



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Agenda Planning Commission

Wednesday, July 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 June 10, 2026 Planning Commission Meeting

Attachments: [Minutes](#)

3.b. Minutes from the June 16, 2026 Planning Commission Meeting

Attachments: [Minutes](#)

4. New Business - Public Hearings

4.a. Consider a request from Jose Antonio Lopez Montiel to rezone 704 N Liberty Street

Attachments: [PC Memorandum](#)
[Site maps](#)
[Applicants supporting documents](#)

4.b. Consider a request from Jose Antonio Lopez Montiel to for a special use permit at 704 N Liberty St

Attachments: [PC Memorandum](#)
[Site maps](#)
[Applicants supporting documents](#)

4.c. Consider a request to amend the Subdivision Ordinance

Attachments: [PC Memorandum](#)
[Current Ordinance Reflecting Recommended Amendments](#)

4.d. 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 Lindsey Apartments)

Attachments: [PC Memorandum](#)
[Table 1. Comparison of Proffered Number of Units and Bedrooms](#)
[Site maps](#)
[Applicant's supporting documents](#)
[Public comments received by 12noon on 7.2.26](#)

5. New Business - Other Items

- 5.a. Consider requests to initiate Zoning Ordinance amendments related to (1) Manufactured housing, and (2) Minimum lot width in the R-8 district

Attachments: [PC Memorandum](#)

7. Public Comment

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

8.b. 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 Tuesday, August 11 for those interested in going on a field trip to view the sites on August 12, 2026 Planning Commission 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 26-242, **Version:** 1

Subject:

Minutes from the June 10, 2026 Planning Commission Meeting

Presented By: Anastasia Montigney, Development Support Specialist

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

MINUTES OF HARRISONBURG PLANNING COMMISSION

June 10, 2026

The Harrisonburg Planning Commission held its regular meeting on Wednesday June 10, 2026, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Shannon Porter, Vice Chair; Councilmember Laura Dent; KC Kettler; Rob Jezior; and Randy Seitz. Richard Baugh, Chair and Heja Alsindi were 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; and Anastasia Montigney, Development Support Specialist/Secretary.

Vice Chair Porter asked if there were any corrections, comments or a motion regarding the May 13, 2026, Planning Commission meeting minutes.

Commissioner Seitz said motion to approve minutes with the amendment indicated by Commissioner Seitz.

Commissioner Kettler seconded the motion.

The motion to approve the May 13, 2026, Planning Commission meeting minutes with the amendment passed by voice vote (5-0).

New Business – Public Hearings

Consider a request from Sean Ryan and Lisa Lopez-Ryan for a special use permit to allow short-term rental at 453 West Water Street

Vice Chair Porter read the request and asked staff to review.

Ms. Soffel said the applicant is requesting a special use permit (SUP) per Section 10-3-40(8) to allow a short-term rental (STR) in the R-2, Residential District. The +/- 10,297-square foot property is addressed as 453 West Water Street and is identified as tax map parcel 36-S-12. If approved, the applicant plans to operate a short-term rental on the property.

In 2019, the City adopted regulations associated with short-term transient lodging, commonly referred to as Airbnb's. These regulations were amended in September 2020 to create the by right "homestay" use. To operate a homestay, the property must be the operator's primary residence, may host up to four guests, may operate up to 90 nights per calendar year, and guests must stay within the main dwelling unit (as opposed to staying in a separate building on the property). If the operator wants to operate outside of what is permitted by right as a homestay, they must apply for an SUP to operate an STR.

On the property is a duplex (two connected dwellings) and an accessory structure. The property owner has stated that they will be the STR operator and will reside in one of the dwellings. They will operate the STR in the accessory structure on the property, offer two accommodation spaces, and host no more than four (4) guests at one time. One off-street parking space is required for each dwelling and for each accommodation space, for a total of four (4) off-street parking spaces. The driveway can accommodate the required spaces.

As explained within the submitted application materials, the applicant would operate the STR in the existing accessory structure (formerly a detached garage) that was renovated without required permits, prior to the applicant's ownership of the property. The applicant is in the process of applying for a building permit to bring the accessory structure into compliance and to obtain a certificate of occupancy. The applicant has been informed that a certificate of occupancy is required prior to beginning STR operations.

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 proposed SUP does not add additional dwelling units or increase density.

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 special use permit regarding water and sewer matters.

Housing

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

Public Schools

If the special use permit 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 the accessory structure (detached garage) described in the application.
2. There shall be no more than 2 STR guestrooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to four.
4. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
5. 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.
6. 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.

Ms. Soffel asked if there were any questions for staff.

Councilmember Dent said I think it said that they had two sinks, a kitchen and a bathroom, I did not see anything about the kitchenette and the whole debate about stoves.

Ms. Soffel said there is no stove or oven which is the thing that would make it a kitchen.

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

Lisa Lopez-Ryan, the applicant, came forward to speak to the request. She said I have been here for almost a year now. The dwelling that we are looking at seems perfect for something like an Airbnb. I am currently working for a bed and breakfast here in Harrisonburg and I talk to a lot of people traveling through and traveling to Harrisonburg. It just seems like a good thing to do for the City. Any questions for me?

Councilmember Dent said I believe that staff said that this short-term rental was set up before you bought the property.

Ms. Lopez-Ryan said the detached garage is roughly 500 square feet. Part of it was finished and turned into what they called a media room. It has AC and heat, floors, walls, lighting. At the time there is no record of what they did to it but since it is already partially finished, we decided to do the whole thing and use all 500 square feet of it for this short-term rental.

Vice Chair Porter asked if there were any more questions for the applicant. 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.

Commissioner Kettler said to the degree there is sometimes a concern with a short-term rental getting rid of existing housing stock, I do not think that applies to this particular unit.

Councilmember Dent said it is not officially a dwelling unit, it is an accessory structure.

Commissioner Kettler said motion to approve the special use permit with the suggested conditions.

Councilmember Dent seconded the motion.

Vice Chair Porter called for a roll call vote.

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

The motion to recommend approval of the special use permit request passed (5-0). The recommendation will move forward to City Council on July 14, 2026.

Consider a request from Honest Meats LLC for a special use permit to allow a meat processing and storage facility at 256 Charles Street

Vice Chair Porter read the request and asked staff to review.

Ms. Soffel said the applicant is requesting a special use permit (SUP) to allow a meat processing and storage facility in the M-1, General Industrial District. The +/- 1.5-acre property is addressed as 256 Charles Street and is identified as tax map parcel 45-A-3. If approved, the applicant plans to continue operating the currently nonconforming meat processing and storage facility.

T&E Meats currently operates on this property, where a portion of their use is a nonconforming meat processing facility (slaughterhouse) for domesticated livestock. As part of the meat processing facility, the livestock is processed onsite to produce fresh meat or value-added cured, cooked, or smoked products and then shipped to other markets or facilities. The remainder of the facility includes storage of processed products.

In 2025, the applicant expressed interest in finding a way to permit the slaughterhouse use in the M-1 General Industrial District to remove the nonconforming status, provide a route for future improvements, and to avoid the restrictions of Article E, Nonconforming Structures and Uses.

On February 10, 2026, City Council approved a Zoning Ordinance (ZO) amendment to add a new definition for “meat processing and storage facility” and to allow such facilities by SUP in the M-1 General Industrial District. If the applicant’s request for an SUP to operate a meat processing and storage facility is granted, the currently nonconforming use would become conforming under the ZO. While the applicant has stated that they do not intend to expand operations at this time,

conformance with the ZO means that the applicant could expand in the future, so long as they comply with applicable codes and standards.

Special Use Permit Conditions

The applicant has offered the following self-imposed SUP conditions:

1. Semi-opaque fencing along the rear property lines and portions of the side property lines surrounding the livestock barn structure and livestock unloading area shall be provided and maintained with a 6-foot tall, semi-opaque screen consistent with existing installed screening in the screening area shown in orange on the attached Figure 1. Any torn or damaged screening will be repaired or replaced and maintained on the property. The screened perimeter area would be expanded should the outdoor livestock unloading, movement and penning area described below in condition 2 be expanded.
2. No outdoor, open-air livestock pens will be maintained or placed on the property. Livestock penned in the current livestock unloading barn will not be stored on site for more than 48 hours absent a regulatory order delaying operations. All livestock unloading, movement and penning area(s) shall be located behind or to the side of the principal building in the area shown in purple hashing on the attached Figure 1.
3. Within six (6) months of Special Use Permit approval, the applicant will delineate required parking spaces on the property per City Zoning and DCSM requirements.
4. A grease trap will be permitted and installed at the property within six (6) months after Special Use Permit approval with design and specifications subject to approval by City Public Utilities Department.

Conditions #1 and #2 require livestock to be kept within screened, designated areas, in a manner that would not be readily visible from outside the property. Condition #3 requires the delineation of required parking spaces. Condition #4 addresses a concern from Harrisonburg Public Utilities regarding discharge to the City's sanitary sewer system by requiring the installation of a grease trap.

Land Use

The Comprehensive Plan designates this site as Commercial and states:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

The SUP would not change the property's existing industrial use and therefore would not advance the Commercial land use designation; however, approval would make a long-standing nonconforming use conforming under the ZO.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP is attached. The TIA determination form indicated that the project would not

generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the SUP request.

Public Water and Sanitary Sewer

With condition #4 requiring a grease trap, staff has no concerns with the requested special use permit regarding water and sewer matters.

Conclusion

Approval of the SUP would allow the existing use to become conforming under the ZO, and the proposed conditions address concerns regarding screening, livestock areas, parking, and the installation of a grease trap. Staff recommends approval of the SUP with conditions, as submitted by the applicant.

Commissioner Jezior said the facility there right now is being used to house the livestock as they are going into the slaughterhouse. Would it be under the same use?

Ms. Soffel said very temporarily. The livestock is delivered and I believed the applicant said a maximum of 48 hours in the processing of the livestock.

Councilmember Dent said I am remembering, when we passed this as City Council, the definition of livestock. Am I remembering correctly that we also defined poultry at the same time to make sure there is a distinction?

Ms. Soffel said I believe with adding the definition for the meat processing then it raised the question about the poultry processing and we did not want to risk it being interpreted as not allowed.

Commissioner Seitz said I did have one clarifying question on the Figure One Diagram provided where the screening is shown in orange. That is existing screening that will be maintained, correct?

Ms. Soffel said correct.

Commissioner Seitz said there is no screening being added.

Ms. Soffel said not at this time.

Councilmember Dent said when I went over there today, I was looking at the blue hatched area identified as “animal unloading/movement and pinning area” and sure enough there were trucks backing up and a pen that encloses all of the animals. It is already there.

Vice Chair 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 Ms. Soffel gave a great summary of the history of this request primarily to move a grandfathered nonconforming use into conforming status that helps with things from financing to insurance and

related activities. The meat processing operations have been ongoing at this site for almost 90 years beginning in the 1930s. This is not a new operation and this request merely gives permission for what has gone on there historically. It is in an industrial district. Industrial uses primarily surround it. There have been no histories of complaints with the operations there. Staff has been really good to work with Honest Meats, Mr. Russ, Ms. Soffel and Mr. Blanks, to address concerns and technical considerations as we worked through the process to number one, amend the City's ordinance to allow us to make this request and then to make the request for what we believe are appropriate conditions. Mr. Heavener is here. He runs the operations. They process a little less than 100 animals a month, so it is not a super intensive operation. They serve almost exclusively local organic farmers here in the Shenandoah Valley. It is a valuable business use in the City of Harrisonburg. We will respectfully request the Commission recommend approval to Council for the permit as requested with conditions.

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

Commissioner Jezior said I think my main concern with this one is that as our residential district expands into this space how is that going to conflict in the future if this is approved and there is an option to expand in the future? There is just more potential for conflict moving forward. They have been there for a very long time so it is an interesting situation to be in as the City turns to expand in this space and potentially have houses across the street in the future. That is my biggest concern with this.

Commissioner Kettler made a motion to recommend approval of the special use permit request as submitted by the applicant.

Commissioner Seitz seconded the motion.

Vice Chair Porter called for a roll call vote.

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

The motion to recommend approval of the special use permit request passed (5-0). The recommendation will move forward to City Council on July 14, 2026.

At this time the Commission took a 5-minute recess.

Consider a request from WFS Hanson LLC to rezone 2210 and 2230 East Market Street

Consider a request from WFS Hanson LLC for a special use permit for townhomes at 2210 and 2230 East Market St

Vice Chair Porter read the request and asked staff to review.

Commissioner Kettler and Councilmember Dent disclosed that they met with the applicant previously.

Ms. Rupkey said the applicant is requesting to rezone a 6.6-acre site from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. Along with the rezoning, the applicant is simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) to allow for 49 townhouses with no more than eight units in a row. The site is addressed as 2210 and 2230 East Market Street and is identified as tax map parcel 74-A-1. The site has public street frontage along East Market Street and Betts Road, but the applicant is proposing to only provide access to Betts Road.

Proffers

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

1. Public Right-of-Way Dedication. Prior to the City's issuance of the first building permit, the Owner of the Property shall dedicate to the City of Harrisonburg a strip of land twenty (20) feet in width along the frontage of East Market Street (Route 33) for public right-of-way purposes in which dedication area the City may construct a shared use path. In addition to this dedication, Owner will provide a temporary construction easement of 20-ft adjacent to the newly dedicated right-of-way with an expiration of 10 years after site plan approval.
2. Maximum Residential Density. Development of the Property shall be limited to a maximum of forty-nine (49) dwelling units.
3. Buffer and Screening. Prior to issuance of the final certificate of occupancy, a landscape buffer that is twenty (20) feet in width and shall consist of a double-staggered row of evergreen trees, with a minimum height of four (4) feet at the time of planting will be installed adjacent to six (6) existing single-family residences on Fairway Drive identified by the following addresses and City of Harrisonburg tax map identification numbers:
 - 105 Fairway Drive 074 D 31
 - 109 Fairway Drive 074 D 30
 - 115 Fairway Drive 074 D 29
 - 121 Fairway Drive 074 D 28
 - 127 Fairway Drive 074 D 27
 - 133 Fairway Drive 074 D 26

The landscape buffer shall be as detailed on the associated illustrative plan. The buffer shall be maintained in good condition by the homeowners' association, including replacement of dead or damaged plant material.

4. Screening Fence. Prior to issuance of the final certificate of occupancy, a six-foot (6') high opaque, board-on-board fence shall be installed in the approximate location illustrated on the illustrative plan. For the sake of clarity, the screening fence will be installed along the Property boundary with vacant land identified as City of Harrisonburg tax map identification number 74-A-3, and along the Property boundary with the six (6) existing single-family residences located on Fairway Drive, identified by the following addresses and City of Harrisonburg tax map identification numbers:
 - 105 Fairway Drive 074 D 31
 - 109 Fairway Drive 074 D 30
 - 115 Fairway Drive 074 D 29
 - 121 Fairway Drive 074 D 28
 - 127 Fairway Drive 074 D 27
 - 133 Fairway Drive 074 D 26
5. Effective Date. These Proffers shall become effective only upon approval of the rezoning of the Property by the Harrisonburg City Council.
6. Tot Lot. Prior to issuance of the final certificate of occupancy, the Property shall contain a playground for use by residents. The playground shall be a minimum of 1,000 square feet and shall include typical age-appropriate playground equipment and play features customarily found at childcare, preschool, daycare, and early childhood education facilities.
7. Guest Parking. Prior to issuance of the final certificate of occupancy, the Property shall contain overflow/Guest Parking of at least ten (10) parking spaces in the area generally shown on the illustrative plan.
8. Sidewalk on Betts. Prior to issuance of the final certificate of occupancy, the developer will build and dedicate a public sidewalk to the City of Harrisonburg along the frontage of Betts Road as generally shown on the illustrative plan.

The illustrative layout is not proffered.

In preparation for the public hearings for their rezoning and SUP requests, the applicant has met with surrounding community members. The applicant describes in their letter that they have received feedback from community members regarding "site access, neighborhood connectivity, guest parking, buffering, and overall project design." The applicant has proffered a maximum of 49 dwelling units (Proffer #2), a 20-foot-wide landscaping buffer adjacent to single-family properties on Fairway Drive (Proffer #3), and a six-foot-tall opaque fence adjacent to single-family properties on Fairway Drive, as well as, the vacant property between the subject property and Spotswood Country Club (Proffer #4). The applicant has also proffered a tot lot of at least

1,000 square feet (Proffer #6) and a minimum of 10 additional off-street parking spaces for guests in addition to the one space per dwelling unit that is required per the ZO section 10-3-25 (7) (Proffer #7).

Land Use

The Comprehensive Plan designates this site as Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

The subject property is located across Betts Road from an existing single-family detached home neighborhood (Chatham Square) and between an existing single-family detached home neighborhood (Fairway Hills) and East Market Street, which is a four-lane, divided arterial street. While a townhome community can, at times, serve as an appropriate use between these areas, at this time, staff is not convinced the proposed rezoning and SUP are necessary to deviate from developing something similar to the adjacent uses or for what is planned by the Comprehensive Plan's Land Use Guide.

Transportation and Traffic

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

Proffer #1 provides for the dedication of a 20-foot strip of right-of-way along East Market Street for a future shared use path, as well as a 20-foot temporary construction easement, the latter would expire 10 years after engineered comprehensive site plan approval. While staff is appreciative of the dedication of right-of-way and temporary construction easement, staff would have preferred that the applicant **construct the path**, or design and grade the space for future construction by the City.

Proffer #8 provides for the construction of a sidewalk along the Betts Road frontage of the property. Sidewalk improvements are not required as part of development of the site due to the absence of sidewalk on an adjacent property, however, this proffer would require the property owner to construct sidewalks along Betts Road as generally shown on the illustrative plan.

In December 2025, the Department of Public Works installed delineators at the intersection of East Market Street and Betts Road to create a Restricted Crossing U-Turn (RCUT). This was done in response to safety concerns and an evaluation of the number of crashes that have occurred at this intersection. An RCUT prohibits direct left turns and straight-through movements from side streets, which means drivers coming from Betts Road or Betts Court can no longer cross directly through East Market Street. Instead, vehicles on Betts Road approaching East Market Street must turn right onto East Market Street and then make a U-turn at a different median opening, such as at Evelyn Byrd Avenue, in order to travel eastbound on East Market Street. The delineators at the intersection are intended to be temporary, and the Department of Public Works has been evaluating the intersection since the RCUT was installed. At the Transportation Safety and Advisory Commission (TSAC) meeting in June 2026, the Department of Public Works will recommend making the RCUT permanent. If TSAC endorses staff's recommendation to make the RCUT permanent, construction of a permanent concrete island (similar to what is at the Valley Mall entrance on E. Market Street) would be planned for summer 2026.

Staff and the applicant discussed the possibility of providing access to the site from East Market Street through a connection at the signalized intersection of East Market Street and Evelyn Byrd Avenue. Staff advised the applicant that adding a new connection (leg) to the existing signalized intersection would require further evaluation including, but not limited to, feasibility for left-turn lanes for eastbound traffic on East Market Street to the proposed development, where signal infrastructure would be installed, and if crosswalks and pedestrian signals would be required. The relocation of an existing power pole along East Market Street could also be necessary to construct an access point at this intersection. For this project, the applicant expressed concerns about the significant grade difference from East Market Street and the challenges that such a situation creates.

Public Water and Sanitary Sewer

While staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed development, the applicant has been advised that they will be responsible to complete a study of the water and sanitary sewer capacity as part of the engineered comprehensive site plan process. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

Housing

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

The Housing Study identifies a need for a variety of housing options throughout Harrisonburg and notes that increasing housing can help address housing demand. Additionally, townhomes, which are typically priced less than detached homes, can be a more attainable homeownership option, creating opportunities for first-time homebuyers.

Know that since January 2021, when the Housing Study was completed, through April 16, 2026, City Council has created the opportunity, through approving rezonings, SUPs, and other actions, for the development of 3,988 dwelling units. Of those, 1,276 (about 32%) are for townhomes, while only 289 (just over 7%) are for single-family detached homes.

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.

Based on the Weldon Cooper Center report's calculation, this development's proposed 49 residential units are estimated to generate 37 K-12 students at full build-out. According to the School Board's current attendance boundaries, Smithland Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development.

Conclusion

Staff acknowledges that the applicant's proffered conditions address some of the needs and concerns raised by City staff and neighboring property owners. However, staff finds that the proposed townhomes are not consistent with adjacent existing land uses nor the Comprehensive Plan's Land Use Guide.

Staff recommends denial of the rezoning and special use permit.

If the Planning Commission wishes to recommend approval of the rezoning and special use permit, staff recommends the following condition for the special use permit to allow townhouses:

- The townhouse development shall include either a public street or a private street where each townhouse is served by a driveway.

Vice Chair Porter asked if there any questions for staff.

Commissioner Kettler said I just wanted to add that yesterday on the site visit I asked for a topographical map because even being there it is a little hard to tell given the trees and vegetation. If someone wants to look at it here is the topographical map.

Commissioner Seitz said regarding the changing of the signal structure at the Evelyn Byrd [Avenue] intersection, what would advance that to further study? Would it be the City's initiative or the applicant's initiative asking for it?

Ms. Rupkey said I have Jakob zumFelde with the Department of Public Works here to help guide some of these questions.

Jakob zumFelde, Public Works Planning Manager, came forward. He said through the process of the submittals from the applicant there was not a proposed site layout that showed an entrance at the signalized intersection. Public Works staff did not think through every single thing that would have to be considered or evaluated. Ms. Rupkey has listed the primary things. The reality that there is not currently a left turn or U-turn lane that would feed an additional leg. Discussion of pedestrian infrastructure and then of course physically where the actual signal poles and infrastructure would be. Those are the things that we have currently identified. If there were an actual indication of whether a public street or a private street was going to be added as that fourth leg, then there will need to be additional evaluation. Who would do that? I think that might have a little bit to do with some of what exactly is proposed, if it is public or if it is private. I do know in our DCSM that it sort of lays out some of who would be required to do an evaluation. My understanding of that code section or that DCSM section is that the City would need to evaluate the warrants but I think that is written for places that are not already signalized. Again, due to not having seen an actual proposal of what could potentially go here or what the fourth leg would be we, we have not talked through all of the hypotheticals of who would need to do that evaluation.

Commissioner Seitz said in the absence of any development on this site, does Public Works consider this R-cut structure the long-term solution to this intersection?

Mr. zumFelde said yes and I am glad to speak to the R-cut more... I guess the brief context I will give is that other locations along the East Market Street corridor have had a similar change installed to improve safety. To make it so that there are not people turning left out into the middle or getting stuck in the middle or confusing or conflicting movements that have led to crashes at this location and other locations. That is the background that I will give on that.

