump in cost of housing? Is it that there is not multifamily being built or what?

Commissioner Kettler said in the case of Harrisonburg, certainly there is a lot of demand and there is not a supply. In terms of the jump in rent, that is because they can raise the rent because of that.

Councilmember Dent said in the discussions about that legislation I said I understand the impetus to make building housing easier and to remove some of the barriers to building housing. I push back hard on the preemption of our local authority.

Commissioner Kettler said to be clear I am not saying I agree with the legislation.

Commissioner Seitz said I would like to call the question.

Chair Baugh said I think we are just a few comments away ... Mr. Porter wants to say something. Vice Chair Porter said I was just reacting to the point Commissioner Kettler was making about rent. This is one of the reasons why I bang on the table so hard about affordability and access. The reality is that we have an entire generation of young people that are getting trapped into an inability to move upward because of the fact that rent is so incredibly expensive. It was said here several

times tonight that people's mortgages are less than the cost of rent. That is why it is extremely important that we find ways to build affordable housing and that is why I think it is so vitally important that affordability be included in every project that comes before us. This is not just you all that are getting this flack from me tonight. You are going to hear it a lot because I think that we have to start looking at how much is too much. The market may be able to bear it, but what are the long-term costs of that. I think that we as a nation organically understand that homeownership and the American dream is getting taken out of the hands of a lot of young people. Not people that are of marginal incomes, people that would be considered upwardly mobile, working-class, middle-class people. That is the reason why I sit here on this side of the dais is because I believe in these issues and that is why I want to be a part of the planning process that would facilitate affordability at every level. I am conflicted tonight about some of the things that are going on but your point is extremely well taken. Also, before we close this evening, I do think that there are issues with the traffic on Paul Street that needs to be addressed whether this place gets built or not. The reality is that there is a point made in the document that was prodding us about the sight line issues on the intersection of Paul [Street] and Ott [Street], that is 100 percent correct. I know someone who almost got killed in that very spot because they could not see the oncoming traffic. We as a City need to look at that section. I think if we are going to make this move and we are going to allow this to move forward, we need to look at Paul Street very strongly in terms of... I think it is good to have that flow coming across from [South] Main [Street] to [South] Liberty [Street], but I do think we need to look at that street and what is happening in that neighborhood. The concerns of the people tonight are valid and need to be addressed by the City.

Chair Baugh said just going back to Commissioner Kettler's point, I would just like to say this and tell me if you think this a reasonably fair paraphrase of points you are trying to make because this is something that I have always tried to be aware of which is I do not care really what issue it is... If you have something that sort of festers and gets unaddressed, there historically has been a tendency in our system for that to eventually to result in people exercising their political rights to get control over things. When the buildup is something like that, you often get overreaction. There are communities in Virginia that have certainly been through this of growth and development. It is one thing that we have avoided here. I know of one jurisdiction where they went through a stretch where every election, they turned over the group because it was split and then it was literally the pendulum had to go this way or this way. There was no come together and work out what we can do. I agree with you that needs to be addressed. I get it. I know if there were folks in my neighborhood being told that you get a chance to participate in traffic calming group a few years from now is a very unsatisfying answer. It also may be about the best answer we come up with. A lot of communities do not have a traffic calming program. You know how it is the old two ways to fail. One is failure to plan and the other is rigid adherence to your planning. With some of this stuff you have to let it go and see what happens. As Mr. Hartman was telling us, what we will do on that? Well, it makes more sense to do that when we have some actual data.

Commissioner Seitz said I do want to echo what I said and again I do not know how to bring this issue back to the negotiating table short of voting against the rezoning. I would like there to be consideration of more money allocated for future traffic improvements. I think if we ran out and thought we knew now what we needed to know before the project even happens, we might misspend the money. This type of development is complex enough that there are always unintended consequences so how do you plan for that kind of mitigation. I do believe that the project as it exists now creates more positive upsides that will improve chronic situations in Downtown as a whole.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Kettler	Aye
Vice Chair Porter	No
Chair Baugh	Aye

The motion for the rezoning request passed (5-1). The recommendation will move forward to City Council on April 14, 2026.

New Business – Other Items

Planning Commission Annual Report 2025

Ms. Dang said the first item here is the Planning Commission Annual Report that summarizes all of items that this body had received last year in 2025 including Planning Commission’s recommendations and Council’s decisions. I am happy to answer any questions you have but what we are looking for from you all is a vote to forward this to City Council.

Commissioner Seitz moved to approve the report.

Commissioner Jezior seconded the motion.

The motion to approve the 2025 Planning Commission Annual Report minutes passed by voice vote (6-0).

Planning & Zoning Division Annual Report 2025

Ms. Dang said this is the 2025 Planning and Zoning Division Annual Report. It includes zoning activity and subdivisions that were processed by City staff. These are all administrative items. This is just for you all to review for informational purposes.

Chair Baugh asked if there were any questions or comments regarding the annual report.

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Seitz reported on the March 3, 2026 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Public hearing request from Jerry Dean to rezone 2.381 acres of Tax Map #128-A-87 from R-2 (Medium Density Residential) to A-2 (General Agricultural).-Approved (3-0)
- Public hearing request from The Ponds of Island Ford to amend the proffers that are currently imposed on a 1.384 acre portion of The Ponds Subdivision Tax Map #142-14-23, 142-14-24, 142-14-35, and 142-14-36-Denied (3-0)

City Council Report

Councilmember Dent reported on items from Planning Commission that were presented to City Council.

At the February 24 City Council Meeting:

- Public hearing for a special use permit at 660 Walnut Lane-Approved
- Public hearing to rezoning a portion of 2600 and 2580 South Main Street-Approved
- Public Hearing to consider the Capital Improvement Program for the FY2026-2027 through 2030-2031-Approved
- Public hearing for a special use permit at 380 Sunrise Avenue-Approved

Councilmember Dent reported that there were no public hearing items from Planning Commission presented to City Council on March 10, 2026, however, there was one item of business presented:

- A Subdivision Ordinance variance request for Franklin Street extended (The Edge)

Other Matters

Review Summary of next month's applications

Ms. Dang reviewed the items anticipated for the April agenda:

- Rezoning and Special Use Permit-1351 & 1361 Peach Grove Ave (R-5C/B-2 to R-5C and More than 12 units per building in R-5)

- Special Use Permit-140 E Wolfe Street (Manufacturing in B-1)
- Special Use Permit-165 S Main Street (Short term rental in B-1)
- Rezoning-Collicello North (R-7 Master Plan Amendment)
- Request to initiate Zoning Ordinance amendments-various

One meeting was recommended.

Commissioner Seitz said what is involved in the Collicello North Master Plan Amendment?

Ms. Dang said that is an R-7 Master Plan zoned community. They are making amendments to the Master Plan related to the buildings. Their original Master Plan was pretty restrictive to what type of buildings were allowed. They are going to make amendments to remove that as one of the examples.

The meeting adjourned at 11:31 PM.

Richard Baugh, Chair

Anastasia Montigney, Secretary



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-117, **Version:** 1

Subject:

Consider a request from Mick or Mack LC for a special use permit at 140 East Wolfe Street

Presented By: Nyrma Soffel, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here](#)



April 8, 2026 Planning Commission Meeting

Title

Consider a request for a Special Use Permit at 140 East Wolfe Street — Nyrma Soffel, Community Development

Summary

Project name	N/A
Address/Location	140 East Wolfe Street
Tax Map Parcels	34-N-7
Total Land Area	+/- 16,600
Property Owner	Mick or Mack LC
Owner’s Representative	Virginia Moons LLC
Present Zoning	B-1, Central Business District
Special Use Permit Request	To allow manufacturing, processing, and assembly operations per Section 10-3-85(1)
Planning Commission	April 8, 2026 (Public Hearing)
City Council	Anticipated May 12,2026 (Public Hearing)

Recommendation

Option 1. Recommend approval of the special use permit request with the suggested conditions.

Context & Analysis

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

- Site: Vacant commercial building, zoned B-1
- North: Commercial uses and across East Rock Street, mixed use building with multi-family dwellings, zoned B-1
- East: Commercial uses, zoned B-1
- South: Across East Wolfe Street, municipal parking lot and religious uses, zoned B-1
- West: Private parking lot and restaurant uses, zoned B-1

The applicant is requesting a special use permit (SUP) per Section 10-3-85(1) to allow manufacturing, processing, and assembly operations, provided the use does not employ more than fifteen (15) persons on the premises in a single shift and that all storage and activities are conducted within a building in the B-1, Central Business District. The +/- 16,600-square-foot property is addressed as 140 East Wolfe Street and is identified as tax map parcel 34-N-7.

On August 8, 2025, the applicant submitted a building alteration permit request for interior modifications and a change of use from retail (formally Gamer Oasis) to a tavern and arcade at 140 East Wolfe Street. The applicant describes in their letter that “[t]he primary use of the premises will be a tavern and arcade-style entertaining venue offering food and beverage service along with recreational activities such as classic arcade games and community events.” The applicant plans to serve beer produced from their brewery location at 120 West Wolfe Street (Restless Moons Brewing) at this site. If the SUP request is approved, the applicant plans to operate a canning line to package beer produced at 120 West Wolfe Street. Beer brewed at 120 West Wolfe Street would be kegged, and then the kegged beer brought to 140 East Wolfe Street to be canned and packaged. Some of the canned beer would be served and sold on-site, and some would be returned to 120 West Wolfe Street for sale at that location. The canning and packaging line would operate in the rear portion of the building, as shown on their concept plan.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The subject site is surrounded by a variety of established commercial, institutional, and residential uses, consistent with the Comprehensive Plan’s Mixed Use designation.

The applicant does not intend for the canning and packaging operations to be a large-scale industrial operation, and the special use permit limits the use to no more than 15 persons per shift.

However, if the SUP is approved, the scale of operations could change over time or the property could be sold and other manufacturing, processing, and assembly operations could operate at this location. This could result in a more intensive industrial use and may increase truck traffic in the area that was not evaluated with this request. If the SUP is approved, staff recommends the following condition:

1. The canning, bottling, and packaging operations shall be limited to the “canning line” area as depicted on the concept plan.

While the applicant has explained that they do not plan to bottle beer at this location, staff suggests the SUP conditions allow both canning and bottling.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Conclusion

The special use permit request is consistent with the Comprehensive Plan’s Mixed Use designation and, with the recommended conditions, is not expected to have adverse effects on adjacent properties.

Staff recommends approval of the SUP with the following condition:

1. The canning, bottling, and packaging operations shall be limited to the “canning line” area as depicted on the concept plan.

Options

1. Recommend approval of the special use permit request with the suggested condition.
2. Recommend approval of the special use permit request as submitted by the applicant.
3. Recommend approval of the special use permit with other conditions(s).
4. Recommend denial of the special use permit.

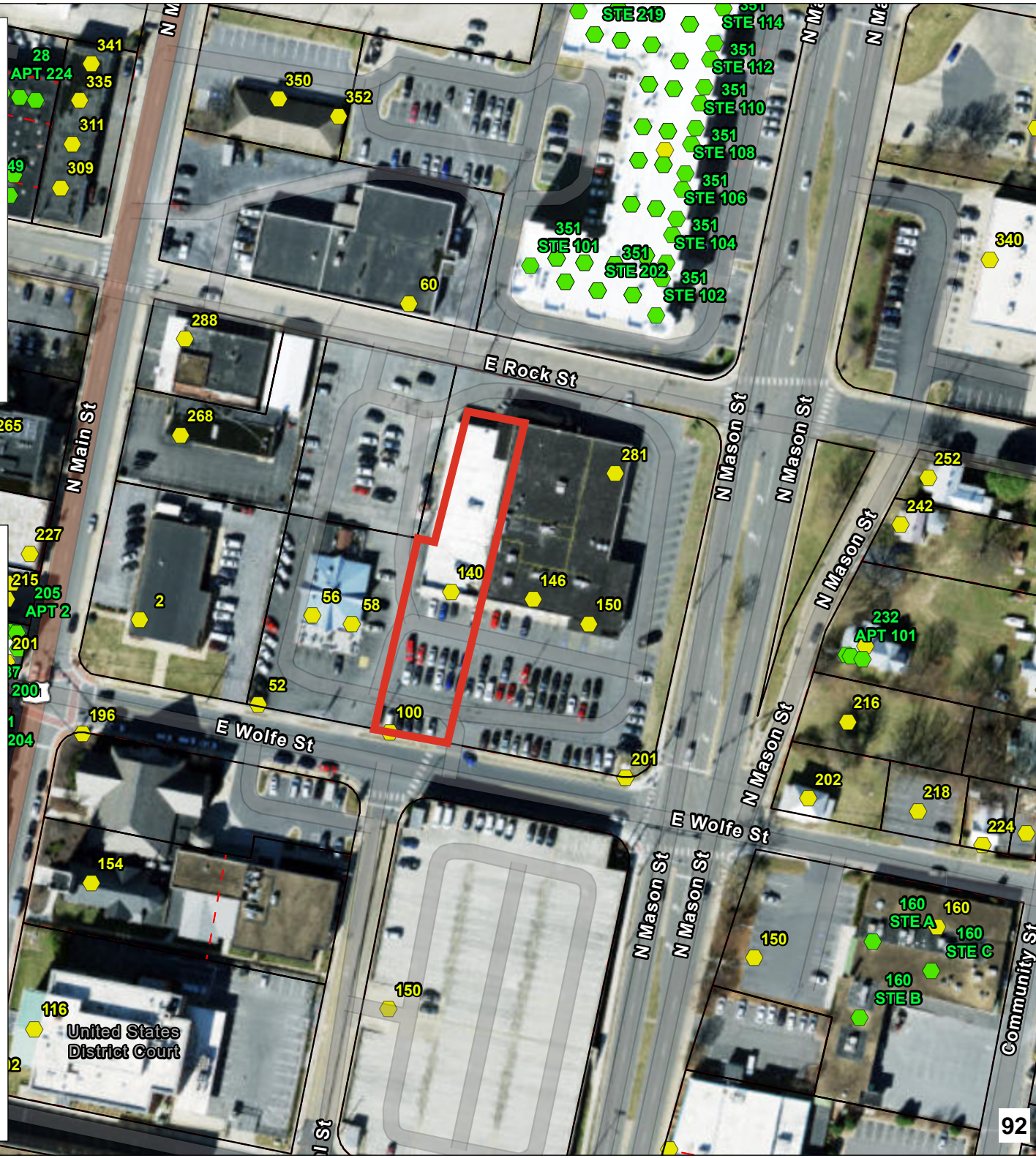
Attachments

- Site maps
- Application and supporting documents

City of Harrisonburg

Special Use Permit
Sec. 10-3-85 (1)

Manufacturing operations not
more than 15 person
140 East Wolfe Street
Tax Map: 34-N-7
+/- 16,552 square feet



February 24, 2026

Dear Planning Commission Members,

Virginia Moons LLC respectfully requests approval of a Special Use Permit to allow limited brewing-related manufacturing activity at 140 E Wolfe Street.

The primary use of the premises will be a tavern and arcade-style entertainment venue offering food and beverage service along with recreational activities such as classic arcade games and community events. The proposed Special Use Permit is requested to allow a small-scale beverage packaging operation that is directly associated with our existing brewery, Restless Moons Brewing, located at 120 W Wolfe Street.

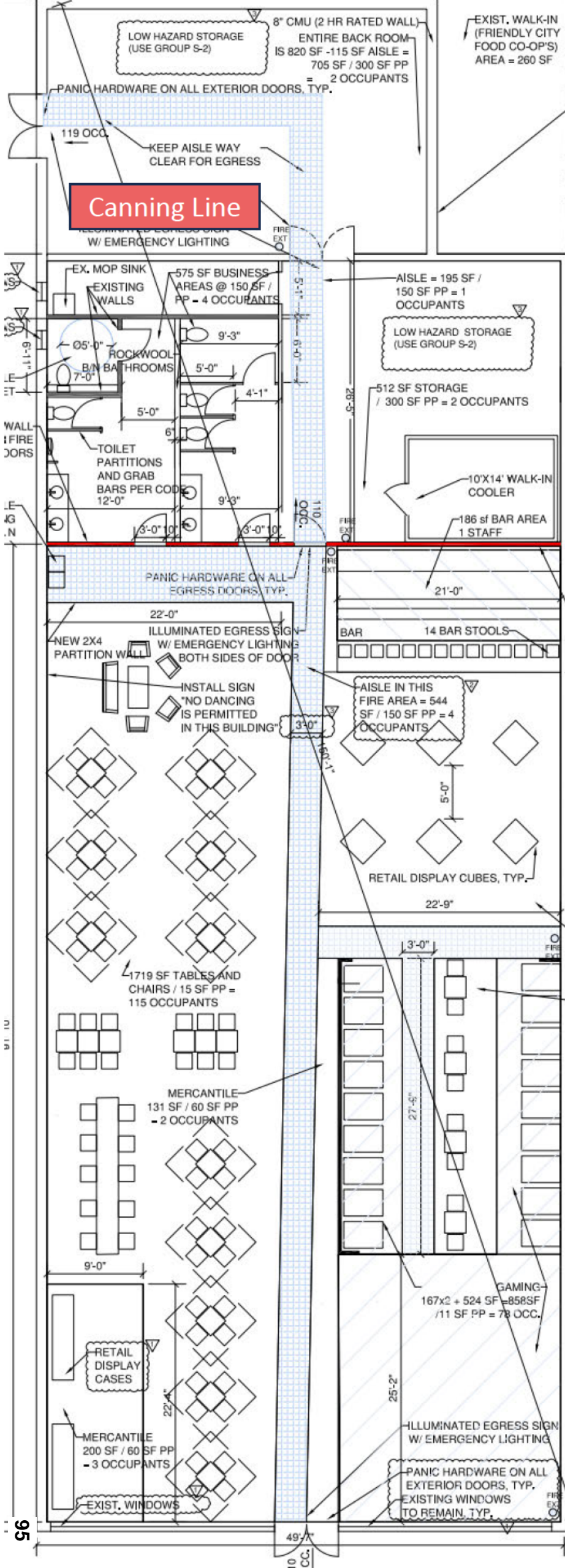
The proposed activity will consist of a modest canning line used to package beer that has been produced at our existing brewery location. No large-scale industrial production is proposed. All processing and storage will occur entirely within the building. The operation will employ fewer than fifteen (15) persons per shift and will not involve outdoor storage, exterior equipment, or industrial impacts beyond those typical of commercial uses in the district.

The packaging activity will occupy a limited portion of the building and will function as an accessory use to the primary tavern and arcade venue. The proposed use is compatible with surrounding commercial properties and will not generate traffic, noise, or operational impacts beyond those normally associated with restaurant and entertainment uses in the area.

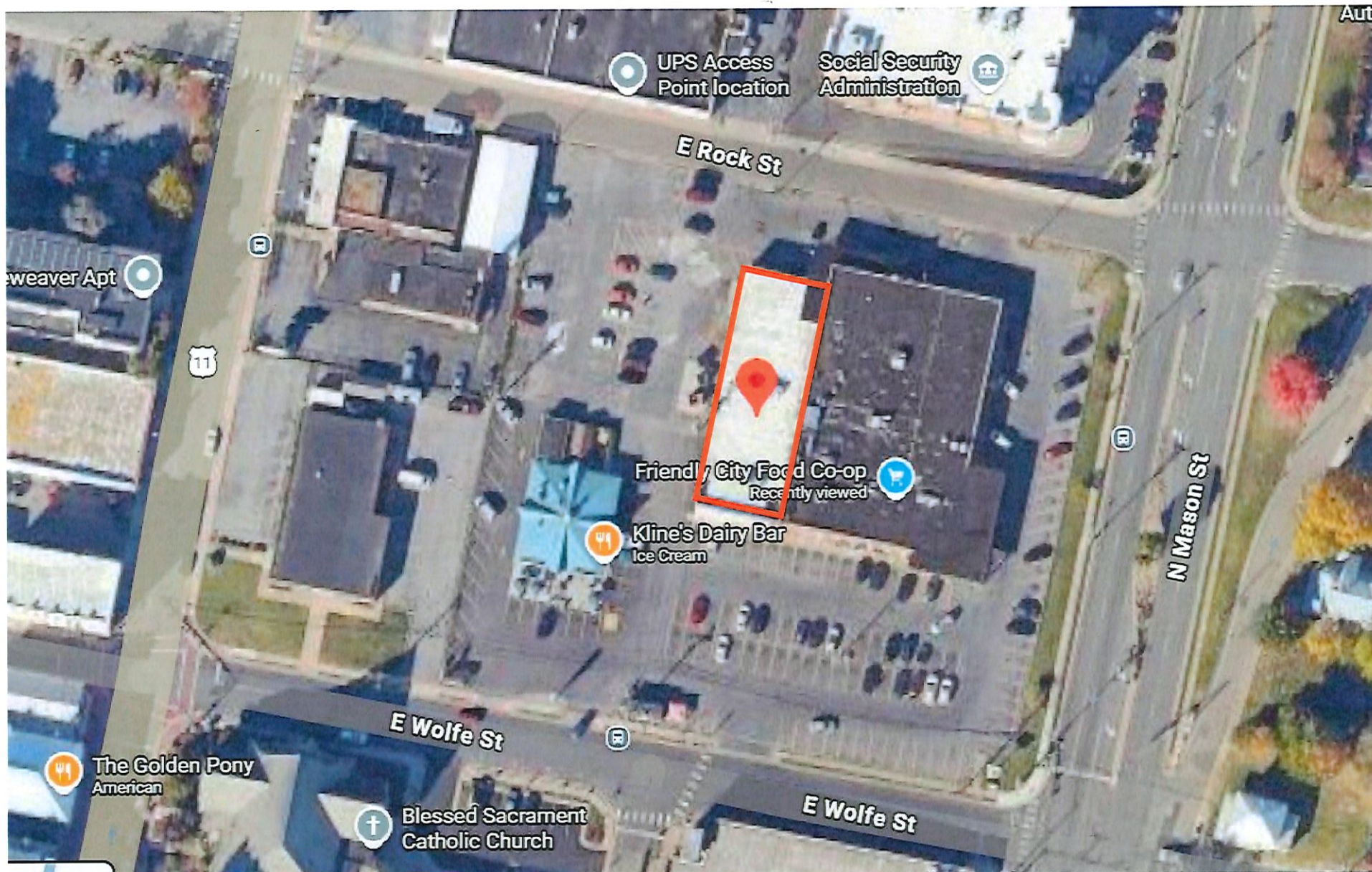
Virginia Moons LLC has operated successfully in downtown Harrisonburg since 2018 and remains committed to maintaining a safe, well-managed, and community-oriented business presence. We respectfully request approval of the Special Use Permit.

Sincerely,

Jeffrey Moon
Virginia Moons LLC
120 W Wolfe St
Harrisonburg, VA



Proposed Site:
140 E Wolfe St





City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**

www.harrisonburgva.gov/traffic-impact-analysis

For inclusion in an application for Planning Commission review (for Special Use Permit, Rezoning or Preliminary Plat), this form must be submitted to the Public Works Department at least 5 business days prior to the Planning Commission application deadline.

Contact Information				
Consultant Name:	Jeffrey Moon			
Telephone:	[REDACTED]			
E-mail:	[REDACTED]			
Owner Name:	Mick or Mack LC			
Telephone:	[REDACTED]			
E-mail:	[REDACTED]			
Project Information				
Project Name:	Wizard Mode Brewcade			
Project Address:	140 E Wolfe Street			
TM #:	34-N-7			
Existing Land Use(s):	Vacant			
Proposed Land Use(s): (if applicable)	Brewery, Taproom			
Submission Type:	Comprehensive Site Plan <input type="radio"/>	Special Use Permit <input checked="" type="radio"/>	Rezoning <input type="radio"/>	Preliminary Plat <input type="radio"/>
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)	<p>The primary use of the premises will be a tavern and arcade-style entertainment venue offering food and beverage service along with recreational activities such as classic arcade games and community events. The proposed Special Use Permit is requested to allow a small-scale beverage packaging operation that is directly associated with the existing brewery Restless Moons Brewing, located at 120 W Wolfe Street.</p> <p>The proposed activity will consist of a modest canning line used to package beer that has been produced at the existing brewery location. No large-scale industrial production is proposed. All processing and storage will occur entirely within the building. The operation will employ fewer than (15) persons per shift and will not involve outdoor storage, exterior equipment, or industrial impacts beyond those typical of commercial uses in the district.</p>			
Peak Hour Trip Generation (from row 15 on the second page)				
AM Peak Hour Trips:	5			
PM Peak Hour Trips:	71			

(reserved for City staff)

TIA required? Yes _____ No

Comments:

[REDACTED COMMENT AREA]

Accepted by: Zenithy Mason

Date: 02/24/2026

Peak Hour Trip Generation by Land Use

Row	ITE Land Use		ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1	Brewery, Taproom	971	1000 sq ft	7.2	5	71
2	Proposed #2						
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					5	71
8	Existing #1	Vacant	NA			0	0
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14	Total Existing Trips					0	0
15	Final Total (Total New – Total Existing)					5	71

Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-118, **Version:** 1

Subject:

Consider a request from Big Brother and Holdings CO LLC for a special use permit at 165 South Main Street

Presented By: Nyrma Soffel, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here\)](#)



April 8, 2026 Planning Commission Meeting

Title

Consider a request for a Special Use Permit at 165 South Main Street — Nyrma Soffel, Community Development

Summary

Project name	N/A
Address/Location	165 South Main Street
Tax Map Parcels	26-B-2
Total Land Area	+/- 12,047
Property Owner	Big Brother & The Holdings Co LLC
Owner’s Representative	Margaret Clark
Present Zoning	B-1, Central Business District
Special Use Permit Request	To allow short-term rental per Section 10-3-85(11)
Planning Commission	April 8, 2026 (Public Hearing)
City Council	Anticipated May 12, 2026 (Public Hearing)

Recommendation

Option 1. Recommend approval of the special use permit request with the suggested conditions.

Context & Analysis

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

- Site: Commercial uses and multiple-family dwellings, zoned B-1
- North: Commercial uses, zoned B-1
- East: Massanutten Regional Library, zoned B-1
- South: Denton Park and City-owned parking lot, zoned B-1
- West: Private parking lot, zoned B-1

The applicant is requesting a special use permit (SUP) per Zoning Ordinance (ZO) Section 10-3-85 (11) to allow a short-term rental (STR) in the B-1, Central Business district. The +/- 12,047-square-foot property is addressed as 165 South Main Street and is identified as tax map parcel 26-B-2. The subject property is known as the Wine Bros. building, a mixed-use structure that includes The Shops at Agora, Ruby’s Arcade, and four multi-family dwelling units, which are known as Ruby’s Lofts. If approved, the applicant would operate a short-term rental (STR) within Apartment 203.

In February 2026, the Commissioner of the Revenue's office discovered that the applicant was operating a STR without a City business license. The applicant indicates the STR has operated in Apartment 203 for approximately five years. In addition to obtaining an SUP and business license, STRs must be registered annually with the Department of Community Development.

The City adopted STR regulations in March 2019. These regulations were amended in September 2020 to create the by right "homestay" use. Homestays are only permitted within single-family detached, duplex, and townhome dwellings; therefore, the proposed STR within Ruby's Lofts is not eligible to operate as a by right homestay and requires SUP approval. While the applicant has described how the STR would operate, the SUP is not restricted to the current applicant/operator. SUPs run with the land; therefore, any future owner/operator could utilize the SUP provided all ordinance requirements and any SUP conditions are met.

Per ZO Section 10-3-205 (2), STR operators must maintain the property as their primary residence, as indicated on a state-issued license or identification card. The property owner does not live on the property and has identified Tess Sherman (tenant in Apartment 202) as the operator. The proposed operator resides on the property and therefore meets the primary residence requirement. Staff has advised the applicant that if the operator is not the property owner, ZO Section 10-3-205 (3) requires the operator to be present during the lodging period. If the existing operator were to move or is no longer willing to act as the operator, the STR would not be able to operate until a new operator who resides on the property is identified.

The B-1 district has no minimum off-street parking requirements; however, the applicant indicates that five parking spaces are leased from the adjacent Asbury United Methodist Church for Ruby's Lofts tenants and STR guests. In addition, the site is within walking distance of the Water Street parking deck, where public parking is available.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for "live-work" and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. 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. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The subject site is a mixed-use building containing commercial and residential uses, consistent with the Comprehensive Plan's Mixed Use designation.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) has this property in a Census block group that is classified as "No Data" according to market types. This block group did not have any housing sales data at the time of the study. The Housing Study identified that there is strong demand for expanding rental housing inventory at the lowest and highest income spectrum because the number of households in the lowest and highest income groups significantly exceed the number of housing units available for and affordable to them.

Public Schools

If the SUP is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

After review of this request, staff believes it shares similar characteristics to other applications for STRs that have received approval. Staff recommends approval of the SUP with the following conditions:

1. All STR accommodations shall be within Apartment 203 as described in the application.
2. There shall be no more than one (1) STR guest room or accommodation space.
3. The number of STR guests at one time shall be limited to four (4).
4. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
5. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Options

1. Recommend approval of the special use permit request with the suggested conditions.
2. Recommend approval of the special use permit request as submitted by the applicant.
3. Recommend approval of the special use permit with other conditions(s).
4. Recommend denial of the special use permit.