Commissioner Kettler said I had a question about staff's recommendation. There is a fair amount of analysis but not a ton of analysis about why staff makes the recommendation that there is. Is staff basically recommending denial because it is not [consistent] with the Comprehensive Land Use Guide? Basically, there would be a much greater chance of staff recommendation if this were a commercial?

Ms. Rupkey said without seeing another proposal that is in front of us I cannot say outright we would recommend approval of a commercial development for rezoning. The future Land Use

Guide is for Limited Commercial which are those subjectively lighter commercial uses. More of your office parks or your smaller retail style uses versus if someone was to come in and want to rezone to do a car-centric use might have more concerns.

Commissioner Kettler said second to that I am just looking at the last sentence of the conclusion there “however staff finds that the proposed town homes are not consistent with adjacent existing land uses.” If I am reading too much into this then that is an occupational hazard, lawyer, so sorry. If that is just another way of saying it is not consistent with the Comprehensive Land Use Guide just let me know if there is some other reason for that.

Ms. Rupkey said can you reword your question?

Commissioner Kettler said it says it is not consistent with adjacent existing land uses. I do not know what that means. Unless it is just another way of saying it is not consistent with the Land Use Guide.

Ms. Rupkey said this proposed project is proposing a higher density than what the surrounding land use is calling for.

Mr. Fletcher said I am wondering if you are looking at the words “for uses” as in residential and nonresidential. We were keying in more specifically detailed that the adjacent uses are detached single-family dwellings as opposed to attached dwellings. Of course, the density is going to be a little higher here than what the adjacent use is. The Limited Commercial Land Use Guide designation is not always about the use of a commercial establishment but more about the design and how it interacts with the physical environment and adjacent land uses. Things that are important to us when we are looking at Limited Commercial uses are design of the building, placement of the building, heights of the building, signage, lighting, entrance locations. It can be sometimes car-centric if you think of more intensive uses, gas stations, heavy auto mobile repair, things like that, I think there is a higher threshold for those types of uses to locate on Limited Commercial designated locations. It does not mean that they could not work but I think the threshold is going to be higher for us to be comfortable with that consistency and conformity as well as compatibility to the adjacent land uses. I hope that provides a little bit more clear context of where we were headed.

Commissioner Kettler said just looking in the Land Use Guide, my memory of it is that it is a little subjective in terms of what Commercial versus Limited Commercial means. It is intensive but that is kind of all it says about it.

Mr. Fletcher said I think of it in a different way. When I think about the Land Use Guide map and you find those light pink colors on the map, which is what the Limited Commercial is, you find

that they are often on heavier traveled corridors but the corridor is almost immediately adjacent to single-family [and] duplex dwelling neighborhoods. This corridor has some on Evelyn Byrd Avenue, Lucy Drive, South High Street, and some on South Main Street. If you look at those spaces, there are already existing non-residential uses. Some, in fact, might even be industrially zoned. Whether or not the uses are conforming can be scattered across the City, but it is these spaces where we recognize residential is likely not feasible for some types of development but if it is to be commercial it would not be in the same category as every commercial use where it is expected and anticipated similar to behind [Valley] Mall or South Main Street where it is that large commercial, large parking lot, big box kind of situation.

Commissioner Kettler said would it be fair to say given the location of some of the Limited Commercial that one function it serves is a bit of a transition from different levels of intensity?

Mr. Fletcher said I think that is fair.

Councilmember Dent said I have a question about the conclusion. It says “if the Planning Commission wishes to recommend approval of the rezoning and special use permit staff recommends the following condition for the special use permit to allow townhouses. The townhouse development shall include either a public or private street where each townhouse is served by a driveway.” How is that different from what they have already mapped out?

Ms. Rupkey said the condition we want to ensure that it is similar to what you are looking at. In theory, they could have a large parking lot for the townhome.

Mr. Fletcher said we were trying to word it in a way that was capturing what we were seeing and the things that we found, setting aside philosophy and all that, if you just look at it in a vacuum of what do we like about it. We like that it is this design. That it would look like, smell like and function like a public street even if it is a private street.

Councilmember Dent said the street with a driveway in front of each unit.

Mr. Fletcher said rather than some of our other townhome communities in Harrisonburg sometimes you see large parking lots in front of each unit. We appreciate this design as opposed to the other designs at this location.

Councilmember Dent said you are just wanting to condition in what they already have.

Mr. Fletcher said similar, yes ma'am.

Commissioner Kettler said you said as opposed to other designs. Can you give an example of what you mean by that?

Mr. Fletcher said the large parking lots in front of the units.

Vice Chair Porter said what would differentiate this particular location, this would not be the only townhome development that would be near single-family homes. What is it specifically about this site either the site plan, location or any of the other factors that staff considered to recommend in this particular case, a denial?

Mr. Fletcher said can you build on your question a little bit?

Vice Chair Porter said is there anything specific about this site plan or location...because I know there are other circumstances in our community where there are townhomes in relative proximity to single-family homes. What specifically about this location would change that versus another place?

Mr. Fletcher said I think you have to look at the staff report in its entirety to understand the context of everything to understand. We also alluded to the number of already use approved developments across the City. There are times that it can make sense to rezone properties for a higher density. Absolutely the mixture of housing styles whether it is single-family detached, duplex, townhome, multifamily all in the same space you find many lovely places across the City of Harrisonburg where that is the case. Right now, what we are saying, and if you look specifically at the language, at this time we are not convinced that this project needs the special approvals to go in. If we are sometime in the future and we are in a different context then it may be time. We are just not convinced.

Councilmember Dent said I think I disagree with staff on that matter. I think I like housing and I like townhomes as homeownership opportunities and this is as good a place as any and we need the infill. I did talk with the applicants about that signaling at Evelyn Byrd Avenue and crosswalks or some such to make it walkable across to the large commercial district with Martin's and all of that. There is also the potential if at some point the City were to build the shared use path to keep going along there now it is along the golf course and it would need to walk to Aldi's. There is potential for walkability in the adjacent commercial zones. I like it. I guess I am with you in trying to understand why they are recommending denial here with some of these other similar things we have approved.

Vice Chair Porter said Mr. Fletcher would it be appropriate to say that the totality of factors including the location, its proximity to East Market Street and all of the other dynamics that you pointed out were also a part of that consideration?

Mr. Fletcher said it is all of those factors and while I cannot sit here and tell you every single example of where we have recommended for approval townhomes in other locations where it may have been adjacent, you have to look at the factors what was the Land Use Guide for those locations. What was the adjacency of the other Land Use Guide factors? In here, for us right now, the adjacent land uses are not compatible with what is being proposed neither is the Land Use Guide. Those are some big factors for us. Of course, also the number the units we have across the City.

Vice Chair Porter invited the applicant or applicant's representative to speak to their request.

Bill Moore, applicant's representative with Westwood Professional Services, came forward to speak to the request. He said as we have heard throughout the evening there are some concerns with traffic and access associated with the proposal so I would like to discuss some of those topics from an engineering perspective. First, the proposed development would access Betts Road east of the East Market Street intersection as you are all aware. Secondly, the proposed development does not meet the City's threshold requiring preparation of a formal Traffic Impact Analysis due to the relatively low peak hour traffic generation associated with the project. Thirdly, the traffic and safety concerns associated with the Betts Road and East Market Street intersection are not new and predate this application. The City identified concerns at this intersection in late 2025 and have been actively evaluating potential improvements since that time. As we heard this evening they are already advancing a R-cut installation. As part of that effort the City's Transportation Safety and Advisory Commission reviewed conditions at the intersection and discussed a variety of potential mitigation measures. That is probably a moot statement since we already heard that they are already moving forward with a mitigation plan. At that meeting in April they also mentioned that they had evaluated the total amount of crashes at the intersection between 2017 and 2024. Which was a total of 12 or 1.7 per year. While any crash is concerning, the data provides important context regarding the existing conditions at this location. Various access alternatives for the proposed development were also evaluated including a right-in/right-out connection on East Market Street and the connection at the Evelyn Byrd Avenue intersection. Due to safety considerations, site topography, geometric constraints, those alternatives were determined to not be feasible. The key point is that the traffic condition being discussed tonight are mostly existing conditions that the City has been studying and moving forward with a mitigation plan. A denial of this rezoning does not eliminate the traffic concerns at the intersection as stated today. Based on our engineering review there is no technical reason why this proposed development cannot be safely served by the existing transportation network together with any future improvements that the City determines are appropriate with the intersection of Betts Road and East Market Street. I will be happy to answer any technical questions you may have. With me is Mr. Rob Sidell who will continue the presentation if there are no further questions.

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

Commissioner Kettler said I was just curious how you came to the number of supplemental guest parking spaces. Why not fewer? Why not more?

Mr. Moore said we proffered a minimum of ten. We are fairly confident we can at least accommodate that. The illustrative plan you have we were able to draw in 23. We came up with a comfortable number to make sure we did have some. Likely we will want as many as we can possibly get. That is an attractive feature for any townhouse development that we have engaged.

Commissioner Jezior said there is a left turn going away from that parking lot, what is the point of that?

Mr. Moore said that is for fire and rescue turn around. That is called their hammerhead turn around. There are dimensions that fire and rescue want to have.

Councilmember Dent said did you consider more about requesting from the City a crosswalk at Evelyn Byrd Avenue?

Mr. Moore said we did allocate the full public right-of-way dedication to accommodate that build in the future. There are a lot of moving parts there as well as another 20 feet for grading. There is an extreme topography change down at Evelyn Byrd Avenue.

Commissioner Jezior said with that change in topography there, is there any sort of retaining wall or something that is going to built?

Mr. Moore said we do not anticipate so. Those units that are facing East Market are intended to be a walkout basement to the rear. There is a lot of grade there. 40 feet from the center of the road as it exists today down to Evelyn Byrd [Avenue].

Rob Sidell, applicant's representative, came forward to speak to the request. He said thank you for your time. I am here on behalf of the applicant in support of their request to rezone. I want to begin with a central point, this property is a transition parcel. It sits along East Market Street. It is one of the City's principal east-west commercial corridors but it also directly adjoins two established residential neighborhoods. The practical question before you is not really whether commercial or residential uses are generally appropriate in Harrisonburg, the question is what best fits this particular property at this particular time and in this particular location. We believe the answer is a thoughtfully designed, for sale townhome community otherwise we would not have designed it that way. We hopefully will retain a local builder to build that. Our intent is to partner with a local builder to do the building. We would develop the land and work with a builder. This site is neither a simple residential partner nor a commercial pad site. It is a challenging parcel at the edge of a commercial corridor adjacent to two established neighborhoods with physical constraints, access limitations, and a commercial-residential interface consideration that call for a thoughtful transition in land use. I think it is also appropriate and important to speak plainly about the commercial alternative. In your packets, we submitted it this morning, a letter from the seller of the property. We are the contract purchaser. It is the one that is signed by Susan Hanson at the bottom. In that letter she will tell you that this property has been marketed an evaluated for commercial development for approximately ten years. There has been numerous potential...

Ms. Dang said [to the Planning Commissioners] I am getting signals here that staff did not include it with your packet, but we will get that to you later.

Commissioner Jezior said it is on the website.

Mr. Sidell said this property has been evaluated for commercial development for about ten years. Multiple prospects have explored this site but none of it has moved forward successfully and that history matters. It suggests that the commercial future assumed for this parcel may not be as straightforward or certain as it appears on a simple land use map. I am going to divert from my comments here. Mr. Kettler printed out the topography before you, which is a relevant detail. At the very top of the site, it is about elevation of about 550 [feet] and at the base of the site we drop about 40 feet to 510 [feet]. That is a 40-foot drop and it is not a great deal of distance to get over that. So, to level that out for commercial would be very expensive. The real comparison therefore is not between the perfect commercial project and an imperfect residential project. The real comparison is between realistic ownership oriented residential community before you tonight and a hypothetical commercial use that may never materialize and may bring its own compatibility issues. We talked about lighting and noise and traffic and dumpsters and what not. We recognize that the Comprehensive Plan identifies the property as Limited Commercial. We are not dismissing the Comprehensive Plan. In fact we believe this proposal advances many of the same principles underlying that designation. Limited Commercial calls for careful consideration of buffering, access, parking, setbacks and neighborhood impacts. At this location a residential community can accomplish those compatibility goals more naturally than many commercial uses. Townhomes provide a residential edge and a transition between East Market Street and the nearby homes. This is not an argument that the commercial development is inappropriate. Rather, it is a recognition that not every commercially designated site is equally suited for commercial development and that context matters. The proposal before you is for 49 for sale townhomes on approximately 6.6 acres with no building containing more than eight dwelling units. That is less than eight units per acre in terms of density use. This is not an apartment complex. It is not a student housing complex. It is intended to provide another path to homeownership in the City of Harrisonburg. That point is important because Harrisonburg's housing challenges are real.

Also, in your packet we submitted some additional housing information for your consideration, but I would like to highlight three points. First, Harrisonburg's homeownership. The City of Harrisonburg's homeownership rate remains substantially lower than that in the Commonwealth of Virginia and surrounding Rockingham County. Second, the City has an acknowledged need for additional housing units. Some were in the neighborhood of 1,500 by the City's own housing study. Third, the ownership inventory remains limited particularly for homes at more obtainable price points and we anticipate that these townhomes will come to market in the \$350,000 range. Behind those obtainable price points are teachers, nurses, young professionals, City employees, first time buyers, and local families who want an opportunity to put down roots in Harrisonburg. This project alone will not solve the City's housing challenges, but it can provide an ownership oriented missing middle housing that expands housing choice.

I also want to share that the proposal before you has gone through substantial public process. We met with City staff during two pre-application meetings. We conducted four meetings with the neighboring residence. We listened. We revised. We delayed our submission process to incorporate this feedback. The plan before you tonight is not the same plan that existed at the beginning of the process. In response to the comments we have received as you have heard we

have reduced the number of units. We started with 55 units, we went to 53 units, and we have now agreed to 49 units. We have enhanced the buffering. We have added privacy screening. We have increased guest parking. We have added recreation space, and we have refined the overall layout. These changes reflected important principle. We participated in a process in good faith and we have made adjustments where feasible. We also understand that some of the neighbors have concerns particularly regarding traffic. These concerns are understandable. However, denying this application does not eliminate future development pressure on this parcel. The more relevant question is whether this proposal represents a more compatible outcome than other realistic alternatives. We believe that it does. This proposal places needed homeownership on a site already served by public infrastructure. It provides homeownership opportunities rather than additional rental apartments. It introduces a type of housing that is underrepresented in the City. It creates a residential transition between East Market Street and the adjacent neighborhoods. It reflects meaningful neighborhood engagement and multiple revisions. It offers a realistic path forward for a parcel that is not successfully developed commercially despite years of marketing efforts. No project is perfect. We are not suggesting that this one is. Planning decisions often involve choosing among more realistic alternatives rather than idealized ones. In this case the realistic opportunity before you is a for sale townhome community with buffering open space, parking, and a residential character. The alternative may be a future commercial use that could generate different potentially greater compatibility concerns. We respectfully believe that this proposal represents a better planning outcome. It is better for the future homeowners seeking opportunities in the City. It is better for the corridor because it places housing near services, employment, and transportation route. It is better for the two adjacent neighborhoods because it provides a thoughtful transition, and very likely a much lower intensity transition, between the commercial activity across the street and the established residential uses. In the end this application is about responsible growth. Harrisonburg needs housing choices. Harrisonburg needs opportunity for people to own affordable homes in the City. Harrisonburg must carefully evaluate transition parcels like this one based on their actual context and realistic alternatives and we believe this proposal does that. For those reasons we respectfully request that the Planning Commission approves the rezoning and the special use permit. Thank you.

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

Commissioner Seitz said you talked about your plans for implementation of this if approved so you do plan to develop this and move forward with this project if the project is approved.

Mr. Sidell said yes.

Ms. Dang said Mr. Sidell, you mentioned in your presentation that there were two documents that you sent to staff and I am getting signals from my colleague Ms. Rupkey that she did not receive it today. Could you connect with me tomorrow or with her next week and then we can make sure that the Commissioners and Council members get it?

Mike Martin, applicant's representative and commercial realtor for the project, came forward to read the letter from Ms. Hanson, the applicant and property owner. He read "My family owns the property listed above which is being considered for rezoning and special use permit during the June 10th Planning Commission meeting. This property has belonged to our family for over 50

years. When purchased it was a simple farm with a small farmhouse. Our family have been good stewards of the land and have kept it presentable for the community. In 2017, we decided it was time to list the property for sale. Over the past 9 years many developers have investigated the property for commercial use, including: Retail stores, Mixed use – upscale shops with café/restaurant, car wash – with landscaped garden, convenience store/gas station, and a furniture store. Most of the developers performed studies, spoke with city planners, and attempted to meet with neighbors beforehand. In each instance, negative feedback about commercial development caused the developers to cease their efforts. Many of these developers expressed deep disappointment that they would not be investing in the Harrisonburg area. During this time there has been no interest whatsoever from developers regarding building of single-family homes, most likely due to the close proximity to Market Street/Business 33. We believe the current proposal for townhomes is an excellent use of this parcel which will provide needed housing to the community.”

Commissioner Seitz said what is the relationship between WFS Hanson which I assume Ms. Hanson is writing on behalf of. Specifically, which entity will be doing the development?

Mr. Sidell said my partner Terrell Marsh and I are Providence Acquisition Partners, we are the contract purchaser of the site. We would be moving forward and purchasing the asset from WFS Hanson once we get the rezoning. The purchase of the land is subject to that rezoning.

[Directing his comment to Ms. Dang] To answer your question, Ms Dang, we were supposed to have sent an email today to Ms. Rupkey and it should have included the letter along with the housing study.

[There was a brief discussion between Mr. Sidel and another representative of the applicant that clarified that the housing study was not submitted to city staff.]

Mr. Sidell said we also had some housing data that talked about the number of housing starts and the reduction in housing starts [unintelligible]. Which really just would show the need for housing in the City and we can send that to you. I thought that was in that packet, so I apologize.

Councilmember Dent said I heard something about negative feedback on commercial, now did that mean from the developers themselves or from the neighborhood?

Mr. Sidell said from the neighbors.

Councilmember Dent said the neighbors did not like the commercial either.

Vice Chair Porter said in terms of the actual building of the townhomes are you going to be building to any standards such as like an Energy Star, EarthCraft standards. What kind of materials are you going to be using?

Mr. Sidell said we are not likely to be the builders so we would leave that decision up to the builder, but we would like to have some input in it. We have always pictured this not as an entry level facility where we are trying to sell houses at \$279,900 or \$299,000. We have always looked at this as a step up but still relatively speaking affordable so it is not a \$450,000 house. It is a \$350,000.

It is a two-car driveway. There was a comment from staff about the driveways, and I think it is a fair comment, that this is a conceptual plan and it does show driveways on the conceptual plan. Until we get to site plan that is not guaranteed, but it is our intent in our site plan that every townhouse is going to have a driveway. I cannot tell you exactly what a \$350,000 townhouse looks like, but we all know what a \$299,000 townhouse looks like and it is not going to be that. There will be garages with at least one car garage should be... On one side of the road we should in ground basements with walkouts that look out over [Route] 33. On the right side of the road, we will have a buried garage and then the levels above will be at grade. On the right side it is going to look like a two-story building from the rear. On the left side it will be a three-story building.

Councilmember Dent said related question to the energy standard, is a great question. Having garages gives an easy access to plug ins for electric vehicles. Typically, the level two chargers that are typically the same as your washer and dryer 220 volts.

Mr. Sidell said I would be shocked if builders are not looking at that as they build new houses these days. I do not know that for sure, but I would be shocked if they are not.

Vice Chair Porter asked if there were any additional questions for the applicant's representatives. Hearing none, he opened the public hear and asked if there was anyone in the room or on the phone wishing to speak to the request.

Melissa Louis, a resident of 245 Fairway Drive, came forward to speak to the request. She said as a resident there I am formerly opposing this rezoning and this development project. While I support responsible community growth as we have all heard before. The density of this development is going to overwhelm our neighborhoods. During our meetings with the development team, we have raised numerous concerns. The biggest concern that we have heard already is the traffic impact and a project like this is going to bring 100 to 150 more vehicles. Which will cause severe bottleneaking, gridlock, emergency evacuation hazards given that there is a sole entry point on Betts Road to get in and out in addition to Chatham Square and Fairway Hills to get out onto [Route] 33. The lack of adequate guest parking, which was at 23 spaces, which has now suddenly dropped to 10 is going to force an overflow onto Betts Road, onto our neighborhood streets. Without sidewalks within Fairway [Drive] the volume of traffic creates unacceptable safety risks for our neighborhoods, our children and the families that are very active walking all day everyday throughout the neighborhood. All those extra cars because of inadequate parking are going to cause a lot of problems. It is going to spill over into our neighborhoods. When we suggested alternatives with the developers regarding the entry exit points there is an existing driveway on [Route] 33 onto that parcel that should be utilized to offset all that congestion on and off Betts [Road] onto [Route] 33. We have talked about adding at the light at Evelyn Byrd Avenue the developer said that is not possible. It is possible they do not want to pay to do it. We were met with scare tactics. Some outright lies. Do you want a bowl of noodles going in? Do you want rats? It is going to bring rats. This was something that was said multiple times at multiple meetings which is wholly inappropriate response for any professional to say in a meeting such as this. It is a big development coming into our community. They also claim that they can create the entry and exit points onto [Route] 33 or use the existing driveway that is there. The density, the proximity to our backyards, the traffic impact, the insufficient parking, it is not going to preserve the integrity of Chatham Square and Fairway Hills. This project is entirely inconsistent and negatively impact the future

goals of the City. I want to ask you to consider yourselves a neighbor in our neighborhood just for a moment and consider you have one way to get out onto [Route] 33 and you can only turn right. Would you accept 100 more vehicles all vying to make that turn? With having to make the U-turn you are going to have wait a little bit longer to cross three lanes to safely to get into that far turn lane to make that U-turn at Evelyn Byrd [Avenue]. Even without this project it is getting increasingly more difficult to exit onto [Route] 33 from Fairway Drive. To have this development come in and adding that volume of cars it is going to devastate our neighborhood in getting in and out and living our daily lives. That is what the biggest problem is. We want growth. We want a development. I would actually be totally fine with commercial. I would love a coffee shop. Any excuse to get a golf cart. This just does not make sense with the one sole entry and exit point when there is the ability to have an entrance and or an exit directly on [Route] 33 is offset the impact that it is going to have on all of us. The City of Harrisonburg is growing, I have seen that in just the last three years. We need to plan for that continued growth now when we need to set a precedent that protects our long-established neighborhoods and the current infrastructure and lets not overwhelm our side streets and create major safety hazards with the increased traffic which we cannot withstand. Some of the people on this development team are not residents of Harrisonburg and they will not be impacted by the daily traffic chaos that they want to create and it shows. I am asking you to protect the actual residents who live here, work and pay taxes and not out of town developers that want to come in to make a quick profit. Again, I would respectfully ask you to reject this rezoning and development as it stands.