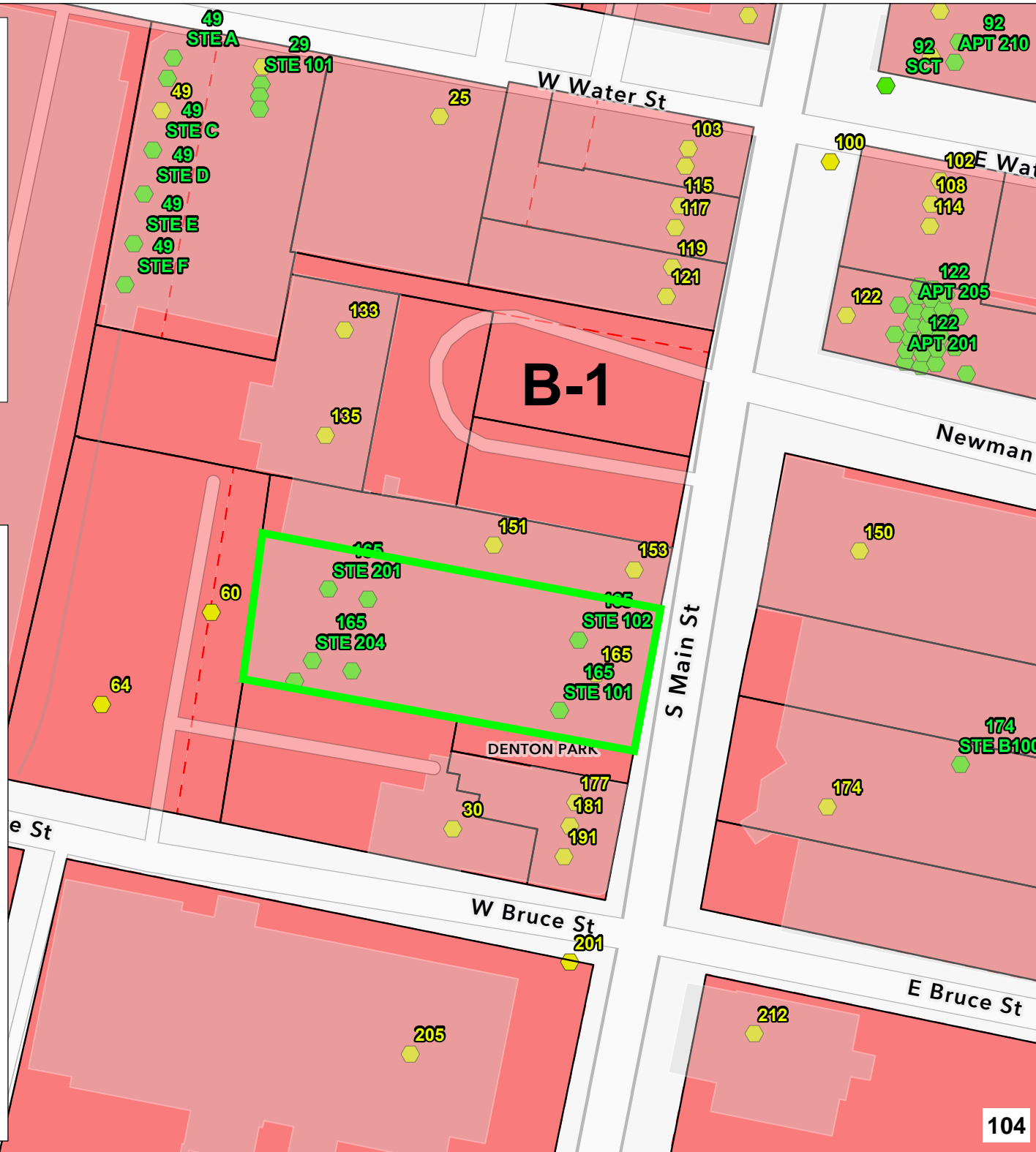
Attachments

- Site maps
- Application and supporting documents

City of Harrisonburg

Special Use Permit
Sec. 10-3-85 (11)
Short Term Rental
165 South Main Street
Tax Map: 26-B-2
+/- 12,196 square feet

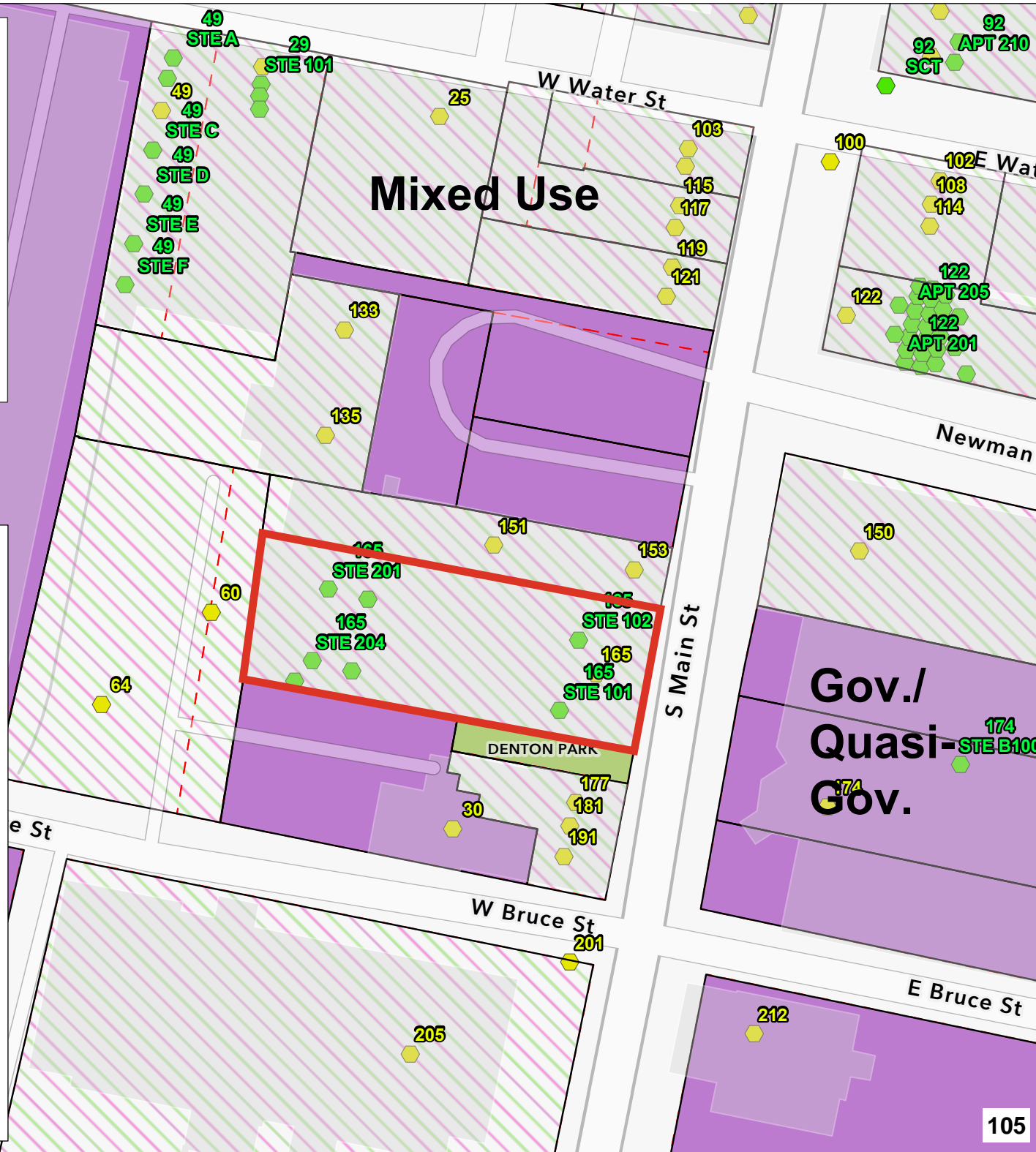
Zoning



City of Harrisonburg

Special Use Permit
Sec. 10-3-85 (11)
Short Term Rental
165 South Main Street
Tax Map: 26-B-2
+/- 12,196 square feet

(Future) Land Use Guide





**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

Special Use Permit Application

www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

Property Address: 165 S. Main St. Tax Map: 26-B-2 Total Land Area: .0278 acres or sq. ft. (circle)

Existing Zoning Classification: B-1

Special Use being requested: 10-3-85 (11) short term rental

PROPERTY OWNER INFORMATION

Property Owner Name: Big Brother and The Holding Co. LLC Telephone: [REDACTED]

Street Address: 6549 Black Dog Lane E-Mail: [REDACTED]

City: Linville State: VA Zip: 22834

OWNER'S REPRESENTATIVE INFORMATION

Owner's Representative: Margaret Clark Telephone: [REDACTED]

Street Address: _____ E-Mail: _____

City: _____ State: _____ Zip: _____

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Margaret Clark 3/27/26
PROPERTY OWNER DATE

REQUIRED ATTACHMENTS

- Site or Property Map
- Letter explaining proposed use & reasons for seeking a Special Use Permit.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis. This requirement is waived for the following SUPs: major family day homes, reducing required parking areas, reduction in required side yard setback, wireless telecommunication facilities, wall and fences, and short-term rentals. To prevent delays in reviewing your application, please consult with Planning staff to confirm your application does not require a TIA Determination Form or TIA Acceptance Letter.

Note: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

Date Application and Fee Received: _____ Total Fees Due: \$ _____
Application Fee: \$425.00 + \$30.00 per acre

Received By: _____

To Whom it may concern,

My name is Margaret Clark and I own the Wine Bros. Building at 165 South Main Street in Harrisonburg. I inherited the building after my husband's unexpected passing in November 2019. The building is managed under The Big Brother & The Holding Company, LLC, of which I am the sole managing member. This historical building was renovated in 2016 with the help of a restoration grant and my husband's vision. It houses Shops at Agora (in the front), Ruby's Arcade (in the back) and Ruby's Lofts on the upper level (in the back). One of these apartments (203) was for our personal use and my husband's office.

During the struggle of the covid pandemic, out of ignorance, I listed my apartment on Airbnb as a way to earn more income for the building. I have been very successful for five years with this operation running from mid February-May and mid August-November. I choose to block the months of June, July, December and January for personal reasons. I have hosted guests from all over the US. Most are JMU parents or alumni here for those events and others are passing through on road trips or seasonal tourists. I often have returning guests.

Ruby's Lofts is a small community of just four apartments. I have congenial relationships with all the tenants and see them regularly throughout the week. We also communicate with group texts periodically. All tenants are informed before signing a lease that I use my apartment as an airbnb (7 months of the year). There has never been an issue with tenants or guests in this environment.

At this time, I am applying for a special use permit to continue to use my apartment as an airbnb. While this income is not immense, it is vital to help ends meet with managing this building. Tess Sherman is a close friend and has been renting apartment 202 since the beginning of Ruby's Lofts. She has always kept an eye on "things" for me and would act as my operations manager. The parking lot affiliated with Ruby's Arcade, also has five designated parking spaces for Ruby's Lofts tenants, myself and any guest that would stay at my apartment.

I would be grateful for your positive consideration for my endeavor to do what I can to bring vital income to help sustain this building.

Sincerely,



Margaret Clark

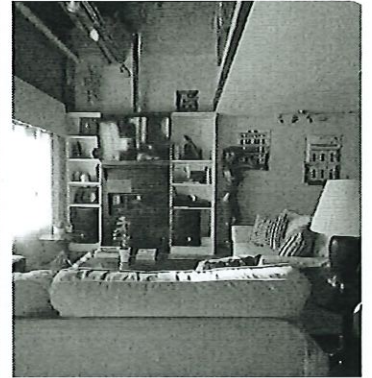
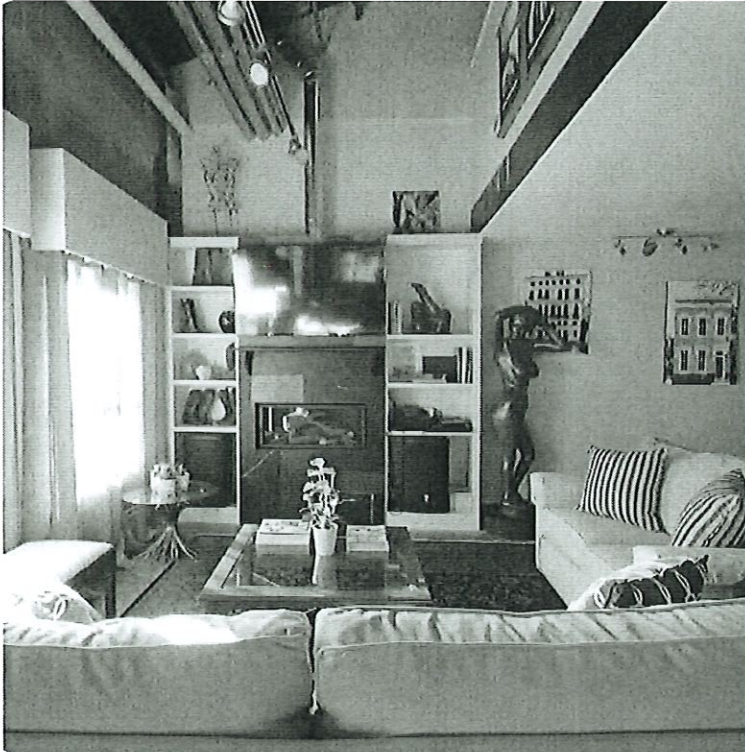


Any...
 Any week
 Add guests



Ruby's Loft in downtown Harrisonburg

Share Save



Show all photos

Entire loft in Harrisonburg, Virginia

2 guests · 1 bedroom · 1 bed · 1.5 baths

Add dates for prices

CHECK-IN

CHECKOUT



Today

Calendar

Listings

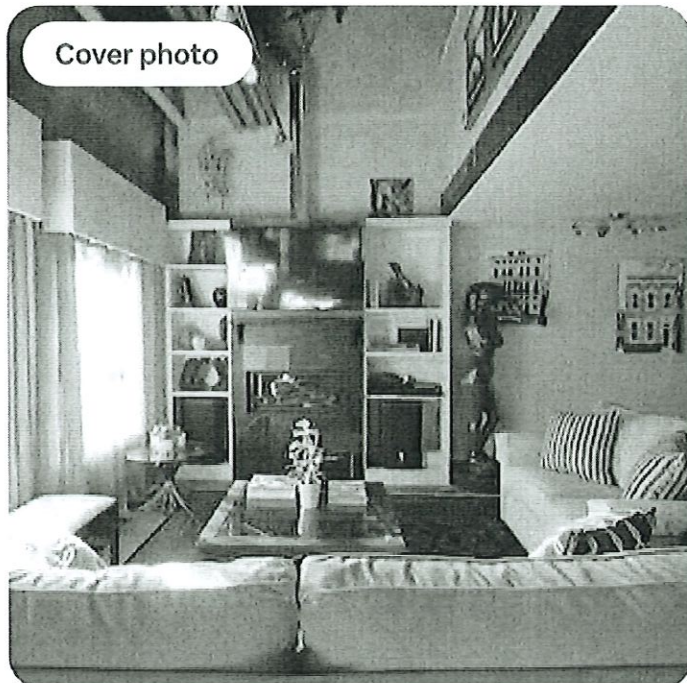
Messages



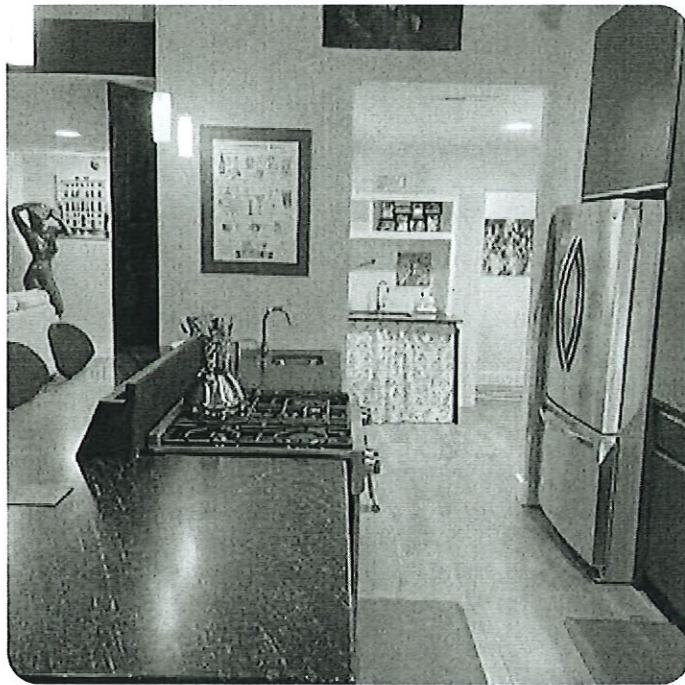
Manage photos



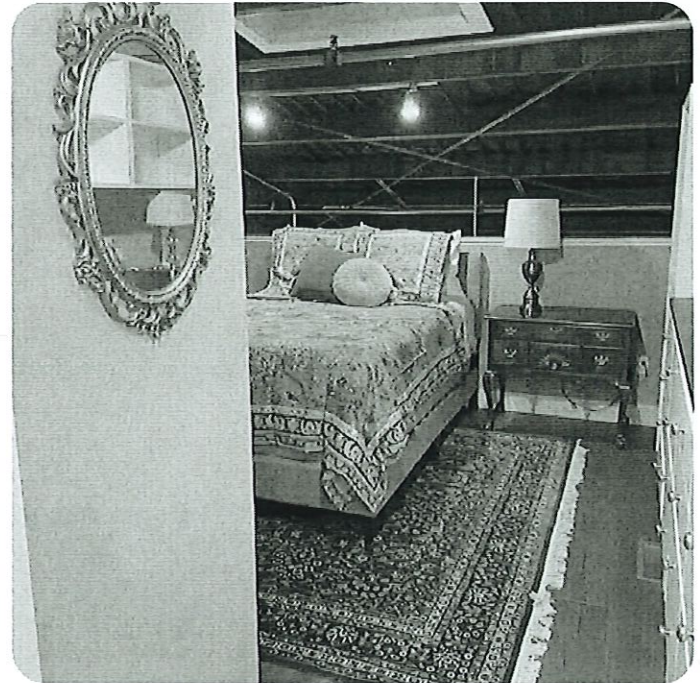
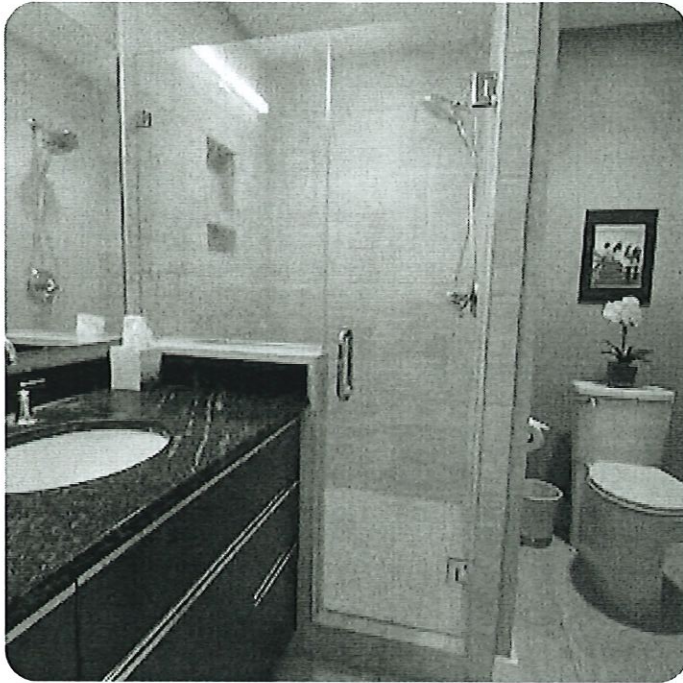
All photos

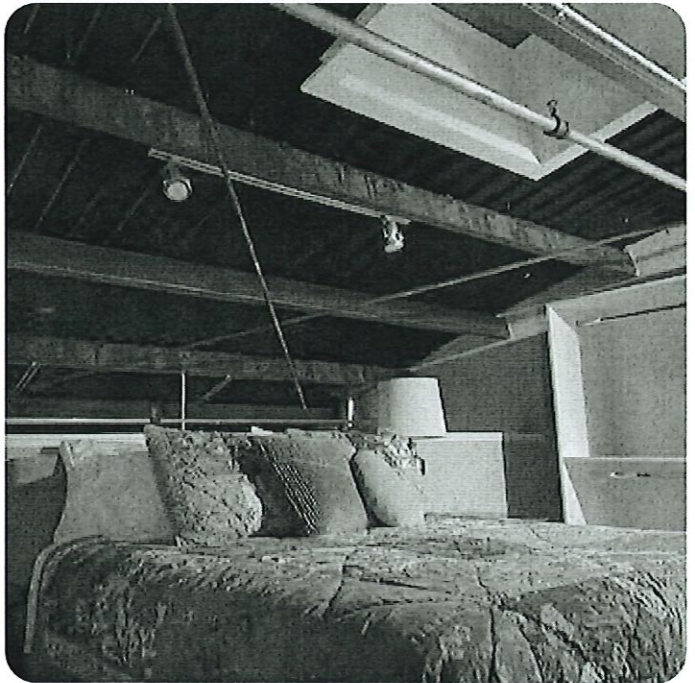


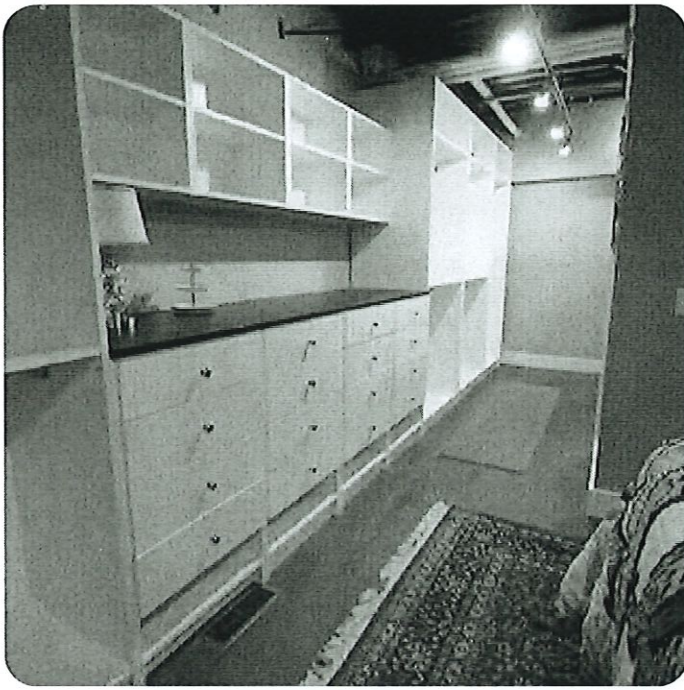




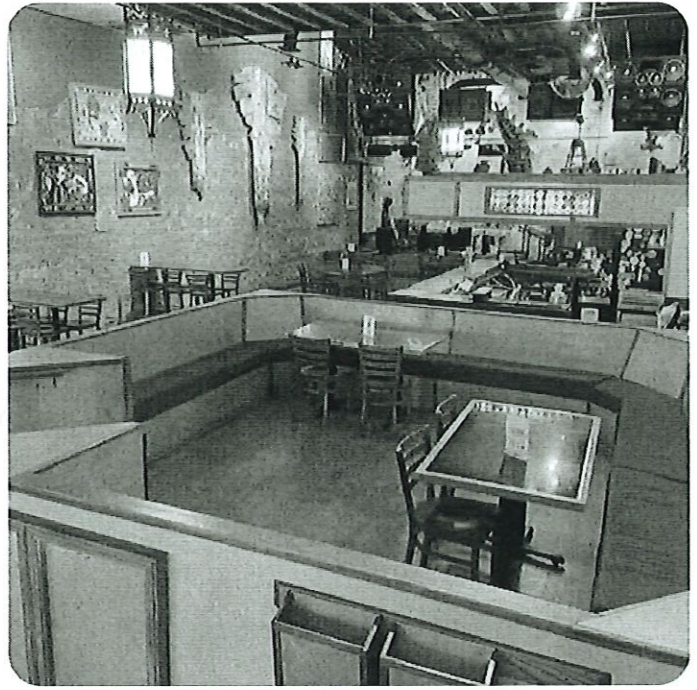






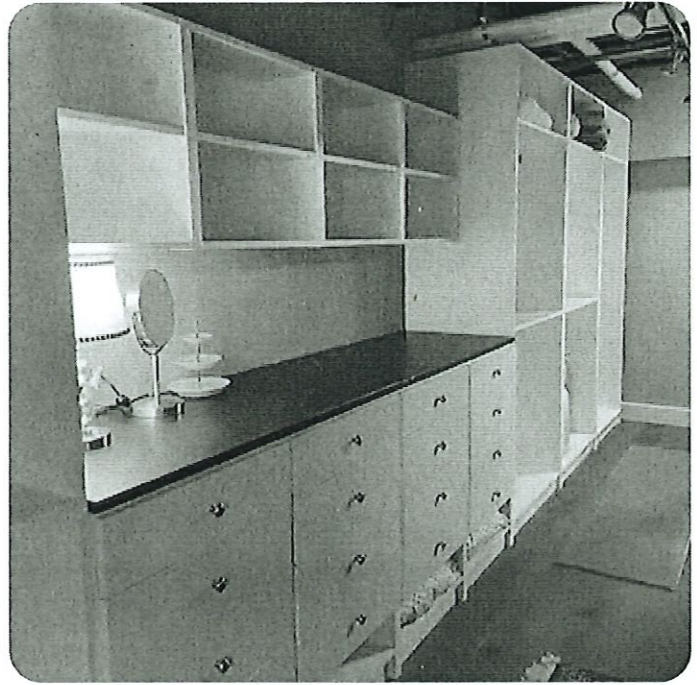


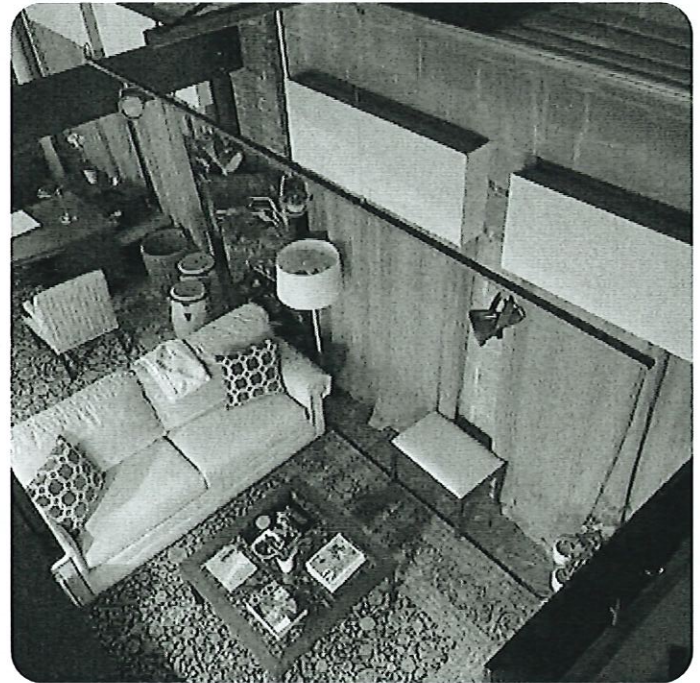
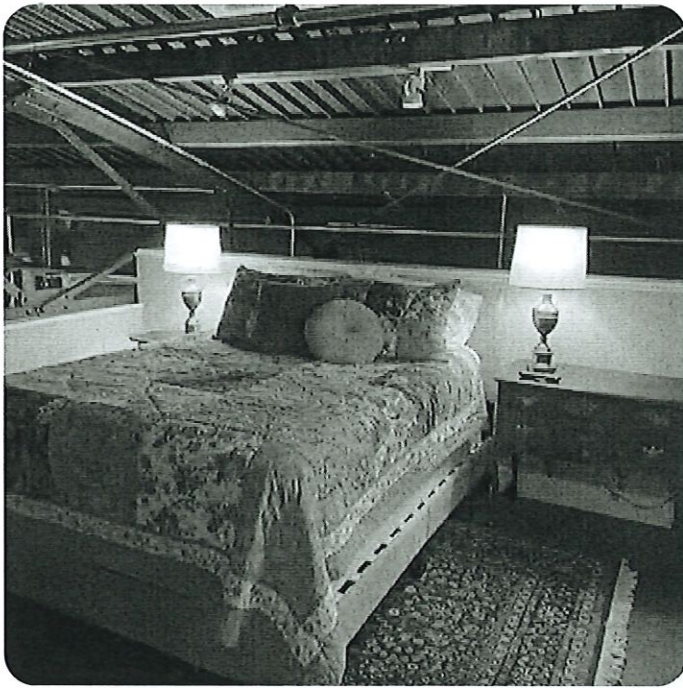




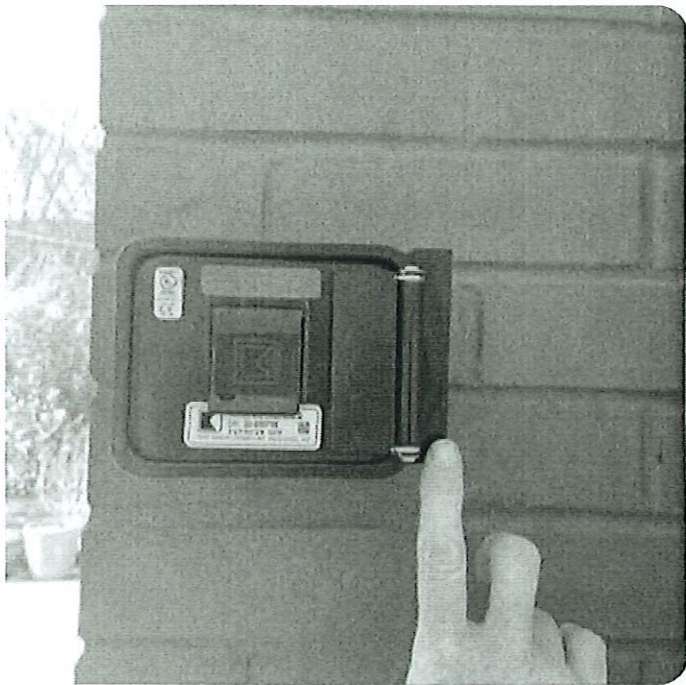
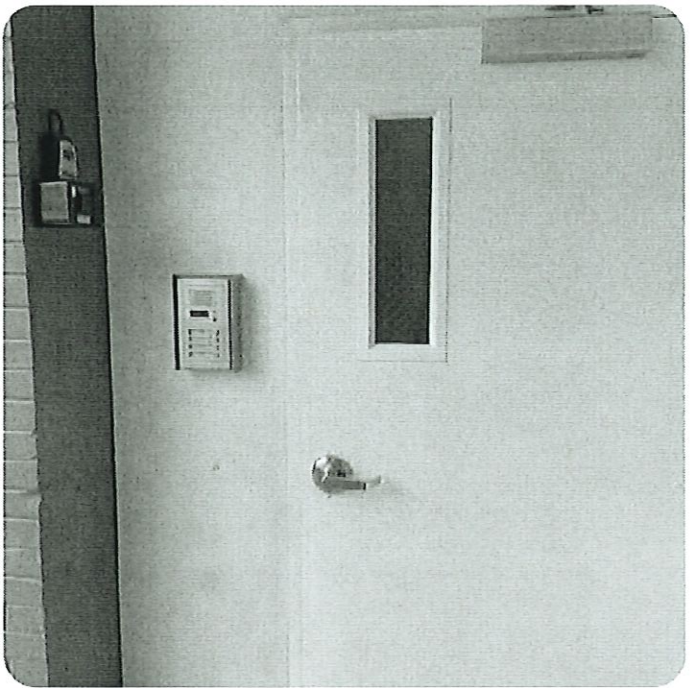
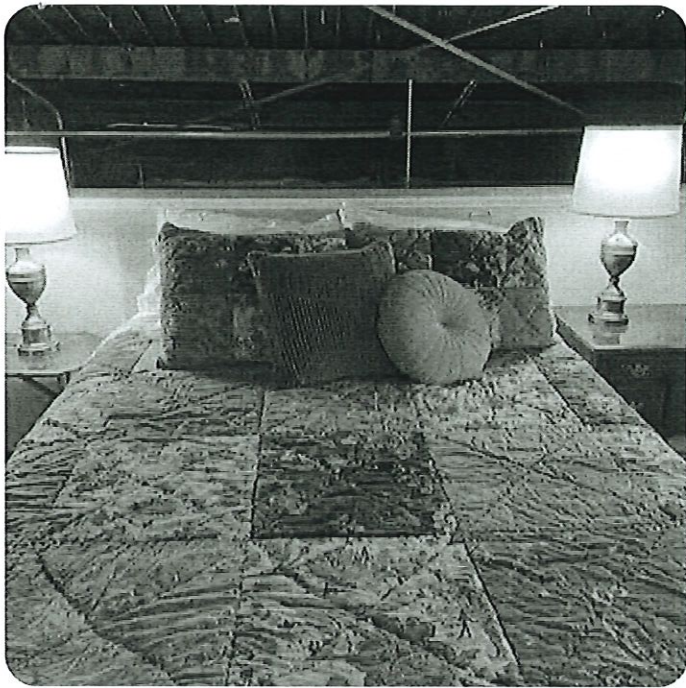


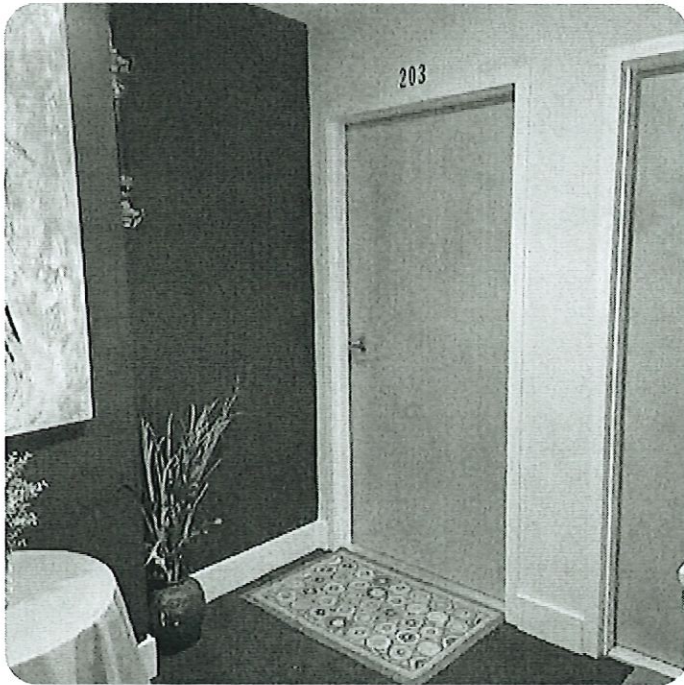














City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-119, **Version:** 1

Subject:

Consider a request from Collicello North LLC to amend the approved master development plan (rezoning) for various addresses on Collicello Street and Kates Lane.

Presented By: Meg Rupkey, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here](#)



April 8, 2026 Planning Commission Meeting

Title

Consider a request to rezone 919, 925, 955, 959, 963, 967, 975, 983, 991, & 922 Collicello Street and 172, 176, 180, 184, 188, 192, & 196 Kates Lane (Collicello North) (Master Plan Amendment) — Meg Rupkey, Community Development

Summary

Project name	Collicello North
Address/Location	919, 925, 955, 959, 963, 967, 975, 983, 991, & 922 Collicello Street and 172, 176, 180, 184, 188, 192, & 196 Kates Lane
Tax Map Parcels	40-H-1, 11, 17 through 30 & 40-I-16
Total Land Area	+/- 2.96 acres
Property Owner	Collicello North LLC
Owner’s Representative	Cottonwood Commercial, Litten and Sipe, and Propst Family Development LLC
Present Zoning	R-7, Medium Density Mixed Residential Planned Community
Proposed Zoning	R-7, Medium Density Mixed Residential Planned Community (Master Plan Amendment)
Planning Commission	April 8, 2026 (Public Hearing)
City Council	Anticipated May 12, 2026 (First Reading/Public Hearing) Anticipated May 26, 2026 (Second Reading)

Recommendation

Option 1. Recommend approval of the rezoning request.

Context & Analysis

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

Site: Vacant building and partially developed property, zoned R-7

North: Illegal junk yard, commercial use, and presumed nonconforming residential dwelling unit, zoned M-1

East: Presumed conforming and nonconforming residential dwelling units, zoned M-1 and R-2 and automobile repair shop, zoned M-1

South: Single-family detached dwellings, and across 5th Street, single-family detached dwelling units, zoned R-2

West: Across Virginia Avenue, repair shop and non-conforming single-family homes, zoned M-1, and a duplex structure, zoned R-2

Collicello North LLC is requesting to amend the 2013 approved master development plan for a development known as Collicello North. The +/- 2.96-acre site is zoned R-7, Medium Density Mixed Residential Planned Community District, is addressed as 919, 925, 955, 959, 963, 967, 975, 983, 991, & 922 Collicello Street and 172, 176, 180, 184, 188, 192, & 196 Kates Lane and are designated as tax map parcels 40-H-1, 11, 17 through 30 & 40-I-16.

This site was rezoned to R-7 in July 2013. The R-7 district is not a conventional zoning district as it requires a master plan. A document titled *What is an R-7 Development? Information Sheet* is attached herein for a reminder as to how R-7 zoning is implemented. If an approved Master Plan is to be modified, a rezoning to amend the Master Plan is required. A copy of the 2013 staff report and 2013 Collicello North Master Plan are attached.

Following the approval of the Collicello North Master Plan, the property owner received approval for variances to the Subdivision Ordinance (SO) Section 10-2-41(a) for right-of-way (ROW) width requirements, dedication of the sidewalk in the public ROW, the centerline radius and curves, curb radii, street K value, and intersection design. Additionally, a variance to SO Section 10-2-42(c) to provide lots without public street frontage was approved. Along with the SO variance requests, the property owner received approval of a preliminary plat that showed how the site would be subdivided. The Final Plat for Phase 1 was approved and recorded in early 2015. That plat included the dedication to public use of the extension of Collicello Street from 5th Street to Virginia Avenue. It also included the division of a portion of the overall property into Lots 1-14, Lot 35, and a Common Area parcel. An engineered comprehensive site plan (ECSP) was approved in 2014 and updated in 2015.

Following the approval of the ECSP, construction of infrastructure to serve a portion of the development began. At this time, some components of the infrastructure have been completed, while others have not. The public water and sewer lines to serve Phase 1 of the development have been completed and have been accepted by the City. Work to construct Collicello Street has not been completed. While not an exhaustive list, the street still lacks areas of sidewalk, curbing, handicap ramping, final surface paving, and final storm drainage work. Though the street right-of-way was dedicated to public use, the City does not assume responsibility for the street until it is complete and then the street is accepted for public maintenance.

Master Plan Amendments

The applicant is now requesting amendments to the approved Master Plan to allow greater flexibility in the final design and implementation of the development. Specifically, the request includes modifications to language related to solar requirements, final building designs, project phasing, the Property Owners' Association declaration, and transit facilities. The applicant has also removed references to previously identified aspirational elements and instead included those items in a new separate document to distinguish between required and optional features.

The 2013 Master Plan was approved for a mix of single-family detached dwellings, townhomes, and one duplex unit. The original Master Plan identified specific building design types. In the updated Master Plan, the applicant is requesting to remove the design types for the dwellings to provide flexibility in the overall construction of the dwelling units.

The original Master Plan required that all dwelling units be constructed with solar panels on each dwelling unit. The applicant is requesting to remove the requirement for solar panel installation and would instead construct all the dwelling units to be solar ready. At the time of construction, home buyers would have the option to have solar panels installed on the units. If a home buyer does not want to install solar panels at the time of purchase, the units would be solar ready if a future owner wanted to install panels.

Additionally, the 2013 Master Plan included a goal of providing a transit stop near the intersection of Collicello Street and 5th Street. At that time, the Department of Public Transportation indicated that such a stop would likely not be supported due to the proximity of an existing stop near 3rd and Collicello Streets. This assessment remains unchanged, and the applicant has removed this element from the Master Plan.

The applicant has also amended the Master Plan to remove the proposed phasing of the project to allow for flexibility of the construction process. Additionally, the Property Owners' Association declaration has been removed from the Master Plan to allow for future modifications by the community, should updates be necessary after project completion. The applicant has also removed Regulation #6 from the Master Plan section Zoning Regulations for Collicello North. Staff supports this removal, as Regulation #5, Table A, and the overall layout provide sufficient guidance for development.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill

development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

Public Schools

The proposed rezoning and planned subdivision do not change the existing buildable potential of the subject property and thus does not impact the calculated student generation.

Conclusion

Staff believes that the amendments to the Master Plan do not change the overall intent of the approved Master Plan and would allow for flexibility for the final development. Staff recommends approval of the Master Plan amendments.

Options

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

Attachments

- Site maps
- Application and supporting documents
- 2013 staff report for the Collicello North Master Plan
- 2013 Collicello North Approved Master Plan
- *What is an R-7 Development?* Information Sheet



**CITY OF HARRISONBURG
COMMUNITY
DEVELOPMENT**

**Change of Zoning District
(Rezoning) Application**
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION

919 Colicello St 04 H1 H17-30 2.96 MAC acres or sq.ft.
Property Address Tax Map Parcel/ID Total Land Area (circle)
Existing Zoning District: R7 Proposed Zoning District: R7
Existing Comprehensive Plan Designation: _____

PROPERTY OWNER INFORMATION

Kin Group LLC - Colicello North LLC [Redacted] Telephone
Property Owner Name
6322 Acker Ln - 649 Idlewild Dr [Redacted] E-Mail
Street Address
Fort Lauderdale
Livville VA FL VA 22834
City State Zip

OWNER'S REPRESENTATIVE INFORMATION

Manny Fisher - Cottonwood Commercial [Redacted] Telephone
Owner's Representative
1962 Evelyn Byrd Avenue [Redacted] E-Mail
Street Address
Harrisonburg VA 22801
City State Zip

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

See next sheet

PROPERTY OWNER

DATE

REQUIRED ATTACHMENTS

- Letter explaining proposed use & reasons for seeking change in zoning.
- Statement on proffers, if applying for conditional rezoning.
- Survey of property or site map.
- Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

3/5/2026 Total Fees Due: \$ 610 (Paid)
Date Application and Fee Received Application Fee: \$550.00 + \$30.00 per acre
Meg Rupkey
Received By



City of HARRISONBURG
COMMUNITY
DEVELOPMENT

Change of Zoning District
(Reroning) Application
www.harrisonburgva.gov/zoning

PROPERTY INFORMATION	
Property Address: 519 Colicello St	Tax Map Parcel ID: 04 H1 H17-30 2.96 MAC acres or sq. ft. (circle)
Existing Zoning District: R7	Proposed Zoning District: R7
Existing Comprehensive Plan Designation:	
PROPERTY OWNER INFORMATION	
Property Owner Name: Kim Gowell - Colicello North LLC	[Redacted]
Street Address: 6322 Acker Ln - 649 Idlewild Dr	[Redacted]
City: Louisville KY	State: KY Zip: 40234
OWNER'S REPRESENTATIVE INFORMATION	
Owner's Representative: Manny Fisher - Cottonwood Commercial	[Redacted]
Street Address: 1958 Evelyn Byrd Avenue	[Redacted]
City: Harrisonburg	State: VA Zip: 22801
CERTIFICATION	
I certify that the information supplied on this application and on the attachment(s) provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted on the City-owned property.	
PROPERTY OWNER:	DATE: 3/4/26
REQUIRED ATTACHMENTS	
<input type="checkbox"/> Letter explaining proposed use & reasons for seeking change in zoning. <input type="checkbox"/> Statement on profiles, if applying for conditional rezoning. <input type="checkbox"/> Survey of property or site map. <input type="checkbox"/> Traffic Impact Analysis (TIAS) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department. Applicant is responsible for coordinating with Public Works prior to submitting this application. For more information, visit www.harrisonburgva.gov/traffic-impact-analysis .	
TO BE COMPLETED BY PLANNING & ZONING DIVISION	
Date Application and Fee Received:	Total Fee Due \$: Application Fee: \$550.00 + \$30.00 per acre
Received By:	

Thanks,
Manny Fisher, Commercial Realtor
Cottonwood Commercial
1958 Evelyn Byrd Avenue
Harrisonburg, VA 22801
[Redacted]
www.Cottonwood.com
Facebook: Manny Fisher

On Mar 4, 2026, at 4:51 PM, Al Thomas [Redacted] wrote:

[Quoted text hidden]

JORDAN K. BOWMAN

DIRECT DIAL
(540) 437-3058

EMAIL
jkb@littensipe.com

LITTEN & SIPE L.L.P.
ATTORNEYS AT LAW
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HARRISONBURG, VIRGINIA 22801-3434

FIRM TELEPHONE
(540) 434-5353

FAX
(540) 434-6069

WEB
www.littensipe.com

March 31, 2026

Via Hand-Delivery

Attention: Thanh Dang, Deputy Director
Department of Community Development
City of Harrisonburg, Virginia
409 South Main Street
Harrisonburg, Virginia 22801

Re: Application to Amend R-7 Master Plan

Dear Ms. Dang:

Our firm represents Propst Family Development, LLC which has entered into a contract with Collicello North, LLC for the potential aspect of the Collicello North development (the “Development”), which is a permitted R-7 development with a Master Plan approved by the City Council on July 23, 2013. The Development features a mixture single-family homes and townhomes in a New-Urbanism, community-centered design.

Certain permitting steps toward construction of the Development have been completed, including (i) City approval of a site plan, (ii) approval of a preliminary subdivision plat, (iii) subdivision of portions of the Development, (iv) approval of subdivision variances to as contemplated by the Master Plan, and (v) recordation of covenants for the Development.

However, for construction of the Development to proceed, Propst Family Development, LLC has applied for certain Proposed Amendments to the Master Plan. The intent of the Proposed Amendments is to keep the core vision of the original Development, described on the enclosed “Collicello North Vision” document¹, but to adjust and update some details to enable the houses within the Development to be constructed at a product and price-point that meets market demand for housing within Harrisonburg and is economically viable, both for the developer and for the homeowners.

The following is a summary of the main proposed amendments to the Master Plan:

- Language regarding NetZero energy efficiency is modified to provide that although the houses will be constructed with certain energy-efficient features, including features that make the houses ready for the installation of solar panels, that the actual installation of solar panels will be optional for the homeowners. This amendment enables the developer to construct the housing at a price-point that is more affordable, while still making

¹ This language has been removed from the Master Plan at the suggestion of City Staff, but is being provided here for informational purposes as it is still relevant to the Project.

installation solar a viable option for homeowners, either at the time of purchase or at some time thereafter.

- Appendix A, Conceptual elevations and renderings, are removed from the Master Plan to provide for flexibility in construction and over time.
- Phasing is eliminated, to provide flexibility to adapt construction to market demands.
- Appendix C is removed, and language regarding the Property Owners' Association declaration is simplified to provide flexibility for changes, from time to time, except that language regarding public and private easements shall not materially change without permission from the City Zoning Administrator.

Please let me know if you have any questions or would like more information regarding these proposed amendments.

Cordially,

Jordan Bowman

Jordan K. Bowman
JKB
Enclosure – Vision Document

Collicello North Vision

I. Introduction

The following information comprises the Vision for Collicello North and the zoning regulations for development.

Vision

The Vision conveys the philosophy behind the conception and intent of Collicello North.

Zoning Regulations

The zoning regulations as identified in this section and Master Plan Layout (described below) define the myriad of regulations necessary to bring the Collicello North Vision to fruition.

Master Plan Layout

The Master Plan Layout (the “Layout”) is a graphic depiction of the Zoning Regulation sections, but the Layout is a governing detail of the Collicello North development, generally depicting where roads, buildings, sidewalks, landscaping, grading, and utilities will be provided.²

II. Vision

Collicello North is designed to be a community aligned with the purpose of the R-7 district and based on the 7 New Urbanism Principles:

- 1) The basic building block of a community is the neighborhood.
- 2) The neighborhood is limited in physical size, with well-defined edges and center.
- 3) Corridors form the boundaries between neighborhoods, both connecting and defining the neighborhoods.
- 4) Human scale sets the standard for proportion for buildings. Buildings must be disciplined in how they relate to their lots if public space is to be successfully demarcated.
- 5) Treating a range of transportation options as important is fundamental.
- 6) The street pattern is conceived as a network to create the greatest number of alternative routes from one part of the neighborhood to another.
- 7) Civic buildings belong on preferred sites such as squares and neighborhood centers.

General Intentions of Housing and Neighborhood

The houses of Collicello North are intended to be energy efficient and solar-ready. This means that at the core of each house will be the principles of design that are sustainable and efficient in practice, balanced against the goal of providing houses that are reasonably affordable. The houses are oriented to welcome the southern exposure, providing protection from the north while providing sufficiently sized and oriented roof space for solar and photo-voltaic arrays.

Weaving private areas and public areas into useable and inviting space is a challenge within urban planning. The R-7 asks for clustered groupings of living units to allow for open space. This is much

² Some utilities are identified on the Master Plan Layout as “proposed”,

easier to do when using a multi-family housing concept but is more difficult within a single-family model. Adding to the design challenges is the need to account for the demands of sustainable living. Through quality design, Collicello North has incorporated a zero-lot-line setback concept to create private outdoor living area, which also serves as the spacing between buildings to allow for access to the southern sky. The master plan will allow for multi-family development within the area delineated for mixed used. If such units are developed, these units will be integrated and made compatible with Collicello North's other residential units through the use of good site planning, common architectural themes and landscaping.

Collicello North will also incorporate a bicycle and pedestrian path. The purpose of this approximately 150' long and six (6) feet wide paved strip is to connect the upper streets with the lower access private road that leads to Edom Road. This connector has further significance as the developers of Collicello North would like to help connect this neighborhood to the planned Northend Greenway. Increasing the accessibility to the greater community while minimizing residence reliance on automobiles by creating and encouraging alternative transportation options, is a major component in Collicello North's New Urban Principles and emphasizes on sustainability.

The vision is for Collicello North to uniquely apply the attributes of the R-7 zoning in such a way that allows for the principles of New Urbanism, traditional neighborhood and sustainable design, to serve our community long into the future.

COLLICELLO NORTH



MASTER PLAN

Table of Contents

I. Zoning Regulations

Tables

Table A - Types, quantities, setbacks, etc. (included within the text of the Zoning Regulations)

Table B - General Landscape Plan

Appendices

Appendix A - Master Plan Layout

Collicello North

I. Zoning Regulations for Collicello North

Lot area, width, and depth, and setbacks for all buildings are stated in Table A.

TABLE A

LOT TYPE ¹	#of units	LOT SIZE (MIN.SF)	LOT DEPTH (MIN)	LOT WIDTH (MIN)	SETBACK
A- single family	7	2000'	70'	30'	0'
B- single family	7	1600'	50'	30'	0'
C -single family	3	1600'	45'	30'	0'
D-town home	6	700'	35'	19'	0'
E-town home	6	900'	40'	19'	0'
F-town home	6	700'	35'	19'	0'
Multi-Family	as permitted by density	no minimum	no minimum	no minimum	0'
Non-Residential	N/A	No minimum or maximum other than as required by the R-7 zoning regulations.	no minimum	no minimum	0'

* Any residential building type may be developed in conjunction with the mixed-use area or areas later added to the Master Plan

**If the existing single family structure within the mixed-use area is used as a detached single family home there shall be no minimum lot size, lot depth or lot width requirements and it shall have zero setbacks.

The Master Plan Layout illustrates the general arrangement and location of buildings and where residential unit types will be located. The application of typical requirements of the City's Zoning Ordinance Article T and other regulations for this development are specified below.

1. No provisions of the City's Zoning Ordinance Article T shall apply, however matters normally regulated by Article T are otherwise regulated as indicated below.
 - Patios, courtyards, terraces, porches and other similar features may have zero setbacks along all property lines.
 - Section 10-3-111 Height shall be applicable.
 - Accessory buildings shall be held to the same setbacks required of principal buildings and as afforded by the provisions of the H.O.A.
2. Walls and fences, beams and similar items which may restrict passage or vision or simply enhance private property shall not exceed 8', and may be located with a zero setback as afforded by the provisions of the H.O.A. except as restricted by needed sight lines for traffic.
3. In the event that residential dwellings utilize garage space to meet minimum required parking requirements, such space shall not be converted to livable space.

¹ A prior version of this Master Plan included specific building types. With this revision to the Master Plan, there is no inclusion of specific building types. However, the dimensions for these lot types as shown on this table still apply.

4. Any community building (i.e. pavilion) and any future amenities for the green/open space can be constructed in common areas with zero setbacks and as afforded by the provisions of the H.O.A.
5. A mixed-use area has been designated at the corner of 5th and Collicello Streets (See the Master Plan Layout in Appendix A). This area will include any of the following uses: Non-Residential as permitted by the district, Multi-Family Units, and/or any of the residential unit types listed in Table A or the existing single family detached structure. The existing structure will be maintained as is or either renovated with new construction added or will be demolished and new building(s) constructed. Lot and dimensional requirements for such uses is governed by Table A.
6. A property owners association (“HOA”) will be created to own and maintain common areas, easements, and improvements thereon. A Declaration of Covenants, Conditions, and Restrictions (the “Declaration”) will be recorded that will serve as the governing document for the HOA. The terms of the actual Declaration may be amended from time to time during the existence of the Project, provided that the public and private easements shall not be materially altered except upon permission in writing from the City Zoning Administrator.
7. Each home will be constructed to be solar-ready, including reserved breaker space in the main panel, conduit run from attic to electrical room, conduit stubbed toward the meter location, roof structural consideration for future attachment, and wall space allocated for inverter or battery.

Streets and Parking

The location of streets, access to parking areas, and sidewalks shall be constructed in the areas generally shown on the Master Plan Layout. The private road entrance for Collicello North off of Edom Road may be shared with tax map 40-I-6.

A variance to the Subdivision Ordinance for the design of streets, alleys, blocks, easements, sidewalks, and all such related features along with allowing lots to not have public street frontage shall be applied for during the preliminary platting of this development.

The variance is needed so the preliminary plat and final plat can be adopted in accordance to the Master Plan Layout.

Landscaping within the public and private street rights-of-ways will be maintained by the Collicello North Home Owners Association.

Bicycle and Pedestrian Path

As indicated on the Master Plan Layout, a bicycle and pedestrian path will be constructed in the general located shown along the west end of the Lower Green and Type D² lots and will continue north between the Type F & E lots. If this path cannot be accommodated in this general location, a different location may be provided within the development to provide the same connection intent as described in the Vision.

² See footnote 1.

Table B - Landscape

QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONDITION
TREES			
1	Gingo Biloba	GINKGO	2-2.5"
1	Acer Sacchanum	SUGAR MAPLE	2-2.5"
1	Cercis Cauadences	EASTERN REDBUD	6-8'
1	Thuja occidentalis 'Nigra'	BLACK CEDAR	6-7'
PROJECTED PLANT TYPES			
N/A	Buxus microphylla japonica 'Justin Brouwer'	JUSTIN BROUWER BOXWOOD	15-18", #3
N/A	Buxus sempervirens 'fastigiata'	FASTIGIATA BOXWOOD	30-36", #7
N/A	Ilex glabra 'Compacta'	COMPACT INKBERRY HOLLY	15-18", #3
N/A	Ilex x 'Christmas Jewel'	CHRISTMAS JEWEL HOLLY	36-42", #7
PROJECTED PERENNIALS AND ANNUALS			
N/A	Liriope muscari 'Variagata'	VARIEGATED LILYTURF	#1

* Similar plant materials may be substituted if suitable

Once plans are finalized we will develop a more formal landscape plan.

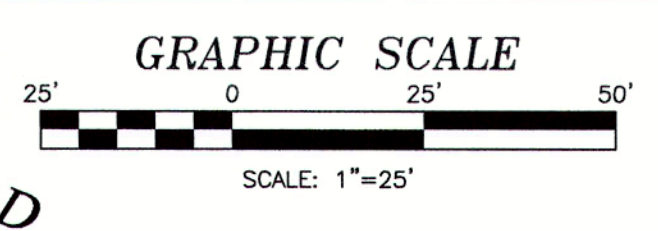
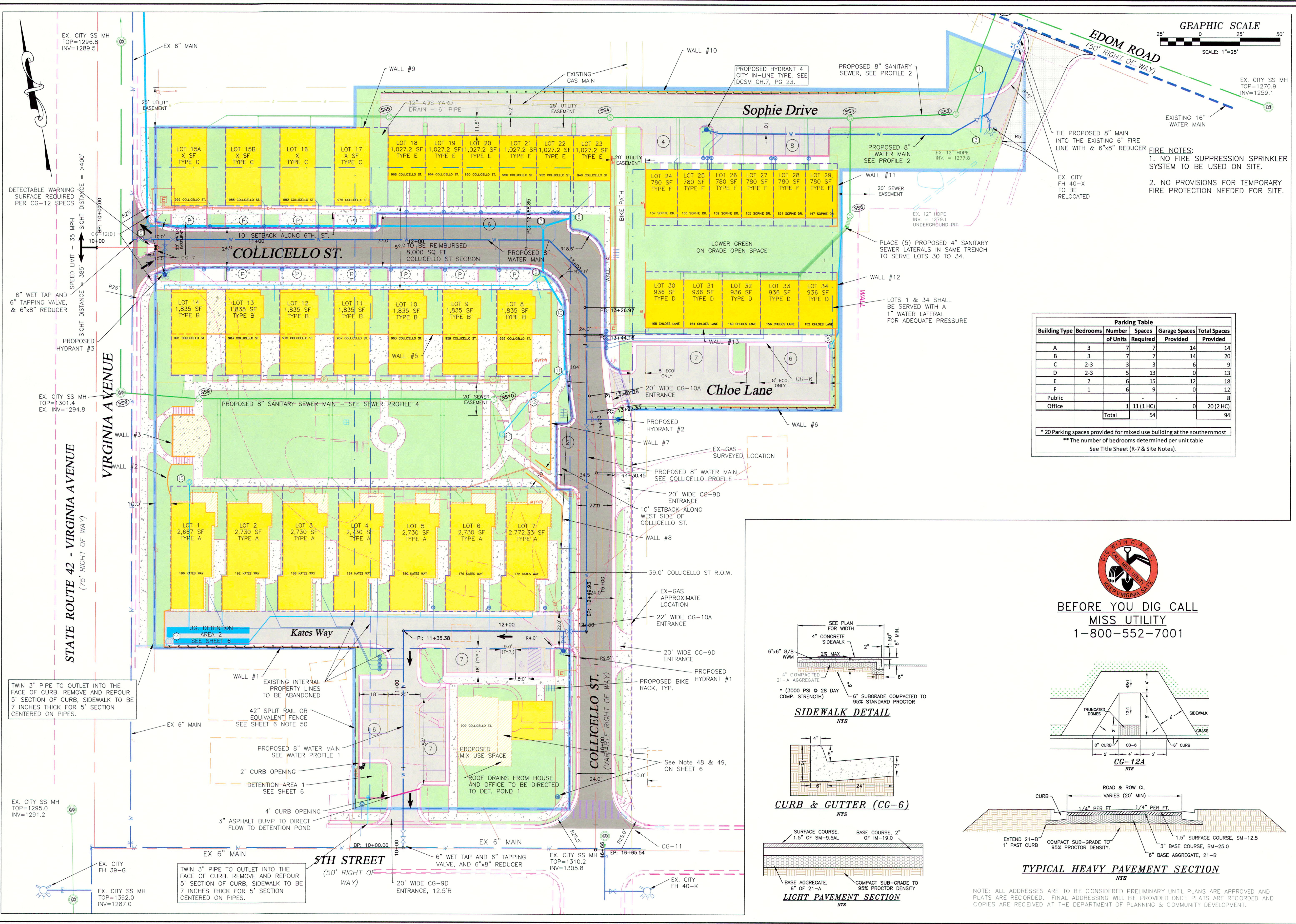
Appendix A Master Plan Layout

Sec. 10-3-111. - Height.