Brien Anders, a resident of 455 Eagle Lane, came forward to speak to the request. He said thank you for allowing me to come forward and talk. My career is in aviation. It is about risk assessment. I would like to propose a moratorium.. Right now the east side of Harrisonburg is exploding. When you look down by the hospital you look at all of those apartments. [Route] 33 right now is like a speedway. We have lived in the neighborhood now for 14 years and I have never seen so much traffic that is coming through. Plus, our neighborhood is cycling. We are having younger families coming in and more bicycles and kids. Because of the cluster that they have at County Club Road and Keezletown Road people are cutting through like crazy. Now I would like to talk to you to try to use the reasonable man theory. No question we want to have more residents in Harrisonburg. We would love to see that parcel be used for something residential. However, six and a half acres and putting 49 homes in there believing that there is only going to be 49 residents in there... Just in our neighborhood alone there is a minimum of two to three drivers. 10 parking places. Where are these people going to park? The answer to that is it is probably going to be right there on Betts Road which again increases the risk for further accidents. I just would like to request that as fast as Harrisonburg is growing, which I totally support, let us put a moratorium in place. Let us look at the infrastructure and the impact. I think they have come up with a creative way to shove 49 homes into a very small area. I applaud them for that. but I do not think it is in the interest of safety. Please put safety first. That is the industry where I come from because we can all come up with creative ideas of how to generate tax revenue and everything else. One life is too much. I just please with you to take that into consideration.

John Serrell, a resident of 109 Fairway Drive, came forward to speak to the request. He said we have got NIMBY here. We have cars on [East] Market Street that is unbelievable. We have the development just above us. You have a turn lane from them, and people now are already using their turn lane because they have to turn around. I went to a meeting this morning that the City had

about the traffic problem in the City of Harrisonburg. One of the worst problems is Betts Road and Country Club Road and the whole area. There is one thing we have got to remember I bought my property over 35 years ago because I had R-1 behind me, I did not expect development. I thought it would be gone by now. The development is going to continue...if you think it is bad now you put the right development on that parcel that already has a turn lane off of Aldi's you wait until they open up Betts Road and there are farms back there, hundreds of acres, and wait until they start building back in there and the traffic is going to come in and guess where it is one entrance and one exit. I think more studies need to be made and put on the developers the way to get in and get out. If its commercial, residential, I do not care what it is. Another thing is if they are going to lower the thing 50 feet, you better protect your basement. They are going to blow a lot of rock, and we are going to have this mess up there and that is a personal level thing. The traffic potential when they develop back behind Betts Road and Aldi and it is all going to come Country Club Road right at one place. When they go through the private development and use their roads to avoid the turn arounds it is dangerous for everybody.

Jodi Mills, a resident of 525 Fairway Drive, came forward to speak to the request. She said I first want to say thank you to all of you because I know this takes a lot of time for you all to sit and listen and do this. Thank you to you. I just want to point out one thing that I think is a really important factor. We talked about the missing middle, and that was something that the developer and the engineer talked about, and our missing middle is really important. I will tell you I work in the building industry, and I know the building industry well. I have been in it since 1997. Our missing middle right now is being completely absorbed by the investor. When you talk about investors buying that \$350,000 townhome you are not talking about two residents per household you are talking about multiple residents in a household. You are also in a prime location for students at the university. When you are talking about students at the university you are talking about all of them coming into that residential location that we are discussing tonight. My biggest fear is that entrance only on Betts Road. Most everybody today has talked about the right turn going out to [Route] 33. I live at the back end of Fairway Drive and I am completely impacted by the fact that there is not very many calming studies that have been done on Fairway Drive. We have one way in and one way out. We have no stop signs, no speed bumps, nothing on Fairway Drive and it is sometimes a speedway. In the letter that I wrote to this group I said if you are going to consider this, and consider the extra traffic coming just on Betts Road, please do not look at it just as making a right and going out to [Route] 33 but what the impact does on Fairway Drive. Please do not do a calming study when it is not in school because that is when we see the biggest impact. These folks that are cutting through our neighborhood and moving through the neighborhood are going to the schools that are back off of Keezletown Road and Smithland Road. I just want to appeal to you that we are an established neighborhood. We take a lot of pride in our neighborhood, and we are not against development. I think we are for development but smart development. This is not that great development with an exit just on Betts Road. That exit onto [Route] 33 can be done. We talk about elevation. We talk about entrance. You have a Ryan Homes community that was built just up the road with a very strong incline and that was accomplished and done very successfully. That same thing can be done at this [Route] 33 exit for this development. If you do decide to pass it I hope that you will look at relocating that entrance and not doing this. That is all I have to say. Thank you.

Katie Quertermous, a resident of 450 Fairway Drive, came forward to speak to the request. She said I bring concerns about the density. I would love to see that parcel developed as residential, but the current density is unsafe. I mirror the concerns about traffic and in particular the concerns that were just raised about the traffic that will go down Fairway [Drive] if the Betts [Road] intersection backs up. It is currently not safe for my child to ride a bike or walk by themselves, even within a couple years, down our road due to traffic speeds. Even as he gets older it is going to be so hard to let him do that. It is going to be difficult for our neighbors to walk between Fairway Hills and Chatham Square which happens on a daily basis. Lots and lots of people walk between those neighborhoods. I have lived for many years in townhouse communities, and I understand the parking challenges on evenings and weekends. Ten spots even 23 spots for 49 units, they are going to fill. The challenge in this development is that there is no overflow. There is no shoulder on Betts Road. There is no way to park cars on East Market Street. Chatham Square is a private community that must pay for their own roads. Those cars are going to end up in their parking spots blocking access to mailboxes and blocking access for them to have guests over or they are going to end up on Fairway Drive forcing pedestrian traffic further into the streets. As you look at this property, please think about how it is blocked in. There is no room for easy overflow of parking in that single entrance and then out on Betts [Road].

Beverly McGowan, a resident of 151 Fairway Drive, came forward to speak to the request. She said I am not going to repeat the implications on the single entry in and out, but I am going to mention a couple of things. The property across the street which is Chatham Square does have a sidewalk that goes from [Route] 33 to the corner of Betts Road and Fairway Drive. By offering that small strip of sidewalk right at this property does not seem to be enough that it should extend from that area to the corner of Fairway Drive. In this picture as well with the retention pond there is no image of the small white house on the corner and the piece of property that is not owned by the [WFS] Hanson LLC. The one item that has not been mentioned are the implications on the water, sewer, and the school. I believe that last summer during the drought we did have some water conservation and I do support continued building, but I think that needs to be a consideration. Last but not least while I appreciate the price point on this development, I think that is what is missing based on a recent business meeting is the price point at a higher level. We have I think numerous price points at this level. If we move up a little bit to attract mid-level or higher people, I think that is the housing shortage that we need to be looking at. Thank you.

Mark Duda, a resident of 230 Divot Drive, came forward to speak to the request. He said there has been some great things said and I know you have some hard decisions to make. You have already made two of those and you based those decisions based on your staff recommendations. There are people who want this development to go through for various reasons and there are people who do not. To me I think it is pretty simple. I am formally opposed to it and I would ask you to be opposed to it and listen to your staff. It says staff recommends denial of the rezoning and special use permit. Staff recommends denial of the rezoning and special use permit. You have had people who have looked at this in depth, and they have come to that conclusion. I would respect that staff, they do not have a fight in this. They have already said rezone these other two previous things that we have talked about this evening. Thank you.

Mike Rozmus, a resident of 115 Fairway Drive, came forward to speak to the request. He said my wife Susan and I are here to express our concerns about this development and we are opposed to

it. We hope that you will consider all of what you have heard from the community tonight to support that and also support the staff as we have heard from their report. When we moved here 23 years ago, we are adjacent property owners by the way 115 Fairway Drive is right where the buffer is between two parcels. When we moved here 23 years ago, we looked at that R-1 designation and said “okay, this is going to continue the development of family homes that are in the same area of the community.” We were so happy when Chatham Square was developed because that is continuing development of like use properties around us that really continues to bring value to both communities in terms of property values, and living conditions, and in terms of being able to meet your neighbors on the street and walk your dog and all of those kinds of things. This particular development I do not think meets that kind of a feel. When I go back and read the Comprehensive Plan and look at the future Limited Commercial land use and what Meg brought out in her comment was that it was really pointing to chapter six, page 14 of the plan which says these areas are suitable for commercial and professional office development but any less intensive approach the only commercial designation. It says these areas need careful controls to ensure compatibility with existing land uses. The maintenance and functional aesthetic integrity should be emphasized to review applications for development and redevelopment and should address matters such as control of access, which we have talked about, landscaping and buffering, parking, setback, signage, building mass, and orientation. Those things do not fit the communities that are there in terms of what is developed in that area. Although the rezoning request is for R-8, the proposed development of 49 townhomes is not really compatible and does not provide aesthetic compatibility with our existing neighborhoods. There are not many R-8 properties in the City. Of those, few have the access issues that we are talking about here. The engineer talked about the problems with the roads and the problems with the elevation. Yes, that particular piece of property and that little piece of parcel on the corner make this not really the right use of that land for this kind of development. There should be something in that property, and we realize that there is going to be something in that property while we are living there, but 49 townhomes stuffed in a really nonconforming manner into a piece of land that really does not have good access, does not have good topology, and would require a whole lot more to make it useful in terms of traffic congestion and giving the existing community access to [Route] 33 and businesses. Thank you.

John Gira, a resident of 144 The Green, came forward to speak to the request. He said I built in Fairway Hills back in 1988, a longtime resident. I made my decisions, just as these people, large on the strength of the zoning regulations. We have made life decisions and built lives based on the strength of zoning regulations. We have a vested interest based on what these regulations say. I see the conflict that I am so impressed with the arguments on both sides. They have an interest. There is an interest here. They both have credible cases. My question is if this was such a wonderful project for Harrisonburg and the community and what not, why are so many people opposed to it. People who have based invested their lives on the strength of these zoning regulations, what good are they? Please register that I am in opposition to this project and I do thank you for the chance to be heard. Thank you.

Vice Chair Porter closed the public hearing and opened the matter for discussion.

Commissioner Jezior said I think driving down Betts Road you can definitely see the challenges with the traffic there. It had been a long time issue and having this feed right off into Betts [Road] is definitely going to cause a problem. I think the location of this property has a good...it is so

close to Martin's, it is so close to a lot of public amenities within 1,000 feet. If you could figure out some way to route the road down to Evelyn Byrd [Avenue], you can make it a walkable community to get to all of these. I think there is a much better layout that could be done here. More difficult, a lot more engineering involved in making that roadway connect but I think the way that it is shown right now is not the best. I am definitely not opposed to density. I think the density here could be used very well but again it needs to be laid out in a way that it is more easily accessible to you to all of the amenities that are around it. Especially if you are going to have a small parking lot if you are not going to have a good amount of parking. Every single person in this complex is going to have to drive to go across the street.

Commissioner Kettler said the most frequent comments that we received in the written and that I am hearing tonight is about traffic and I think that is a really important concern. The issues caused by car centric development everywhere is a concern that is very near and dear to my heart. Ultimately there is only one solution to traffic and that is viable alternatives to driving. As I look at the area I am so glad that these maps include not only the property itself, but the surrounding area. This area around [Route] 33 is sort of a case study of that. We have quite a lot of low-density single-family homes next to or relatively close to a large arterial road and then lots of car centric development. In terms of people walking or biking across [Route] 33 it might as well be a brick wall. You are not going to walk across [Route] 33. No one in their right mind is going to do that; unless you have no other choice and some folks are in that situation. I think that creates some problems here in how we view this part of town and getting to that space where more people can walk and bike to the things that they need. The choice here is ultimately commercial property or residential property. I am looking at staff's recommendation and I am looking at the Comprehensive Plan Land Use Guide... and I probably did not ask the question as clearly as I could have before, but my intent is thinking this, the Land Use Guide is only as strong as its logic is for a particular property. If staff's recommendation is largely based on the Comprehensive Land Use Guide and that is why then, I do not ultimately agree with the Comprehensive Land Use Guide as it pertains to this particular development, it does not carry as much weight with me. One of the purposes of the Limited Commercial to my mind is a bit of that transition space. I think that a townhome development can more effectively serve as a transition space better than any kind of gas station might or a drive through or other car-centric development. If we are trying to knit together this part of town and make it more walkable, then part of walkability means density. Part of walkability means incrementally making it easier for people to get places they need to go. Setting aside the right of way helps set that up for the future. Having some more houses there sets that up for the future. The price point that I am seeing here is higher than I would like to see and lower than some folks here would like to see. The demand for housing is so high in the City and housing is so expensive. Just in the last five years I bought a house a year and a half ago and it has gone up 50 percent in price from the five years before I bought it to when I bought it; 50 percent in five years. I am definitely interested in seeing whatever options are available to lower the price and to adjust to the transition in this area to a place being more walkable.

Commissioner Seitz said I guess I will begin with the use of this property. First of all, I appreciate everybody, both the applicant and the residents, that have recognized the broader need for housing

in Harrisonburg and the understanding that it probably comes with density. I would specifically say I tend to qualify our need for housing as both workforce and affordable housing. I think as presented particularly the applicant's discussion of who they envisioned living here maybe that fits the category of workforce housing. It may not be the precise definition. I think from the land use point of view, given the age of our Comprehensive Plan, I think one of the things that has changed dramatically in the past eight to nine years is our understanding of what is needed as commercial space in the City. We do not have the demand for professional office buildings that we used to have. We do not have the demand for retail spaces. Candidly, I think a well-designed medium density residential community can serve as a buffer as well as anything else. Ultimately, for me though the deciding issue is the traffic. I think to say that "we did not create this problem and therefore we should move ahead"... Our responsibility is to make sure the problem does not get exacerbated and I would say that intersection with Betts Road is a problem. The R-cut hopefully will cut down accidents given the current traffic usage. I would only support this project if it included a signalized entrance off of Evelyn Byrd [Avenue] and I get that is going to drive up costs. The cut there, all of the other infrastructure development. It would address a lot of the issues that people are concerned about. I would even go so far to say I would support higher density on this site if it entered only off of that intersection with East Market Street.

Councilmember Dent said I think I agree with that. Hearing and seeing the gnarly little bit of Betts Road and again I was talking with them about a crosswalk. I know it is a lot to ask for about signalization on Evelyn Byrd [Avenue] to go with that driveway and to have a safe crosswalk. Those are the sorts of things that would make the density and walkability livable and would simultaneously ease the pressure on the existing neighborhood for the traffic with a single exit on Betts Road. This might be a table it and go back to the drawing board. I am not making a motion, I just thought of it.

Commissioner Seitz said I guess I would recommend that we take action, either supporting the staff's decision or otherwise. While I stated that my preference would be to see an entrance directly on [Route] 33 to this. I also understand enough about development proformas to know that is going to put it in a whole other category. That is beyond further negotiation. That is us basically saying come back with a different proforma.

Councilmember Dent said that intersection is a massive piece of development. I hesitate on tabling because tabling in Planning Commission really just delays it. We are better off denying it still goes to City Council anyway. Council can do what we want to with it.

Commissioner Seitz said I have another comment, if this comes back as a different project, residential or otherwise, I would like to see more of the design proffered. I find the ambiguity of the plan...I understand the intent that Mr. Sidell did and from your lips to whoever's ears I would like to see a development that espouses all of those things. For us to accept it, in addition to the entrance, I think I would need to see more things proffered so that we know more specifically what we are approving.

Commissioner Kettler said I am just looking at the topographical map and the entrance from Evelyn Byrd [Avenue] looks like it is more likely to be a significant change in elevation or require substantial change in grading. I do not know if either staff or the applicant has a sense of what a design change like that might look like. Could it go straight from Evelyn Byrd [Avenue] and turn to the south or would it require some other circuitous route or substantially more grading?

Commissioner Seitz said I think there are other developments around the area where people have made steep cuts into developments. Perhaps as the Planning Commission if we wanted to take a tour to look at some of those we could. It is expensive but it is doable.

Mr. Fletcher said there is a lot to take into account with regard to if it is a private street or public street. There are public street design standards. There are what are called landing requirements when you come to an intersection so that you are not sitting at a hill at an intersection so there is a grade requirement. You have to take in the landing requirements, the grade going up, you are looking at significant retaining walls. In that particular case, we have to think about the radius of the street as it turns to make its way toward Betts Road. It would completely redesign this project. You are eliminating significant numbers of units there. I would also caution any type of comparison across the board when you are thinking about intersections off of [Route] 33. Number one, there are different criteria that is expected in the City than in the County. There are different criteria when you have a corner parcel with a two public street frontages. It is highly desirable [by City staff] to have access off of the side street rather than the main street because of the flow of traffic. Sometimes, but not in this particular case because there is another intersection, sometimes we are thinking about access management, how close are those public street connections. Then also thinking about the bigger picture for an entrance location. There are other things to think about that we know of when we look at this intersection with regard to the infrastructure that is out there so there is relatively large transmission lines from HEC that travel down that direction and it would likely require relocation of one of those transmission lines which also becomes very expensive. I cannot say for a fact that it would require it, but I am going to look at Bill [Moore] here for a second because he has probably looked at this and there is a high probability that you will have to relocate that transmission line. I do not want to sound cruel, but it is not really our responsibility to worry about that but the person who develops it has to think about those things. Just for us to also be aware of we did not talk about that at all tonight. We did not even bring it up in our staff report because there is no entrance proposed at that intersection. East Market Street is not curbed on that side it is a ditch section so there is a lot of other things to take into consideration as well.

Councilmember Dent said come to think of it, that reminds me that we do prefer generally to have the exits onto the side streets rather than directly on to the main arteries like [East] Market Street.

Commissioner Seitz said there is a theme in this discussion tonight. There is a theme from our last meeting which we considered South Main Street project that City Council tabled last night as well as the Peach Grove [Avenue] development. All of those had significant traffic concerns. Particularly the South Main [Street] was primarily existing long standing residents. I guess the thing that we have to consider as the Planning Commission, as we think about where the next

iteration of the Comprehensive Plan does, we all understand the need for growth. We all understand that we need more housing. but it seems like on the short sample size I have been a part of, the limiting factor is traffic infrastructure. Obviously, water and sewer are one of those infrastructure pieces as well too. Now we have three developments that we have considered in two meetings where traffic is an overwhelming concern. That is just editorialization, think of it what you will.

Commissioner Kettler said I sort of see it that way. A traffic concern is relevant to that and that is part of...people getting where they need to go is the big concern for me. I think there is a good debate to be had there in do we change the street first or do we change the development first? In terms of both allowing more housing and allowing people to get to where they need to go and encouraging more walking and biking. If cars are the main way we are encouraging people to get places, then it will get substantially worse in terms of the need for more land. I am from Houston originally and that development pattern does not go well. I think that is a good debate to be had here when it comes to East Market Street. That is a transition that if it takes place is going to take a very long time. Ultimately it is also a difference in scale. [The] Peach Grove [Avenue Development] is a couple of magnitude larger than the development that we are talking about here.

Commissioner Seitz said it is interesting, I went back and found the Daily News-Record article from 2017 when this land first went on the market. All of these issues were in that article. I truly respect the Hanson family's desire to translate the legacy of this land into something that benefits their family for generations to come but as time goes by given the topography and growth around it, it is going to get increasingly hard to find that solution that suits the greater good as well as works economically for the development of the site.

Councilmember Dent said what do you mean it is going to get harder?

Commissioner Seitz said traffic is only going to increase. People that have lived there for 20 years will have lived there for 30 years and be even more concerned about the development of it. We will only have greater housing pressures. I take your point, Commissioner Kettler, but it is a more complex solution that lets just get more people biking and using public transportation. Particularly given where this is geographically relevant to schools, places of worship, the various amenities that people use throughout all of Harrisonburg not just on the East [Market Street] [Route] 33 corridor.

Commissioner Kettler said the only reason that I pointed out this corridor in particular is that the decision is harder here than it is in other places.

Councilmember Dent said I am looking at the bus map and that really only works if it is robust and takes people where they need to go. It is an open secret that our bus system is primarily designed for JMU students. There are bus lines that go out East Market [Street] that people can take to their place of work. It's complicated. It is kind of chicken and egg. Do we keep developing more housing along the car centric route or what?

Commissioner Seitz said what is the minimum distance between signalized intersections on a road like [Route] 33.

Councilmember Dent said or between say we did Evelyn Byrd [Avenue] and Betts [Road]?

Commissioner Seitz said I am not going to talk specifically about that I just would like to know what the standard is.

Mr. zumFelde said I can point you where to find it,. In our Design and Construction Standards Manual for a principal arterial like East Market Street that refers to VDOT Appendix F of the Road Design Manual and the table that is found there. The distance between signalized intersections on a principal arterial of this speed limit can be found there. There is where you will find that answer. I do not have it in front of me.

Vice Chair Porter said I find myself somewhat conflicted but at the same time I think that Commissioner Seitz hit my primary concern which is I do have some concerns about the site plan and the fact is that this is not a proffered site plan. We do not know what it could look like and that would be concerning to me because I do think because of the nature of this location and the endemic factors related to this plot of land that site plan is going to be extremely important. I would have some concerns about that. That would be one of the things that would certainly drive me towards opposing this. The other issue is this notion of traffic and again I think it is a concern here and I think it is something we need to be more thoughtful about. I can tell you that if this was located on Port Republic [Road], I think I would be even more concerned about that issue just because of the fact that we are seeing some arterials in our City that are getting overused and are becoming problems. This is pouring a little bit of gas on the fire. The arguments that were made by the developers regarding the need for housing in our community, particularly workforce housing, are salient and important. I work for Habitat for Humanity. I believe in providing homeownership opportunities for individuals. Not everybody can afford this type of property, because it is still expensive, but the reality is that it does open up opportunities for people to be able to access homeownership which is extremely important. Also, to the developers point we have one of the lowest homeownership rates in the Commonwealth. That is a sign of an unhealthy and unbalanced market. Normally I would be in favor of supporting this type of density. I would be supporting this type of build, but there are some significant challenges related to this particular site that give me pause.

Mr. Sidell came up to offer a voluntary proffer. He said we would be willing to proffer as a condition of an approval the general conformance... That site plan that you have before you we would be willing to proffer to design to be in general conformance with that plan. I do not have the exact words. What you see there should be substantially similar to the site plan that gets submitted and approved.

Councilmember Dent said to staff's point, the reason they suggested that and the added condition of a driveway per unit was essentially to guarantee substantial conformance.