The height regulations heretofore established will be adjusted in the following cases:

- (1) The height limitations of this chapter shall not apply to the architectural features such as chimneys, spires, etc., and necessary accessory structures such as water towers, smokestacks and conveyors which are incidental to uses permitted in nonresidential districts.
- (2) The limitations on the number of stories shall not comply to buildings and structures not intended for human occupancy, but heights shall be governed by technical and environmental standards.

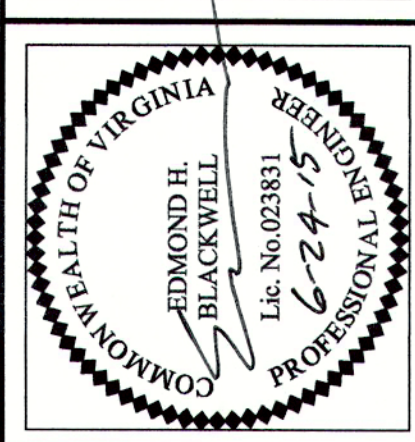
(Ord. of 4-23-96)



Date: NOV 2013
 Scale: AS SHOWN
 Designed by: EHB
 Drawn by: JRC/PBR
 Checked by: EHB

BLACKWELL ENGINEERING, PLC

566 East Market Street
 Harrisonburg, Virginia 22801
 PHONE: (540)432-8555 FAX: (540)434-7604
 E-Mail: BE@blackwellengineering.com



Revision Dates

3. 07/22/14 CITY COMMENTS
4. 08/28/14 CITY COMMENTS
5. 10/22/14 CITY COMMENTS
6. 04/29/15 ADDENDUM #1

FIRE NOTES:

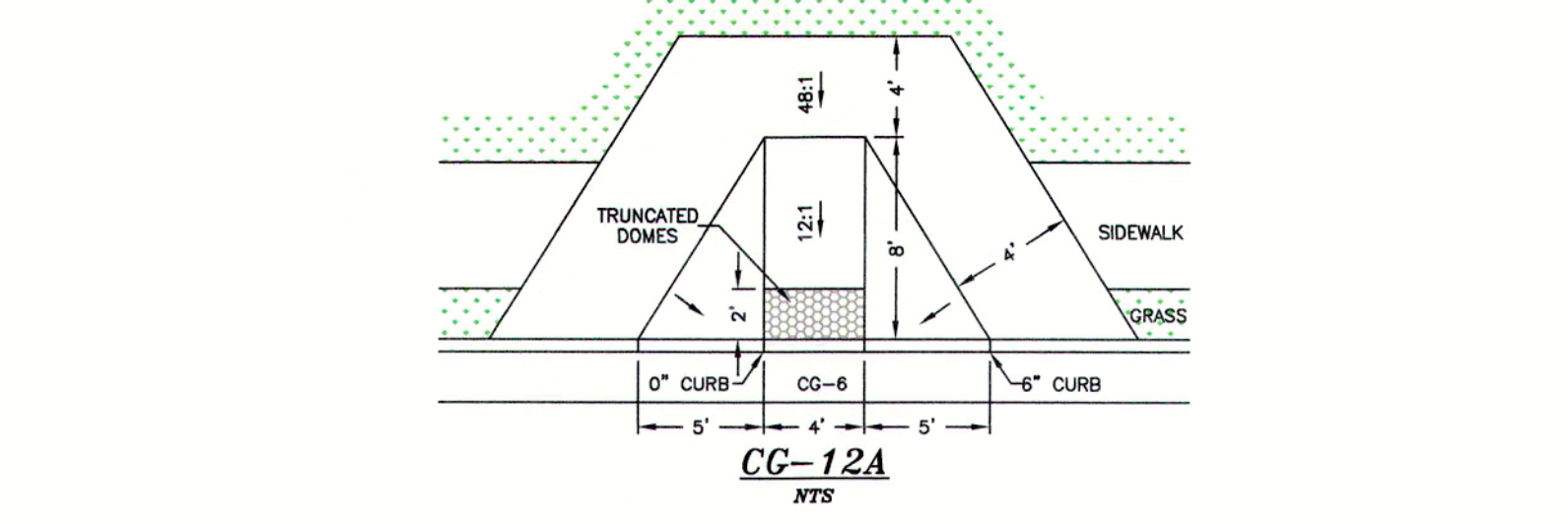
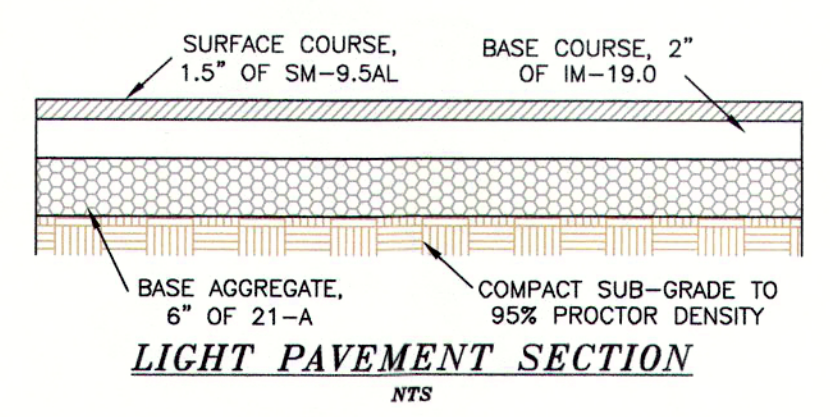
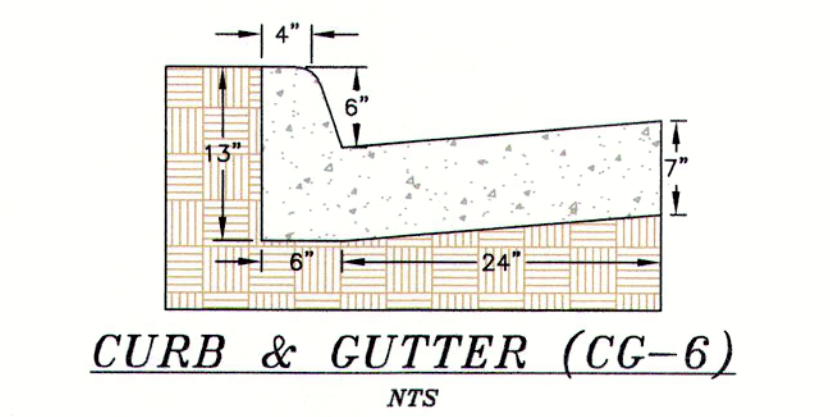
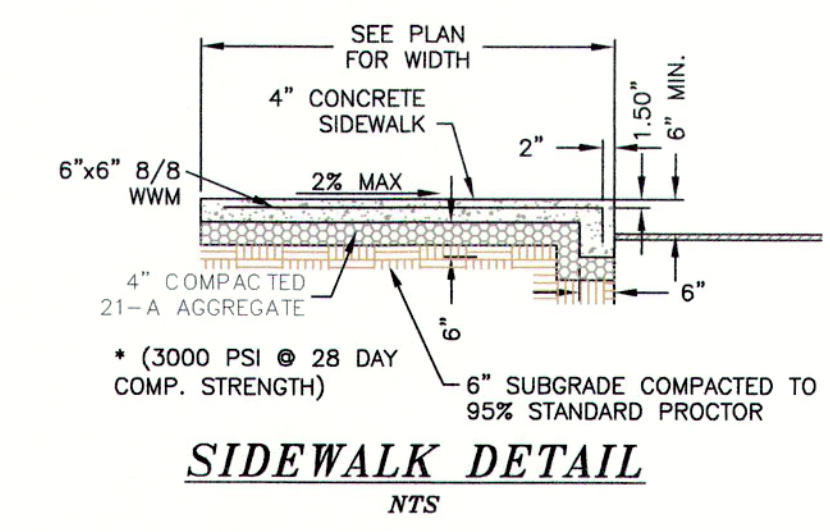
1. NO FIRE SUPPRESSION SPRINKLER SYSTEM TO BE USED ON SITE.
2. NO PROVISIONS FOR TEMPORARY FIRE PROTECTION NEEDED FOR SITE.

Parking Table

Building Type	Bedrooms	Number of Units	Spaces Required	Garage Spaces Provided	Total Spaces Provided
A	3	7	7	14	14
B	3	7	7	14	20
C	2-3	3	3	6	9
D	2-3	5	13	0	13
E	2	6	15	12	18
F	1	6	9	0	12
Public Office		1	11 (1HC)	0	20 (2HC)
Total			54		94

* 20 Parking spaces provided for mixed use building at the southernmost
 ** The number of bedrooms determined per unit table
 See Title Sheet (R-7 & Site Notes).

BEFORE YOU DIG CALL MISS UTILITY
 1-800-552-7001



NOTE: ALL ADDRESSES ARE TO BE CONSIDERED PRELIMINARY UNTIL PLANS ARE APPROVED AND PLATS ARE RECORDED. FINAL ADDRESSING WILL BE PROVIDED ONCE PLATS ARE RECORDED AND COPIES ARE RECEIVED AT THE DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT.

MASTER PLAN
 COLLICELLO NORTH
 KIN GROUP, LLC
 5782 GREENHILL ROAD
 LINVILLE, VA 22834

Drawing No.
2
 of 8 Sheets

Job No. 2266

COLLICELIO NORTH

MASTER PLAN

[Kin-Group, LLC](#)
[6322 Acker Lane](#)
[Linville, VA 22834](#)

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Collicello North

I. Introduction

The following information comprises the Vision for Collicello North and the zoning regulations for development.

Vision

The Vision conveys the philosophy behind the conception and intent of Collicello North.

Zoning Regulations

The zoning regulations as identified in this section and Master Plan layout (described below) define the myriad of regulations necessary to bring the Collicello North Vision to fruition.

Master Plan Layout

The Master Plan layout is a graphic depiction of the Zoning Regulation sections, but the layout is a governing detail of the Collicello North development generally depicting where roads, buildings, sidewalks, landscaping, grading, and utilities will be provided.

II. Vision

Collicello North is designed to be a NetZero Ready Community aligned with the purpose of the R-7 district and based on the 7 New Urbanism Principles:

- 1) The basic building block of a community is the neighborhood.
- 2) The neighborhood is limited in physical size, with well defined edges and center.
- 3) Corridors form the boundaries between neighborhoods, both connecting and defining the neighborhoods.
- 4) Human scale sets the standard for proportion for buildings. Buildings must be disciplined in how they relate to their lots if public space is to be successfully demarcated.
- 5) Treating a range of transportation options as important is fundamental.
- 6) The street pattern is conceived as a network to create the greatest number of alternative routes from one part of the neighborhood to another.
- 7) Civic buildings belong on preferred sites such as squares and neighborhood centers.

Every detail of Collicello North is designed to facilitate the manifestation of these principles and concepts into the fabric of a vibrant traditional neighborhood that is connected to greater Harrisonburg. Collicello North does not wish to define itself as its own community, but rather as a neighborhood among neighborhoods within the Harrisonburg community.

General Intentions of Housing and Neighborhood

The houses of Collicello North are intended to be NetZero Ready. This means that at the core of each house will be the principles of design that are the most sustainable and the most efficient in practice. First, and most importantly, the houses are not oversized, averaging around 1300 sf. Secondly, the downsized houses are oriented to welcome the southern exposure, providing protection from the north while providing sufficiently sized and oriented roof space for solar and photo voltaic arrays. Thirdly, each home is constructed with an exceptionally tight and efficient shell. These three concepts combined with the use of quality products, excellent craftsmanship and a "house as a system" approach to design, allow the houses of Collicello North to achieve a NetZero capability, producing as much energy as they use.

Weaving private areas and public areas into useable and inviting space is a challenge within urban planning. The R-7 asks for clustered groupings of living units to allow for open space. This is much easier to do when using a multi family housing concept but is more difficult within a single family model. Adding to the design challenges is the need to account for the demands of sustainable living. Through quality design, Collicello North has incorporated a zero lot line setback concept to create private outdoor living area, which also serves as the spacing between buildings to allow for access to the southern sky. Appendix A illustrates elevation conceptual renderings of the single family buildings. Although no renderings have been sketched, the master plan will allow for multi-family development within the area delineated for mixed used. If such units are developed, these units will be integrated and made compatible with Collicello North's other residential units through the use of good site planning, common architectural themes and landscaping.

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Collicello North will also try to incorporate a bicycle and pedestrian path. The purpose of this approximately 150' long and six (6) feet wide paved strip is to connect the upper streets with the lower access private road that leads to Edom Road. This connector has further significance as the developers of Collicello North would like to help connect this neighborhood to the planned Northend Greenway. Increasing the accessibility to the greater community while minimizing residence reliance on automobiles by creating and encouraging alternative transportation options, is a major component in Collicello North's New Urban Principles and emphases on sustainability.

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The vision is for Collicello North to uniquely apply the attributes of the R-7 zoning in such a way that allows for the principles of New Urbanism, traditional neighborhood and sustainable design, to serve our community long into the future.

III.I. Zoning Regulations for Collicello North

Lot area, width, and depth, and setbacks for all buildings are stated in Table A.

TABLE A

BUILDING LOT TYPE ¹	#of units	LOT SIZE (MIN.SF)	LOT DEPTH (MIN)	LOT WIDTH (MIN)	SETBACK
A- single family	7	2000'	70'	30'	0'
B ¹ - single family	7	1800'	50'	30'	0'
C -single family	3	1600'	45'	30'	0'
D ¹ -town home	6	700'	35'	19'	0'
E-town home	6	900'	40'	19'	0'
F-town home	6	700'	35'	19'	0'
Multi-Family	as permitted by density	no minimum	no minimum	no minimum	0'
Non-Residential	N/A	No minimum or maximum other than as required by the R-7 zoning regulations.	no minimum	no minimum	0'

- Any residential building type may be developed in conjunction with the mixed-use area or areas later added to the Master Plan
¹One duplex on lot 13 & 14 (Type B units)

**If the existing single family structure within the mixed-use area is used as a detached single family home there shall be no minimum lot size, lot depth or lot width requirements and it shall have zero setbacks.

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The Master Plan Layout illustrates the general arrangement and location of buildings and where residential unit types will be located. The application of typical requirements of the City's Zoning Ordinance Article T and other regulations for this development are specified below.

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1. No provisions of the City's Zoning Ordinance Article T shall apply, however matters normally regulated by Article T are otherwise regulated as indicated below.

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- Patios, courtyards, terraces, porches and other similar features may have zero setbacks along all property lines.
- Section 10-3-111 Height shall be applicable.
- Accessory buildings shall be held to the same setbacks required of principal buildings and as afforded by the provisions of the H.O.A.

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2. Walls and fences, beams and similar items which may restrict passage or vision or simply enhance private property shall not exceed 8', and may be located with a zero setback as afforded by the provisions of the H.O.A. except as restricted by needed sight lines for traffic.

3. In the event that residential dwellings utilize garage space to meet minimum required parking requirements, such space shall not be converted to livable space.

¹A prior version of this Master Plan included specific building types. With this revision to the Master Plan, there is no inclusion of specific building types. However, the dimensions for these lot types as shown on this table still apply.

4. Any community building (i.e. pavilion) and any future amenities for the green/open space can be constructed in common areas with zero setbacks and as afforded by the provisions of the H.O.A.
 5. A mixed-use area has been designated at the corner of 5th and Collicello Streets (See [the Master Plan Layout](#) in Appendix B.A). This area will include any of the following uses: Non-Residential as permitted by the district, Multi-Family Units, and/or any of the residential unit types listed in Table A or the existing single family detached structure. The existing structure will be maintained as is or either renovated with new construction added or will be demolished and new building(s) constructed. Lot and dimensional requirements for such uses is governed by Table A.
 6. ~~Although the master plan layout illustrates 35 residential units, given the intent of #5 as noted above, the total number and type of dwelling units will ultimately be determined by the finalized total square footage of the master planned R-7-A property owners association ("HOA") will be created to own and maintain common areas, easements, and improvements thereon. A Declaration of Covenants, Conditions, and Restrictions (the "Declaration") will be recorded that will serve as the governing document for the HOA. The terms of the actual Declaration may be amended from time to time during the existence of the Project, provided that the public and private easements shall not be materially altered except upon permission in writing from the City Zoning Administrator.~~
 7. ~~Each home will be constructed to be solar-ready, including reserved breaker space in the main panel, conduit run from attic to electrical room, conduit stubbed toward the meter location, roof structural consideration for future attachment, and wall space allocated for inverter or battery.~~
6. —
7. —

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Streets and Parking

The location of streets, access to parking areas, and sidewalks shall be constructed in the areas generally shown on the Master Plan ~~Layout and as shown in the layout in Appendix B.~~ The private road entrance for Collicello North off of Edom Road may be shared with tax map 40-I-6.

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A variance to the Subdivision Ordinance for the design of streets, alleys, blocks, easements, sidewalks, and all such related features along with allowing lots to not have public street frontage shall be applied for during the preliminary platting of this development.

The variance is needed so the preliminary plat and final plat can be adopted in accordance to the Master Plan ~~and Appendix B Layout. Note that Appendix B provides proposed street widths, sidewalks, and indicates streets as public or private. Appendix B also delineates parking areas.~~

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- Landscaping within the public and private street rights-of-ways will be maintained by the Collicello North Home Owners Association.

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Bicycle and Pedestrian Path

As indicated on the Master Plan ~~Layout~~, a bicycle and pedestrian path ~~is~~ will be constructed in the generally located ~~shown~~ along the west end of the Lower Green and Type D² ~~units lots~~ and will continue north between the Type F & E ~~units lots~~. If this path cannot be accommodated in this general location, a different location may be provided within the development to provide the same connection intent as described in the Vision.

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Transit

~~So long as the Harrisonburg Department of Public Transportation approves of a location, a bus stop will be provided near the intersection of 5th and Collicello Streets. Until such time that the mixed use area is sufficiently developed, the existing bus stop location on the corner of Collicello and 3rd is acceptable.~~

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² See footnote 1.

~~However, when the mixed use area is substantially completed, which includes shelter for individuals waiting for the bus, it is the developers' extreme wish to have a bus stop located as proposed on the Master Plan.~~

Table B - Landscape

QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONDITION
TREES			
1	Gingo Biloba	GINKGO	2-2.5"
1	Acer Sacchanum	SUGAR MAPLE	2-2.5"
1	Cercis Cauadences	EASTERN REDBUD	6-8'
1	Thuja occidentalis 'Nigra'	BLACK CEDAR	6-7'
PROJECTED PLANT TYPES			
N/A	Buxus microphylla japonica 'Justin Brouwer'	JUSTIN BROUWER BOXWOOD	15-18", #3
N/A	Buxus sempervirens 'fastigiata'	FASTIGIATA BOXWOOD	30-36", #7
N/A	Ilex glabra 'Compacta'	COMPACT INKBERRY HOLLY	15-18", #3
N/A	Ilex x 'Christmas Jewel'	CHRISTMAS JEWEL HOLLY	36-42", #7
PROJECTED PERENNIALS AND ANNUALS			
N/A	Liriope muscari 'Variagata'	VARIEGATED LILYTURF	#1

* Similar plant materials may be substituted if suitable

Once plans are finalized we will develop a more formal landscape plan.

~~Appendix A~~

~~Illustrates conceptual renderings of the residential buildings.~~

~~Appendix B~~

~~Phasing, Proposed Public Street Right Of Way, Parking and Common areas Master Plan Layout~~

~~Appendix C~~

~~Property Owners' Association Covenants, Conditions, and Rights~~

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City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**

www.harrisonburgva.gov/traffic-impact-analysis

For inclusion in an application for Planning Commission review (for Special Use Permit, Rezoning or Preliminary Plat), this form must be submitted to the Public Works Department at least 5 business days prior to the Planning Commission application deadline.

Contact Information			
Consultant Name:	Jason Propst		
Telephone:	540-476-0454		
E-mail:	Jason@propstfamilydev.com		
Owner Name:	Al Thomas		
Telephone:	773-502-5024		
E-mail:	Almarkthomas@gmail.com		
Project Information			
Project Name:	Collicello North		
Project Address:	919 Collicello Street		
TM #:	40-H-1		
Existing Land Use(s):	Housing		
Proposed Land Use(s): (if applicable)	Vacant		
Submission Type:	Comprehensive Site Plan <input type="radio"/>	Special Use Permit <input type="radio"/>	Rezoning <input checked="" type="radio"/>
			Preliminary Plat <input type="radio"/>
Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc)	2.96 AC, 36 lot subdivision including existing Home at 919 Collicello. Development is divided into 18 Single Family detached homes and 17 attached. Main Entrances from Collicello street at 919 and from the opposite corner from Virginia Avenue.		
Peak Hour Trip Generation (from row 15 on the second page)			
AM Peak Hour Trips:	20		
PM Peak Hour Trips:	26		

(reserved for City staff)

TIA required? Yes _____ No

Comments:

Accepted by: *Timothy Mason*

Date: 03/06/2026

Peak Hour Trip Generation by Land Use

Row	ITE Land Use		ITE Land Use Code	Unit	Quantity	AM Peak Hour of Adjacent Street Traffic	PM Peak Hour of Adjacent Street Traffic
1	Proposed #1	Single Family Detached	210	Dwelling Unit	19	13	18
2	Proposed #2	Single Family Attached	215	Dwelling Unit	17	8	9
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					21	27
8	Existing #1	Single Family Detached	210	Dwelling Unit	1	1	1
9	Existing #2						
10	Existing #3						
11	Existing #4						
12	Existing #5						
13	Existing #6						
14	Total Existing Trips					1	1
15	Final Total (Total New – Total Existing)					20	26

Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

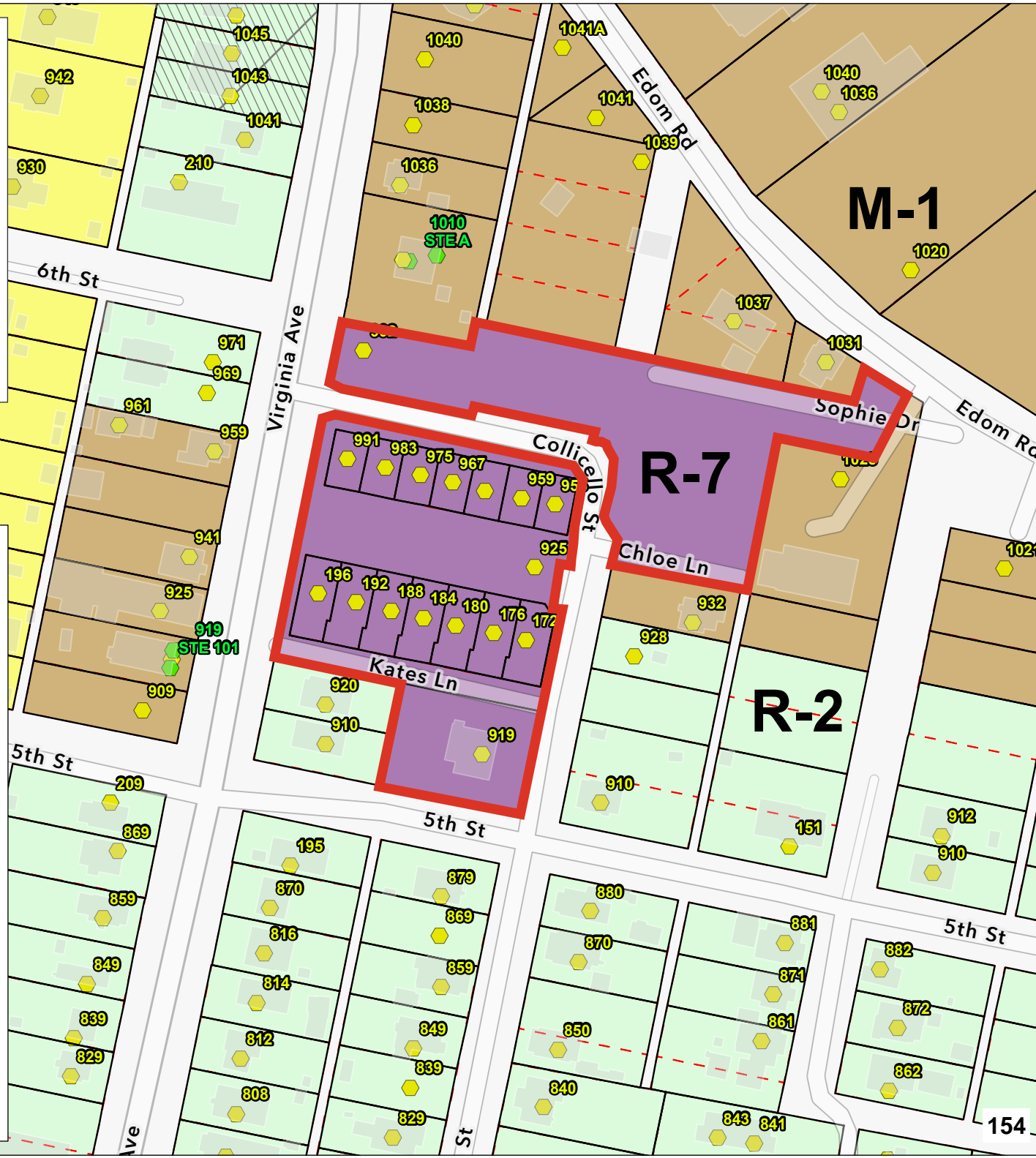
1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.

Revised Date: December 2019

City of Harrisonburg

Rezoning
(R-7 Master Plan Amendment)
Multiple Addresses Collicello Street
and Kates Lane
Tax Map: 40-H-1, 11, 17 though 30
& 40-I-16
+/- 2.96 acres

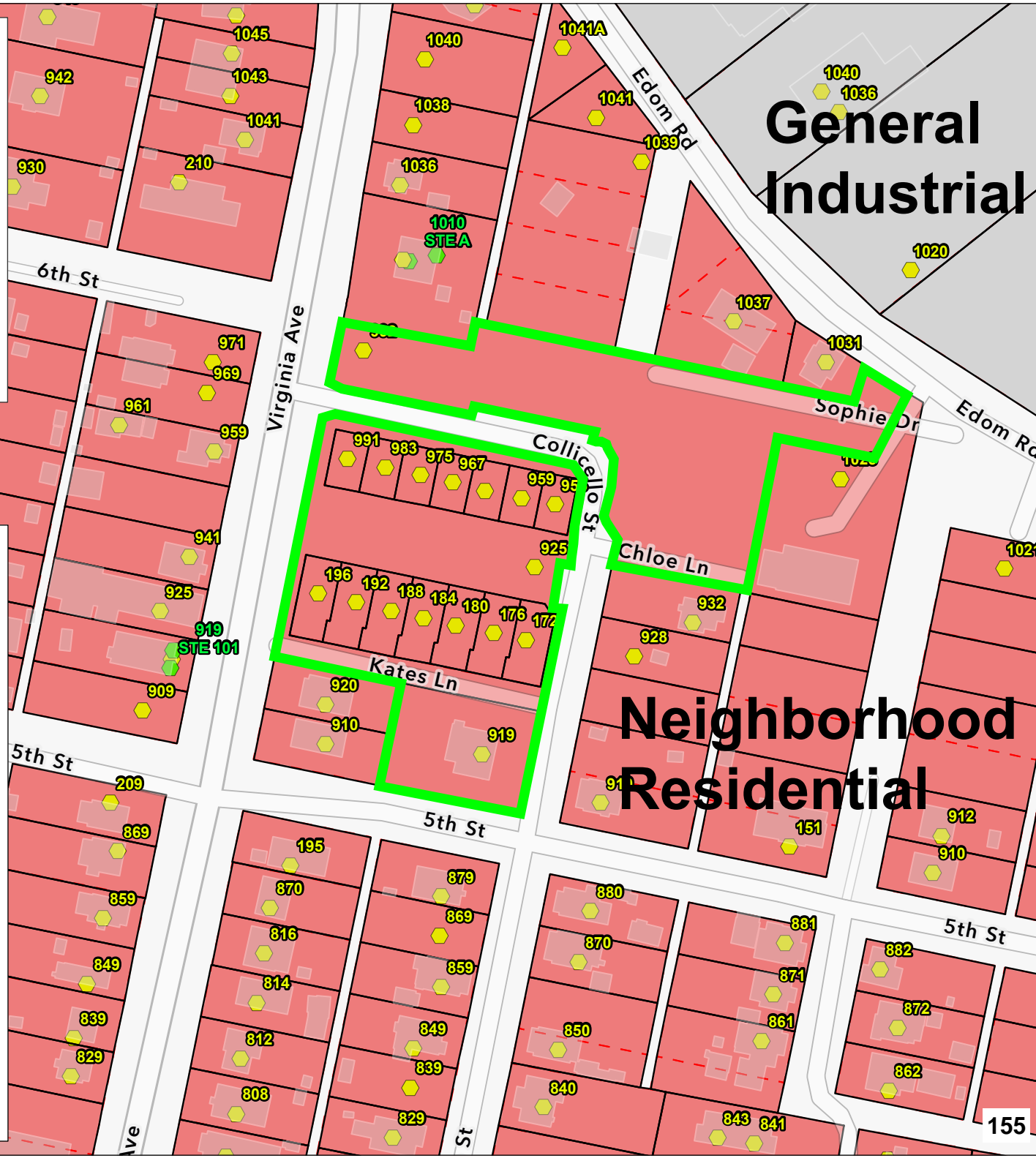
ZONING



City of Harrisonburg

Rezoning
(R-7 Master Plan Amendment)
Multiple Addresses Collicello Street
and Kates Lane
Tax Map: 40-H-1, 11, 17 though 30
& 40-I-16
+/- 2.96 acres

(FUTURE) LAND USE GUIDE



City of Harrisonburg

Rezoning
(R-7 Master Plan Amendment)
Multiple Addresses Collicello Street
and Kates Lane
Tax Map: 40-H-1, 11, 17 though 30
& 40-I-16
+/- 2.96 acres





City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 12, 2013

REZONING - COLLICELLO NORTH R-7 (KIN GROUP, LLC)

GENERAL INFORMATION

- Applicant:** Kin Group, LLC with representative Dean Weaver
- Tax Map:** 40-H-1—8 and 11—16, 40-I-14, 15, and 16, and portions of undeveloped 6th Street right-of-way, undeveloped portions of Collicello Street right-of-way, adjacent undeveloped alleys, and other public street right-of-way near Edom Road all of which is illustrated on tax map sheet 40.
- Acreage:** 127,195 +/- square feet
- Location:** Bounded by Virginia Avenue, 5th Street, portions of undeveloped Collicello Street, and Edom Road
- Request:** Public hearing to consider rezoning 17 parcels and portions of undeveloped public street and alley right-of-way that will soon be in their ownership from R-2, Residential District and M-1 General Industrial District to R-7, Medium Density Mixed Residential Planned Community District. The planned development will provide at least 35 dwelling units and would permit any allowable non-residential uses.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

- Site:** Vacant commercial building and undeveloped lots and property, zoned R-2 and M-1
- North:** Business office fronting Virginia Avenue, zoned M-1, undeveloped lots fronting undeveloped Collicello Street, zoned M-1, and an automobile repair shop and a non-conforming single family home, zoned M-1
- East:** Automobile repair shop, and across Edom Road, parking lot, zoned M-1
- South:** Nonconforming single family home fronting Collicello Street, zoned M-1, and a single family home fronting Collicello Street, and across 5th Street single homes, zoned R-2

West: Single family homes fronting Virginia Avenue, zoned R-2, and across Virginia Avenue, a repair shop and non-conforming single family homes, zoned M-1, and a duplex structure, zoned R-2

EVALUATION

The applicant is requesting to rezone six parcels, zoned R-2 Residential District, and 11 parcels, zoned M-1, General Industrial District, along with adjacent undeveloped public street and alley right-of-way (ROW) that will soon be in their ownership, all to the R-7, Medium Density Mixed Residential Planned Community District. The property is located at the north end of the developed section of Collicello Street, bounded by 5th Street, Virginia Avenue, portions of undeveloped Collicello Street, and Edom Road. The subject area totals 127,195 +/- square feet (2.92 +/- acres) in area and would contain at least 35 residential dwelling units. The proposed master planned neighborhood has been named "Collicello North."

The applicant is the same entity that over the past year received approval from City Council to close and purchase the adjacent public street and alley ROWs including: the majority of undeveloped 6th Street between Virginia Avenue and Edom Road, portions of undeveloped ROW near Edom Road, portions of undeveloped Collicello Street to the south of its intersection with undeveloped 6th Street, and portions of two undeveloped alleys off of and perpendicular to undeveloped 6th Street. As shown on the master plan layout, the applicant will also soon be requesting to close more undeveloped Collicello Street ROW; a 1,557 +/- square foot area that is entirely encompassed by this proposed development. If this area is closed and purchased by the developer, and if the developer purchases additional undeveloped 6th Street ROW that was originally planned to be bought by the adjacent property owner of tax map 40-I-6, then additional residential units could be built within Collicello North because both of the mentioned areas would become zoned R-7 and added to the overall development. The planning for this scenario has been incorporated into the regulatory control of the Collicello North master plan.

To fully understand the proposed rezoning, one must understand the R-7 zoning district, which was added to the City Code in October 2005. The adoption of this district put into practice listed strategies of the 2004 Comprehensive Plan including, among other things, providing incentives for neighborhoods that contain a mix of housing types and for providing open space or cluster development to preserve green space within subdivisions. The 2004 plan also strategized to address traffic calming measures and to create flexibility with building setbacks that could enhance social interaction among neighbors. These strategies led to the creation of the R-6 and R-7 zoning districts. In brief, these districts have the same intent except that R-6 allows only detached single family homes at a maximum of six units per acre, while the R-7 allows detached, attached, and multi-family units at a maximum of 12 units per acre. The R-6 district allows five percent non-residential uses, while the R-7 district allows 10 percent non-residential uses. The non-residential uses permitted by these districts that cannot exceed the specified percentages include: retail stores, convenience shops, personal service establishments, restaurants, food and drug stores, and governmental, business, professional, and financial institutions. Other non-residential uses of this district include places of worship and child and adult day care centers, however, such uses are not limited in the amount of area they may take up within such developments.

As explained by the Zoning Ordinance, the purpose of the R-7 district is intended to provide opportunities for the development of planned residential communities offering a mix of single family detached units, single family attached units, and in certain circumstances, multi-family units. R-7

neighborhoods are developed under an approved master development plan that incorporates regulatory text and a master layout of the neighborhood. In other words, aside from particular provisions of the Zoning Ordinance that must be met, the approved master plan is the “zoning” by which all development must abide. The R-7 zoning district requires a minimum of two contiguous acres, a minimum of 15 percent open/green usable space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. If multi-family units are built, they cannot exceed 30 percent of the total number of units. The master plan must also identify the required areas, widths, depths, and building setback requirements of all lots and it may also incorporate provisions that are typically regulated by Article T of the Zoning Ordinance, which among other things includes the regulations for walls and fences; terraces, patios, and decks; and accessory buildings.

To date, the City has approved two R-7 master planned communities: Brookside Park and the Quarry. Aside from Collicello North, these are the only two R-7 applications to ever be submitted. The Brookside Park master plan was originally approved in June 2006, but has been amended twice; once in 2007 and then again in 2011. This development has not been completed but has gradually developed over the past few years. It is located off of Suter Street and includes over 7 acres of property and is master planned to include single family detached and attached homes at about 82 percent of the maximum permitted density. The Quarry was approved in September 2007 and includes about 118 acres of property located off of Linda Lane and Smithland Road and is master planned to include non-residential uses along with all housing types allowing up to 744 residential units, which is a little over half of the permitted density. This development never materialized but has received attention from potential developers since its approval.

With regard to the subject request, Collicello North has met or exceeded all of the minimum required provisions to construct an R-7 development. The property is almost three acres in size; the master plan text defines all of the area and dimensional requirements for all lots; the master plan layout illustrates the general arrangement and location of the types of residential units, roads, sidewalks, and landscaping; the neighborhood will have at minimum just over 15 percent usable open/green space; and they have addressed the regulatory matters of Article T. As is necessary when proposing a rezoning in any of the City’s master planned districts, the developer has worked closely with staff to ensure the provisions of the master plan can be practically applied. The master plan text and layout have been thoroughly reviewed and edited, where necessary, by City staff. The master plan text and the governing layout sufficiently explain the details of Collicello North, and therefore such information does not need to be repeated in this report. However, there are several matters that need to be clarified herein.

First, the project would maximize the permitted density of 12 units per acre in providing at least 35 dwelling units—15 single family detached units, one duplex structure (two units), and 18 townhouse units—all made up among six different housing types. All buildings, including community buildings and non-residential structures, would have zero building setbacks. Note that although zero setbacks are afforded to the single family detached units, this provision is more about offering flexibility in design as these dwelling units could never physically touch another unit because they would then be considered attached units, which would not be permitted by the master plan.

A majority of the residential lots would not have public street frontage; therefore, a variance to the Subdivision Ordinance Section 10-2-42 (c) would be required during the platting of this project. As described earlier, if additional density is achieved by purchasing more property, then extra units could be built. The additional units could take the form of any of the permitted types as indicated in the

master plan, the existing single family home, or multi-family units. If multi-family units are constructed, they would be incorporated within the area delineated for mixed-use at the corner of the intersection of Collicello Street and 5th Street and would be designed and built in conformity to the vision and intent of the rest of Collicello North. If density permits, the multi-family units may be incorporated into a mixed-use building that might house any of the non-residential uses allowed by the district. Collicello North will allow any of the non-residential uses up to the maximum 10 percent of the development, which at this time is about 12,720 square feet. As required by the R-7 zoning district, the 10 percent includes all land area associated with the non-residential uses (i.e. streets, parking, landscaping, etc.). Buildings containing non-residential uses cannot exceed floorplates of 7,500 square feet, while mixed use buildings allow the entire first floor of the building to include the non-residential uses.

What is not obvious when looking at the master plan layout with regard to residential unit parking spaces, is that the developer has uniquely designed the driveways leading into the garages of the Type B, C, and E units as parallel parking spaces. The parallel spaces for the Type B and C units offer additional parking spaces for the property owner, or to be available to offer parking spaces for neighbors if they are having a family event or if there is a community event. The parallel spaces for the Type E units are provided to meet the minimum parking spaces necessary for those townhome units.

With regard to the public street layout, the designed road does not meet the typical requirements of public streets pursuant the Design and Construction Standards Manual (DCSM). It is already known that some of these issues will include deviations to street and ROW width requirements, curve designs, and to the standards for street classifications. Because of these issues, a variance to the Subdivision Ordinance for the design standards of the street would be required during the platting of the project. As is specified with the Subdivision Ordinance Section 10-2-41 (a), variances may be approved by City Council on a case-by-case basis when:

- the proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the city desires;
- the particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts; and
- the proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.

Staff believes the proposed street layout meets the criterion above and is prepared to support the necessary variances during the platting phase. The intent behind Collicello North's street layout is to utilize narrow street widths combined with streetscape planting to create traffic calming measures for a safer environment for automobiles, pedestrians, and bicyclists.

The Collicello North master plan also indicates the extension of Collicello Street will either be a public or private street. At this point, the most likely scenario, and also the hope of the developer, is that the entire road will be a public street. The road section to be built within the existing undeveloped Collicello Street ROW can be accepted as a public street as such a design meets specific criterion for the City to be able to receive maintenance funds from the Virginia Dept of Transportation. The remaining road section that would connect the existing ROW westward to Virginia Avenue is the part of the road that could still be a private street. Regardless of that section being public or private, the physical road would be built as shown. All other roads shown on the master plan will be private streets. Any section of a street that is not public will not be maintained by the City, and therefore, will not

receive City trash services or receive public snow removal services. Public school bus services would be provided as is determined necessary.

Regarding the phasing of the project as shown within Appendix B, pursuant to the requirements of the Zoning Ordinance Section 10-3-11 (c) concerning certificates of occupancy, no certificates of occupancy shall be issued for any building within any phase, unless the phase is completed or the developer has posted an approved surety to the City, to complete any particular phase. A note on the phasing layout sheet indicates the developer's preference to build phases 1 and 2 in immediate sequence, which would complete the through street. However, if there is a gap between these two phases, a temporary, public turnaround will be provided.

The Collicello North master plan also indicates that if the City approves of its location, a transit bus stop area would be provided within the mixed use area near the intersection of Collicello Street and 5th Street. The Director of the Department of Public Transportation has already commented that at the present time, such a stop at the desired location would most likely not be accommodated as there is a transit stop near the intersection of 3rd and Collicello Streets. The City's goal is to be within $\frac{3}{4}$ of a mile of everyone, thus the residents of Collicello North would be serviced by the stop on 3rd Street.

As discussed above, the development would require variances from the Subdivision Ordinance. These variances should be considered when making a recommendation for this project as approving an R-7 plan of development could be perceived as also providing an endorsement for variances that would be requested during the platting phase.

The Comprehensive Plan designates the entire subject area and the majority of the surrounding area as Neighborhood Residential. This designation is characterized by large housing units on small lots, where existing conditions should dictate the types and densities of future residential development, and where infill development and redevelopment should be compatible with the existing neighborhood. Given the site's location within the overall neighborhood, the physical characteristics (i.e. slope and grade) of the project site, and the general design and philosophy of Collicello North, staff believes the intent of the Neighborhood Residential land use designation would be fulfilled.

Much of the subject property is zoned M-1, therefore rezoning these industrially zoned properties to a residential district is more in line with the long term plans of the City. As one travels north, up the hill of Collicello Street, single family detached homes would be the first types of residential units visible to the rest of the existing single family and duplex neighborhood to the south. The majority of Collicello North's attached units would be built beyond the crest of the knoll, not visible from the existing neighborhood, and predominately accessible only from Edom Road, lessening the overall traffic impact of this development to the existing neighborhood. Staff also appreciates that the first two phases of the project would build all of the detached single family homes—the later phases would incorporate the attached residential units. Often times, detached single family homes are built in later phases of development projects.

Although the unit density of Collicello North and the utilization of townhome units is closer to an R-3-type development than an R-2-type development, which is what the majority of the neighborhood to the south is zoned and what is traditionally thought of as a Neighborhood Residential development, Collicello North is quite different from a medium to high density R-3 development because R-7 dwelling units must be occupied by a single family or not more than 2 persons, which is similar to R-1 and R-2 occupancy restrictions. The R-7 zoning district is not a multi-tenant zoning district. It was designed to promote home ownership within a cohesive single family neighborhood. Furthermore, the

flexibility afforded through reduced setbacks and the required open space also sets it apart from other developments that achieve similar unit density.

Staff believes Collicello North embodies the intent of the R-7 zoning district and is master planned in a way that creates an excellent transition from the existing neighborhood toward the existing industrial uses along Edom Road.

Staff recommends approving the request to rezone the properties from R-2 and M-1 to the R-7 Medium Density Mixed Residential Planned Community District.

collicello

NORTH

MASTER PLAN

Kin Group, LLC
6322 Acker Lane
Linville, VA 22834

Approved
by City Council on:

07-23-13

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II. Vision

III. Zoning Regulations

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Table B – General Landscape Plan

Appendices

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Appendix B – Phasing, Proposed Public Street Right-Of-Way, Parking and Common areas

Appendix C – Property Owners’ Association Covenants, Conditions, and Rights

Collicello North

I. Introduction

The following information comprises the Vision for Collicello North and the zoning regulations for development.

Vision

The Vision conveys the philosophy behind the conception and intent of Collicello North.

Zoning Regulations

The zoning regulations as identified in this section and Master Plan layout (described below) define the myriad of regulations necessary to bring the Collicello North Vision to fruition.

Master Plan Layout

The Master Plan layout is a graphic depiction of the Zoning Regulation sections, but the layout is a governing detail of the Collicello North development generally depicting where roads, buildings, sidewalks, landscaping, grading, and utilities will be provided.

II. Vision

Collicello North is designed to be a NetZero Ready Community aligned with the purpose of the R-7 district and based on the 7 New Urbanism Principles:

- 1) The basic building block of a community is the neighborhood.
- 2) The neighborhood is limited in physical size, with well-defined edges and center.
- 3) Corridors form the boundaries between neighborhoods, both connecting and defining the neighborhoods.
- 4) Human scale sets the standard for proportion for buildings. Buildings must be disciplined in how they relate to their lots if public space is to be successfully demarcated.
- 5) Treating a range of transportation options as important is fundamental.
- 6) The street pattern is conceived as a network to create the greatest number of alternative routes from one part of the neighborhood to another.
- 7) Civic buildings belong on preferred sites such as squares and neighborhood centers.

Every detail of Collicello North is designed to facilitate the manifestation of these principles and concepts into the fabric of a vibrant traditional neighborhood that is connected to greater Harrisonburg. Collicello North does not wish to define itself as its own community, but rather as a neighborhood among neighborhoods within the Harrisonburg community.

General Intentions of Housing and Neighborhood

The houses of Collicello North are intended to be NetZero Ready. This means that at the core of each house will be the principles of design that are the most sustainable and the most efficient in practice. First, and most importantly, the houses are not oversized, averaging around 1300 sf. Secondly, the downsized houses are oriented to welcome the southern exposure, providing protection from the north while providing sufficiently sized and oriented roof space for solar and photo-voltaic arrays. Thirdly, each home is constructed with an exceptionally tight and efficient shell. These three concepts combined with the use of quality products, excellent craftsmanship and a “house-as-a-system” approach to design, allow the houses of Collicello North to achieve a NetZero capability; producing as much energy as they use.

Weaving private areas and public areas into useable and inviting space is a challenge within urban planning. The R-7 asks for clustered groupings of living units to allow for open space. This is much easier to do when using a multi-family housing concept but is more difficult within a single-family model. Adding to the design challenges is the need to account for the demands of sustainable living. Through quality design, Collicello North has incorporated a zero-lot-line setback concept to create private outdoor living area, which also serves as the spacing between buildings to allow for access to the southern sky. Appendix A Illustrates elevation conceptual renderings of the single family buildings. Although no renderings have been sketched, the master plan will allow for multi-family development within the area delineated for mixed used. If such units are developed, these units will be integrated and made compatible with Collicello North’s other residential units through the use of good site planning, common architectural themes and landscaping.

Collicello North will also try to incorporate a bicycle and pedestrian path. The purpose of this approximately 150’ long and six (6) feet wide paved strip is to connect the upper streets with the lower access private road that leads to Edom Road. This connector has further significance as the developers of Collicello North would like to help connect this neighborhood to the planned Northend Greenway. Increasing the accessibility to the greater community while minimizing residence reliance on automobiles by creating and encouraging alternative transportation options, is a major component in Collicello North’s New Urban Principles and emphases on sustainability.

The vision is for Collicello North to uniquely apply the attributes of the R-7 zoning in such a way that allows for the principles of New Urbanism, traditional neighborhood and sustainable design, to serve our community long into the future.

III. Zoning Regulations for Collicello North

Lot area, width and depth and setbacks for all buildings are stated in Table A.

TABLE A

BUILDING TYPE	# of units	LOT SIZE (MIN. SF)	LOT DEPTH (MIN)	LOT WIDTH (MIN)	SETBACK
A- single family	7	2000'	70'	30'	0'
B - single family	7	1600'	50'	30'	0'
C - single family	3	1600'	45'	30'	0'
D - town home	6	700'	35'	19'	0'
E - town home	6	900'	40'	19'	0'
F - town home	6	700'	35'	19'	0'
Multi-Family	as permitted by density	no minimum	no minimum	no minimum	0'
Non-Residential	N/A	No minimum or maximum other than as required by the R-7 zoning regulations.	no minimum	no minimum	0'

* Any residential building type may be developed in conjunction with the mixed-use area or areas later added to the Master Plan

** One duplex on lot 13 & 14 (Type B units)

***If the existing single family structure within the mixed-use area is used as a detached single family home there shall be no minimum lot size, lot depth or lot width requirements and it shall have zero setbacks.

The Master Plan layout illustrates the general arrangement and location of buildings and where residential unit types will be located. The application of typical requirements of the City's Zoning Ordinance Article T and other regulations for this development are specified below.

1. No provisions of the City's Zoning Ordinance Article T shall apply, however matters normally regulated by Article T are otherwise regulated as indicated below.
 - Patios, courtyards, terraces, porches and other similar features may have zero setbacks along all property lines.
 - Section 10-3-111 Height shall be applicable.
 - Accessory buildings shall be held to the same setbacks required of principal buildings and as afforded by the provisions of the H.O.A.
2. Walls and fences, beams and similar items which may restrict passage or vision or simply enhance private property shall not exceed 8' may be located with a zero setback as afforded by the provisions of the H.O.A. except as restricted by needed sight lines for traffic.
3. In the event that residential dwellings utilize garage space to meet minimum required parking requirements, such space shall not be converted to livable space.

4. Any community building (i.e. pavilion) and any future amenities for the green/open space can be constructed in common areas with zero setbacks and as afforded by the provisions of the H.O.A.
5. A mixed-use area has been designated at the corner of 5th and Collicello Streets (See layout in Appendix B). This area will include any of the following uses: Non-Residential as permitted by the district, Multi-Family Units, and/or any of the residential unit types listed in Table A or the existing single family detached structure. The existing structure will be maintained as is or either renovated with new construction added or will be demolished and new building(s) constructed. Lot and dimensional requirements for such uses is governed by Table A.
6. Although the master plan layout illustrates 35 residential units, given the intent of #5 as noted above, the total number and type of dwelling units will ultimately be determined by the finalized total square footage of the master planned R-7.

Streets and Parking

The location of streets, access to parking areas, and sidewalks shall be constructed in the areas generally shown on the Master Plan layout and as shown in the layout in Appendix B. The private road entrance for Collicello North off of Edom Road may be shared with tax map 40-I-6.

A variance to the Subdivision Ordinance for the design of streets, alleys, blocks, easements, sidewalks, and all such related features along with allowing lots to not have public street frontage shall be applied for during the preliminary platting of this development.

The variance is needed so the preliminary plat and final plat can be adopted in accordance to the Master Plan and Appendix B. Note that Appendix B provides proposed street widths, sidewalks, and indicates streets as public or private. Appendix B also delineates parking areas.

- Landscaping within the public and private street right-of-ways will be maintained by the Collicello North Home Owners Association.

Bicycle and Pedestrian Path

As indicated on the Master Plan layout, a bicycle and pedestrian path is generally located along the west end of the Lower Green and Type D units and will continue north between the Type F & E units. If this path cannot be accommodated in this general location, a different location may be provided within the development to provide the same connection intent as described in the Vision.

Transit

So long as the Harrisonburg Department of Public Transportation approves of a location, a bus stop will be provided near the intersection of 5th and Collicello Streets. Until such time that the mixed-use area is sufficiently developed, the existing bus stop location on the corner of Collicello and 3rd is acceptable. However, when the mixed-use area is substantially completed, which includes

shelter for individuals waiting for the bus, it is the developers extreme wish to have a bus stop located as proposed on the Master Plan.

Appendix A

Illustrates conceptual renderings of the residential buildings.

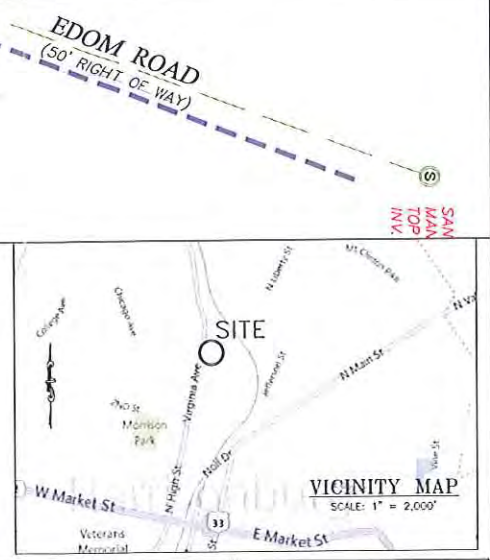
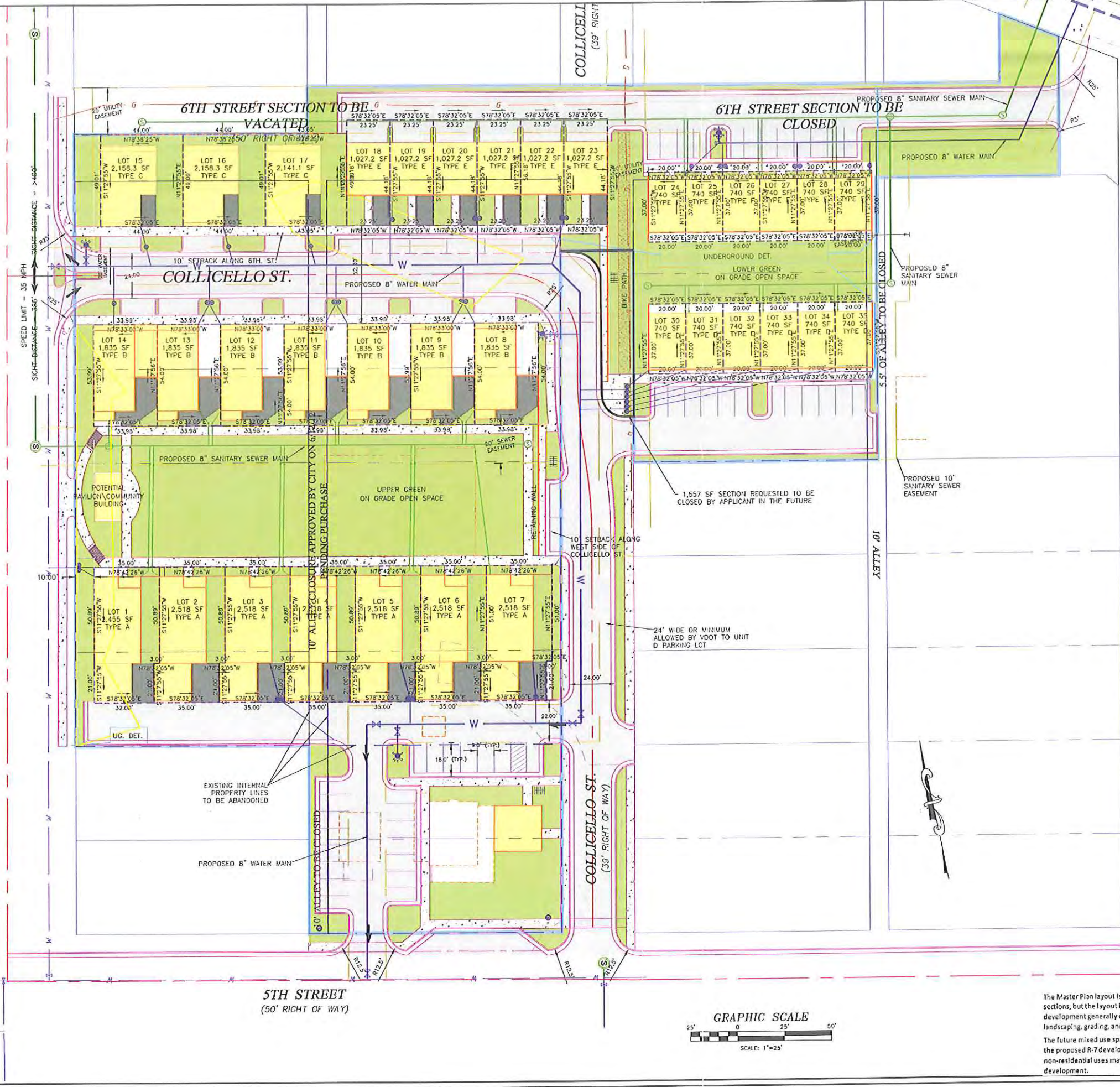
Appendix B

Phasing, Proposed Public Street Right-Of-Way, Parking and Common areas

Appendix C

Property Owners' Association Covenants, Conditions, and Rights

STATE ROUTE 42 NORTH HIGH STREET/VIRGINIA AVENUE
(75' RIGHT OF WAY)



R-7 NOTES

35 SINGLE FAMILY ATTACHED (18 - 51.4%) & DETACHED HOMES (17 - 48.6%)
1 MIXED-USE BUILDING

SITE: 128,841 sf
2.96 acres

35 UNITS MAXIMUM
RESIDENTIAL DENSITY: 12.0 DWELLING UNITS/ACRE

OPEN SPACE: 20,398 SF (0.468 AC)
15.8%

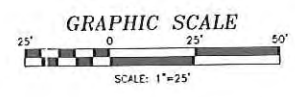
SETBACKS:
ALL SETBACKS ARE ZERO MINIMUM, EXCEPTING 10' MINIMUM WHEN ADJACENT TO PUBLIC STREET.