Mr. Sidell said Bill [Moore] said earlier that the plan shows 23 parking spots in that small parking area. We proffered 10 because we wanted to have wiggle room. We are happy to proffer 23 spaces so that we have that 23 spaces. We also talked at one point about doing a sidewalk down the west side to Evelyn Byrd [Avenue] but we may not be able to get it all the way to [Route] 33 and that is the problem because there is so much topography there. Were that to be a condition or to help with the walkability we would consider putting a sidewalk in from the western edge to [Route] 33 if that would be a condition that would provide further walkability.

Mr. Fletcher said I was just asking some clarifying questions [to Mr. Russ] about what it would mean if they proffered this specific layout. To be clear, it would take away any opportunity for any future owner to buy the property if they decided not to develop the plan. The other by right permissions would be eliminated. Then I had question to Mr. Russ whether or not you could reject the proffer then make your own recommended condition on the special use permit to do more or less the same. Mr. Russ' point to me was there are some benefits to the specificity of their proffer to be more specific rather than more vague.

Ms. Dang said Mr. Fletcher your point about the proffer would eliminate other by right uses you did not explicitly say it but I am thinking single-family detached dwellings and duplexes would be not possible if this project were not to be successful and somebody else purchased it, the proffer would go with that.

Councilmember Dent said they could get another rezoning.

Ms. Dang said yes.

Mary Anne Duda, a resident of 230 Divot Drive, was granted permission from Vice-Chair Porter to come forward to speak to the request. She said this site plan has all that traffic entering onto Betts Road. I have lived there for 33 years and apparently the intersection from Betts Road to [Route] 33 is so dangerous that they had to reconfigure it for safety. It is so dangerous and unsafe. I cannot turn left out of my subdivision. I am totally boxed in because it is not safe. This development puts more cars going to that intersection that is so unsafe that this City is going to pour money into changing it. That is a problem with this site plan because it is so unsafe. They are going to construct it differently. We are all going to have to go down and make U-turns. We live there. You can look at maps but you cannot know that to go down Evelyn Byrd [Avenue] and make a U-turn while the people who are coming out of Evelyn Byrd [Avenue] are making right turns and you are meeting in the middle unless you are watching each other. It is so unsafe of a traffic pattern that they are having meetings about it. You want to put more traffic into a pattern

that is so unsafe that they are doing construction on it. That is my problem with this site plan. It is putting more traffic into an unsafe intersection that we are all asking why did they do this? Why did you all have to change this? Why can I not turn left anymore? Because it is so unsafe and now we are going to add how many cars to an unsafe intersection.

Commissioner Kettler said my concerns were not really addressed by the changes here. Just as a minor note, I see the addition of a sidewalk, even a partial sidewalk, closer to [Route] 33 being more favorable. I see additional parking being proffered beyond the 10 as less favorable ultimately.

Vice Chair Porter said I would speak to the point that was just made. I got that it was unsafe, but I can tell you it is a salient point. I do think that if the City is in the process of addressing this intersection right now and there is a complicating factor and it certainly, that needs to be taken into our consideration.

Commissioner Seitz said I move to accept staff's recommendation of denial of the rezoning and special use permit for 2110 and 2230 East Market Street.

Commissioner Jezior seconded the motion.

Vice Chair Porter called for a roll call vote.

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

The motion to recommend denial of the rezoning and special use permit requests passed (3-2). The recommendation will move forward to City Council on July 14, 2026.

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Alsindi was absent therefore unable to give the liaison Report.

Board of Zoning Appeals Report

Vice Chair Porter reported on the June 1, 2026 Board of Zoning Appeals meeting. The BZA held a business meeting. The following items were on the agenda:

- Approval of the May 6, 2024 Board of Zoning Appeals Meeting-Approved
- Appointments of Chair, Vice Chair and Secretary
- 2024 & 2025 Board of Zoning Appeals Annual Report-Approved sent to City Council
- Adoption of proposed Rules of Procedure updates-Approved
- Presentation on the Freedom of Information Act & Ex Parte Communications by Deputy City Attorney
- Presentation of staff reports by the Zoning Administrator

Matthew Phillippi was elected chair and Mr. Porter was elected vice-chair.

City Council Report

Councilmember Dent reported that there were no public hearing items to report from the May 26, 2026 City Council meeting.

At the June 9, 2026 City Council Meeting:

- Public hearing for a special use permit at 1315 Carrera Lane-Approved
- Public hearing to rezone 850 Canterbury Court-Approved
- Public hearing to rezone 1340 South Main Street-Postponed by the applicant

Other Matters

Review Summary of next month's applications

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

- Rezoning – 704 N Liberty Street (R-2 to R-8C)
- Rezoning – Various addresses S Main Street & S Liberty Street - The Lindsey, formerly The Link (R-3 to B-1C)
- Subdivision Ordinance Amendment

The meeting adjourned at 8:24pm.

Richard Baugh, Chair

Anastasia Montigney, Secretary



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-244, **Version:** 1

Subject:

Minutes from the June 16, 2026 Planning Commission Meeting

Presented By: Anastasia Montigney, Development Support Specialist

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

MINUTES OF HARRISONBURG PLANNING COMMISSION

June 16, 2026

The Harrisonburg Planning Commission held a work session for the Zoning Ordinance Update Project on Tuesday, June 16, 2026, at 6:00 p.m. in Room 011 at City Hall, 409 South Main Street.

Members present: Richard Baugh, Chair; Heja Alsindi; KC Kettler; Rob Jezior; and Randy Seitz. Shannon Porter, Vice Chair and Laura Dent, Councilmember joined the meeting late. Also present: Thanh Dang, Deputy Director of Community Development; Wesley Russ, Deputy City Attorney; Michael Parks, Director of Communications and Public Engagement; Tyler Blanks, Zoning Administrator; Nyrma Soffel, Planner; and Meg Rupkey, Planner.

Presentations

Presentation on the Communications and Public Engagement Plan for the Zoning Ordinance Update Project

Mr. Parks presented an overview of the communications and public engagement plan for the Zoning Ordinance Update Project. He asked Planning Commissioners to keep in mind that communications strategies evolve as we continue working with the community and learn more.

He presented the goals of public engagement for the Zoning Ordinance Update Project are to:

- Educate the community on the different aspects of the Zoning Ordinance Update Project. For the initial engagement period (summer 2026 to end of 2026) those include:
 - What is Zoning?
 - Proposed new Zoning Districts and what does the map look like
 - Proposed reductions to residential lot area requirements and setbacks
 - Proposed streamlining of development and review procedures (simplified townhome development review process; consolidated commercial parking requirements)
 - Proposed Neighborhood Commercial district for neighborhood-scale businesses
 - What comes next, including introducing the future update to the Comprehensive Plan
- Create Avenues for Feedback and Encourage Input.
- Show community members how their feedback is being incorporated into the ordinance and future efforts such as the Comprehensive Plan update and beyond.

Proposed strategies include:

- Educating the community about the Zoning Ordinance Update Project by breaking the complex issue into multiple, easier-to-understand pieces and making sure different audiences have the opportunity to learn and engage on as many of these topics (or others they are interested in) as they wish.
- Creating avenues for community members to provide feedback about these multiple areas of interest in person and virtually to ensure once they learn more about the update they can speak to their reactions/needs.
- Highlighting how input received was incorporated into the project when presenting the next update to City Council and through our website so the public can see what actions their feedback led to.

Proposed tactics and activities include:

- Holding Planning Commission work sessions beginning in June 2026 through the summer to receive feedback and input from Commissioners.
- Holding a series of 2 public meetings in different locations around the community with multiple tables focused on individual parts of the update project.
- Hosting Mini-pop-ups with different audiences.
- Considering a “stakeholder” meeting that is invite-only for advocates who we know will have extensive feedback we want to make sure we capture.
- Creating a detailed website that mimics public meetings by breaking the project down into pieces. Include forms for each piece where people can provide input.
- Creating social media about the pieces of the project to encourage people to visit website & provide input.
- Considering a virtual meeting for people who can’t attend public meetings but want to speak with someone.
- Coordinating with media for stories about the update project, what it covers, and how the community can take part.
- Creating visuals for City Hall in the lobby or outside Community Development that highlights parts of the plan and leaves an avenue for people to drop off input or come into the office and speak with staffer.
- Creating a document that can be mailed to homes and businesses with more information on how to get involved.
- Promoting and use the project email list (Constant Contact). This will be a way for community members to receive updates.

Note that Vice Chair Porter joined the meeting at 6:05pm.

Discussion took place regarding Planning Commissioner’s questions and comments:

- When are we going to consider larger substantive changes? Staff responded that it will be after the 2026 work. Additionally, there will be a table at public meetings dedicated to “What comes next?” where we will collect ideas for future steps.
- The importance of educating people on “Why zoning?” and “What’s the impact of zoning?”

Review and discuss portions of the draft Zoning Ordinance text and draft Zoning Map

Mr. Russ reviewed relevant bills passed by the Virginia General Assembly in 2026 that impact this project:

- §15.2-2247 and 15.2-2290 of the Code of Virginia, relating to zoning; manufactured housing. (Effective July 1, 2026)
- §15.2-2286.2, relating to small lot residential zoning district. (Effective July 1, 2026)
- §15.2-2292.3, relating to zoning; development and use of accessory dwelling units. (Effective July 1, 2027)

Discussion took place regarding Planning Commissioner’s questions and comments:

- How are the Virginia Manufactured Housing Construction and Safety Standards Law in sync with the HUD standards? Staff will look into this and report back.
- §15.2-2201 and 15.2-2286 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.9, relating to affordable housing; religious organizations and other nonprofit tax-exempt properties.

Note that Councilmember Dent joined the meeting at 6:22pm.

The group reviewed questions that were received in advance from Planning Commissioners regarding draft Article B. Zoning Districts and District Standard and a portion of draft Article C. Use Regulations (only residential districts included), and the draft Zoning Map. Discussion took place regarding:

- The addition of the Flexible Residential District in response to requirements of recent amendments to State Code §15.2-2286.2.
- Reviewed definitions of “duplex,” “single-family attached,” and “townhomes” and minimum lot widths.
- Garden Communities District’s proposed minimum lot area is the same as current R-3 district. Staff is not proposing a higher density because the Comprehensive Plan prioritizes single-family detached homes and duplexes for sale, and staff prioritized not opening the door for wholesale redevelopment until we have created regulations that would not just reproduce the existing car-centric pattern.

- How do we navigate the need for more housing and also the desire for more single-family detached homes?
- In other communities, narrow lots typically rely on rear alleys. Alleys provide opportunities for rear parking, which reduces conflict points in the front, along public streets. But who is responsible for maintenance of the alleys?
- Properties that are conditionally zoned (proffers), will maintain their existing entitlements and proffers.
- When a property owner proposes to create new lots, staff proposes that commercially zoned properties that have at least 200-feet of frontage must have a shared access plan for how the lots will share driveways. This will help with entrance spacing and access management.
- Neighborhood Commercial and Mixed Use Neighborhood/Urban Village will require special use permits for auto-centric uses.
- Neighborhood Commercial district will allow some residential, such as an apartment upstairs. Staff are still working through whether this will be by right or by special use permit.
- Minimum side yard setbacks.
- Building and parking placement downtown. Proposed regulations would prohibit parking lots between buildings and public streets in downtown.
- Historic preservation, historic overlay district, architectural review board, style books, or other regulations and guidance for downtown. These topics will be discussed more later in future phases.
- Parking requirements in downtown.
- How Zoning Ordinances change over time.
- How and should the City take a more active role to fund or build infrastructure to support new housing construction?
- Why are we not doing more reform like eliminating single-family zoning, parking requirements, single room occupancy, a housing trust fund, and inclusionary zoning like Charlottesville?
- What are other communities we should look to? Blacksburg, Winchester, Lynchburg, Auburn University.

The meeting adjourned at 8:30pm.

Richard Baugh, Chair

Anastasia Montigney, Secretary



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-247, **Version:** 1

Subject:

Consider a request from Jose Antonio Lopez Montiel to rezone 704 N Liberty Street

Presented By: Nyrma Soffel, Department of Community Development

A request from Jose Antonio Lopez Montiel to rezone a +/- 13,495-square-foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2.



July 8, 2026 Planning Commission Meeting

Title

Consider a request to rezone and a special use permit at 704 North Liberty Street — Nyrma Soffel, Community Development

Summary

Project name	N/A
Address/Location	704 North Liberty Street
Tax Map Parcels	40-N-1 and 2
Total Land Area	+/- 13,495.23 square feet
Property Owner	Jose Antonio Lopez Montiel
Owner’s Representative	Colman Engineering
Present Zoning	R-2, Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Proposed Special Use Permit	To reduce required side yard setbacks per Section 10-3-59.4(11)
Planning Commission	July 8, 2026 (Public Hearing)
City Council	Anticipated August 11, 2026 (First Reading/Public Hearing) Anticipated August 25, 2026 (Second Reading)

Recommendation

Option 1. Recommend approval of the rezoning with the recommended rejection to a portion of Proffer #1 and for the special use permit with the recommended condition.

Context & Analysis

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

- Site: Single-family detached dwelling, zoned R-2
- North: Single-family detached dwelling, zoned R-2
- East: Across undeveloped alley, parking lot, zoned M-1
- South: Across West Washington Street, vacant lot, zoned R-2 and residential uses, zoned M-1
- West: Across North Liberty Street, single-family detached and duplex dwellings, zoned R-2

The applicant is requesting to rezone a +/- 13,495-square-foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional and is simultaneously applying for a

special use permit (SUP) per Section 10-3-59.4(11) to allow a reduction in required side yard setbacks in the R-8 district. The property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2. If approved, the applicant plans to subdivide the property into four lots with the plan to retain the existing single-family dwelling, build a duplex along the North Liberty Street frontage, and to construct a new single-family detached dwelling along the West Washington Street frontage.

Rezoning & Proffers

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

1. We proffer a right-of-way along the front of the three properties facing North Liberty Street, for the City to construct a sidewalk in the future. The right-of-way will extend 7.5 ft from the existing back of curb into the properties, as shown on the Rezoning Exhibit, and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the proposed right-of-way will be provided for the City to have sufficient space to install the proposed sidewalk.
2. We proffer a portion of the property to be dedicated as right-of-way along West Washington Street to accommodate the existing City-built sidewalk, as shown on the Rezoning Exhibit.
3. We proffer to provide one shared entrance with a maximum total width of 24 feet to serve the duplex along North Liberty Street.

The conceptual site layout is not proffered.

In Proffer #1, the applicant proposes to dedicate right-of-way and a temporary grading easement along the North Liberty Street frontage to allow for the future construction of a sidewalk by the City. Staff supports the dedication of right-of-way and the temporary grading easement; however, staff recommends rejection of the statement “for the City to construct a sidewalk in the future.” The statement implies that the City, rather than the applicant, would construct the sidewalk and creates ambiguity regarding the Subdivision Ordinance (SO) requirements. If the property is subdivided as the applicant proposes, the SO would require sidewalk construction along North Liberty Street unless a variance is granted by City Council. Removing the statement would preserve the intended right-of-way dedication while avoiding conflict with the SO.

If the applicant does not want to construct the sidewalk, they may request a variance from the requirements of the SO. To this end, the applicant has already submitted a request for a Subdivision Ordinance (SO) variance to not construct the sidewalk, which at this time is anticipated to be presented for review during the August Planning Commission meeting.

Proffer #2 dedicates public right-of-way for the existing sidewalk along West Washington Street.

Proffer #3 requires that the duplex share one entrance, thereby reducing the number of potential entrances on North Liberty Street.

Special Use Permit

The applicant is requesting a SUP to allow reduced side yard setbacks. In the R-8 district, single-family detached and duplex dwellings that are two-stories require a minimum side yard setback of 7-feet and three-story structures require a minimum side yard setback of 10-feet. With an approved SUP, required minimum side yard setbacks can be reduced provided that the buildings are either sprinklered or that any exterior walls facing the property line with a reduced side yard setback are constructed with a minimum 1-hour fire-resistant assembly. If the exterior walls facing the property line with the reduced setback are constructed with a minimum 1-hour fire-resistant assembly, then any openings in those walls must be located only on the first floor, must have a minimum 1-hour fire rating, and must be fixed and inoperable. The applicant is proposing 5-foot side yard setbacks for all four proposed future parcels.

If the applicant were to subdivide in a different way or construct single-family detached or duplex dwellings in a different layout or combination, then, if approved, the SUP to allow reduced side yard setbacks would also apply.

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 properties include a mix of housing types. Staff believes the proposed infill development, consisting of one duplex and one single-family detached dwelling, conforms with the Land Use Guide designation and is compatible with the existing neighborhood.

Transportation and Traffic

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

Public Water and Sanitary Sewer

Staff does not anticipate issues regarding water service for the proposed development. The applicant has been advised that they will be responsible for completing a study to confirm water capacity as part of the engineered comprehensive site plan process. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

With regard to sanitary sewer infrastructure, there is currently no public sanitary sewer main available along North Liberty Street. For this project, the applicant will be responsible for

constructing an extension of the sanitary sewer main to serve this development. At this time, the applicant plans to extend sanitary sewer from West Washington Street to serve the duplex units.

Housing

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

Although the site has limited access to amenities and green space for future residents, the addition of three new dwelling units supports the findings of the Housing Study by contributing to the housing supply.

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.

Based on the Weldon Cooper Center report's calculations, this development's proposed three new dwelling units are 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 applicant's request is compatible with the Neighborhood Residential land use designation, and the addition of three new dwelling units supports the recommendations of the Housing Study for infill development. Staff recommends approval of the rezoning request; however, staff also recommends that Planning Commission reject the statement "for the City to construct a sidewalk in the future" in Proffer #1.

Staff also recommends approval of the SUP, but only with the following condition:

- The side yard setbacks may be reduced to not less than five feet.

Options

1. Recommend approval of the rezoning with the recommended rejection to a portion of Proffer #1 and for the special use permit with the recommended condition.
2. Recommend approval of the rezoning as submitted and special use permit with the recommended condition.

3. Recommend approval of the rezoning and special use permit as submitted by the applicant.
4. Recommend approval of the rezoning and special use permit with other conditions.
5. Recommend approval of the rezoning and denial of the special use permit.
6. Recommend denial of the rezoning and special use permit.

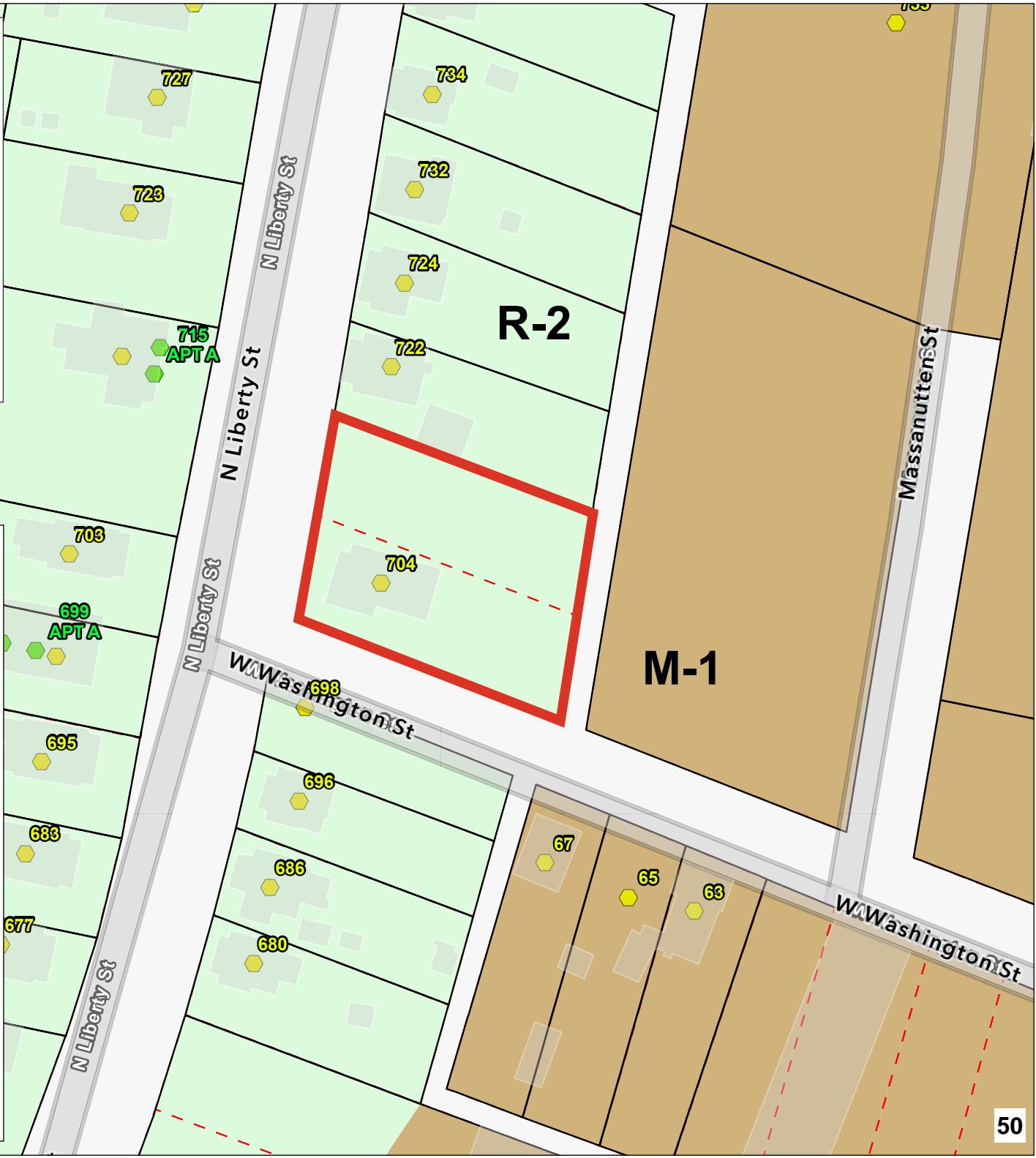
Attachments

- Site maps
- Applicant's supporting documents

City of Harrisonburg

Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet

Zoning



City of Harrisonburg

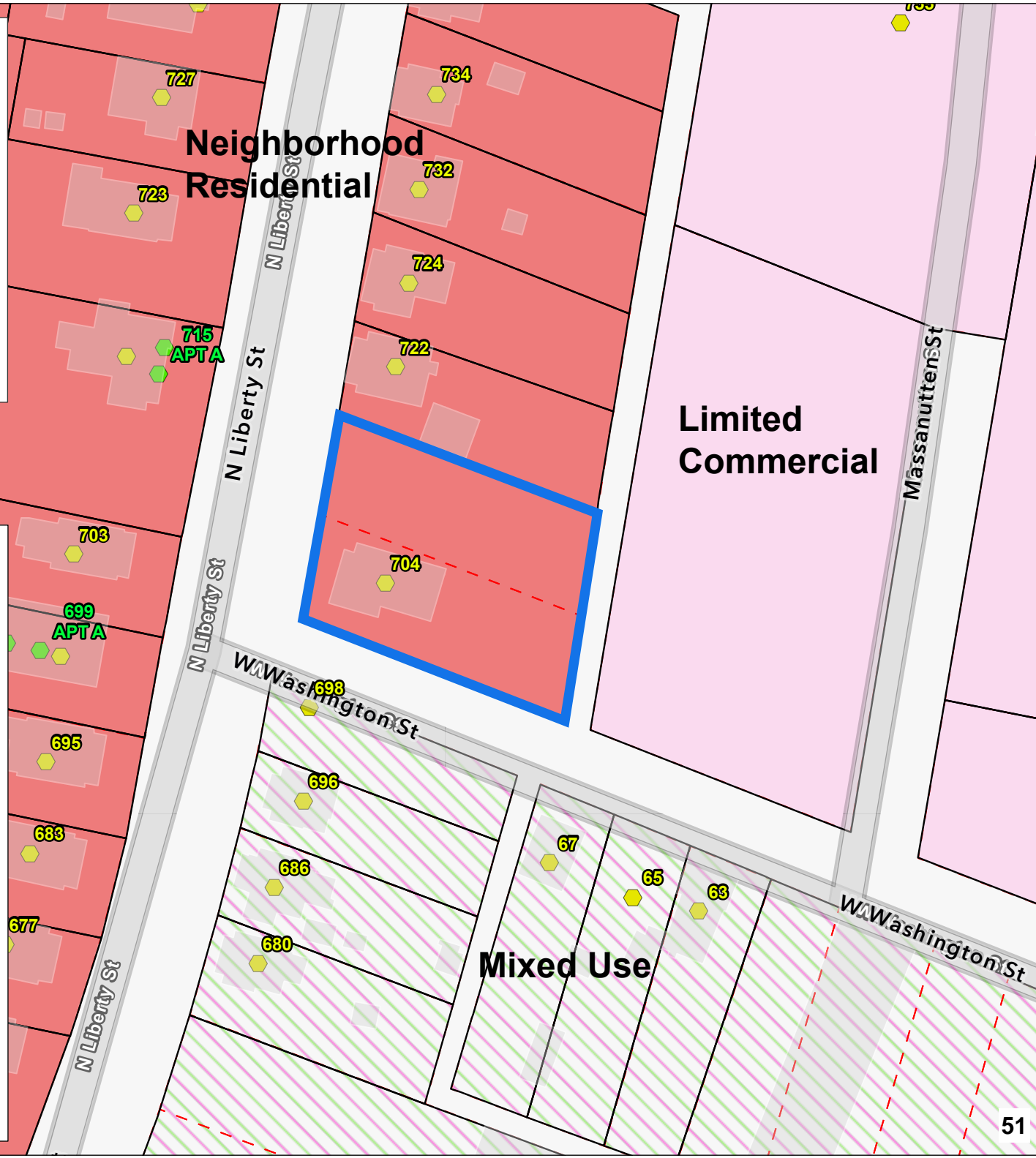
Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet

(Future) Land Use Guide

**Neighborhood
Residential**

**Limited
Commercial**

Mixed Use



City of Harrisonburg

Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet



June 29, 2026

Nyrma C Soffel
Planner, City of Harrisonburg
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

RE: Rezoning and SUP Request for 704 N Liberty St.