PARKING:
1 SPACE PER SINGLE FAM. DETACHED
1 1/2 SPACES PER SINGLE FAMILY ATTACHED (1 BEDROOM)
2 1/2 SPACES PER SINGLE FAMILY ATTACHED (2-3 BEDROOM)

A PROPERTY OWNERS' ASSOCIATION SHALL BE ESTABLISHED TO PROVIDE OWNERSHIP, CARE, AND MAINTENANCE OF ALL COMMON OPEN SPACE AREAS AND OTHER COMMON FACILITIES AND IMPROVEMENTS.

LEGEND

[Red dashed line]	CENTER LINE
[Blue dashed line]	SITE BOUNDARY
[Red dashed line with 'E/T']	ELECTRIC/TELEPHONE
[Red dashed line with 'X']	EXISTING UTILITY POLE
[Red dashed line with 'O']	EXISTING LIGHT POLES
[Red dashed line with 'P']	PROPOSED UTILITY POLE
[Blue dashed line with 'W']	WATER LINES
[Blue dashed line with 'S']	SANITARY FORCE MAIN
[Blue dashed line with 'C']	SANITARY LINES
[Blue dashed line with 'O']	SANITARY CLEANOUT
[Blue dashed line with 'S']	STORM SYSTEM
[Blue dashed line with 'D']	PROPOSED DITCH
[Blue dashed line with 'D']	GAS LINES
[Blue dashed line with 'D']	EXISTING PROPERTY LINE
[Blue dashed line with 'D']	PROPOSED PROPERTY LINE
[Blue dashed line with 'D']	SETBACK LINE
[Blue dashed line with 'D']	EASEMENT LINE
[Blue dashed line with 'D']	EXISTING BUILDING
[Blue dashed line with 'D']	PROPOSED BUILDING
[Blue dashed line with 'D']	PROPOSED ROAD/EOP
[Blue dashed line with 'D']	PROPOSED PARKING
[Blue dashed line with 'D']	EXISTING ROAD
[Blue dashed line with 'D']	EXISTING PARKING
[Blue dashed line with 'D']	CURBING: CG-6 OR CG-7
[Blue dashed line with 'D']	CURBING: CG-2 OR CG-3
[Blue dashed line with 'D']	HANDICAP PARKING
[Blue dashed line with 'D']	DUMPSTER
[Blue dashed line with 'D']	EXISTING FIRE HYDRANT
[Blue dashed line with 'D']	PROPOSED FIRE HYDRANT
[Blue dashed line with 'D']	FIRE DEPARTMENT CONN.
[Blue dashed line with 'D']	WATER VALVE
[Blue dashed line with 'D']	WATER METER
[Blue dashed line with 'D']	EXISTING FENCE LINE
[Blue dashed line with 'D']	PROPOSED FENCE
[Blue dashed line with 'D']	PAVERS
[Blue dashed line with 'D']	CONCRETE PAVING
[Blue dashed line with 'D']	GRAVEL
[Blue dashed line with 'D']	LIGHT PAVEMENT
[Blue dashed line with 'D']	GRASS AREA
[Blue dashed line with 'D']	SLOPES >15%
[Blue dashed line with 'D']	BIKE RACK
[Blue dashed line with 'D']	RIGHT-OF-WAY GIVEN TO CITY

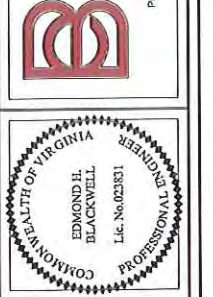


The Master Plan layout is a graphic depiction of the Zoning Regulation sections, but the layout is a governing detail of the Collicello North development generally depicting where roads, buildings, sidewalks, landscaping, grading, and utilities will be provided.

The future mixed use space as shown is less than 10% of the total area of the proposed R-7 development. However, if it can be accommodated, non-residential uses may utilize the maximum permitted 10% of the development.

Date: JUNE 2013
Scale: AS SHOWN
Designed by: EHB
Drawn by: JRC
Checked by: EHB

BLACKWELL ENGINEERING, PLC
566 East Market Street
Harrisonburg, Virginia 22801
PHONE: (540)432-9555 FAX: (540)434-7604
E-Mail: DOB@blackwellengineering.com



Revison Dates

MASTER PLAN
COLLICELLO NORTH
KIN GROUP, LLC
5782 GREENHILL ROAD
LINVILLE, VA 22834

Drawing No.
1
of 2 Sheets

Job No. 2266

Table B - Landscape

QTY	BOTANICAL NAME	COMMON NAME	SIZE/CONDITION
TREES			
1	Gingo Biloba	GINKGO	2-2.5"
1	Acer Sacchanum	SUGAR MAPLE	2-2.5"
1	Cercis Cauadences	EASTERN REDBUD	6-8'
1	Thuja occidentalis 'Nigra'	BLACK CEDAR	6-7'
PROJECTED PLANT TYPES			
N/A	Buxus microphylla japonica 'Justin Brouwer'	JUSTIN BROUWER BOXWOOD	15-18", #3
N/A	Buxus sempervirens 'fastigiata'	FASTIGIATA BOXWOOD	30-36", #7
N/A	Ilex glabra 'Compacta'	COMPACT INKBERRY HOLLY	15-18", #3
N/A	Ilex x 'Christmas Jewel'	CHRISTMAS JEWEL HOLLY	36-42", #7
PROJECTED PERENNIALS AND ANNUALS			
N/A	Liriope muscari 'Variagata'	VARIEGATED LILYTURF	#1

* Similar plant materials may be substituted if suitable

Once plans are finalized we will develop a more formal landscape plan.

Appendix A



UNIT A FRONT ELEVATIONS
SCALE: 1/8" = 1'-0"

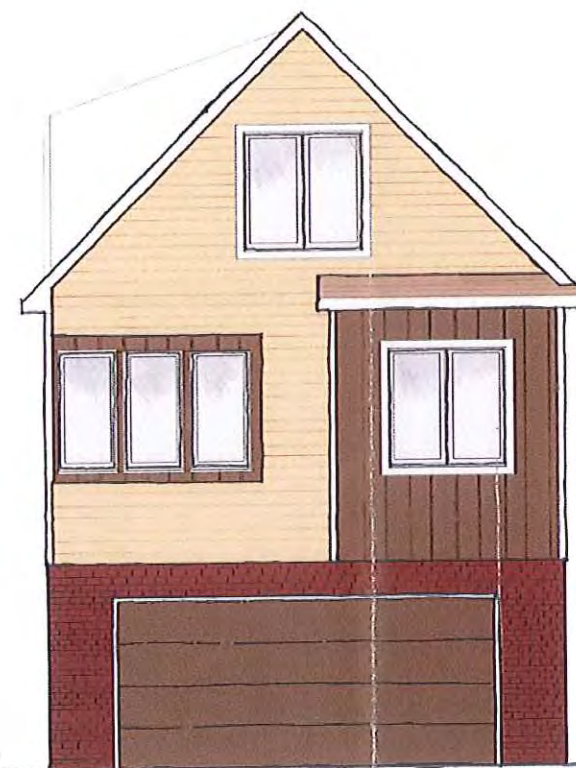


UNIT A BACK ELEVATIONS

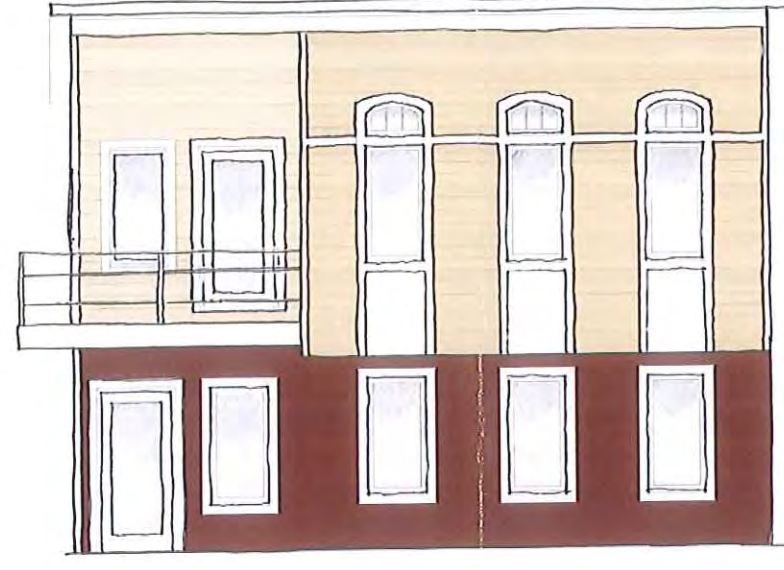
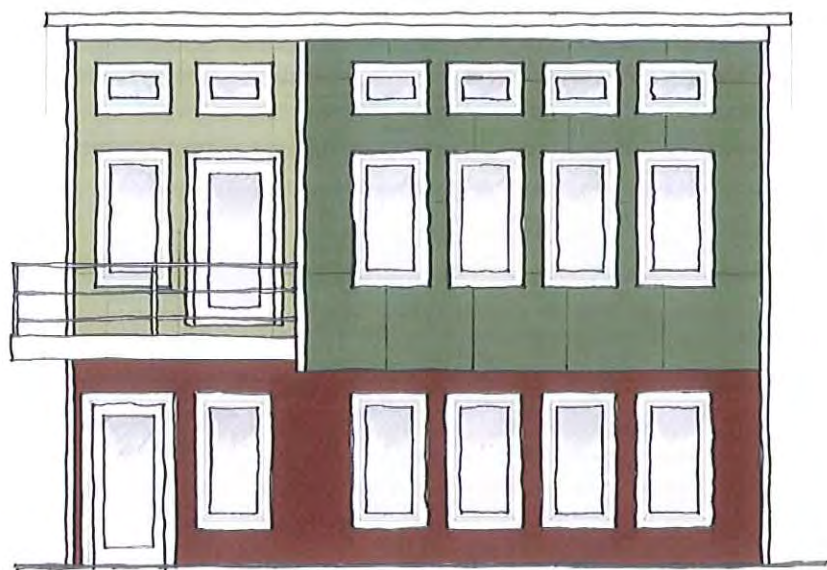
PRELIMINARY



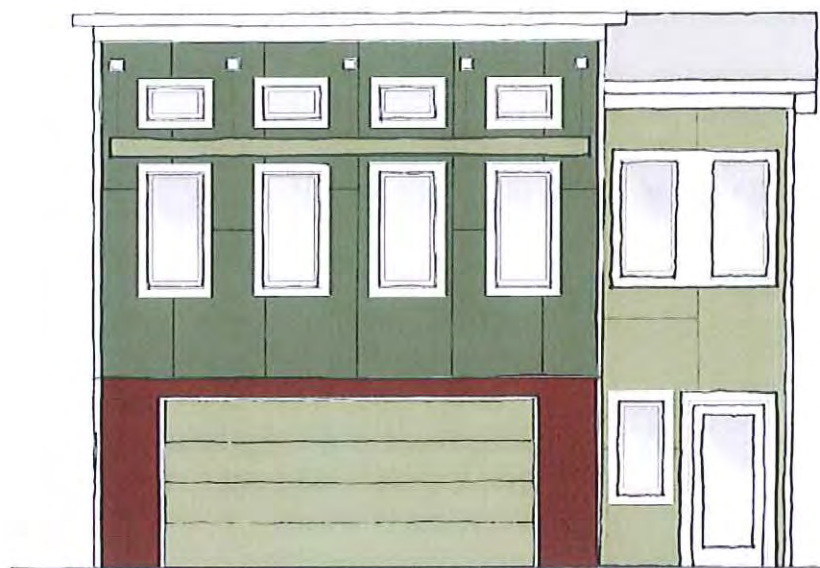
UNIT B FRONT ELEVATIONS
SCALE: 1/8"=1'-0"



UNIT B BACK ELEVATIONS

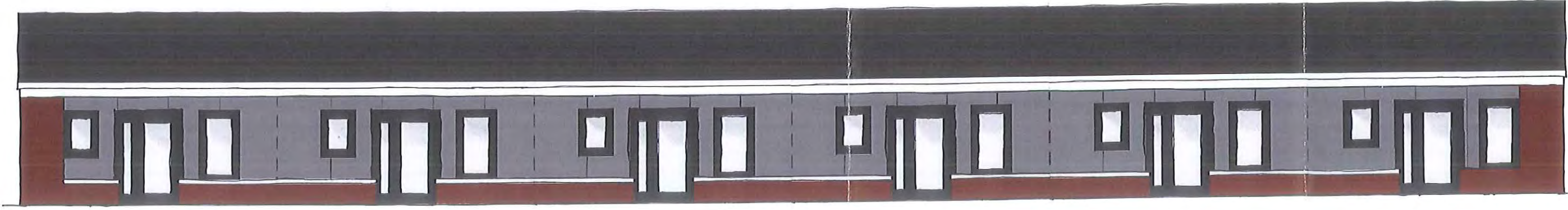


UNIT C FRONT ELEVATIONS
SCALE: 1/8"=1'-0"

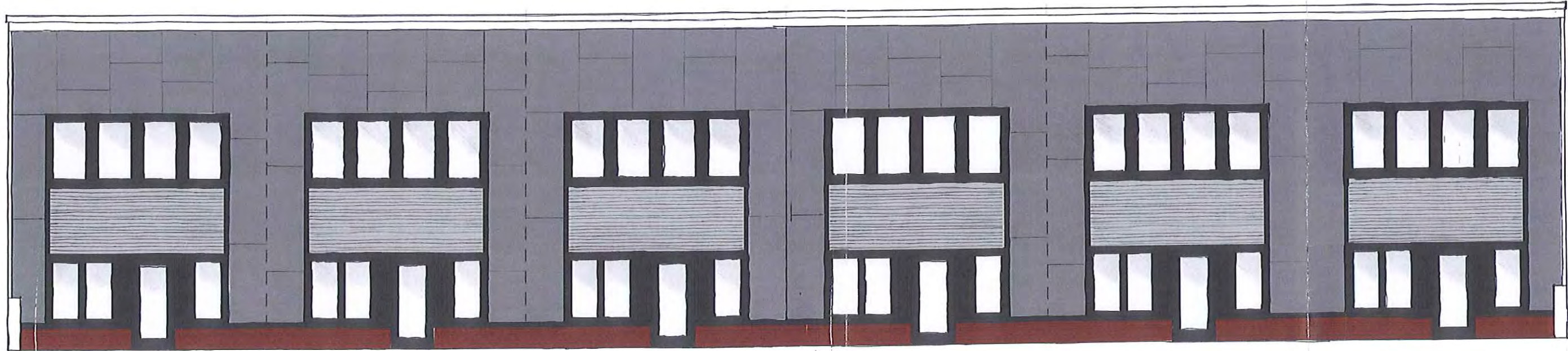


UNIT C BACK ELEVATIONS

PRELIMINARY



UNIT D FRONT ELEVATIONS
SCALE: 1/8"=1'-0"

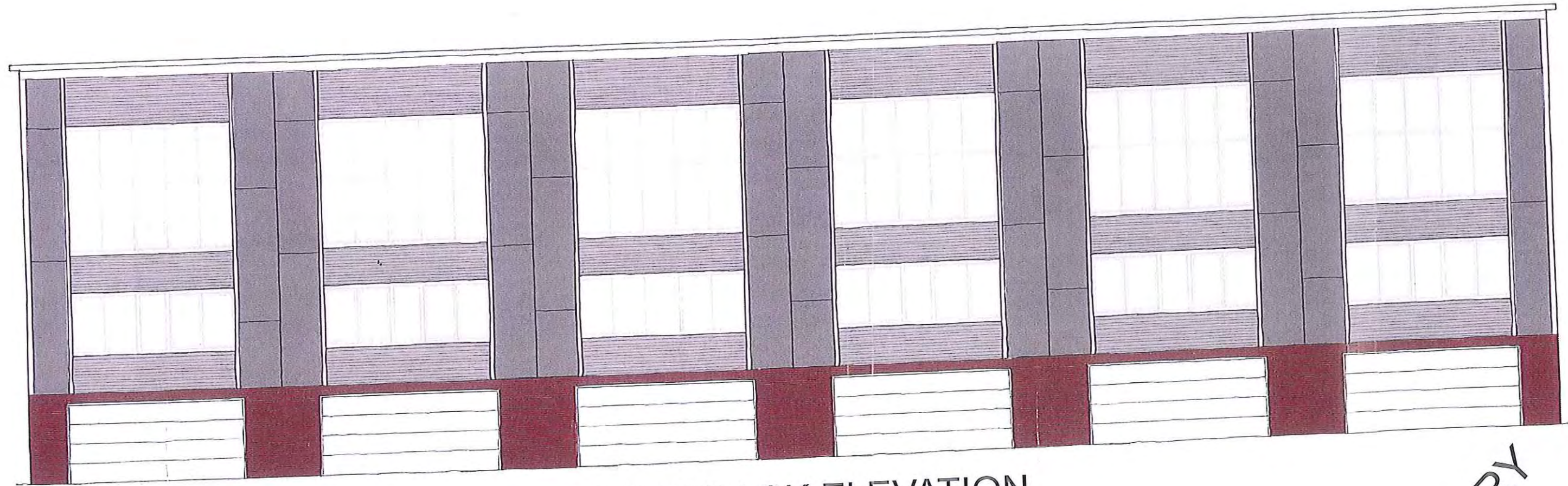


UNIT D BACK ELEVATIONS

PRELIMINARY

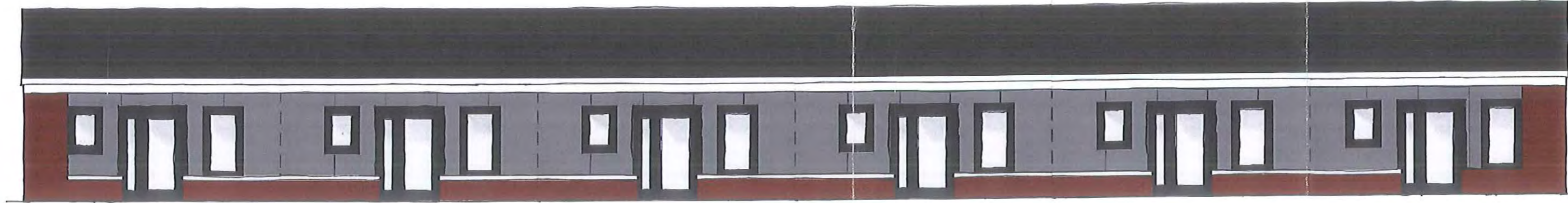


UNIT E FRONT ELEVATION
SCALE: 3/32"=1'-0"

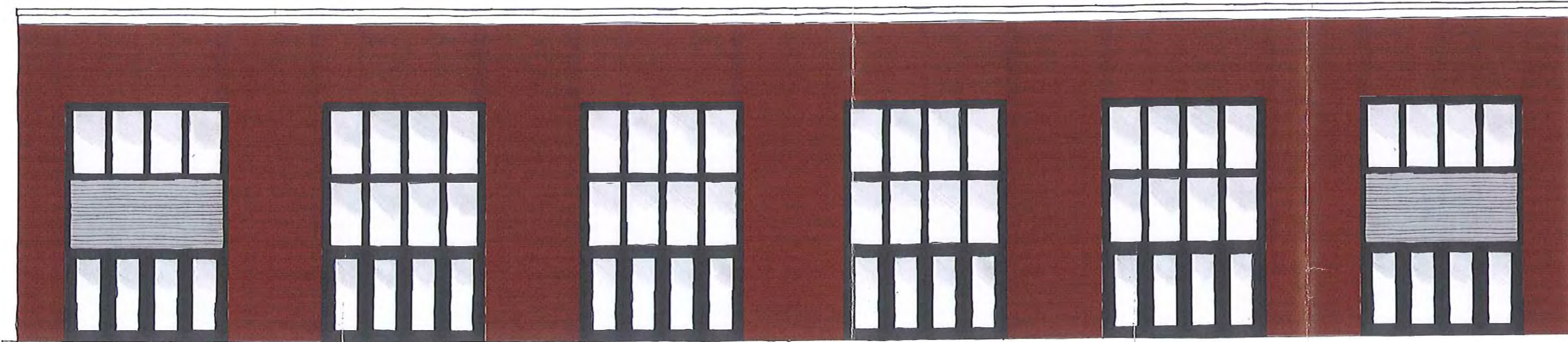


UNIT E BACK ELEVATION

PRELIMINARY



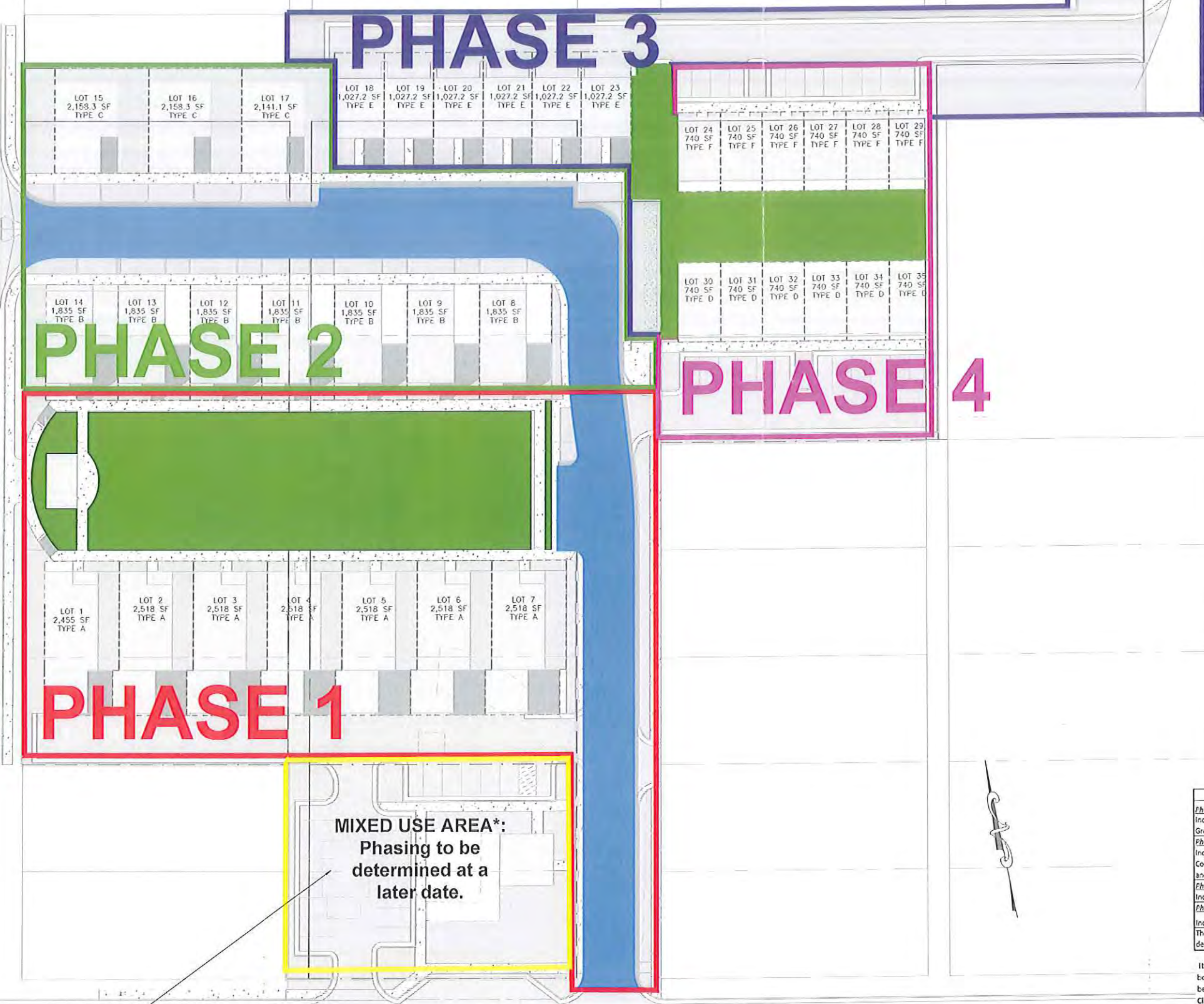
UNIT F FRONT ELEVATIONS
SCALE: 1/8"=1'-0"



UNIT F BACK ELEVATIONS

PRELIMINARY

Appendix B



- LEGEND**
- CENTER LINE
 - SITE BOUNDARY
 - E/T— ELECTRIC/TELEPHONE
 - EXISTING UTILITY POLE
 - EXISTING LIGHT POLES
 - PROPOSED UTILITY POLE
 - WATER LINES
 - SANITARY FORCE MAIN
 - SANITARY LINES
 - SANITARY CLEANOUT
 - STORM SYSTEM
 - PROPOSED DITCH
 - GAS LINES
 - EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - PROPOSED ROAD/EOP
 - PROPOSED PARKING
 - EXISTING ROAD
 - EXISTING PARKING
 - CURBING: CG-8 OR CG-7
 - CURBING: CG-2 OR CG-3
 - HANDICAP PARKING
 - DUMPSTER
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - FIRE DEPARTMENT COIN.
 - WATER VALVE
 - WATER METER
 - EXISTING FENCE LINE
 - PROPOSED FENCE
 - PAVERS
 - CONCRETE PAVING
 - GRAVEL
 - LIGHT PAVEMENT
 - GRASS AREA
 - SLOPES >15%
 - BIKE RACK
 - RIGHT-OF-WAY GIVEN TO CITY
 - COMMON AREAS

Phasing Table

Phase 1
Includes (7) Type A units with patios & courtyards, asphalt driveway from Collicello Street, Upper Green common area with sidewalks, retaining wall and steps along Virginia Avenue, retaining wall

Phase 2
Includes (7) Type B units with patios & courtyards, sidewalks, retaining walls, and completion of Collicello Street all the way to Virginia Avenue (includes curb & gutter, driveways & planting areas, and parking spaces).

Phase 3
Includes one building of (6) units, private drive to Edom Road, and bike and pedestrian path.

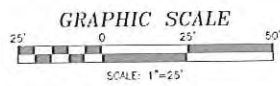
Phase 4
Includes two buildings of (6) units each, private drive and parking areas, sidewalks and lower Green. The non-residential mixed-use area is an integral component to the neighborhood and will be developed at the earliest possibility.

It is the developers preference to build the street and infrastructure needed to complete both Phase 1 and Phase 2 in immediate sequence. If it is determined there will be a gap between the two phases then a temporary Turn-A-Round will be provided according to the City's DCSM: Table 3.1.9.

Building Type	Bedrooms	Spaces Required	Garage Spaces Provided	Non-Garage Parking Provided
A	3	7	14	0
B	3	9	14	6
C	2 or 3	3	6	3
D	1	9	0	12
E	2	18	12	6
F	1	9	0	12

* 22 Parking spaces provided for mixed use building at the southernmost section of development.
 ** 8 Public-street parking spaces provided.
 *** The number of bedrooms per unit may change, however parking shall conform to Article G of the City Zoning Ordinance.

TOTAL OPEN SPACE/COMMON AREA:
20,398 SF (0.468 AC)
15.8%



A mixed-use area has been designated at the corner of 5th and Collicello Streets. This area will include any of the following uses: Non-Residential as permitted by the district, Multi-Family Units, and/or any of the residential unit types listed in Table A or the existing single family detached structure. The existing structure will be maintained as is or renovated with new construction added or will be demolished and new building(s) constructed. Although the master plan illustrates 35 units, the total number and type of dwelling units is not known and will ultimately be determined by the finalized total square footage of the master planned R-7.

Date: JUNE 2013
 Scale: AS SHOWN
 Designed by: EHB
 Drawn by: JRC
 Checked by: EHB

BLACKWELL ENGINEERING, PLC
 505 East Market Street
 Harrisonburg, Virginia 22801
 PHONE: (540)420-2656 FAX: (540)424-7004
 E-Mail: info@blackwellengineering.com



Revision Dates

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APPENDIX B
COLLICELLO NORTH
 KIN GROUP, LLC
 5782 GREENHILL ROAD
 LINVILLE, VA 22834

Drawing No.
2
 of 2 Sheets

Job No. 2266

Appendix C

DECLARATION
OF
COVENANTS, CONDITIONS, AND RESTRICTIONS
OF
"COLLICELLO NORTH" SUBDIVISION

THIS DECLARATION, made on this _____ day of _____, 2013, by KIN GROUP, LLC, a Virginia limited liability company (Grantor), hereinafter referred to as "Declarant," as the Owner and proprietor of certain Lots of land, streets and common areas totaling _____ acres, situate in The City of Harrisonburg, Virginia, shown and designated on a plat entitled " _____", dated the _____th day of _____, 2012, and made by _____, LS ("Plat"), which Plat is to be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia, immediately prior to the recordation of this instrument. All land shown and described on said Plat shall be referred to herein as the "Properties"; and

WITNESSETH:

WHEREAS, Declarant will convey the said Properties, subject to certain protective covenants, conditions, restrictions, reservations, liens, easements and charges as hereinafter set forth.