Nyrma,

The purpose of this letter is to seek rezoning for the property located at 704 N Liberty St, identified as TM# 040-N-1-2, to be rezoned from R-2 to R-8.

This property has an area of approximately 0.31 acres and is occupied by one single-family home.

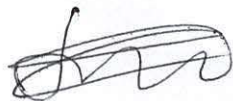
By rezoning the property to R-8, we can increase its usability and density, to help provide much-needed homes for Harrisonburg families. By rezoning to R-8, we can subdivide the property to create four total properties and accommodate four total homes (one existing single-family, one proposed single-family, and one proposed duplex).

We are also requesting a Special Use Permit in accordance with **Sec. 10-3-59.4(11) Reduced required side yard setbacks**, to reduce the side setbacks on all four properties from 7 ft to 5 ft, allowing sufficient area for building separation.

We are also including several proffers, which are detailed in the attached Proffer Statement.

Thank you and the staff for your consideration.

Best Regards,



Jose Lopez
Property Owner

June 29, 2026

Nyrma C Soffel
Planner, City of Harrisonburg
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

RE: Proffer Statement

Nyrma,

As part of our rezoning request for 704 N Liberty St, identified as TM# 040-N-1-2, we offer the following proffers:

1. We proffer a right-of-way along the front of the three properties facing North Liberty Street, for the City to construct a sidewalk in the future. The right-of-way will extend 7.5 ft from the existing back of curb into the properties, as shown on the Rezoning Exhibit, and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the proposed right-of-way will be provided for the City to have sufficient space to install the proposed sidewalk.
2. We proffer a portion of the property to be dedicated as right-of-way along West Washington Street to accommodate the existing City-built sidewalk, as shown on the Rezoning Exhibit.
3. We proffer to provide one shared entrance with a maximum total width of 24 feet to serve the duplex along North Liberty Street.

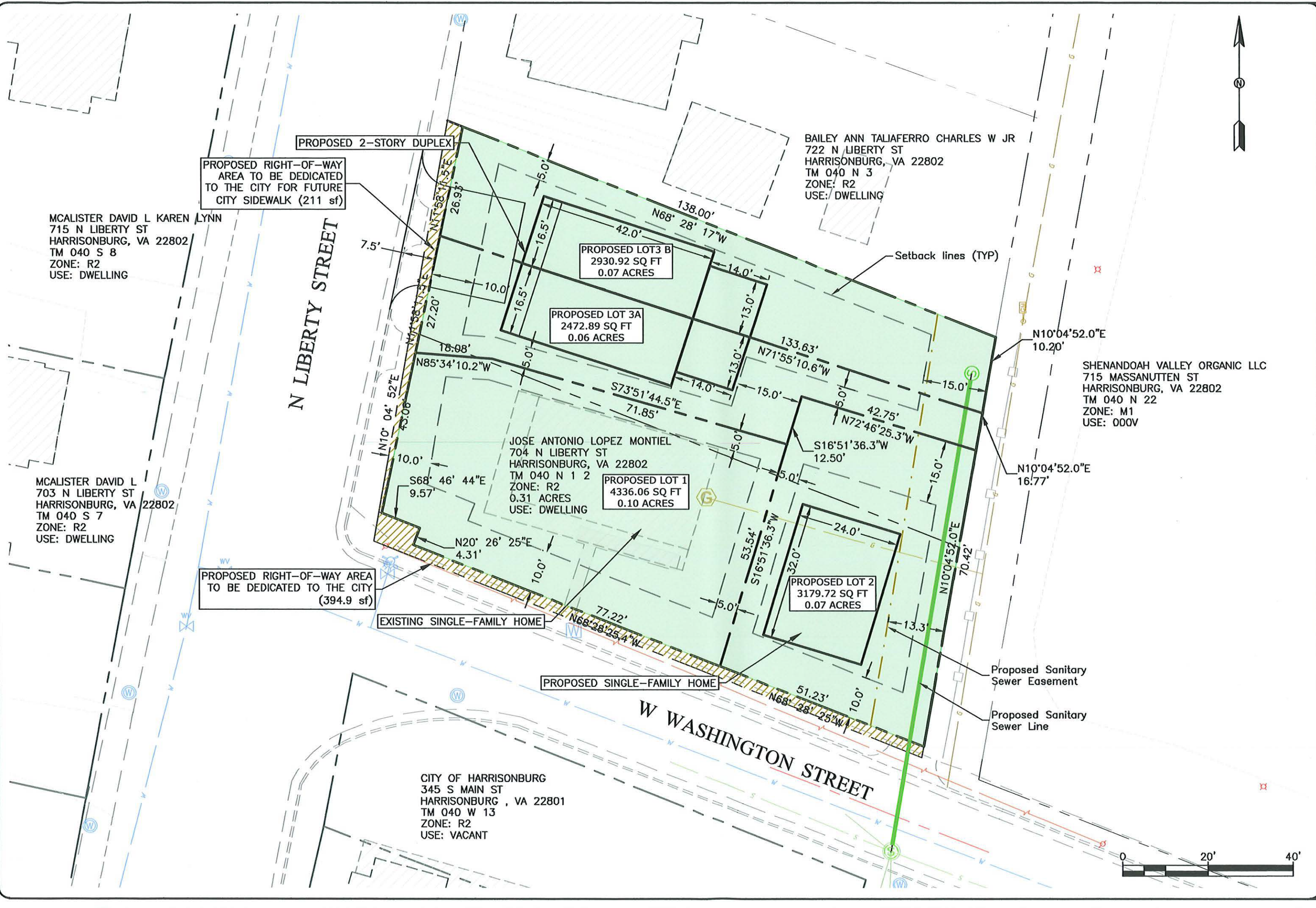
Thank you and the staff for your consideration.

Best Regards,



Jose Lopez
Property Owner

WORKING DRAWING.dwg Plotted: 6/29/2026 By: Gil Colman



MCALISTER DAVID L KAREN LYNN
 715 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 N 3
 ZONE: R2
 USE: DWELLING

MCALISTER DAVID L
 703 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 S 7
 ZONE: R2
 USE: DWELLING

PROPOSED RIGHT-OF-WAY
 AREA TO BE DEDICATED
 TO THE CITY FOR FUTURE
 CITY SIDEWALK (211 sf)

PROPOSED RIGHT-OF-WAY
 AREA TO BE DEDICATED TO THE CITY
 (394.9 sf)

EXISTING SINGLE-FAMILY HOME

PROPOSED SINGLE-FAMILY HOME

PROPOSED LOT 3 B
 2930.92 SQ FT
 0.07 ACRES

PROPOSED LOT 3A
 2472.89 SQ FT
 0.06 ACRES

PROPOSED LOT 1
 4336.06 SQ FT
 0.10 ACRES

PROPOSED LOT 2
 3179.72 SQ FT
 0.07 ACRES

BAILEY ANN TALIAFERRO CHARLES W JR
 722 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 N 3
 ZONE: R2
 USE: DWELLING

JOSE ANTONIO LOPEZ MONTIEL
 704 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 N 1 2
 ZONE: R2
 0.31 ACRES
 USE: DWELLING

SHENANDOAH VALLEY ORGANIC LLC
 715 MASSANUTTEN ST
 HARRISONBURG, VA 22802
 TM 040 N 22
 ZONE: M1
 USE: 000V

CITY OF HARRISONBURG
 345 S MAIN ST
 HARRISONBURG, VA 22801
 TM 040 W 13
 ZONE: R2
 USE: VACANT

Project:	CE202631
Sheet:	1 of 1
Revisions
Date:	06/29/2026
Scale:	1" = 20'
Designer:	GLC, PE
Drafter:	----
Reviewer:	GLC, PE

REZONING EXHIBIT
 704 N. Liberty St Property
 3 Brothers Construction
 704 Liberty Street
 Harrisonburg, VA 22802

REZONING

COLMAN
 ENGINEERING
 23 South High Street | Harrisonburg, VA 22801 | Ph: [redacted] | www.colmanengineering.com



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:				
Telephone:				
E-mail:				
Owner Name:	Jose A Lopez			
Telephone:	[REDACTED]			
E-mail:	[REDACTED]			
Project Information				
Project Name:				
Project Address:	704 N Liberty Street			
TM #:	40-N-2			
Existing Land Use(s):	Single Family Housing			
Proposed Land Use(s): (if applicable)				
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)				
Peak Hour Trip Generation (from row 15 on the second page)				
AM Peak Hour Trips:	2			
PM Peak Hour Trips:	2			

(reserved for City staff)

TIA required? Yes _____ No

Comments:

Accepted by: _____

Date: Zinethy Mason

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 Housing (attached)	215	Dwelling Unit	2	1	1
2	Proposed #2	Single Family Housing (detached)	210	Dwelling Unit	2	2	2
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					3	3
8	Existing #1	Single Family Housing (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)					2	2

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

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-249, **Version:** 1

Subject:

Consider a request from Jose Antonio Lopez Montiel to for a special use permit at 704 N Liberty St
Presented By: Nyrma Soffel, Department of Community Development

A request from Jose Antonio Lopez Montiel for a special use permit per Section 10-3-59.4(11) to allow a reduction in required side yard setbacks in the R-8, Small Lot Residential District. The +/- 13,495-square-foot property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2.



July 8, 2026 Planning Commission Meeting

Title

Consider a request to rezone and a special use permit at 704 North Liberty Street — Nyrma Soffel, Community Development

Summary

Project name	N/A
Address/Location	704 North Liberty Street
Tax Map Parcels	40-N-1 and 2
Total Land Area	+/- 13,495.23 square feet
Property Owner	Jose Antonio Lopez Montiel
Owner’s Representative	Colman Engineering
Present Zoning	R-2, Residential District
Proposed Zoning	R-8C, Small Lot Residential District Conditional
Proposed Special Use Permit	To reduce required side yard setbacks per Section 10-3-59.4(11)
Planning Commission	July 8, 2026 (Public Hearing)
City Council	Anticipated August 11, 2026 (First Reading/Public Hearing) Anticipated August 25, 2026 (Second Reading)

Recommendation

Option 1. Recommend approval of the rezoning with the recommended rejection to a portion of Proffer #1 and for the special use permit with the recommended condition.

Context & Analysis

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

- Site: Single-family detached dwelling, zoned R-2
- North: Single-family detached dwelling, zoned R-2
- East: Across undeveloped alley, parking lot, zoned M-1
- South: Across West Washington Street, vacant lot, zoned R-2 and residential uses, zoned M-1
- West: Across North Liberty Street, single-family detached and duplex dwellings, zoned R-2

The applicant is requesting to rezone a +/- 13,495-square-foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional and is simultaneously applying for a

special use permit (SUP) per Section 10-3-59.4(11) to allow a reduction in required side yard setbacks in the R-8 district. The property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2. If approved, the applicant plans to subdivide the property into four lots with the plan to retain the existing single-family dwelling, build a duplex along the North Liberty Street frontage, and to construct a new single-family detached dwelling along the West Washington Street frontage.

Rezoning & Proffers

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

1. We proffer a right-of-way along the front of the three properties facing North Liberty Street, for the City to construct a sidewalk in the future. The right-of-way will extend 7.5 ft from the existing back of curb into the properties, as shown on the Rezoning Exhibit, and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the proposed right-of-way will be provided for the City to have sufficient space to install the proposed sidewalk.
2. We proffer a portion of the property to be dedicated as right-of-way along West Washington Street to accommodate the existing City-built sidewalk, as shown on the Rezoning Exhibit.
3. We proffer to provide one shared entrance with a maximum total width of 24 feet to serve the duplex along North Liberty Street.

The conceptual site layout is not proffered.

In Proffer #1, the applicant proposes to dedicate right-of-way and a temporary grading easement along the North Liberty Street frontage to allow for the future construction of a sidewalk by the City. Staff supports the dedication of right-of-way and the temporary grading easement; however, staff recommends rejection of the statement “for the City to construct a sidewalk in the future.” The statement implies that the City, rather than the applicant, would construct the sidewalk and creates ambiguity regarding the Subdivision Ordinance (SO) requirements. If the property is subdivided as the applicant proposes, the SO would require sidewalk construction along North Liberty Street unless a variance is granted by City Council. Removing the statement would preserve the intended right-of-way dedication while avoiding conflict with the SO.

If the applicant does not want to construct the sidewalk, they may request a variance from the requirements of the SO. To this end, the applicant has already submitted a request for a Subdivision Ordinance (SO) variance to not construct the sidewalk, which at this time is anticipated to be presented for review during the August Planning Commission meeting.

Proffer #2 dedicates public right-of-way for the existing sidewalk along West Washington Street.

Proffer #3 requires that the duplex share one entrance, thereby reducing the number of potential entrances on North Liberty Street.

Special Use Permit

The applicant is requesting a SUP to allow reduced side yard setbacks. In the R-8 district, single-family detached and duplex dwellings that are two-stories require a minimum side yard setback of 7-feet and three-story structures require a minimum side yard setback of 10-feet. With an approved SUP, required minimum side yard setbacks can be reduced provided that the buildings are either sprinklered or that any exterior walls facing the property line with a reduced side yard setback are constructed with a minimum 1-hour fire-resistant assembly. If the exterior walls facing the property line with the reduced setback are constructed with a minimum 1-hour fire-resistant assembly, then any openings in those walls must be located only on the first floor, must have a minimum 1-hour fire rating, and must be fixed and inoperable. The applicant is proposing 5-foot side yard setbacks for all four proposed future parcels.

If the applicant were to subdivide in a different way or construct single-family detached or duplex dwellings in a different layout or combination, then, if approved, the SUP to allow reduced side yard setbacks would also apply.

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 properties include a mix of housing types. Staff believes the proposed infill development, consisting of one duplex and one single-family detached dwelling, conforms with the Land Use Guide designation and is compatible with the existing neighborhood.

Transportation and Traffic

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

Public Water and Sanitary Sewer

Staff does not anticipate issues regarding water service for the proposed development. The applicant has been advised that they will be responsible for completing a study to confirm water capacity as part of the engineered comprehensive site plan process. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

With regard to sanitary sewer infrastructure, there is currently no public sanitary sewer main available along North Liberty Street. For this project, the applicant will be responsible for

constructing an extension of the sanitary sewer main to serve this development. At this time, the applicant plans to extend sanitary sewer from West Washington Street to serve the duplex units.

Housing

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

Although the site has limited access to amenities and green space for future residents, the addition of three new dwelling units supports the findings of the Housing Study by contributing to the housing supply.

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.

Based on the Weldon Cooper Center report's calculations, this development's proposed three new dwelling units are 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 applicant's request is compatible with the Neighborhood Residential land use designation, and the addition of three new dwelling units supports the recommendations of the Housing Study for infill development. Staff recommends approval of the rezoning request; however, staff also recommends that Planning Commission reject the statement "for the City to construct a sidewalk in the future" in Proffer #1.

Staff also recommends approval of the SUP, but only with the following condition:

- The side yard setbacks may be reduced to not less than five feet.

Options

1. Recommend approval of the rezoning with the recommended rejection to a portion of Proffer #1 and for the special use permit with the recommended condition.
2. Recommend approval of the rezoning as submitted and special use permit with the recommended condition.

3. Recommend approval of the rezoning and special use permit as submitted by the applicant.
4. Recommend approval of the rezoning and special use permit with other conditions.
5. Recommend approval of the rezoning and denial of the special use permit.
6. Recommend denial of the rezoning and special use permit.

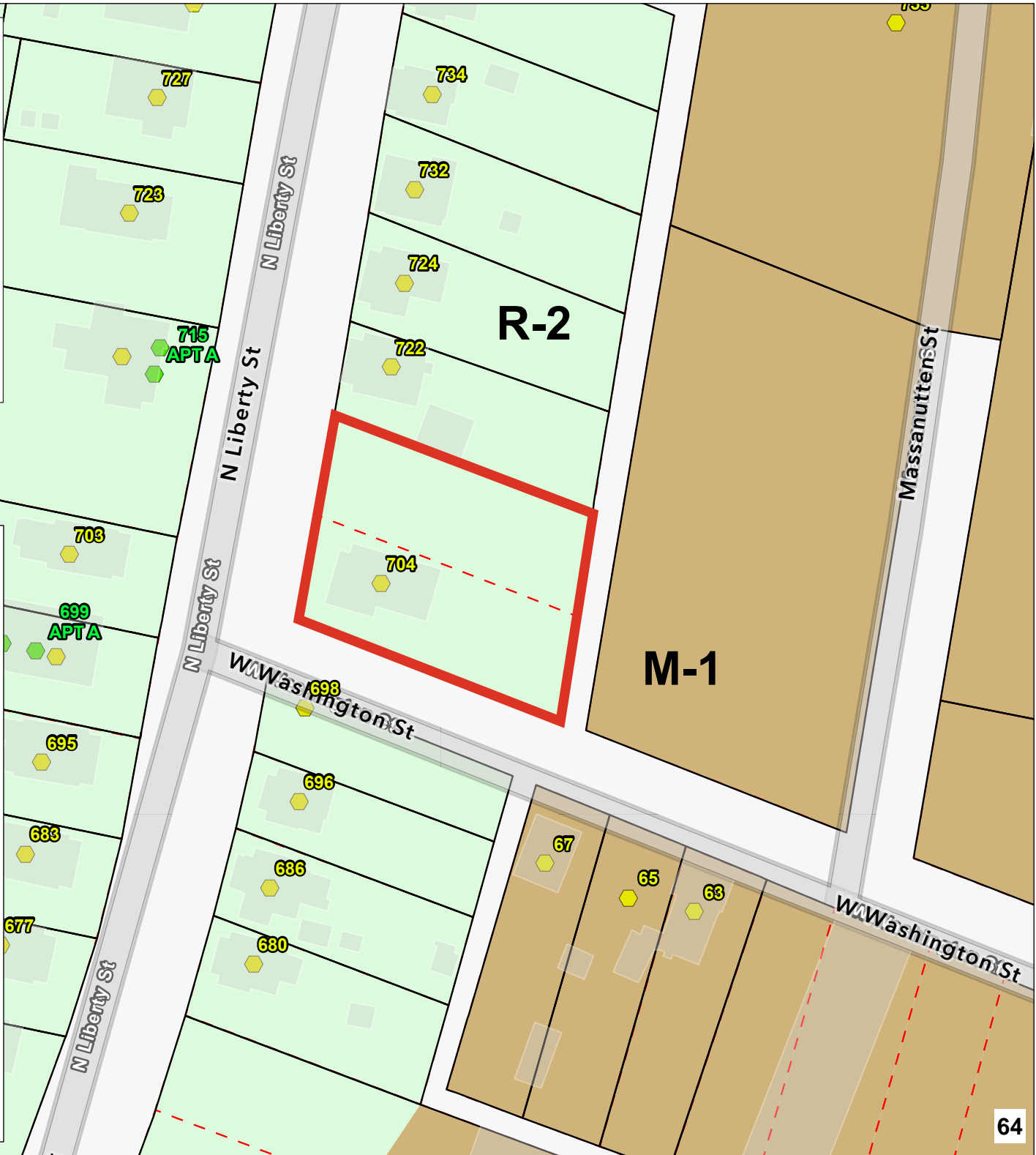
Attachments

- Site maps
- Applicant's supporting documents

City of Harrisonburg

Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet

Zoning



City of Harrisonburg

Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet

(Future) Land Use Guide

**Neighborhood
Residential**

**Limited
Commercial**

Mixed Use



City of Harrisonburg

Rezoning
(R-2 to R-8C)
Special Use Permit
(Reduced side yard setbacks)
704 North Liberty Street
Tax Map Parcel #
40-N-1 and 2
+/- 13,131 square feet



June 29, 2026

Nyrma C Soffel
Planner, City of Harrisonburg
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

RE: Rezoning and SUP Request for 704 N Liberty St.

Nyrma,

The purpose of this letter is to seek rezoning for the property located at 704 N Liberty St, identified as TM# 040-N-1-2, to be rezoned from R-2 to R-8.

This property has an area of approximately 0.31 acres and is occupied by one single-family home.

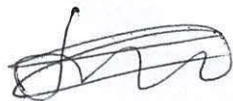
By rezoning the property to R-8, we can increase its usability and density, to help provide much-needed homes for Harrisonburg families. By rezoning to R-8, we can subdivide the property to create four total properties and accommodate four total homes (one existing single-family, one proposed single-family, and one proposed duplex).

We are also requesting a Special Use Permit in accordance with **Sec. 10-3-59.4(11) Reduced required side yard setbacks**, to reduce the side setbacks on all four properties from 7 ft to 5 ft, allowing sufficient area for building separation.

We are also including several proffers, which are detailed in the attached Proffer Statement.

Thank you and the staff for your consideration.

Best Regards,



Jose Lopez
Property Owner

June 29, 2026

Nyrma C Soffel
Planner, City of Harrisonburg
Department of Community Development
409 South Main Street
Harrisonburg, VA 22801

RE: Proffer Statement

Nyrma,

As part of our rezoning request for 704 N Liberty St, identified as TM# 040-N-1-2, we offer the following proffers:

1. We proffer a right-of-way along the front of the three properties facing North Liberty Street, for the City to construct a sidewalk in the future. The right-of-way will extend 7.5 ft from the existing back of curb into the properties, as shown on the Rezoning Exhibit, and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the proposed right-of-way will be provided for the City to have sufficient space to install the proposed sidewalk.
2. We proffer a portion of the property to be dedicated as right-of-way along West Washington Street to accommodate the existing City-built sidewalk, as shown on the Rezoning Exhibit.
3. We proffer to provide one shared entrance with a maximum total width of 24 feet to serve the duplex along North Liberty Street.

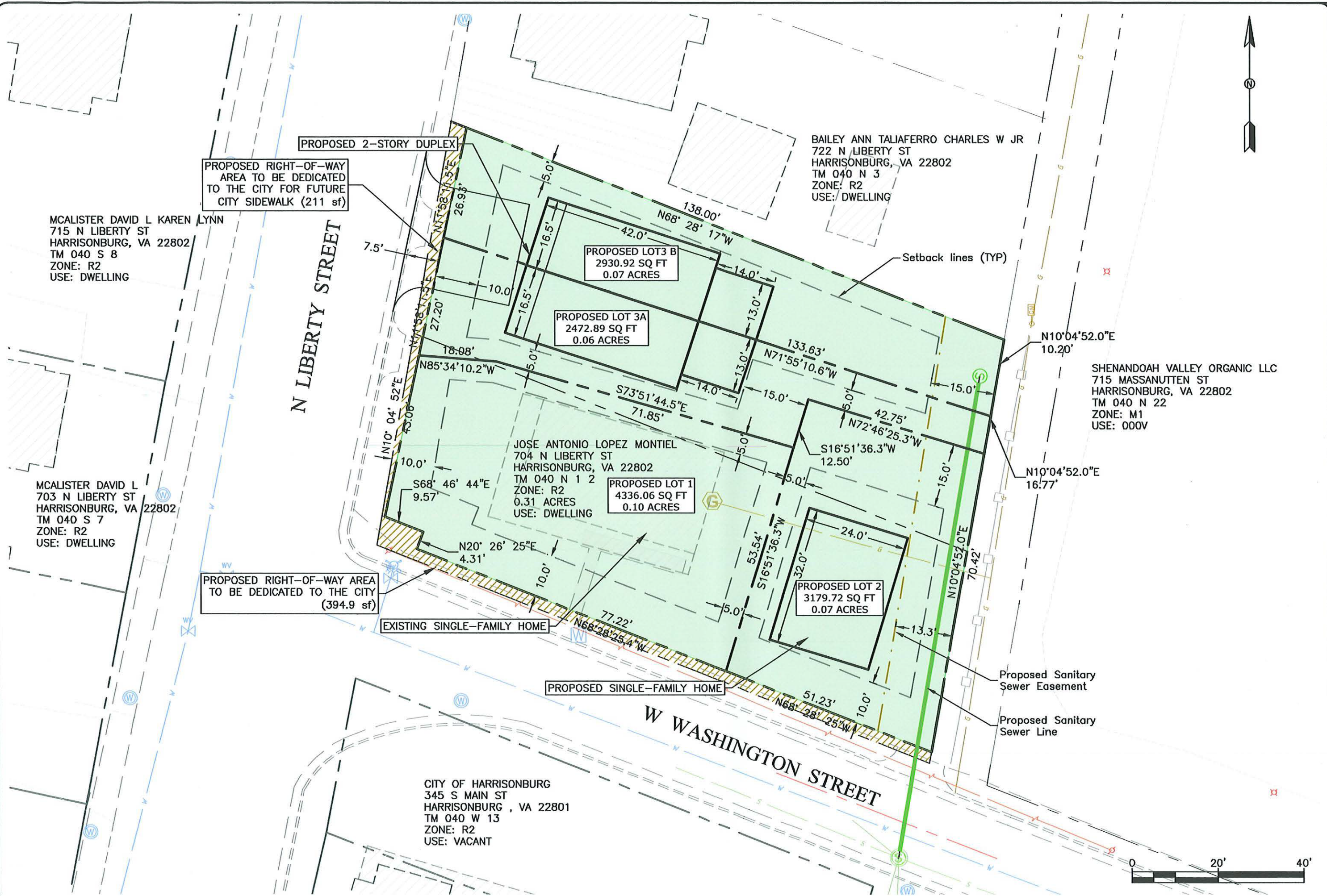
Thank you and the staff for your consideration.

Best Regards,



Jose Lopez
Property Owner

WORKING DRAWING.dwg Plotted: 6/29/2026 By: Gil Colman



MCALISTER DAVID L KAREN LYNN
 715 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 S 8
 ZONE: R2
 USE: DWELLING

MCALISTER DAVID L
 703 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 S 7
 ZONE: R2
 USE: DWELLING

BAILEY ANN TALIAFERRO CHARLES W JR
 722 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 N 3
 ZONE: R2
 USE: DWELLING

SHENANDOAH VALLEY ORGANIC LLC
 715 MASSANUTTEN ST
 HARRISONBURG, VA 22802
 TM 040 N 22
 ZONE: M1
 USE: 000V

JOSE ANTONIO LOPEZ MONTIEL
 704 N LIBERTY ST
 HARRISONBURG, VA 22802
 TM 040 N 1 2
 ZONE: R2
 0.31 ACRES
 USE: DWELLING

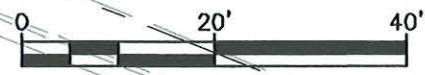
CITY OF HARRISONBURG
 345 S MAIN ST
 HARRISONBURG, VA 22801
 TM 040 W 13
 ZONE: R2
 USE: VACANT

PROPOSED RIGHT-OF-WAY
 AREA TO BE DEDICATED
 TO THE CITY FOR FUTURE
 CITY SIDEWALK (211 sf)

PROPOSED RIGHT-OF-WAY
 AREA TO BE DEDICATED TO THE CITY
 (394.9 sf)

N LIBERTY STREET

W WASHINGTON STREET



Project:	CE202631
Sheet:	1 of 1
Revisions
Date:	06/29/2026
Scale:	1" = 20'
Designer:	GLC, PE
Drafter:	----
Reviewer:	GLC, PE

REZONING EXHIBIT
 704 N. Liberty St Property
 3 Brothers Construction
 704 Liberty Street
 Harrisonburg, VA 22802

REZONING

COLMAN
 ENGINEERING

23 South High Street | Harrisonburg, VA 22801 | Ph: [redacted] | www.colmanengineering.com

69



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:			
Telephone:			
E-mail:			
Owner Name:	Jose A Lopez		
Telephone:	[REDACTED]		
E-mail:	[REDACTED]		
Project Information			
Project Name:			
Project Address:	704 N Liberty Street		
TM #:	40-N-2		
Existing Land Use(s):	Single Family Housing		
Proposed Land Use(s): (if applicable)			
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)			
Peak Hour Trip Generation (from row 15 on the second page)			
AM Peak Hour Trips:	2		
PM Peak Hour Trips:	2		

(reserved for City staff)

TIA required? Yes _____ No

Comments:

Accepted by: _____

Date: Zinethy Mason

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 Housing (attached)	215	Dwelling Unit	2	1	1
2	Proposed #2	Single Family Housing (detached)	210	Dwelling Unit	2	2	2
3	Proposed #3						
4	Proposed #4						
5	Proposed #5						
6	Proposed #6						
7	Total New Trips					3	3
8	Existing #1	Single Family Housing (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)					2	2

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

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ORD 26-016, **Version:** 1

Subject:

Consider a request to amend the Subdivision Ordinance

Presented By: Meg Rupkey, Department of Community Development

A request from the City of Harrisonburg to consider amendments to the Subdivision Ordinance in order to comply with revisions to Article 6, Land Subdivision and Development, as adopted by the Virginia General Assembly, effective July 1, 2025, Va. H.B. 2660, 2025 Sess. (Va. 2025) and Va. S.B. Bill 974, 2025 Sess. (Va. 2025). In addition to the required updates for compliance with state law, the proposed amendments include revisions throughout the ordinance. These changes include formatting updates, updates to and removal of select definitions, and other technical and clarifying revisions intended to improve the overall usability of the ordinance.



July 8, 2026 Planning Commission Meeting

Title

Consider a request to amend the Subdivision Ordinance — Meg Rupkey, Community Development

Summary

Subdivision Ordinance Sections	Amend numerous sections
Purpose	Amendments in order to comply with revisions to Article 6, Land Subdivision and Development, as adopted by the Virginia General Assembly, effective July 1, 2025, Va. H.B. 2660, 2025 Sess. (Va. 2025) and Va. S.B. Bill 974, 2025 Sess. (Va. 2025). Additional amendments include formatting updates, updating and removal of select definitions, and other technical and clarifying revisions intended to improve the overall usability of the ordinance.
Applicant	City of Harrisonburg
Planning Commission	July 8, 2026 (Public Hearing)
City Council	Anticipated August 11, 2026 (First Reading/Public Hearing) Anticipated August 25, 2026 (Second Reading)

Recommendation

Option 1. Recommend approval of the Subdivision Ordinance amendments.

Context & Analysis

In 2025, the Virginia General Assembly adopted amendments to Article 6, Land Subdivision and Development, which became effective on July 1, 2025. As a result, the City’s Subdivision Ordinance (SO) must be updated to ensure compliance with these changes to state law. These changes generally provide updates to the subdivision review procedures and terminology to improve clarity, consistency, and alignment with current administrative practices under State Code. The relevant State Code sections can be found at the following locations:

- 2025 Virginia General Assembly House Bill 2660 - <https://lis.virginia.gov/bill-details/20251/HB2660>
- 2025 Virginia General Assembly Senate Bill 974 - <https://lis.virginia.gov/bill-details/20251/SB974>

- Full State Code Text - <https://law.lis.virginia.gov/vacodefull/title15.2/chapter22/article6/>

The proposed amendments primarily serve two purposes: (1) to bring the SO into compliance with amendments to Virginia State Code that became effective July 1, 2025, and (2) to make administrative and housekeeping updates based on current City practices.

Definition Amendments

The proposed amendments include updates to several definitions to improve clarity and consistency with current practices and State Code requirements. Throughout the SO, “Director” has been replaced with “Designated Agent,” therefore a definition for “Designated Agent” has been added. The definition of "Subdivision" has been amended to require that when new lots greater than five acres are created, they are subject to City review and approval. The current SO exempts the creation of lots larger than five acres from subdivision review, which staff has referred to as “large lot subdivisions.” With the amendments, all newly created lots and subdivisions will be subject to City review and approval regardless of size. Other definitions have been added or revised to align with the changes in State Code. These include "Final Subdivision Plat," "Preliminary Subdivision Plat," “Setback, Minimum,” "Subdivision," and "Variation or Exception".

Preliminary and Final Subdivision Plat

The proposed amendments update the preliminary subdivision plat process to align with Virginia State Code amendments. State Code prohibits localities from requiring preliminary subdivision plats for subdivisions creating 50 lots or fewer and requires preliminary subdivision plats to be processed administratively by staff. The City's current SO requires Planning Commission review and approval of subdivision plats that propose the creation of more than four lots.

In addition, the State Code reduces the review time for subdivision applications. The designated agent must approve or disapprove the final subdivision plat within 40 days of application acceptance and must approve or disapprove a preliminary subdivision within 45 days of application acceptance.

Variations and Exceptions

Additionally, the process for requesting variations and exceptions (formally identified as a variance) has been updated. Planning Commission review and City Council approval will continue to be required for variations or exceptions from the SO or the City’s Design and Construction Standards Manual requirements.

Appeals

The appeals section has also been revised to provide clarity regarding the applicable procedures for different types of decisions that are made.

Administrative Waivers

The proposed SO amendments remove the section that previously allowed a waiver of chapter requirements for subdivisions when creating five or fewer lots on parcels of five acres or less

(Section 10-2-8). Historically, this provision was intended to provide flexibility for minor subdivisions but did not provide clear guidance on what could be administratively waived. In the past, staff has used this section to waive the requirement for public general utility easements on subdivisions in some developed areas. Staff has suggested amendments that would codify the ability for the designated agent to approve administrative waivers for public general utility easements under specific circumstances in Section 10-2-43.

Other Proposed Amendments

As part of the amendments that are not related to State Code changes, staff has suggested adding a requirement related to identifying floodplain designations. Staff has proposed requiring subdivision plats to include a statement identifying whether any portion of the property lies within the FEMA 100-year floodplain. While staff has requested this information during review, the requirement is not currently codified in the SO. Additionally, staff has proposed for language related to the owner's consent and dedication statement, the surveyor's certificate, and plat approval procedures to be updated. Finally, the amendments would remove requirements that setback lines be shown on all subdivision plats reducing unnecessary platting requirements. Staff believes that including setback lines on subdivision plats can create confusion when zoning districts are amended or when setback requirements change over time as the setback information shown on an older plat may no longer reflect the applicable zoning regulations. During the subdivision review, and depending upon the circumstances, it may be necessary for the surveyor to confirm whether a subdivision impacts the setback of an existing or a planned building.

Future Changes

Staff considered making more substantial changes to the SO, particularly in relation to the City's Design and Construction Standards Manual and other development requirements regulated by the ordinance. However, at this time, staff's priority is to bring the SO into compliance with State Code. Additional amendments will be explored in the future along with any changes that might be necessary due to the Zoning Ordinance re-write.

Conclusion

The proposed SO amendments ensure compliance with State Code and align the ordinance with current administrative practice. Staff recommends approval of the SO amendments.

Options

1. Recommend approval of the Subdivision Ordinance amendments.
2. Recommend approval of the Subdivision Ordinance amendments with modifications.
3. Recommend denial of the Subdivision Ordinance amendments.

Attachments

- Current Ordinance Reflecting Recommended Amendments

46 *Marginal access street:* A minor street generally paralleling and contiguous to a major street
47 designed primarily to promote safety by providing free access to abutting properties and limited
48 access to the major street.

49 *Minor street:* A local residential street which provides access to building sites, space for
50 public utility lines, and space for light and air.

51 ~~*Plat:* A map or drawing on which the proposed subdivision of land is presented for approval
52 and, when in final form, for recording.~~

53 *Preliminary Subdivision Plat:* The proposed schematic representation of a development or
54 subdivision that establishes how the provisions of this chapter will be achieved.

55 *Property:* Any tract, lot, parcel, or several of the same collected together for the purpose of
56 subdividing.

57 *Setback, Minimum:* The minimum distance a structure must be located from a property line
58 or right-of-way.

59 *Story:* Excluding basements, a portion of a building for living between the surface of any
60 floor and the surface of the floor next above it, or if there is no floor above it, the space between
61 the floor and the ceiling next above it.

62 *Street:* Any way for vehicular traffic other than alleys, including such ways designated as
63 streets, lanes, boulevards, expressways, roads, highways, thoroughfares, parkways, throughways,
64 avenues, or places, or however otherwise designated.

65 *Subdivider:* The person, firm, association, organization, or corporation which holds legal
66 title to land and subdivides it.

67 *Subdivision:* The division of a lot, tract, or parcel of land into two (2) or more lots, tracts, or
68 parcels. This term also applies to resubdivision, lot line vacations, and lot line
69 adjustments and, when appropriate to the context, shall relate to the process of subdividing or the
70 land subdivided, any of which are less than five (5) acres in area for the purpose, whether
71 immediate or future, of sale or of building development.

72 ~~(1) Division of land for agricultural purposes not involving the establishment of a new street
73 or access easement shall be exempt from these regulations.~~

74 ~~(2) Industrial property shall be developed within the framework of this chapter.~~

75 ~~(3) The term "subdivision" includes resubdivision and, when appropriate to the context, shall
76 relate to the process of subdividing or to the land subdivided.~~

77 *Variation or Exception:* A reasonable deviation from the provisions of
78 the Subdivision Ordinance in cases of unusual situations or when strict adherence to the general
79 regulations would result in substantial injustice or hardship.

80 ~~*Variance:* A reasonable deviation from the provisions regulating the size, configuration or
81 area of a street or other feature, when the strict application of the ordinance would result in
82 unnecessary or unreasonable hardship to the property owner, and such need for a variance would
83 not be shared generally by other properties, and provided such variance is not contrary to the
84 intended spirit and purpose of the ordinance, and would result in substantial justice being done.~~

85 86 **Sec. 10-2-2. Variations and Exceptions.**

- 87 a. Where a subdivider can show that conforming with the provisions of these
88 standards this chapter would cause an unnecessary hardship, or where topographical or
89 other conditions peculiar to the site make compliance impractical, then City Council may
90 authorize a variation or exception provided that such variation or exception will not have

- 91 the effect of nullifying the intent and purpose of the Comprehensive Plan, this chapter, or
92 the Design and Construction Standards Manual.
- 93 b. All proposed variations or exceptions to this chapter shall be transmitted by the
94 Department of Community Development to the Planning Commission for
95 recommendation and report the City Council.
- 96 c. In granting ~~variances and modifications~~ variations or exceptions, the Ceity Ceouncil may
97 require such conditions as will, in its judgment, secure substantially the objectives of the
98 standards or requirements so varied or modified.
- 99 ~~a. if strictly adhered to, because of topographical or other unusual conditions, including~~
100 ~~that a provision of this chapter would undermine or conflict with the goals and policies of~~
101 ~~the City's Comprehensive Plan that encourage walkable, pedestrian and bicycle friendly~~
102 ~~street corridors, and after consideration by the planning commission the city council may~~
103 ~~authorize a variance, provided that such variation will not have the effect of nullifying the~~
104 ~~intent and purpose of the comprehensive plan or this chapter or the Design and~~
105 ~~Construction Standards Manual.~~
- 106 d. When requesting a variation or exception, the subdivider shall provide, in a letter or
107 narrative, to include the section(s) of the Subdivision Ordinance or Design and
108 Construction Standards Manual from which a variation or exception is needed and the
109 reason for the request. In addition to a letter or narrative an exhibit illustrating
110 the proposed variation or exception and the proposed subdivision shall be required unless
111 waived by the designated agent. Any request for a variation or exception shall
112 be deemed to be an acceptance by the applicant that the time period within which the
113 submitted subdivision plat, if any, must be acted upon will be stayed until the decision on
114 the pending variation or exception.
- 115 e. *Posting of property.* Notwithstanding any advertising requirements imposed by the Code
116 of Virginia, as amended, any property proposed for review due to a ~~variance~~ variation or
117 exception of the requirements of this chapter shall be posted for public notice as specified
118 below. At least fourteen (14) days prior to the Pplanning Ceommission's meeting
119 reviewing the pending application, the Ceity shall erect on the subject property
120 signs indicating a pending action and a contact phone number for persons wanting more
121 information regarding the ~~public hearing~~/meeting. Such signs may not be removed until
122 the Ceity Ceouncil has acted upon the application; and shall be removed no later than five
123 (5) days thereafter. The Ceity shall determine the number of signs required, placement,
124 and type of posting; however, there shall be at least one (1) sign posted along each public
125 right-of-way abutting the property. Neither the Planning Ceommission's recommendation
126 nor the Ceity Ceouncil's decision on a land use action shall be invalid solely due to
127 the ~~failure to the removal of a posted sign~~ failure to remove a posted sign or failure to post
128 a sign.
- 129 f. An application fee of two hundred dollars (\$200) shall be made payable to the City of
130 Harrisonburg. Each application may include more than one variation or exception
131 request. The fee shall be paid upon submittal of the request.
- 132 ~~(b) The standards and requirements of this chapter may be modified by the planning~~
133 ~~commission in the case of a plan and program for a group housing development or~~
134 ~~residential planned unit development, which in the judgment of the planning commission~~
135 ~~provides adequate public spaces and improvements for the circulation, recreation, light,~~
136 ~~air and service needs of the tract when fully developed and populated, and which also~~

137 ~~provides such covenants or other legal provisions as will assure conformity to and~~
138 ~~achievement of the plan.~~

139
140 **Sec. 10-2-3. ~~Sale or transfer of lots~~ Reserved.**

141 ~~No land shall be sold or transferred by reference to a plat of a subdivision of such land~~
142 ~~before such plat has been recorded as herein provided.~~

143
144 **Sec. 10-2-4. Building permit withheld.**

145 No building permit shall be issued for any structure or building to be located on any land
146 which has been subdivided until a plat of such subdivision shall have been recorded
147 as herein provided.

148
149 **Sec. 10-2-5. Appeals.**

150 ~~Appeals shall lie from the disapproval of a plat by director or the planning commission to~~
151 ~~the appropriate court, as provided in § 15.1-475, chapter 11, title 15.1, article 7 of the Code of~~
152 ~~Virginia.~~

153 If the designated agent disapproves a plat and the applicant contends that the disapproval
154 was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the
155 applicant may appeal to the Circuit Court of Rockingham County, Virginia and the court shall
156 hear and determine the case as soon as may be, provided that their appeal is filed with the Clerk's
157 Office of the Circuit Court of Rockingham County, Virginia within 60 days of the written
158 disapproval by the designated agent.

159 Any variation or exception disapproved by City Council may be appealed to the Circuit
160 Court of Rockingham County, Virginia and the court shall hear and determine the case, provided
161 the appeal is filed with the Clerk's Office of the Circuit Court of Rockingham County, Virginia
162 within 60 days of the disapproval.