WHEREAS, _____ has a Deed of Trust dated _____, 2013, recorded in the aforesaid Clerk's Office in Deed Book _____, page _____, on the property that is subject to this Declaration. _____ and its Trustee, join in the Declaration to evidence their consent; and

NOW, THEREFORE, Declarant hereby declares that all of the Properties described herein shall be held, sold, and conveyed subject to the following easements, restrictions, covenants, and conditions, all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Properties and insuring a uniform mode of development. These easements,

covenants, restrictions, and conditions shall run with the land constituting the Properties and shall be binding on all parties having or acquiring any rights, title, or interest in the described Properties or any part thereof, and shall inure to the benefit of each Owner thereof.

ARTICLE ONE DEFINITIONS

Section 1.1. “Association” shall mean and refer to The _____ Homeowners’ Association, its successors and assigns. The Association may or may not be incorporated or organized as a corporation or limited liability company.

Section 1.2. “Properties” or “Property” shall mean and refer to that certain real property, containing 2.84 acres more or less in the aggregate, hereinbefore described on the Plat, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 1.3. “Lot” shall mean and refer to any plot of land shown upon the Plat or any subsequently recorded subdivision map of the Properties with the exception of the Roads, Parking Areas and Common Areas.

Section 1.4. “Member” shall mean and refer to every person or entity that owns one (1) or more of the Lots.

Section 1.5. “Owner” shall mean and refer to the record Owner, whether one (1) or more persons or entities, of a fee simply title to any Lot which is a part of the Properties, including contract sellers, but excluding those having such interest merely as security for the performance of an obligation.

Section 1.6. “Family” shall mean two (2) or more persons all of whom are related to each other by blood, marriage, or adoption.

Section 1.7. “Common Area” shall mean that portion of the Properties not contained within a Lot, or Lots, which Common Area shall be controlled and managed by the Declarant or the Association for the benefit of the Owners.

Common Area shall also contain the private Streets, Roads and Parking areas within the Property as shown on the Plat.

Section 1.8. “Roads” or “Streets” shall mean the public streets and rights of way such as Collicello St, and 6th St., along with the private drives for ingress and egress and Common Areas for parking as shown on the Plat, which shall be reserved for the private use of the Owners, the Declarant and the Association.

Section 1.9. “Master Plan” shall mean that Master Plan approved by the City Council of the City of Harrisonburg pursuant to the City R-7 zoning classification, which governs zoning for the Properties.

ARTICLE TWO

COMPOSITION OF ARCHITECTURAL CONTROL COMMITTEE

Section 2.1. Composition of Architectural Control Committee. The Architectural Control Committee is initially composed of a single Member appointed by Kin Group, LLC, a Virginia limited liability company, the Declarant herein. Said initial Member is Dean Weaver. The Committee may designate a representative or representatives to act for it. Upon the completion of the subdivision, and sale of all Lots therein by the Developer, the Architectural Control Committee, consisting of at least two (2) in number, shall be elected by the record title Owners of all Lots in said subdivision, each Lot having one (1) vote in such election. Such election may be called by any one (1) Lot Owner in such subdivision by giving thirty (30) days written notice to all other Owners at the address then listed with the Treasurer of the governmental subdivision having real estate tax jurisdiction over said subdivision.

Section 2.2. Authority of Architectural Control Committee. No building, fence, wall, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to or change, including paint and trim, roofing, or alteration therein be made until the plans and specifications showing the nature, kind, shape, height, materials, color of paint, color of roofing, and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Architectural Control Committee. In the event said Board, or its designated committee, fails to approve or disapprove such

design and location within thirty (30) days after said plans and specifications have been submitted to it, approval will not be required and this Article will be deemed to have been fully complied with. Said compliance shall be limited to the scope and character of the improvements or alterations contained in the plans and specifications submitted to the Committee.

Section 2.3. Fences. All fencing, subject to the decision of the Architectural Control Committee, shall be white vinyl fencing of equal or better quality than Dutchway fencing.

Section 2.4. Driveways. All driveways shall be of equal quality and appearance to that installed by the Declarant, unless otherwise approved by the Architectural Control Committee.

Section 2.5 Patios. All patios or other hardscaped exterior surfaces within a Lot shall also conform to quality and appearance to that installed by Declarant, unless otherwise approved by the Architectural Control Committee.

ARTICLE THREE MEMBERSHIP AND VOTING RIGHTS

Section 3.1. Every person or entity who is a record Owner of a fee or undivided fee interest in any Lot which is subject by covenants of record to assessment by the Association, including contract sellers, shall be a member of the Association. The foregoing is not intended to include persons or entities who hold an interest merely as security for the performance of an obligation. No Lot Owner shall have more than one (1) membership or more than one (1) vote per Lot owned. Membership shall be appurtenant to and may not be separated from ownership of any Lot which is subject to assessment by the Association. Ownership of such Lot shall be the sole qualification for membership.

Section 3.2. The Association shall have two (2) classes of voting membership:

3.2.1. Class A. Class A members shall be all those Owners as defined in Article One with the exception of the Declarant. Class A members

shall be entitled to one (1) vote for each Lot in which they hold the interest required for membership by Article Three. When more than one (1) person holds such interest in any Lot, all such persons shall be members. The vote for such Lot shall be exercised as they among themselves determine, but in no event shall more than one (1) vote be cast with respect to any Lot. Owners shall not be entitled to vote until their Lot is subject to assessment.

3.2.2 Class B. The Class B member shall be the Declarant. The Class B member shall be entitled to thirty-four (34) votes for each Lot in which it holds the interest required for membership by Article Three, provided that the Class B membership shall cease and be converted to Class A membership when the total votes outstanding in the Class A membership equal or exceed the total votes outstanding in the Class B membership.

Section 3.3. Association's Board of Directors. The business of the Property Owners' Association shall be managed by its Board of Directors. The initial number of directors shall be three (3). Declarant shall appoint said initial directors, who are not required to be Lot Owners, until such time as ninety percent (90%) of the Lots are independently owned. At that time, the Directors shall be elected annually by and from the membership with voting privileges as set forth in Article Three, Section 3.2.

Section 3.3. Association's Authority. The Association shall have the authority and responsibilities as set forth herein.

Section 3.4. Association Organizational Documents. The Declarant shall prepare and adopt the initial organizational documents and entity form for the Association which shall be binding upon the Owners unless amended or abrogated according to their terms.

ARTICLE FOUR COVENANTS FOR MAINTENANCE ASSESSMENTS

Section 4.1. Creation of the Lien and Personal Obligation of Assessments. The Declarant, for each Lot owned within the Properties, hereby covenants, and each Owner of any Lot by acceptance of a deed therefore, whether or not it shall

be so expressed in any such deed or other conveyance, is deemed to covenant and agree to pay to the Association; (i) annual assessments or charges, and (ii) special assessments for capital improvements, such assessments to be fixed, established, and collected from time-to-time as hereinafter provided. The annual and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided shall be a charge on the land and shall be a continuing lien upon the property against which each such assessment is made. Each such assessment, together with such interest, costs, and reasonable attorney's fees shall also be the personal obligation of the person who was the Owner of such property at the time when the assessment fell due. The personal obligation shall not pass to his successors in title unless expressly assumed by them, but shall remain a lien upon the Lot or Lots against which the assessments are made.

Section 4.2. Purpose of Assessments. The assessments levied by the Association shall be used exclusively for the purpose of promoting the recreation, health, safety, and welfare of the residents in the Properties and in particular for the improvement and maintenance of the Properties, services, and facilities devoted to this purpose and relating to the use and enjoyment of the homes situated upon the Properties. The assessments levied by the Association shall also be used to cover the expenses related to the ownership, maintenance, and use of the Common Areas including a community garden, community pavilion and fireplace area adjacent to the main green, and other similar common area amenities developed for community use. The Assessments shall also be used to fund the ongoing maintenance and upkeep of the private Roads, Streets and Common Areas for parking shown on the Plat, and for the provision of curbside private refuse collection services within the Properties. The Assessments shall be used for the mowing, upkeep and maintenance of all landscaping within the Properties. The Assessments shall also be used to maintain all storm water management systems located on the Property in accordance with the approved and installed original design plans.

Section 4.3. Basis of Annual Assessments. The initial annual assessment shall be set at TWO THOUSAND T AND NO/100 DOLLARS (\$2,000.00) per Lot, and shall commence upon the conveyance of a Lot from the Declarant and shall be prorated for the remainder of the assessment year from the time of such conveyance. Thereafter, upon a unanimous vote of the Board of Directors the annual assessment may be increased to an amount in excess of TWO

THOUSAND AND NO/100 DOLLARS (\$2,000.00) per Lot in order to meet current and future maintenance costs and operational responsibilities.

Section 4.4. Special Assessments for Capital Improvements. In addition to the annual assessments authorized above, the Board of Directors shall have the authority as provided by Section 55-514 of the Code of Virginia, as amended, to levy in any assessment year a special assessment applicable to that year only, if the purpose in so doing is found by the Board to be in the best interests of the Association. A special assessment must have the assent of two-thirds (2/3) of the votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members in accordance with the Association's bylaws. Pursuant to Section 55-514 of the Code of Virginia, as amended, a special assessment may be rescinded or reduced upon a majority of votes of each class of members who are voting in person or by proxy at a meeting duly called for this purpose, written notice of which shall be sent to all members in accordance with the Association's bylaws; provided that such meeting to rescind or reduce the special assessment is held within sixty (60) days of notice of the meeting.

Section 4.5. Declarant Exempt from Assessment. Declarant shall not be assessed on any Lots owned by it, either for regular annual or special assessments. This exception from Declarant assessments shall not apply to any Lot held by Declarant for investment purposes, where the Lot contains a completed structure with an issued occupancy permit, and the Lot is rented to a third party under a lease or other agreement where the Declarant receives income from the owned Lot.

Section 4.6. Uniform Rate of Assessment. Both annual and special assessments must be fixed at a uniform rate for all Lots and may be collected on an annual basis. Special assessments shall not be made more than once per year and shall not exceed fifty percent (50%) the amount of the annual assessments. However, special assessments may be spread over several annual periods subject to this limitation to cover substantial capital cost items which are the responsibility of the Association.

Section 4.7. Date of Commencement of Annual Assessment; Due Dates. The annual assessments provided for herein shall commence as to each Lot upon

the conveyance of the Lot from the Declarant. The first annual assessment shall be prorated according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the annual assessment against each Lot at least thirty (30) days in advance of each annual assessment period. Written notice of the annual assessment shall be sent to every Owner subject thereto. The Association shall upon demand at any time furnish a certificate in writing signed by an officer of the Association setting forth whether the assessments on a specified Lot have been paid. A reasonable charge may be made by the Board of Directors for the issuance of these certificates. Such certificate shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 4.8. Effect of Nonpayment of Assessment; Remedies of the Association. Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the current legal rate, and the Association may bring an action at law against the Owner personally obligated to pay the same, or may perfect the lien against the property, pursuant to Section 55-516 of the Virginia Code. Interest, costs, and reasonable attorney's fees of any such action shall also be added to the amount of such assessment. No Owner may waive or otherwise escape liability for the assessments provided for herein by abandonment of his Lot.

Section 4.9. Subordination of the Lien to Deeds of Trust. Pursuant to Section 55-516 of the Code of Virginia, as amended, the lien of the assessments provided for herein shall be subordinate to (i) real estate tax liens on the Lot, (ii) liens and encumbrances recorded prior to the recordation of the Declaration, and (iii) sums unpaid on and owing under any mortgage or deed of trust recorded prior to the perfection of said lien; provided, however, that mechanics' and materialmen's liens shall not be affected by this Section 4.9. Sale or transfer of any Lot shall not affect the assessment lien. However, the sale or transfer of any Lot, which is subject to any deed of trust, pursuant to a deed of foreclosure thereof, shall extinguish the lien of such assessments as to payments thereof which became due prior to such sale or transfer. No sale or transfer shall relieve such Lot from liability for any assessment thereafter becoming due or for the lien thereof.

Section 4.10. Exempt Property. The following property subject to this Declaration shall be exempt from the assessments created herein: (i) all Properties dedicated to and accepted by a local public authority and (ii) all Properties owned by a charitable or nonprofit organization exempt from taxation by the laws of the State of Virginia. However, no land or improvements devoted to dwelling use shall be exempt from said assessments.

ARTICLE FIVE EXTERIOR MAINTENANCE

The Association shall exercise its authority and fulfill its responsibilities as set forth herein. To this end, it shall have the power to levy assessments as herein contained and in accordance with the organizational documents of The Collicello North Homeowners Association. The Association shall maintain full and exclusive responsibility for common area and Lot lawn maintenance, mowing and landscaping for all Lots within the Properties.

In the event an Owner of any Lot shall fail to maintain the premises and the improvements situated thereon in a manner satisfactory to the Board of Directors of The Association, after approval by two-thirds (2/3) decision of the Board of Directors, the Association shall have the right, through its agents and employees, to enter upon said parcel and repair, maintain, and restore the Lot and the exterior of the buildings and any other improvements erected thereon. The cost of such exterior maintenance shall be added to and become part of the annual assessment to which such Lot is subject, and the expense of such exterior maintenance shall become a lien upon the subject property. It is a condition of these Covenants that the Association, is and shall be, deemed a general contractor for the purpose of qualifying to file a mechanic's lien, and every Lot Owner so in default, by the acceptance of his/her deed, and those claiming under him/her, hereby agrees to pay such expense, and grants permission to the Association, to enter upon such Lot and make such exterior maintenance without being guilty of trespass, and said Association, its agents and employees, shall not be liable in damages to any Lot Owner except for willful and tortuous acts committed beyond the scope hereof. Any assessments under this paragraph and the preceding paragraph hereof, shall constitute liens and shall be subject to the provisions of Section 55-516 of the Code of Virginia, as amended.

ARTICLE SIX
USE RESTRICTIONS

1. No Lot shall be used, except for residential purposes, or for Declarant, or Declarant's agents' construction sheds and sales and administrative offices during the construction and sales period, and not more than one (1) principal building shall be permitted on any residential Lot shown on said plat, and no such Lot shall be resubdivided. The Declarant shall not be subject to the restriction on resubdivision set forth herein. The existing building at 919 Collicello Street shall be exempt from this restriction, and may be used for commercial, professional office or other uses permitted by the Master Plan for the project. If permitted by Harrisonburg Zoning Ordinance, "D" style units shall also be exempt from this restriction in that they may contain live/work businesses permitted by the Harrisonburg Zoning Ordinance.

2. No building, freestanding garage, storage shed, trailer, tent, or other structure may be erected, built, or permitted to remain on any Lot other than one (1) single family dwelling unless the HOA decides to provide approved option(s). Declarant may erect detached garages on Lots as part of its development of the Properties. The structure and Lot at 919 Collicello Street shall be exempt from this restriction.

3. No utility trailer, boat, house camper, recreational vehicle, trailer, bus, commercial equipment, disabled or unlicensed vehicle or material portion thereof, or commercial vehicle larger than three-fourths (3/4) of a ton, may be parked on any street or parking area, or Lot within said land area, unless, in the case of commercial equipments, it shall be temporarily within such subdivision for the purpose of performing work therein.

4. No noxious or offensive use of activity shall be carried on upon any Lot, street or parking area, nor shall any practice be engaged in by the Owners of the Lots, their tenants, agents, guests, or assigns, that shall become an annoyance or a nuisance to the neighborhood. The Association shall have the right to determine and enforce this restriction.

5. No exterior clothesline or hanging device shall be allowed upon any Lot, and no antenna shall project above the surface of the roof. The type and placement of all antennae, satellites or other wireless receiving equipment of any nature must be approved in advance by the Architectural Control Committee.

6. No swimming pools, above or below ground shall be permitted at any time on any Lot.

7. No sign of any kind shall be displayed on any Lot, except one (1) sign of not more than four (4) square feet advertising the property for sale or rent, except signs used by the Declarant and its agents to advertise the property during the construction and sales period. The structure and Lot at 919 Collicello Street shall be exempt from this restriction.

8. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats or other usual household pets may be kept, provided that they are not kept, bred, or maintained for commercial or charitable purposes, or in unusual numbers. All household animals kept on a Lot must be housed indoors. All domestic animals shall be kept on a leash while on the streets or Common Areas on the Properties. Owners and their guests shall be responsible for collection and proper disposal of animal waste on the Property, including the Streets and Common Areas therein, or be subject for charges or fines for the clean-up of said waste.

9. No trash, garbage, or other refuse shall be burned upon any Lot except within the interior of the residence, except that the Declarant or its agents may burn debris for the purpose of cleaning the land or preparing any dwelling for occupancy. No trash garbage or refuse shall be stored outside of any residence, and all trash collection receptacles shall be placed at the curb no earlier than 4 PM on the day before schedule pick-up service, and shall be removed and stored indoors no later than 7PM on the day of pick-up service.

10. No hedge shall be planted or permitted to grow over three and one-half (3½) feet high along any property or Lot line, nor shall any growth be permitted by any Owner or tenant to extend beyond his property line.

11. All improvements to Lots approved by the Architectural Control Committee shall be completed within six (6) months of the commencement of construction thereof.

12. The Association shall be responsible for snow removal from any private streets shown on the Plat, until such streets are accepted by VDOT or the City of Harrisonburg as part of the public streets maintenance program. The Association shall also be responsible for snow removal from the abutting sidewalks, and Lot Owners' driveways. Snow removal from patios, courtyards, porches and other areas of Lots shall be the responsibility of the Lot Owner.

13. The Association shall be responsible for cutting of all grass, weed removal, mulching, plant, and tree/shrub maintenance and replacement for all Lots, streets, and Common Area portions of the Property.

14. The Association shall be responsible for the removal of Lot Owner's trash and refuse. Trash removal services provided via the Association shall be curbside pickup, and all Lot Owners shall abide by any regulations relating to said curbside refuse services. *This may modify based upon final arrangements*

15. The Association shall maintain and fund via the regular Annual Assessments utility charges and maintenance for street lighting on the Property. Declarant will install the initial street lighting.

16. The use of the Common Areas, including the Common Areas designated for parking, is exclusively reserved to the Owners and their guests and subject to regulation and control by the Association. The Association may adopt rules and regulations from time-to-time governing the use rights of the Owners in the Common Areas and improvements placed thereon. The Declarant will install the initial Common Area structures and improvements, and the community entrance area sign, fencing, and landscaping, which Common Area improvements and structures shall subsequently be maintained by the Association.

17. Every violation of the covenants contained herein is hereby declared to be and constitutes a nuisance, and every remedy allowed by law or equity

against a nuisance, either public or private, shall be applicable thereto, and such remedies shall be deemed cumulative and not exclusive.

18. Inasmuch as the enforcement of the provisions hereof is deemed essential for the implementation and preservation of the general plan of development, and for the protection of the undersigned and all of the Declarant, Owners and inhabitants of said subdivision, it is hereby declared that any violation of the provision hereof shall constitute irreparable harm not adequately compensable by recovery of damages, and any person, firm, or corporation shall be entitled, in addition to all other remedies, to relief by way of injunction for enforcement of the provisions hereof.

19. The cost and expenses incidental to the abatement of any violation hereof, and the removal and correction of any offending structure or condition shall be paid by the Owners of the offending Lot, and the amount thereof until paid shall constitute a lien upon such offending property, in favor of Association, inferior only to such liens as prescribed in Section 55-516 of the Code of Virginia, as amended.

ARTICLE SEVEN
RESERVED

ARTICLE EIGHT
EASEMENTS

Section 8.1. Utility Easements. Easements for installation and maintenance of utilities, walkways, driveways, drainage facilities, sanitary sewer, water line, street lights, and community entrance sign and fencing and access to all Lots are reserved as shown or described on the Plat and designated thereon respectively as Public or Private Drainage, Utility, Sanitary Sewer, Stormwater, Public Sidewalk and Waterline Easements. Easements for utilities and maintenance of utilities are reserved over the Lots in the Collicello North development as necessary for the benefit of said Lots, said locations to be designated by Declarant. Within these easements, no structure, planting, or other material shall be placed or permitted to remain which may obstruct or interfere with the installation and maintenance of said utilities or which may obstruct or interfere with the installation and maintenance of said utilities or access to Lots. The easement area within each Lot shall be maintained constantly by the Owner of said Lot, except those easements for which a public authority, utility company, or municipality is responsible. Owners acknowledge and agree that said Easements may be subject to the requirements of the City of Harrisonburg for public easements in place and adopted by the City from time-to-time. The Declarant and Association shall also retain all responsibility for the maintenance of all storm water management systems located on the Property in accordance with the approved and installed original design plans, whether the same are contained within easements on Lots or contained within the Common Areas.

Section 8.2. Reserved. *This section to be used for other specific easement shown and designated on the final subdivision plat*

Section 8.3. Landscaping Easement. An Easement for landscaping is reserved across all Lots and Common Areas as shown on the Plat recorded herewith. Within this easement Declarant shall plant the original landscaping. Within this easement, no structure, planting, or other material shall be placed by an Owner or permitted, by an Owner, to remain, which may obstruct or interfere with the planting and maintenance of said vegetation. Provided, however, that the Declarant or the Association may do additional landscaping within this Easement. The Association shall, after the initial planting is complete, be responsible for the care, pruning, and replacement of this vegetation, as it is

needed. Therefore, the Association, its agents and assigns, may enter on the Lots over which this easement lies for the purposes aforesaid. The Owner shall not prune, replace, or harm this vegetation. This easement shall be perpetual and shall run with the land.

Section 8.4. Easements of the Association. There is hereby reserved to the Association such easements as are necessary to perform the duties and obligations of the Association, including such access easements as are necessary for ingress, egress, and maintenance of the Common Areas and Landscaping Easements.

Section 8.5. Pipes, Ducts, Cables, Wires, Conduits. Each Owner shall have an easement in common with the Owners of all other Lots to use pipes, wires, ducts, cables, conduits, telephone, and public utility lines. The Association, its agents, the City of Harrisonburg, and such telephone, electric, and other utility companies as may be appropriate, but no other person or entity without the consent of the Owner, shall have the right of access to each Lot to inspect the same, to remove violations therefrom, and to maintain, repair, or replace same.

Section 8.6. Priority of Easements. Each of the easements hereinabove referred to shall be deemed to be established upon the recordation of this Declaration and shall run with the land for the use and benefit of the Lots superior to all other encumbrances which may hereafter be applied against or in favor of the Properties, Lots or any portion hereof.

Section 8.7. Declarant's Easements to Correct Drainage. For a period of ten (10) years from the date of submission of each Lot to this Declaration, the Declarant reserves an easement and right on, over, and under the ground within each Lot to maintain and to correct drainage of surface water in order to maintain reasonable standards of health, safety, and appearance. Such right expressly includes the right to cut any trees, bushes, or shrubbery, to perform any grading of the land, or to take any other similar action reasonably necessary, following which the Declarant shall restore the affected property to its original condition as nearly as is practicable. The Declarant shall give reasonable notice of intent to take such action to all affected Owners, unless in the opinion of the Declarant an emergency exists which precludes such notice.

Section 8.8. Construction Easements and Rights. Notwithstanding any provision of this Declaration or of any Supplementary Declaration, so long as the Declarant or builders are engaged in developing or improving any portion of the Properties, the Declarant and builders and their employees, agents, and assigns shall have an easement of ingress, egress, and use over any portion of the Properties not conveyed as a Lot to an Owner for occupancy for (i) movement and storage of building materials and equipment, (ii) erection and maintenance of directional and promotional signs, and (iii) conduct of sales activities, including maintenance of model Units. Such easement shall be subject to such rules as may be established by Declarant to maintain reasonable standards of safety, cleanliness, and general appearance of Properties.

Section 8.9. Easement to Inspect. There is hereby created an easement in favor of the Association for ingress and egress on any Lot (i) to inspect such property for alleged violations of the Governing Documents, based on formal, written complaints, and/or compliance with architectural standards and/or approved plans for alterations and improvements and (ii) to perform such maintenance as is required by this Declaration or the Supplementary Declaration for such Lot, provided the Owner of such Lot is given written notice of the purpose and time of inspection at least three (3) days in advance thereof and such inspection is performed during reasonable hours.

Section 8.10. Easement for Governmental Personnel. A right of entry on any Lot or Common Area is hereby granted to law enforcement officers and fire and rescue personnel as is needed to carry out their duties, including enforcement of cleared emergency vehicle access.

Section 8.11. Common Area Access or Use Easements. There is created a joint easement appertaining to all Lots for ingress, egress, and use of the Common Area, including the Common Areas designated for parking, created and described herein and on the Plat. Said easement of use and enjoyment of the Common Area by Owners shall be subject to the rights granted to the Association hereunder to control and manage maintenance use of the Common Areas. These joint easement rights granted hereunder also include the right to ingress and egress to the Common Area.

Section 8.12. Easement for Ingress and Egress over Private Streets. There is hereby created for all Lot Owners, the Declarant and the Association their heirs, successors, and assigns, a non-exclusive easement for ingress and egress over and across all Private Streets, Roads and Common Areas shown for parking, as shown on the Plat. Said easement of Ingress and Egress shall also be reserved to the reasonable and customary use of guests, invitees and service providers of Lot Owners, the Declarant and the Association. The reasonable regulation of the private Streets, Road and Common Areas for parking shall be governed by the Developer and the Association at their discretion.

Section 8.13. Parking Easement. There is hereby created for the benefit of each Lot Owner, the Declarant and the Association a non-exclusive and mutual easement for parking, and the same is hereby granted by the Declarant over all portions of the Common Areas shown for parking areas. Said parking easement shall be subject to the reasonable and ongoing regulation of the Declarant and/or the Association to preserve the equitable and efficient use of said parking areas amongst all the Owners, the Declarant and the Association for their uses.

Section 8.14. Other Improvements. The Developer at a minimum will install for the mutual benefit of the Lot Owner's and the Association, the improvements shown on the Plat. The Developer will also install and maintain a mail service area serving all residents of the community. This mail service will generally be located in or near the mixed-use area and be maintained continuously through the different construction phases until such time that its location can be made permanent after the final construction phase. Said improvements will be installed by the Developer in the Common Area administered by the Association. Said improvements shall be installed and completed no later than the time when 80% of the Lots are sold to third party purchasing Owners. Said improvements shall be for the mutual, non-exclusive use and benefit of the Owners, Developer and Association, and shall be governed by rules adopted for their use by the Developer and the Association.

ARTICLE NINE
GENERAL PROVISIONS

Section 9.1. Enforcement. The Association, or any Owner, shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions, covenants, reservations, liens, and charges now or hereafter imposed by the provisions of this Declaration. Failure by the Association or any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

Section 9.2. Severability. Invalidation of any one (1) of these covenants or restrictions by judgment or court order shall in no way affect any other provisions which shall remain in full force and effect.

Section 9.3. Amendment. The covenants and restrictions of this Declaration shall run with and bind the land, and shall inure to the benefit of and be enforceable by the Association, or the Owner of any Lot subject to the Declaration, their respective legal representatives, heirs, successors, and assigns, for a term of twenty (20) years from the date this Declaration is recorded, after which time said covenants shall be automatically extended for successive periods of ten (10) years. The covenants and restrictions of this Declaration may be amended during the first twenty (20) year period by an instrument signed by not less than ninety percent (90%) of the Lot Owners, and thereafter by an instrument signed by not less than seventy-five percent (75%) of the Lot Owners. Any amendment must be properly recorded. The Declarant, or its successors and assigns, (not including the Association as successor hereunder) reserves the full and exclusive right to amend or supplement this Declaration at any time, in any fashion, at its discretion without the consent of the Members, the Owners or any other party.

Section 9.4. Rules and Regulations. The Declarant and the Association reserve the full right and authority to develop, adopt and enforce rules and regulations governing the development to insure the economic value and rights of the Developer to build, market and sell the development, and the ability to control and regulate activities on the Properties to insure the quality of life, property values and the orderly operation of the development. The adoption and operation of such rules and regulations, to the extent not defined herein, shall be governed by Virginia Code Section 55-513.

[The remainder of this page was intentionally left blank.]

IN WITNESS WHEREOF, Kin Group, LLC, (Declarant),
_____ Bank, and its Trustee, have caused this Declaration to be
duly executed this ____ day of _____, 2013.

KIN GROUP, LLC a Virginia limited
liability company

By: _____
_____, <Title>

COMMONWEALTH OF VIRGINIA,
CITY OF HARRISONBURG, to-wit:

The foregoing instrument was acknowledged before me this ____ day
of _____, 2013, by _____, <Title>
of Kin Group, LLC, a Virginia limited liability company, on behalf of said
Corporation.

My Commission expires: _____.

Notary Public

BANK, NOTEHOLDER

By: _____

COMMONWEALTH OF VIRGINIA,
CITY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____ Vice President of _____ BANK, a Virginia corporation, on behalf of said Corporation, Noteholder.

My Commission expires: _____.