163
164 **Sec. 10-2-6. Proceedings to restrain or abate violations.**

165 In case of any violation, or attempted violation of the provisions of this chapter,
166 the ~~C~~eity ~~C~~eouncil, in addition to other remedies, may institute any appropriate action or
167 proceedings to prevent such violation, or attempted violation, to restrain, correct, or abate such
168 violation or attempted violation, or to prevent any act which would constitute such a violation.

169
170 **Sec. 10-2-7. Amendment of chapter.**

171 This chapter may be amended in whole or in part by the ~~C~~eity ~~C~~eouncil, provided that any
172 such amendment shall either originate with or be submitted to the ~~P~~lanning ~~C~~eommission for
173 recommendation; and further provided that no such amendment shall be adopted without a public
174 hearing having been held. All amendments to the Subdivision Ordinance shall be subject to the
175 public hearing and advertising requirements of Virginia Code § 15.2-2204. Notice of the time and
176 place of the hearing shall have been given at least once a week for two (2) weeks, and the last
177 notice at least ten (10) days prior to the hearing.

178
179 **Sec. 10-2-8. Waiver of chapter requirements.**

180 ~~Where a single lot or parcel of land, which consists of five (5) or less acres in gross area, is~~
181 ~~proposed to be divided into not more than four (4) lots, or where the lot lines of existing lots are~~
182 ~~proposed to be changed or vacated, any one (1) or more of the requirements of this chapter may~~

183 ~~be waived in writing by the director of community development, the agent responsible for the~~
184 ~~administration and the enforcement of this section, provided that such division:-~~

- 185 ~~(1) Conforms to all applicable zoning ordinance requirements;-~~
- 186 ~~(2) Does not involve any new public street, road or easement of access;-~~
- 187 ~~(3) Does not offer opportunity to obstruct the floodplain or planned major highway;-~~
- 188 ~~(4) Does not adversely affect any part of any adopted plan; and~~
- 189 ~~(5) Does not in any way violate the intent of this chapter or any applicable zoning~~
190 ~~ordinance.-~~

191 ~~A plat, prepared by a certified land surveyor licensed in the state, showing the metes and~~
192 ~~bounds of the lots resulting from a division of land under this section shall be presented to the~~
193 ~~agent for final approval prior to recordation. The plat shall include the following certification:-~~

194 ~~"This subdivision known as _____ Subdivision is approved by the undersigned pursuant~~
195 ~~to section 10-2-8 of the Harrisonburg City Code and may be admitted to record.-~~

Dated:-	Director of planning and community development"
--------------------	---

196 ~~Such plat shall be recorded in the clerk's office of the Circuit Court of Rockingham County,~~
197 ~~Virginia, within the time period as set forth in section 10-2-27 of this chapter.-~~

200 **Secs. 10-2-98—10-2-20. Reserved.**

202 *ARTICLE B. PLATS GENERALLY*

204 **Sec. 10-2-21. Required to be made, approved and recorded.**

205 Any subdivider of any property located wholly or partly within the corporate limits of
206 the Ccity who subdivides the same, or who causes any streets or public way to be created, shall
207 cause a plat to be made of such subdivision, with reference to known or permanent monuments,
208 and the same to be recorded in the Clerk's Office of the Circuit Court of Rockingham County,
209 Virginia ~~the office of the clerk of the circuit court of the county~~ as provided in this chapter
210 and ~~the Virginia Land Subdivision and Development Act, chapter 11, title 15.1, article 7, §§~~
211 ~~15.1-465 through 15.1-485 §15.2-2240 through § 15.2-2279~~ of the Code of Virginia. ~~Also No~~
212 such plat shall be recorded unless and until it shall have been submitted to and approved by
213 the ~~designated agent director~~ as required by ~~§15.2-2240 through § 15.2-2279 § 15.1-475~~ of the
214 Code of Virginia.

216 **Sec. 10-2-22. Preapplication ~~conference~~ Meeting.**

217 Before preparing a preliminary plat, a subdivider should confer with the Department of
218 Community Development ~~about director relative to~~ the regulations contained in this chapter and
219 the provisions of the Comprehensive Plan for the City.

221 **Sec. 10-2-23. Preliminary subdivision plat—Requirements and contents.**

222 The preliminary subdivision plat shall be required for tentative approval for plats involving
223 more than 50 lots and optional, at the request of the subdivider, for plats with 50 lots or less. The
224 preliminary subdivision plat, marked as such, shall be provided to the designated

- 225 ~~agent presented to the planning commission at an appropriate~~ a scale ~~of one inch equals one~~
226 ~~hundred (100) feet (1" = 100')~~ with any supporting data, showing the following:
- 227 (1) Proposed subdivision name, location, acreage, and land use.
 - 228 (2) Date, north point, and graphic scale.
 - 229 (3) Names and addresses of the owners of the property, including the existing mortgagee,
230 the subdivider, and the designer of the layout.
 - 231 (4) Location and names of adjoining subdivisions or names of the owners of adjoining
232 lands.
 - 233 (5) Topography: contours at two-foot intervals unless grade is fifteen (15) percent or more,
234 in which case contours shall be at five-foot intervals. This requirement may be waived
235 by the designated agent.
 - 236 (6) Existing and proposed streets, easements, and other rights-of-way within and adjoining
237 the subdivision including right-of-way and roadway widths, approximate grades, and
238 proposed street names.
 - 239 (7) Location of existing and proposed utilities adjacent to the tract to be subdivided,
240 including size and elevation.
 - 241 ~~Location of building setback lines and zoning district lines~~ designations(s).
 - 242 (9) Lot lines, lot and block numbers, and approximate dimensions. If proposed subdivision
243 is a residential planned unit development, structures and approximate dimensions shall
244 be shown.
 - 245 (10) Proposed method of water supply, drainage provisions, sanitary sewer layout, or other
246 accepted sanitary plan and methods of flood control where applicable. Connections
247 with existing facilities, sizes of proposed facilities, and any accessory structure shall
248 also be shown.
 - 249 (11) Draft of homeowners' association agreements or protective covenants, if any, whereby
250 the subdivider ~~proposed is proposing~~ to regulate land use in the subdivision and
251 otherwise protect the proposed development.
 - 252 (12) The location of existing watercourses and other geographic features.
 - 253 (13) A statement of the floodplain designation shall be included with the 100-year
254 floodplain boundary, including the flood-fringe and floodway, if applicable, shown
255 within the lot boundaries in the event any portion of a parcel falls within the 100-year
256 floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor
257 shall include a statement of such on the plat.
 - 258 ~~(134)~~ Preliminary location of stormwater management best management practice
259 (BMP) boundary areas.
 - 260 ~~(145)~~ A vicinity sketch or key map at ~~an appropriate scale of two hundred (200) feet to~~
261 ~~the inch~~ shall be shown on or accompany the preliminary plat. This map shall relate the
262 subdivision to existing landmarks and show how streets, alleys, and other significant
263 proposals connect or relate to existing facilities in neighboring subdivisions or
264 undeveloped property to produce the most advantageous development of the entire
265 area.
 - 266 ~~(156)~~ The fee for filing a preliminary subdivision plat ~~without a variance~~ shall be one
267 hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, ~~or if filing~~
268 ~~a preliminary plat with a variance the fee shall be two hundred dollars (\$200.00) plus~~
269 ~~twenty dollars (\$20.00) per lot,~~ made payable to the City of Harrisonburg. The fee
270 shall be paid upon the filing of the plat with the City.

271 In addition, if the preliminary subdivision plat requires a traffic impact analysis (TIA)
272 review by the Virginia Department of Transportation (VDOT), then all additional fees
273 for that review shall be made payable to the Virginia Department of Transportation. If
274 the preliminary subdivision plat requires a TIA review, only by the Ceity, then one
275 thousand dollars (\$1,000.00) shall be made payable to the Ceity of Harrisonburg. The
276 preliminary plat application shall not be considered accepted until the TIA has been
277 reviewed and accepted by the Department of Public Works.
278

279 **Sec. 10-2-24. Same—Filing for approval; ~~action by planning commission.~~**

280 ~~Whenever a subdivision of land is proposed to be made and before any sale or contract for~~
281 ~~the sale of such subdivision as a whole or any part thereof is made or before any construction~~
282 ~~work including grading is started, T~~ the subdivider shall file one (1) copy not less than eight (8)
283 ~~copies~~ of a preliminary subdivision plat of the proposed subdivision as provided in section 10-2-
284 23 ~~to the designated agent, such plat to be filed at least thirty (30) days prior to the meeting at~~
285 ~~which it is to be considered for approval. The planning commission~~ The designated
286 agent shall, in not more than forty five (45) days less than thirty (30) nor more than sixty (60)
287 ~~days~~ advise the subdivider of their approval or disapproval of the preliminary subdivision plat
288 and other required exhibits as submitted or modified, and if approved, they shall express such
289 approval on the plat, stating the conditions of approval, if any, or if disapproved, shall express
290 such disapproval and the reasons therefor in writing to the applicant. Approval of a
291 preliminary subdivision plat shall not constitute approval of the final subdivision plat.

292 Once a preliminary subdivision plat is approved, it shall be valid for a period of five years,
293 provided the subdivider (i) submits a final subdivision plat for all or a portion of the property
294 within twenty-four (24) months of such approval, and (ii) thereafter diligently pursues approval
295 of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has
296 incurred extensive obligations or substantial expenses relating to the submitted final subdivision
297 plat or modifications thereto. However, no sooner than twenty-four months following such
298 preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the
299 subdivider, the designated agent may revoke such approval upon a specific finding of facts that
300 the subdivider has not diligently pursued approval of the final subdivision plat.
301
302

303 **Sec. 10-2-25. Final subdivision plat—Requirements and contents.**

304 (a) The final subdivision plat shall be prepared by a competent surveyor or civil engineer duly
305 licensed by the state. The subdivider shall submit to the designated agent, director, at
306 ~~a to~~ scale of one inch equals one hundred feet (1" = 100'), one original copy mylar tracing
307 ~~and eight (8) prints~~ of the final subdivision plat. The plat must meet the recordation
308 requirements for document size, font, and other formatting set by the Circuit Court of
309 Rockingham County, Virginia, clearly and legibly drawn in black India ink on a sheet
310 eleven by seventeen inches (11" × 17"), including a margin of one half inch outside rules
311 ~~border lines at bottom, top and right sides, and one and one half (1½) inch outside rules~~
312 ~~border line for binding on the left seventeen (17) inch side of the sheet.~~ When more than
313 one sheet is necessary, an index sheet of the same size may be required showing the entire
314 subdivision.

315 (b) The final subdivision plat shall show:

- 316 (1) Bearings and distances to the nearest existing street lines or bench marks or other
317 permanent monuments (not less than three (3)) shall be accurately described on the
318 plat.
- 319 (2) Municipal, Ceounty, and land lot lines accurately tied to the lines of the subdivision by
320 distance and angles when such lines traverse or are reasonably close to the
321 subdivision.
- 322 (3) Exact boundary lines of the tract, determined by a field survey, giving distances to the
323 nearest ~~one-tenth~~ one hundredth (0.01^{1/100}) foot and angles to the nearest ~~minute~~ one
324 second of arc, which shall be balanced and closed with an error of closure not to
325 exceed one to ~~twentyfive~~ twenty thousand (20,000).
- 326 (4) Name of subdivision, exact locations, widths, and names of all streets and alleys within
327 and immediately adjoining the plat.
- 328 (5) Street centerlines showing angles of deflection, angles of intersection, radii and lengths
329 of tangents.
- 330 (6) Lot lines with dimensions to the nearest ~~one-tenth foot and bearings~~ one hundredth
331 foot and bearings to the nearest one second of arc. If the proposed subdivision is a
332 residential planned unit development, exact location of all structures shall be shown.
- 333 (7) Lots numbered in numerical order and blocks, lettered alphabetically.
- 334 (8) Location, dimensions, and purposes of any easements and any areas to be reserved or
335 dedicated for public use.
- 336 (9) Accurate location, material, and description of monuments and markers.
- 337 (10) A statement, either directly on the plat or in an identified attached document, of any
338 private covenants or homeowners' association agreements.
- 339 (11) When one (1) or more temporary turnarounds are shown, the following note shall be
340 included on the plat:
341 The area on this plat designated as "Temporary turnaround" will be constructed and
342 used as other streets in the subdivision until (insert street name) is/are extended to
343 (insert street name if possible, otherwise insert the following note: a connecting street
344 or to another turnaround which is approved by plat by the ~~designated agent-planning~~
345 ~~commission~~) at which time the land in the temporary turnaround area will be
346 abandoned for street purposes and will revert to adjoining lot owners in accordance
347 with specific provisions in their respective deeds.
- 348 (12) Location of stormwater management best management practice (BMP) boundary
349 areas.
350 When BMP Boundary Areas are required, a stormwater management/BMP facilities
351 maintenance agreement document shall be submitted for review, and upon approval by
352 the city, be recorded in the Clerk's Office of the Circuit Court of Rockingham County,
353 Virginia.
- 354 ~~Note~~-When BMP Boundary Areas are required, the final subdivision plat shall not be
355 approved until the engineered comprehensive site plan is approved.
- 356 (13) A statement of the floodplain designation shall be included with the 100-year
357 floodplain boundary, including the flood-fringe and floodway, if applicable, shown
358 within the lot boundaries in the event any portion of a parcel falls within the 100-year
359 floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor
360 shall include a statement of such on the plat.
- 361 (14) The following certifications:

407 State Certified Engineer

408 ~~(or Land Surveyor)~~

409 This subdivision known as _____ Subdivision is approved by the undersigned in
410 accordance with existing subdivision regulations and may be committed to
411 record.

412 (date)____ (Signed)

413 Director of

414 ~~planning and~~

415 ~~community~~

416 ~~development~~

- 417
- 418 (c) Data supporting the final subdivision plat shall include: plans and profiles, water supply and
419 sewage disposal, including drainage courses, existing sewers, water mains, culverts, and
420 other underground structures within the tract showing pipe sizes, invert elevations, and
421 grades.
- 422 (d) The fee for filing a final subdivision plat shall be one hundred fifty dollars (\$150.00) plus
423 twenty dollars (\$20.00) per lot, made payable to the City of Harrisonburg. The fee shall be
424 paid upon the filing of the plat with the cityCity.

425

426 **Sec. 10-2-26. Same—Filing for approval.**

- 427 (a) ~~The subdivider shall within twenty four (24) months following the approval of the~~
428 ~~preliminary plat and other required exhibits, file with the director the final plat or part~~
429 ~~thereof for approval as provided in section 10-2-25 and in conformity with the approved~~
430 ~~preliminary plat. Before filing the a final subdivision plat is approved by~~
431 ~~the designated agent and signed for recordation for approval,~~ all improvements required
432 under these regulations shall be completed, or provisions made therefor, at the subdivider's
433 expense and in accordance with the provisions of this chapter and the specifications of the
434 city, county or state by one of the following methods:
- 435 (1) Installation and completion by and at the expense of the subdivider.
- 436 (2) The furnishing of a bond in an amount and with surety or conditions satisfactory to
437 provide for and secure the actual construction and installation of such improvement
438 within a period agreed upon by the subdivider and the designated agent ~~planning~~
439 ~~commission, such bond to be approved by the city attorney.~~
- 440 (b) When ~~this provisions in subsection (a) have been satisfied has been complied with,~~ the
441 subdivider shall file with the designated agent ~~director of the city~~ the
442 final subdivision plat ~~of the subdivision,~~ in order to secure approval for the recordation as
443 required by these regulations. The designated agent shall approve or disapprove the final
444 subdivision plat within 40 days of completed application and payment. If disapproved, the
445 designated agent shall express such disapproval and the reasons in writing to the applicant.
- 446 (c) Upon approval of the final subdivision plat by the designated agent ~~director~~ the original
447 ~~mylar tracing of such~~ plat shall be returned to the subdivider for recordation in the Clerk's
448 Office of the Circuit Court of Rockingham County, Virginia ~~office of the clerk of the circuit~~
449 ~~court of the county.~~ Approval of a final subdivision plat shall not be deemed the acceptance
450 by the city of any street, alley, utilities, or other public space shown on the plat for
451 maintenance, repair, or operation thereof.

- 452 (d) No person shall subdivide any tract or parcel of land, or commence any sale, offer for sale,
453 or transfer of any portion of such property, in whole or in part, until a final subdivision plat
454 has been submitted and approved in accordance with this Ordinance. When subdivision is
455 required to meet the requirements of the Zoning Ordinance or Building Code, grading,
456 construction, or other development activity may occur prior to final subdivision plat
457 approval only when such activity does not depend upon the establishment or vacation of
458 separate lots and is otherwise in compliance with all applicable codes and ordinances
459 ~~(d) Failure to file a final plat or section thereof within twenty-four (24) months after approval of~~
460 ~~the preliminary plat will render such approval null and void unless an extension of time is~~
461 ~~applied for and granted by the planning commission.~~

462
463 **Sec. 10-2-27. Same—Recordation; procedure upon vacation of recorded plats.**

- 464 (a) When a final subdivision plat has been approved, executed and acknowledged as provided
465 in this article, it shall be recorded in the Clerk's Office of the Circuit Court of Rockingham
466 County, Virginia~~office of the clerk of the circuit court of the county~~, and shall be indexed
467 under the names of the owners of the land and under the name of the subdivision. The clerk
468 shall retain the original ~~mylar tracing of such~~copy of the plat and file for public record. Such
469 plat shall be filed for recordation in the clerk's office within sixty (60) days after final
470 approval thereof, otherwise such approval shall be withdrawn by the ~~director-designated~~
471 agent and the plat marked "VOID" and returned to the subdivider.
472 (b) The recordation of such plats shall operate to transfer, in fee simple, to the city such portion
473 of the premises platted as is on such plat set apart for streets, alleys, or other public use or
474 for future street widening and to create a public right of passage over the same.
475 (c) Immediately upon the vacating of any recorded plat, or part thereof, the clerk in whose
476 office such plat has been recorded (whether the same was recorded under the provisions of
477 this chapter or otherwise) shall write in plain legible letters across such plat, or the part so
478 vacated, the word "VACATED," and also make a reference on the same to the volume and
479 page in which the instrument of vacation is recorded; and if a duplicate of such plat be on
480 file in the ~~designated agent's director's~~ office for public use, the designated
481 agent ~~director~~ shall cause similar notations to be legibly written on such duplicate plat, or
482 part thereof so vacated.
483 (d) The boundary lines of any lot or parcel of land may be relocated or otherwise altered as a
484 part of an otherwise valid and properly recorded plat of subdivision or resubdivision
485 approved as provided in this ordinance and executed by the owner or owners of such land as
486 provided in sections 10-2-21 through 10-2-27, provided such action does not involve the
487 relocation or alteration of streets, alleys, easements for public passage, or other public areas;
488 and provided, further, that no easements or utility rights-of-way shall be relocated or altered
489 without the express consent of all persons holding any interest herein.

490
491 **Secs. 10-2-28—10-2-40. Reserved.**

492
493 *ARTICLE C. DESIGN STANDARDS*

494 **Sec. 10-2-41. Streets.**

- 495 (a) Proposed streets shall conform to the standards and specifications outlined in the Design
496 and Construction Standards Manual except that ~~variances~~variations and exceptions to the
497 standards for streets, alleys, blocks, easements, sidewalks, and all such related features may

498 be approved on a case-by-case basis by the Ceity Ceouncil in accordance with section 10-2-
499 2- when:

- 500 (1) The proposed alternative would better achieve the walkable, pedestrian, and bicycle-
501 oriented environment the Ceity desires.
- 502 (2) The particular conditions of the site and surrounding street network would allow the
503 proposed alternative without causing undue inefficiencies for service vehicles, nor an
504 excessive reduction in pedestrian safety due to pedestrian-vehicle movement
505 conflicts.
- 506 (3) The proposed alternative would better balance the needs of pedestrians and
507 vehicles, and better achieve the goals of the Ceomprehensive Pplan.
- 508 (b) All streets which are designated as part of the major street system of the "master
509 transportation plan" shall be coordinated with adjoining links in such system in accord with
510 the standards set forth in the Design and Construction Standards Manual.
- 511 (c) Reserved strips restricting access to streets, alleys, public ways, and easements shall be
512 prohibited.
- 513 (d) Half streets shall be prohibited.
- 514 (e) Culs-de-sacs and other permanent dead-end streets are prohibited except
515 when permitted by City Council per Section 10-2-2 and the planning commission in accord
516 with the DCSM.
- 517 (f) Proposed streets that are in alignment with existing streets already named shall bear their
518 names. No new street shall duplicate names of existing streets, irrespective of any suffix.

519

Sec. 10-2-42. Blocks and lots.

- 521 (a) *Lengths.* Block lengths shall be in accord with the standards set forth in the Design and
522 Construction Standards Manual.
- 523 (b) *Depth.* Blocks shall be of sufficient depth to provide for two (2) tiers of lots where
524 possible.
- 525 (c) *Frontage.* All lots shall front on a public street and no lot shall embrace any portion of a
526 street or alley.
- 527 (d) *Side lot lines.* Side lot lines shall be substantially at right angles or radial to street lines.
- 528 (e) *Size, width, depth, shape, and orientation.* The lot size, width, depth, shape, and orientation
529 shall be appropriate for the location of the subdivision and for the type of development and
530 use contemplated. These requirements shall be not less than the requirements of chapter 3 of
531 this title applicable to the area being subdivided and the use shall be dictated by such
532 regulations.
- 533 (f) *Residential corner lots.* Residential corner lots shall be increased in width
534 to permit appropriate building minimum setback from and orientation to both streets in
535 conformity with chapter 3 of this title, and to provide required separation between
536 intersections and entrances.
- 537 (g) *Dimensions.* Lot dimensions shall conform to the requirements of chapter 3 of this title;
538 except, that where the requirements of these regulations provide for larger lot areas and
539 dimensions, these regulations shall apply.

540

Sec. 10-2-43. Easements.

542 ~~Unless a variance is granted in accord with subsection 10-2-41(a), a~~ A ten-foot-wide public
543 general utility easement shall be provided along front lot lines or any lot line adjacent to a public

544 right-of-way. In addition, public general utility easements at least ten (10) feet wide, centered on
545 the side or rear lot lines, shall be provided ~~for utilities and drainage~~. Easements may also
546 be required in, along or adjacent to natural watercourses as drains for sanitary sewers and water
547 diversion purposes.

548 An administrative waiver can be requested to this section by submitting a letter with
549 justification to the designated agent. The designated agent may approve a waiver
550 upon determining that all necessary utilities can be adequately provided without the dedication of
551 such easement.