Notary Public

, TRUSTEE

By: _____

Its: _____

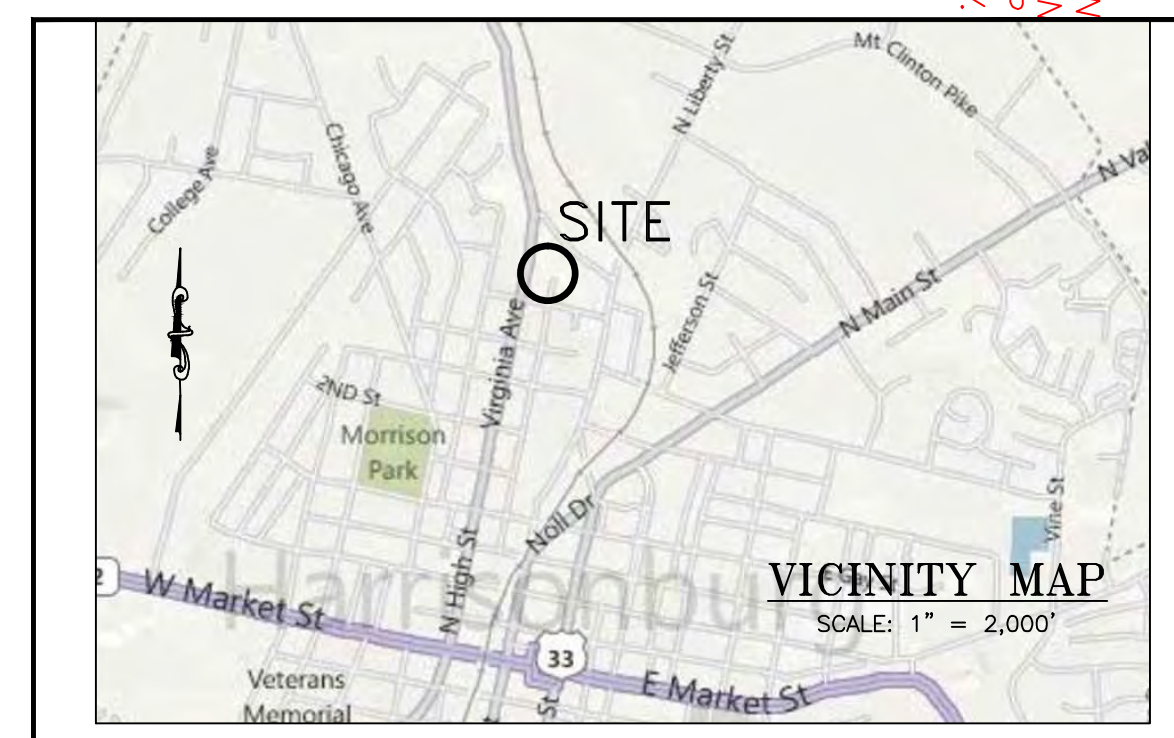
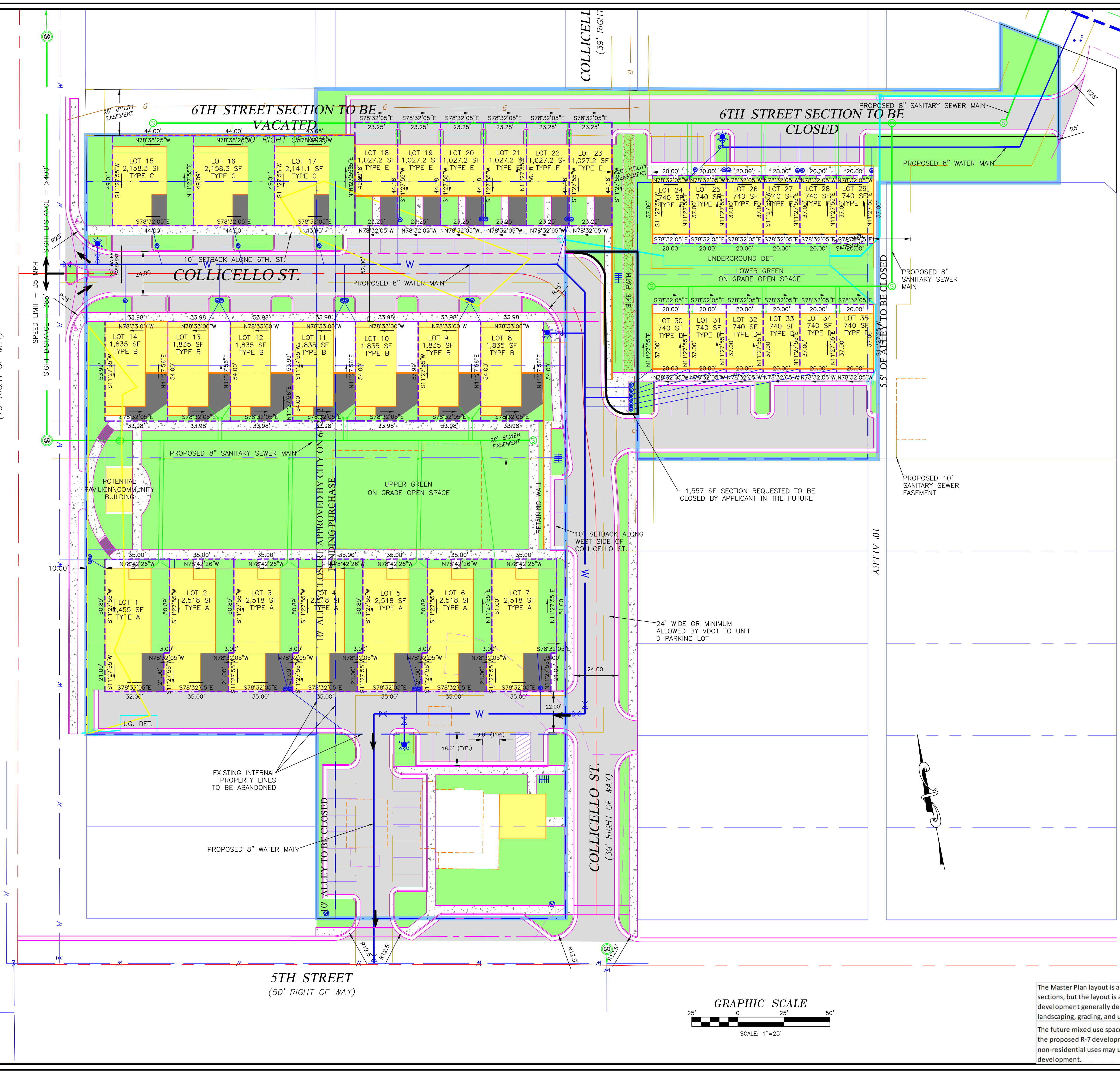
STATE OF _____,
CITY/COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2013, by _____, _____ of _____ a _____ corporation, on behalf of said Corporation, Trustee.

My Commission expires: _____.

Notary Public

STATE ROUTE 42 NORTH HIGH STREET/VIRGINIA AVENUE
(75' RIGHT OF WAY)



R-7 NOTES

35 SINGLE FAMILY ATTACHED (18 - 51.4%) & DETACHED HOMES (17 - 48.6%)
1 MIXED-USE BUILDING

SITE: 128,841 sf
2.96 acres

35 UNITS MAXIMUM

RESIDENTIAL DENSITY: 12.0 DWELLING UNITS/ACRE

OPEN SPACE: 20,398 SF (0.468 AC)
15.8%

SETBACKS: ALL SETBACKS ARE ZERO MINIMUM, EXCEPTING 10' MINIMUM WHEN ADJACENT TO PUBLIC STREET.

PARKING:
1 SPACE PER SINGLE FAM. DETACHED
1 1/2 SPACES PER SINGLE FAMILY ATTACHED (1 BEDROOM)
2 1/2 SPACES PER SINGLE FAMILY ATTACHED (2-3 BEDROOM)

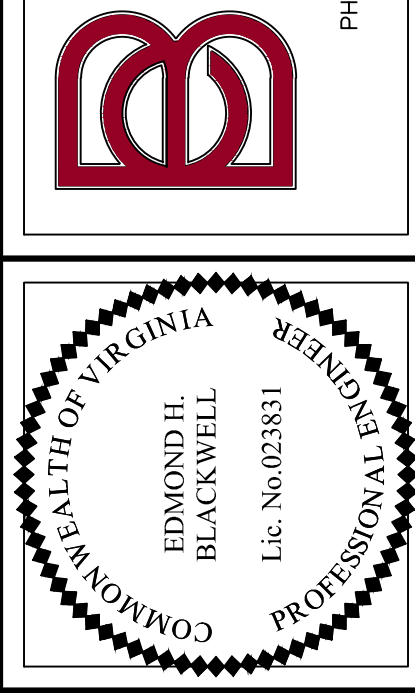
A PROPERTY OWNERS' ASSOCIATION SHALL BE ESTABLISHED TO PROVIDE OWNERSHIP, CARE, AND MAINTENANCE OF ALL COMMON OPEN SPACE AREAS AND OTHER COMMON FACILITIES AND IMPROVEMENTS.

LEGEND

--- (dashed)	CENTER LINE
--- (solid)	SITE BOUNDARY
--- (solid)	ELECTRIC/TELEPHONE
--- (solid)	EXISTING UTILITY POLE
--- (solid)	EXISTING LIGHT POLES
--- (solid)	PROPOSED UTILITY POLE
--- (solid)	WATER LINES
--- (solid)	SANITARY FORCE MAIN
--- (solid)	SANITARY LINES
--- (solid)	SANITARY CLEANOUT
--- (solid)	STORM SYSTEM
--- (solid)	PROPOSED DITCH
--- (solid)	EXISTING PROPERTY LINE
--- (solid)	PROPOSED PROPERTY LINE
--- (solid)	SETBACK LINE
--- (solid)	EASEMENT LINE
--- (solid)	EXISTING BUILDING
--- (solid)	PROPOSED BUILDING
--- (solid)	PROPOSED ROAD/EOP
--- (solid)	PROPOSED PARKING
--- (solid)	EXISTING PARKING
--- (solid)	CURBING: CG-6 OR CG-7
--- (solid)	CURBING: CG-2 OR CG-3
--- (solid)	HANDICAP PARKING
--- (solid)	DUMPSTER
--- (solid)	EXISTING FIRE HYDRANT
--- (solid)	PROPOSED FIRE HYDRANT
--- (solid)	FIRE DEPARTMENT CONN.
--- (solid)	WATER VALVE
--- (solid)	WATER METER
--- (solid)	EXISTING FENCE LINE
--- (solid)	PROPOSED FENCE
--- (solid)	PAVERS
--- (solid)	CONCRETE PAVING
--- (solid)	GRAVEL
--- (solid)	LIGHT PAVEMENT
--- (solid)	GRASS AREA
--- (solid)	SLOPES >15%
--- (solid)	BIKE RACK
--- (solid)	RIGHT-OF-WAY GIVEN TO CITY

Date: JUNE 2013
Scale: AS SHOWN
Designed by: EHB
Drawn by: JRC
Checked by: EHB

BLACKWELL ENGINEERING, PLC
366 East Market Street
Harrisonburg, Virginia 22801
PHONE: (540)432-9555 FAX: (540)434-7604
E-Mail: BE@blackwellengineering.com

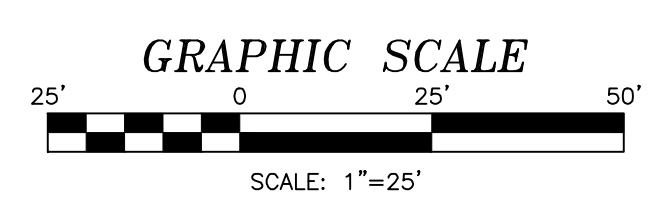


Revision Dates

MASTER PLAN
COLLICELLO NORTH
KIN GROUP, LLC
5782 GREENHILL ROAD
LINVILLE, VA 22834

Drawing No.
1
of 2 Sheets

Job No. 2266



The Master Plan layout is a graphic depiction of the Zoning Regulation sections, but the layout is a governing detail of the Collicello North development generally depicting where roads, buildings, sidewalks, landscaping, grading, and utilities will be provided.

The future mixed use space as shown is less than 10% of the total area of the proposed R-7 development. However, if it can be accommodated, non-residential uses may utilize the maximum permitted 10% of the development.

Date: JUNE 2013
 Scale: AS SHOWN
 Designed by: EHB
 Drawn by: JRC
 Checked by: EHB

BLACKWELL ENGINEERING, PLC
 566 East Market Street
 Harrisonburg, Virginia 22801
 PHONE: (540)432-9555 FAX: (540)434-7604
 E-Mail: B@BlackwellEngineering.com

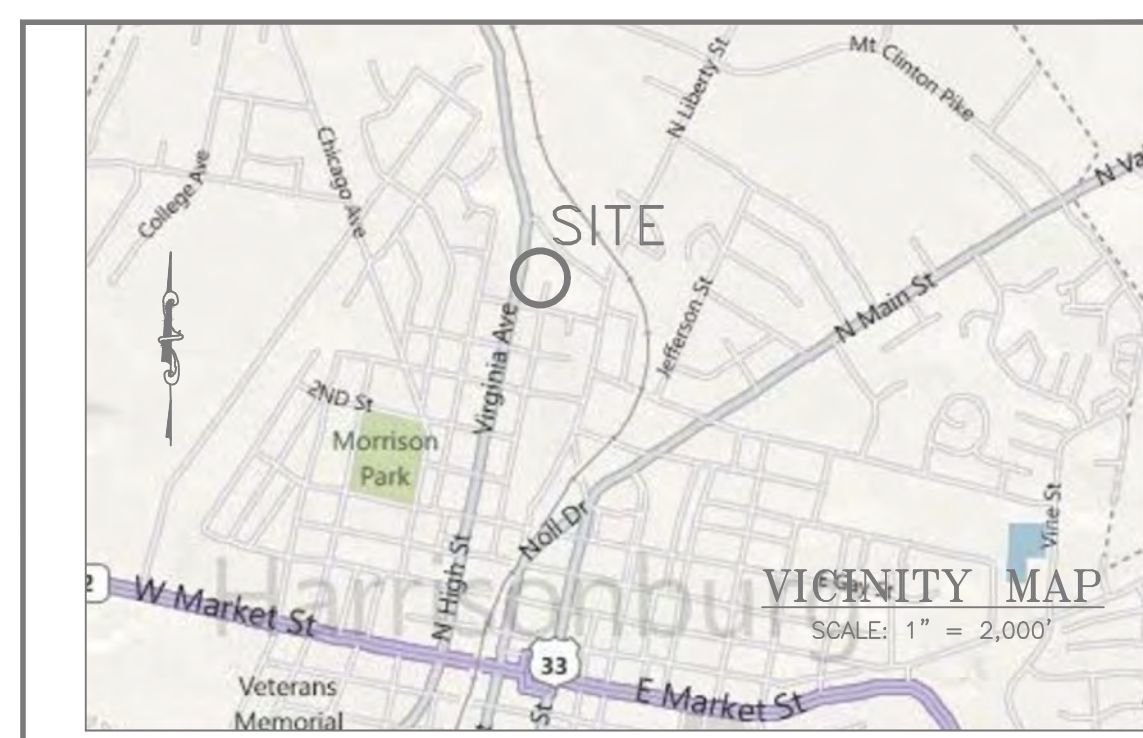
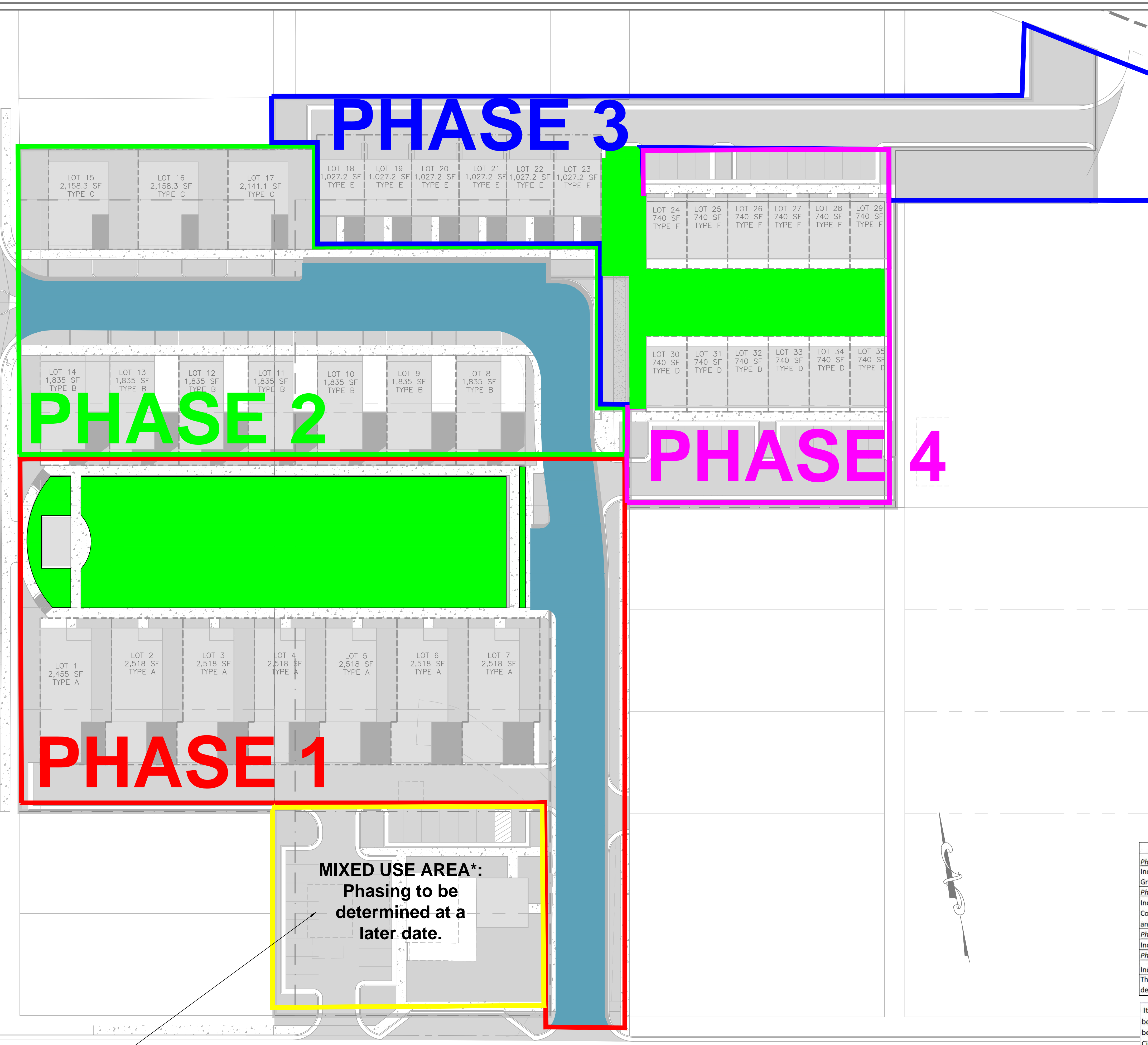



Revision Dates

APPENDIX B
 COLLICELLO NORTH
 KIN GROUP, LLC
 5782 GREENHILL ROAD
 LINNILLE, VA 22834

Drawing No.
2
 of 2 Sheets

Job No. 2266



- LEGEND**
- CENTER LINE
 - SITE BOUNDARY
 - E/T — ELECTRIC/TELEPHONE
 - EXISTING UTILITY POLE
 - EXISTING LIGHT POLES
 - PROPOSED UTILITY POLE
 - W — WATER LINES
 - FM — SANITARY FORCE MAIN
 - S — SANITARY LINES
 - SC — SANITARY CLEANOUT
 - S — STORM SYSTEM
 - PROPOSED DITCH
 - G — GAS LINES
 - EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINE
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - PROPOSED ROAD/EOP
 - PROPOSED PARKING
 - EXISTING ROAD
 - EXISTING PARKING
 - CURBING: CG-6 OR CG-7
 - CURBING: CG-2 OR CG-3
 - HANDICAP PARKING
 - DUMPSTER
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - FIRE DEPARTMENT CONN.
 - WATER VALVE
 - WATER METER
 - EXISTING FENCE LINE
 - PROPOSED FENCE
 - PAVERS
 - CONCRETE PAVING
 - GRAVEL
 - LIGHT PAVEMENT
 - GRASS AREA
 - SLOPES >15%
 - BIKE RACK
 - RIGHT-OF-WAY GIVEN TO CITY
 - COMMON AREAS

Phasing Table

Phase	Description
Phase 1	Includes (7) Type A units with patios & courtyards, asphalt driveway from Collicello Street, Upper Green common area with sidewalks, retaining wall and steps along Virginia Avenue, retaining wall
Phase 2	Includes (7) Type B units with patios & courtyards, sidewalks, retaining walls, and completion of Collicello Street all the way to Virginia Avenue (includes curb & gutter, driveways & planting areas, and parking spaces).
Phase 3	Includes one building of (6) units, private drive to Edom Road, and bike and pedestrian path.
Phase 4	Includes two buildings of (6) units each, private drive and parking areas, sidewalks and Lower Green. The nonresidential mix-use area is an integral component to the neighborhood and will be developed at the earliest possibility.

It is the developers preference to build the street and infrastructure needed to complete both Phase 1 and Phase 2 in immediate sequence. If it is determined there will be a gap between the two phases then a temporary Turn-A-Round will be provided according to the City's DCSM: Table 3.1.9.

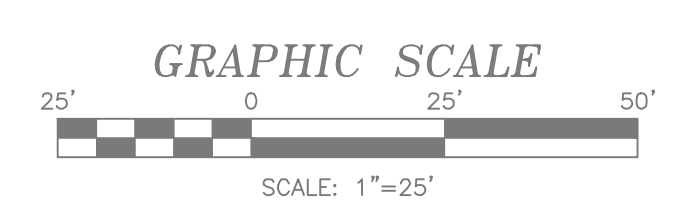
Parking Table

Building Type	Bedrooms	Spaces Required	Garage Spaces Provided	Non-Garage Parking Provided
A	3	7	14	0
B	3	9	14	6
C	2 or 3	3	6	3
D	1	9	0	12
E	2	18	12	6
F	1	9	0	12

* 22 Parking spaces provided for mixed use building at the southernmost section of development.
 ** 8 Public on-street parking spaces provided.
 *** The number of bedrooms per unit may change, however parking shall conform to Article G of the City Zoning Ordinance.

A mixed-use area has been designated at the corner of 5th and Collicello Streets. This area will include any of the following uses: Non-Residential as permitted by the district, Multi-Family Units, and/or any of the residential unit types listed in Table A or the existing single family detached structure. The existing structure will be maintained as is or renovated with new construction added or will be demolished and new building(s) constructed. Although the master plan illustrates 35 units, the total number and type of dwelling units is not known and will ultimately be determined by the finalized total square footage of the master planned R-7.

MIXED USE AREA*:
 Phasing to be determined at a later date.



TOTAL OPEN SPACE\COMMON AREA:
 20,398 SF (0.468 AC)
 15.8%

What is an R-7 Development? Information Sheet

The R-7 zoning district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has approved five R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, and then amended in 2007, 2011, and 2024;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013;
- The Village at Chicago Park located along Saturday Drive, which is off of Chicago Avenue, rezoned to R-7 in 2014; and
- Bluestone Town Center, rezoned to R-7 in 2023 and then amended in 2025.

Last updated: April 1, 2026



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ORD 26-005, **Version:** 1

Subject:

Consider initiating Zoning Ordinance amendments related to poultry hatcheries, shopping center parking calculations, and the Zoning Ordinance update project

Presented By: Thanh Dang, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here\)](#)



April 8, 2026 Planning Commission Meeting

Title

Consider initiating Zoning Ordinance amendments related to (1) Poultry Hatcheries in the M-1 District, (2) Shopping Center Parking Calculations, and (3) Zoning Ordinance Update Project – Thanh Dang, Community Development

Summary

Staff requests Planning Commission initiate consideration of Zoning Ordinance amendments related to:

Applicant	Description of Request
City of Harrisonburg (Staff-generated)	<p>Poultry Hatcheries in the M-1 General Industrial District</p> <p>Article R. – M-1 District – Section 10-3-96, Uses permitted by right - To amend subsection (22) to add poultry hatcheries as a by right use and to create a new term and definition for “poultry hatchery.” The intent is to codify a long-standing interpretation that a poultry hatchery is a by right use in the M-1 District.</p>
City of Harrisonburg (Staff-generated)	<p>Shopping Center Parking Calculations</p> <p>Article G. – Off-Street Vehicle and Bicycle Parking – Section 10-3-25, Off-street vehicle parking regulations – To add a new subsection to provide a parking calculation for shopping centers and clarify when parking requirements must be recalculated when specifically applying this use. The intent is to codify a standing interpretation for the application of Sections 10-3-25 and 10-3-27 to developments that qualify as a shopping center under Article F.</p>
City of Harrisonburg (Staff-generated)	<p>Zoning Ordinance Update Project</p> <p>The existing Zoning Ordinance (ZO) was last thoroughly evaluated and comprehensively re-written in 1997. In the ensuing time, many changes, both major and minor, have been made to the text of the ordinance, including the addition of districts and overlays. This has resulted in outdated requirements, internal inconsistencies, and an ordinance that can be difficult for community members to comprehend. Additionally, new ways of thinking about planning and zoning combined with new techniques and principles for implementing adopted plans offer ways to improve the efficiency and effectiveness of City planning and zoning. This project was</p>

	initiated in July 2020 with the support of Planning Commission and City Council. However, a formal motion by Planning Commission to direct staff to initiate ZO amendments had not occurred.
--	--

Should Planning Commission agree to direct staff to initiate consideration of the ZO amendments, then the following motion may be stated:

I move that the Planning Commission initiate consideration of zoning ordinance amendments to the City of Harrisonburg Zoning Ordinance to amend provisions relating to poultry hatcheries in the M-1 district, shopping center parking calculations, and the Zoning Ordinance Update Project.

The Planning Commission finds that such amendments are required by the public necessity, convenience, general welfare, and good zoning practice, and hereby directs staff to prepare appropriate draft ordinances for public hearings and recommendations in accordance with § 15.2-2286 of the Code of Virginia.

Recommendation

Option 1. Motion to direct staff to prepare draft ordinances for public hearing and recommendation related to all requests.

Options

1. Motion to direct staff to prepare draft ordinances for public hearing and recommendation related to all requests.
2. Motion to direct staff to not proceed with preparing draft ordinance amendments.
3. Motion to direct staff to proceed with preparing draft ordinances for some items, but not all.

Note that if no motion is made, then staff cannot initiate consideration of the ZO amendments.

Attachments

- None.



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-120, **Version:** 1

Subject:

Clarify action taken during the March 11, 2026 Planning Commission meeting regarding the special use permit request at 851 Madison Street

Presented By: Thanh Dang, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here](#)



April 8, 2026 Planning Commission Meeting

Title

Clarify action taken during the March 11, 2026, Planning Commission meeting regarding the special use permit request at 851 Madison Street — Thanh Dang, Community Development

Summary

Staff requests Planning Commission clarify its action taken during the March 11, 2026, meeting regarding the special use permit (SUP) request at 851 Madison Street. During the March 11 meeting, staff recommended approval of the SUP to allow a reduction in the required number of vehicle parking spaces with the following condition:

The special use permit shall apply only to the two planned dwelling units as shown on the conceptual layout.

During the meeting, Vice Chair Porter said:

I would like to go ahead and make a motion to accept the staff's recommendation to approve the special use permit with the special condition regarding the prohibition of subdividing the lot further.

The Commission voted unanimously to recommend approval of the SUP with the condition recommended by Vice Chair Porter. However, the condition must be reasonably related the SUP and the impacts to be addressed. The condition cannot prohibit future subdivision of the lot.

If the Commission agrees with staff's recommendation, then the following motion may be stated, seconded, and voted on:

I move that the Planning Commission recommend approval of the special use permit with staff's recommended condition.

Included within the agenda packet is the full draft of the March 11 Planning Commission meeting minutes.

Recommendation

Option 1. Recommend approval of the special use permit request with staff's recommended condition.

Options

1. Recommend approval of the special use permit request with staff's recommended condition.
2. Recommend approval of the special use permit request with other condition(s).
3. Recommend approval of the special use permit request as submitted by the applicant.
4. Recommend denial of the special use permit request.

Attachments

- None



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-121, **Version:** 1

Subject:

Clarify action taken during the March 11, 2026, Planning Commission meeting regarding the rezoning request at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street (The Link Apartments)

Presented By: Thanh Dang, Community Development

[Click here to enter the action/summary \(insert the summary from the memo here\)](#)



April 8, 2026 Planning Commission Meeting

Title

Clarify action taken during the March 11, 2026, Planning Commission meeting regarding the rezoning request at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street (The Link Apartments) — Thanh Dang, Community Development

Summary

Staff requests Planning Commission clarify its action taken during the March 11, 2026, meeting regarding the rezoning request for The Link Apartments.

During the March 11 meeting, staff recommended approval of the rezoning. While Planning Commission voted on the rezoning, the specific motion at hand was not explicitly stated for the record. To ensure the record accurately reflects Planning Commission's intent, staff requests a formal clarification of that prior action.

If the Commission agrees, then the following motion may be stated, seconded, and voted on:

I move to clarify for the record that, by its vote on March 11, 2026, regarding 'The Link Apartments,' the Planning Commission intended its action to be a vote on a motion to recommend approval of the rezoning to City Council.

Included within the agenda packet is the full draft March 11 Planning Commission meeting minutes.

Attachments

- None