552

553 **Sec. 10-2-44. ~~Reserved Building setback lines.~~**

554 ~~The subdivider shall establish setback lines along all streets abutting lots. Such setback lines~~
555 ~~shall be in conformity with chapter 3 or this title for street setback lines.~~

556

557 **Sec. 10-2-45. Land dedication.**

558 (a) All land designated for future streets and alley purposes or for street widening shall be
559 dedicated for public use. Where proposed sites for parks, schools, and other areas for public
560 use as contained in the Ceomprehensive Pplan are located wholly or partly in a subdivision,
561 such location shall be indicated on the preliminary subdivision plat in order that it may be
562 determined if, when, and in what manner such areas will be dedicated to, reserved for or
563 acquired by the Ceity Ceouncil for that use.

564 (b) This section shall not be construed to preclude the dedication of property for public use not
565 included in the Ceomprehensive-city Pplan, provided such property is acceptable to
566 the Ceity or Ceounty for dedication and maintenance.

567

568 **Sec. 10-2-46. Draining and flooding.**

569 The right is reserved to disapprove any subdivision which is inadequately drained or subject
570 to periodic flooding.

571

572 **Secs. 10-2-47—10-2-60. Reserved.**

573

574 *ARTICLE D. MINIMUM IMPROVEMENTS*

575

576 **Sec. 10-2-61. Streets.**

577 (a) The subdivider is required to make all such improvements to streets, including grading,
578 subgrade, surface, and curbs and gutters, in accord with the requirements of the Ceity's
579 DCSM.

580 (b) *Planting strips.* The subdivider shall seed planting strips along streets. ~~(Ord. of 6-24-97)~~

581 (c) *Sidewalks.* Where a lot being subdivided fronts on an existing street, and adjacent property
582 on either side has an existing sidewalk, the subdivider shall construct, and where necessary
583 dedicate land for, sidewalk on the property being subdivided to connect to the existing
584 sidewalk, even when no other street improvements are required.

585

586 **Sec. 10-2-62. Drainage.**

587 Every subdivision shall be provided with a storm and natural water sewer or drainage
588 system adequate to serve the area being subdivided (including the contributing drainage area).

589

590 **Sec. 10-2-63. Utilities.**

- 591 (a) Every subdivision shall be provided with a complete water distribution system adequate to
592 serve the area being subdivided as required by the department of public utilities and the city
593 manager.
- 594 (b) Every subdivision shall be provided with satisfactory and sanitary means for a sewage
595 disposal system as required by the department of public utilities and the city manager.
- 596 (c) All utilities including water, gas, sewer, and poles or underground conduits for electric
597 lights or telephone lines shall be placed in easements provided ~~along the rear or sides of lots~~
598 ~~whenever this is practicable~~. When facilities for such utilities, including laterals to each lot
599 line, must be laid in streets, such facilities shall be in place prior to street surfacings.

600
601 **Sec. 10-2-64. Street name signs.**

602 Uniform public and/or private street name signs of approved standard design
603 as utilized throughout the city shall be installed at all street intersections.

604
605 **Sec. 10-2-65. Survey monuments and pins.**

606 Iron pins shall be installed marking subdivision boundaries, lot corners, angle points, and all
607 points along street right-of-way where there is a change of direction such as point of tangent (PT)
608 and point of curvature (PC) and end of radius at street intersections. Before a street is accepted in
609 the city street system, monuments shall be installed in accordance with the specifications and
610 standards outlined in the Design and Construction Standards Manual.

611
612 **Sec. 10-2-66. Compliance with standards, etc., of the Ceity.**

613 All utility, street, and alley improvements shall be provided in each new subdivision lying
614 wholly or partly within the corporate limits of the Ceity in accordance with standards and
615 specifications of the Ceity.

616
617 **Sec. 10-2-67. Responsibility for cost.**

618 All improvements required to be installed by the subdivider or by this chapter shall be made
619 at the subdivider's expense.

620
621 **Secs. 10-2-68—10-2-80. Reserved.**

622
623 *ARTICLE E. SUBDIVISIONS AND PROPOSED STREETS FOR PUBLIC USE*

624
625 **Sec. 10-2-81. Approval of final subdivision plat of streets.**

626 Whenever it is desired by any person to open, within the Ceity, an area as a subdivision to
627 be divided or sold as lots, or to open up any way proposed to be used as a public street in the
628 city, ~~h~~they shall submit to the ~~director~~designated agent a final subdivision plat or survey
629 showing the area so to be subdivided and the location of all proposed streets and alleys, and
630 easements therein, and shall accompany plat with a declaration of their~~his~~ intention to have such
631 plat recorded, and to dedicate to the public use the streets and alleys, and public easements
632 shown thereon in the event such plat be approved. The fact of such approval and the date thereof
633 shall be plainly written or stamped thereon, or upon a copy thereof, and such approval shall be
634 signed by the designated agent~~director~~.

635

636 **Sec. 10-2-82. Approval and recordation of final subdivision plat and erection of**
637 **monuments.**

638 No part of any proposed subdivision within the city and no way proposed to be used as a
639 street within the city shall be taken over by the city for improvement or maintenance, and the city
640 shall be under no obligation to improve or maintain the same and such proposed streets shall not
641 be considered as public streets of the city until the plan or survey of such subdivision and the
642 location of any proposed streets or alleys and the grade and property lines thereon shall have
643 been approved by the ~~director~~designated agent, and until the person making such subdivision
644 shall have placed at all street intersections therein permanent monuments, and until a copy of the
645 plat or survey showing thereon its approval by the ~~director~~designated agent as set out in section
646 10-2-81 shall have been duly recorded in the Clerk's Office of the Circuit Court of Rockingham
647 County, Virginia~~clerk's office of Rockingham County~~.

648
649 **Sec. 10-2-83. Connection of proposed water and sewer lines.**

650 Any person desiring to open any subdivision within the city or way to be used as a public
651 street within the city, and to construct water and sewer lines therein, as provided in this article
652 shall apply to the ~~director~~designated agent for permission to connect such proposed water and
653 sewer lines with existing lines of the City and shall furnish a statement or survey showing the
654 location, capacity, and manner of installation of the proposed lines, which shall be reviewed for
655 compliance with the standards and specifications outlined in the ~~Design and Construction~~
656 ~~Standards Manual~~DCSM.

657
658 **Sec. 10-2-84. Construction of water and sewer lines prerequisite to improvement and**
659 **maintenance of streets by city.**

660 No part of any proposed subdivision within the city and no way proposed to be opened as a
661 street within the city shall be taken over by the city for improvement or maintenance, nor
662 considered a part of the public streets of the city, and no part of the public revenues shall be
663 expended thereon, unless and until there shall have been constructed therein, without expense to
664 the City, water lines and sewer lines accepted by the city engineer, of such capacity and location
665 as to furnish adequate service to the property in such subdivision or abutting upon such street,
666 when the same shall have been occupied. The city engineer shall refuse permission to connect
667 same to any city mains or lines until such lines meet with ~~his~~their approval and specifications as
668 to the size and location thereof.

669
670 **Sec. 10-2-85. Rights of city in water and sewer lines.**

671 Whenever any water or sewer line shall be constructed or laid in any proposed subdivision
672 or in any way proposed to be used as a public street, or whenever any water or sewer line is
673 constructed to be used for connection therewith by a number of persons, such water or sewer
674 line, after it shall have been connected with other or existing lines of the City, shall be deemed
675 to be the property of the City, and the City, subject to the provisions of sections 10-2-83 and
676 10-2-84, shall have sole control of its maintenance and of connections to be made therewith by
677 persons desiring to use the same.

678
679 **Sec. 10-2-86. What streets deemed dedicated.**

680 Any street or alley designated in the subdivision into lots of any portion of the territory
681 within the corporate limits of the city by a plat or plan of record shall be deemed and held to be

682 dedicated to public use, unless it appears by such record that the street or alley so designated is
683 reserved for private use.

684
685 The remainder of each Section is reaffirmed and reenacted in its entirety, except as hereby
686 modified.

687
688 This ordinance shall be effective from the _____ day of _____, 2026. Adopted and approved
689 this _____ day of _____, 2026.

690

691

692

693

MAYOR

694

695 ATTESTE:

696

697

698

699

CITY CLERK

700



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-252, **Version:** 1

Subject:

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 Lindsey Apartments)

Presented By: Thanh Dang, Department of Community Development

A request from Trenton Inc. and Bernard LC to rezone a +/- 2.75-acre property from R-3, Medium Density Residential District to B-1C, Central Business District Conditional. The property is addressed as 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street and is identified as tax map parcels 25-J-2, 3, 4, 5, 6, 7, 15, 16, 17 and 18.



July 8, 2026 Planning Commission Meeting

Title

Consider a request to rezone at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street — Thanh Dang, Community Development

Summary

Project name	The Lindsey (formerly The Link Apartments)
Address/Location	435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street
Tax Map Parcels	25-J-2, 3, 4, 5, 6, 7, 15, 16, 17 and 18
Total Land Area	+/- 2.75-acres
Property Owner	Trenton Inc. and Bernard L C
Owner’s Representatives	Timberwolf Capital Partners LLC and Clark and Bradshaw PC
Present Zoning	R-3, Medium Density Residential District
Proposed Zoning	B-1C, Central Business District Conditional
Planning Commission	July 9, 2025 (Invalid Public Hearing Date) March 11, 2026 (Public Hearing) July 8, 2026 (Public Hearing)
City Council	August 12, 2025 (Invalid First Reading/Public Hearing) April 28, 2026 (First Reading/Public Hearing/Tabled) Anticipated August 25, 2026 (First Reading/Public Hearing) Anticipated September 8, 2026 (Second Reading)

Recommendation

Staff recommend approval of the rezoning request.

Context & Analysis

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

- Site: Lindsey Funeral Home and vacant office building, zoned R-3
- North: City Hall, Turner Pavilion, parking lots, zoned B-1
- East: Across South Main Street, commercial properties, zoned B-1C and B-2C
- South: Harrisonburg Baptist Church, zoned R-3

West: Across South Liberty Street, residential uses, zoned R-3

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, with recent proffer changes the applicant is now proposing to construct a four-story multi-family building consisting of a maximum of 180 units (which is about 65 units per acre), between 2,500 to 5,000 square feet of non-residential space, and a five-level parking garage consisting of a minimum of 320 off-street parking spaces.

Planning Commission and City Council have previously reviewed requests to rezone the subject property in 2025 and earlier this year. Most recently, on April 28, 2026, City Council tabled the request. Due to substantial revisions to the proffers by the applicant following the April 28th meeting, the rezoning request must return to Planning Commission for public hearing. Previous meeting minutes, staff memorandums, application materials, and public comments are available at the following links:

- July 9, and August 12, 2025 - <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7507770&GUID=BCCA5060-6091-4F84-B392-674CDE97EBE5&Options=&Search=> and
- March 11 and April 28, 2026 - <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7991334&GUID=05131103-00F1-40F8-BC7D-5007058D6DE2&Options=&Search=>.

Changes to Proffers

For the most up-to-date full list of proffers, please refer to the attached file “Applicant’s supporting documents,” which includes a document titled “Rezoning Request Proffer Statement.”

Since the April 28th City Council meeting, the applicant has amended proffers I.b., c., d., e., f., g., and h.; II. e.; III.a. b., c., d., and f.; IV.a.; and V.a..

The applicant has:

- Reduced the maximum number of dwelling units from 250 to 180 (Proffer I.b.),
- Reduced the maximum number of bedrooms from 555 to 440 (Proffer I.b.),
- Reduced the minimum number of studio or one-bedroom multi-family units from 110 to 72 (Proffer I.c.),
- Maintained the previously planned maximum number of four-bedroom units at 85 (Proffer I.d.),
- Reduced the proffered minimum number of structured parking spaces from 480 to 320 (Proffer III.a.),

- Reduced the proffered minimum number of electric vehicle charging stations from 14 to 10 (Proffer III.c.),
- Reduced the minimum number of secure indoor/covered bicycle storage spaces from 120 to 90 (Proffer III.d.), and
- Maintained the proffered minimum number of exterior bicycle parking spaces at 16 (Proffer III.d.).

In addition to the above details, the applicant has reduced the cash contributions for:

- Traffic-calming improvements from \$60,000 to \$45,000 (Proffer I.e.),
- Parking enforcement or enhancements from \$30,000 to \$22,500 (Proffer III.f.), and
- Affordable housing from \$93,738 to \$70,000 (Proffer V.a.).

The applicant describes the cash contribution reductions as “generally proportionate to the number of units and bedrooms proffered for the Project.”

Table 1, attached to this staff report, summarizes the evolution of the proffers specifically associated with the number of units and bedrooms and how they have changed throughout the different public hearings in August 2025, April 2026, and for July 2026.

With regard to building height, Proffer I.h. has been revised to restrict building height to 52-feet. Without this proffer, the B-1 district allows buildings and structures to be a maximum of 75-feet in height by right. The proffer also clarifies that building height will be measured from the midpoint of the curb along the Paul Street extension, consistent with the Zoning Ordinance’s methodology for measuring height from the curb of a public street, private street, or travelway in front of the building. Depending on how the site is graded, the building height measured from the ground may be taller on the northern side since height is measured from Paul Street. Existing ground contour data indicates an approximate 10-foot drop in elevation from the southern to northern side of the property. Additionally, Proffer I.h. allows rooftop structures such as solar panels, HVAC units and other mechanical equipment, and parapets to be up to 55 feet in height so long as those structures are screened from public view.

With regard to non-residential uses, the applicant has increased the proffered minimum square footage from 2,000 to 2,500 but retained the maximum of 5,000 square feet along the southeast corner of the building at the proposed Paul Street and South Main Street intersection (Proffer I.e.). The proffered 5,000-square-foot maximum reflects the largest non-residential space evaluated in the Traffic Impact Analysis.

The applicant previously proffered to restrict occupancy in a way that staff believed would be overly restrictive in certain circumstances for non-student living arrangements. Staff believes that shared housing scenarios for the City’s non-student population can at times make housing

attainable for some residents. In response to staff’s concern, the applicant removed previous proffer I.f.

Also note the previously proffered Parking Agreement with the City to reserve up to 65 parking spaces for municipal/public uses in the parking garage has been removed.

While the language of Proffer I.a. has not changed, there are some changes to the Concept Plan referenced in that proffer. Previously, the parking deck was separate from the mixed-use building and the west and east courtyards were slightly larger. While the general locations and footprints of the parking deck and mixed-use building have not significantly changed as they are viewed from the public streets and from City Hall, the footprint of the mixed-use building has been expanded within the center of the development.

Land Use, Downtown 2040 Plan, and Housing Study

The applicant has stated they plan for a mixture of one-, two-, three-, and four-bedroom apartments. The revised proffers require a minimum of 72 one-bedroom units and continues to permit up to 85 four-bedroom units. 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 four-bedroom/four-bathroom units, which the applicant states is their intended design. Such designs typically best serve college students and can be difficult to accommodate for non-student users. However, staff continues to recognize the advantages of providing student housing in close and walkable proximity (about ¼-mile) to the JMU 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 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.

Staff continues to believe 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>.

The Comprehensive Housing Assessment and Market Study (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. The Housing Study is available at the following link: <https://www.harrisonburgva.gov/housing-study>.

James Madison University’s campus strategic plan

On April 24, 2026, the James Madison University (JMU) Board of Visitors endorsed the campus strategic plan (The Madison Promise, <https://www.jmu.edu/madison-promise/index.shtml>). The strategic plan states that JMU plans to grow overall enrollment and to build more on-campus housing to house approximately 60% of the students on campus by 2040. In a JMU Breeze article, President Jim Schmidt is quoted saying that “JMU currently only houses 28% of students” and

“[t]he goal is to build 1,000 beds per year for 10 years¹² Table 2 below summarizes current conditions and planned future conditions.

Table 2. Current and Future JMU enrollment, number of students on campus, and number of students off campus

	Current (Fall 2025)	Future (2040)	Change
JMU enrollment	23,157³ (Undergraduate & Graduate)	30,000⁴ (per draft JMU strategic plan)	+6,843 (30,000-23,157)
Students residing on Campus	6,484 (28% ⁵ of 23,157)	18,000 (if 60% of students live on campus per JMU strategic plan)	+11,516 (18,000-6,484) Or +10,000⁶
Students residing off Campus	16,673 (23,157-6,484)	12,000 (30,000-18,000)	-4,673 (12,000-16,671)

If JMU executes its recently proposed strategic plan targets by increasing the student population to 30,000 and housing 18,000 students on campus, the total number of JMU students residing off-campus would decline by roughly 4,673 students. Given this anticipated decline in the off-campus student population, staff questions the need for continued growth in off-campus student-oriented housing over the long term.

² Newsom, Alexa. “President Schmidt outlines strategic plan at SGA meeting.” *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

³JMU Facts & Figures: <https://www.jmu.edu/about/fact-and-figures.shtml>, accessed on July 1, 2026

⁴ The published JMU strategic plan (The Madison Promise) website’s frequently asked questions page states a guidepost goal to “[g]row overall enrollment” (<https://www.jmu.edu/madison-promise/faqs.shtml#guideposts>). However, the website does not state a goal of 30,000 students by 2040, but this number was available in prior drafts (https://www.jmu.edu/pair/strategic-planning/docs/jmu_strategic_plan_final_draft_april2026.pdf).

⁵ Newsom, Alexa. “President Schmidt outlines strategic plan at SGA meeting.” *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

⁶ Newsom, Alexa. “President Schmidt outlines strategic plan at SGA meeting.” *JMU Breeze*, March 11, 2026. https://www.breezejmu.org/news/president-schmidt-outlines-strategic-plan-at-sga-meeting/article_edcc8b9e-212c-4e61-90bd-74e8ed3d18b8.html.

Conclusion

As JMU increases its supply of university-managed housing, demand for off-campus student-oriented housing is expected to change. Staff believes that such changes will not affect all off-campus housing equally: student-oriented housing located further from campus may see a greater shift toward vacancy or non-student households, while student-oriented housing that is easily walkable to campus and that provides convenient access to services such as those located downtown, would be better positioned to continue having students reside there. For this reason, staff believes the subject site is among the more appropriate locations in the City for student-oriented housing. Its proximity to campus and downtown supports walkability and may help reduce reliance on personal vehicles compared to student housing located further away and in less accessible areas.

Staff also recognizes that the geographic distribution of student-oriented housing is an important community policy question that extends beyond this rezoning request. As JMU's housing strategy advances and off-campus demand patterns shift, the community will need to consider where student-oriented housing is most appropriate, where broader community housing needs should be prioritized, and how those decisions align with future land use and other City and community goals. Staff believe that discussion would be best addressed through a focused initiative on that topic.

In 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 rezoning request.

Options

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

Attachments

- Table 1. Comparison of Proffered Number of Units and Bedrooms
- Site maps
- Applicant's supporting documents
- Public comments received prior to 12noon July 2, 2026

Table 1. Comparison of Proffered Number of Units and Bedrooms

	August 2025		April 2026		July 2026	
	Units	Bedrooms	Units	Bedrooms	Units	Bedrooms
Total Units and Bedrooms	Proffered a maximum of 265 units	Did not proffer a maximum number of bedrooms	Proffered a maximum of 250 units	Proffered a maximum of 555 bedrooms	Proffered a maximum of 180 units	Proffered a maximum of 440 bedrooms
1-bedroom or Studio	Proffered a minimum of 25% of dwelling units will be 1-bedroom (This is equal to 67 units of 265 units)	Equal to 67 bedrooms	Proffered a minimum of 110 1-bedroom units	Equal to 110 bedrooms (This is 20% of the maximum 555 bedrooms proffered)	Proffered a minimum of 72, 1-bedroom units	Equal to 72 bedrooms (This is 16% of the maximum 440 bedrooms proffered)
4-bedroom	Proffered a maximum of 40% dwelling units will be 4-bedroom (This is equal to 106 units of 265 units)	Equal to 424 bedrooms	Proffered a maximum of 85, 4-bedroom units	Equal to 340 bedrooms (This is 61% of the maximum 555 bedrooms proffered)	Proffered a minimum of 85, 4-bedroom units	Equal to 340 bedrooms (This is 77% of the maximum 440 bedrooms proffered)
2- & 3-bedroom	If the proffered minimum 1-bedroom/studio and maximum 4-bedroom units are constructed, then 35% would be 2- or 3-bedrooms (This is equal to 92 units of 265)	Equal to 184 to 276 bedrooms	If the proffered minimum 1- bedroom /studio and maximum 4-bedroom units are constructed, then 22-35 units could be 2- or 3-bedrooms	If the proffered minimum 1-bedroom /studio and maximum 4-bedroom units are constructed, then 105 bedrooms could be within 2- and 3-bedroom units (This is 19% of the maximum 555 bedrooms proffered)	If the proffered minimum 1- bedroom/studio and maximum 4-bedroom units are constructed, then 9 to 14 units could be 2- or 3-bedrooms	If the proffered minimum 1- bedroom /studio and maximum 4-bedroom units are constructed, then 28 bedrooms could be within 2- or 3-bedroom units (This is 6% of the maximum 440 bedrooms proffered)

CITY OF HARRISONBURG

Rezoning

(R-3 to B-1C)

435, 445, 457, 473, 483 &
495 South Main Street and

282, 288, 294 & 298

South Liberty St

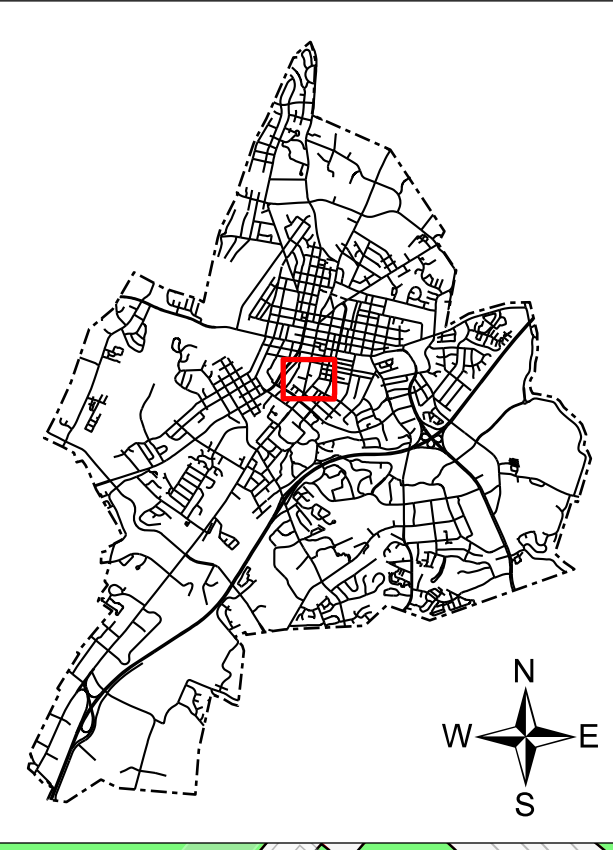
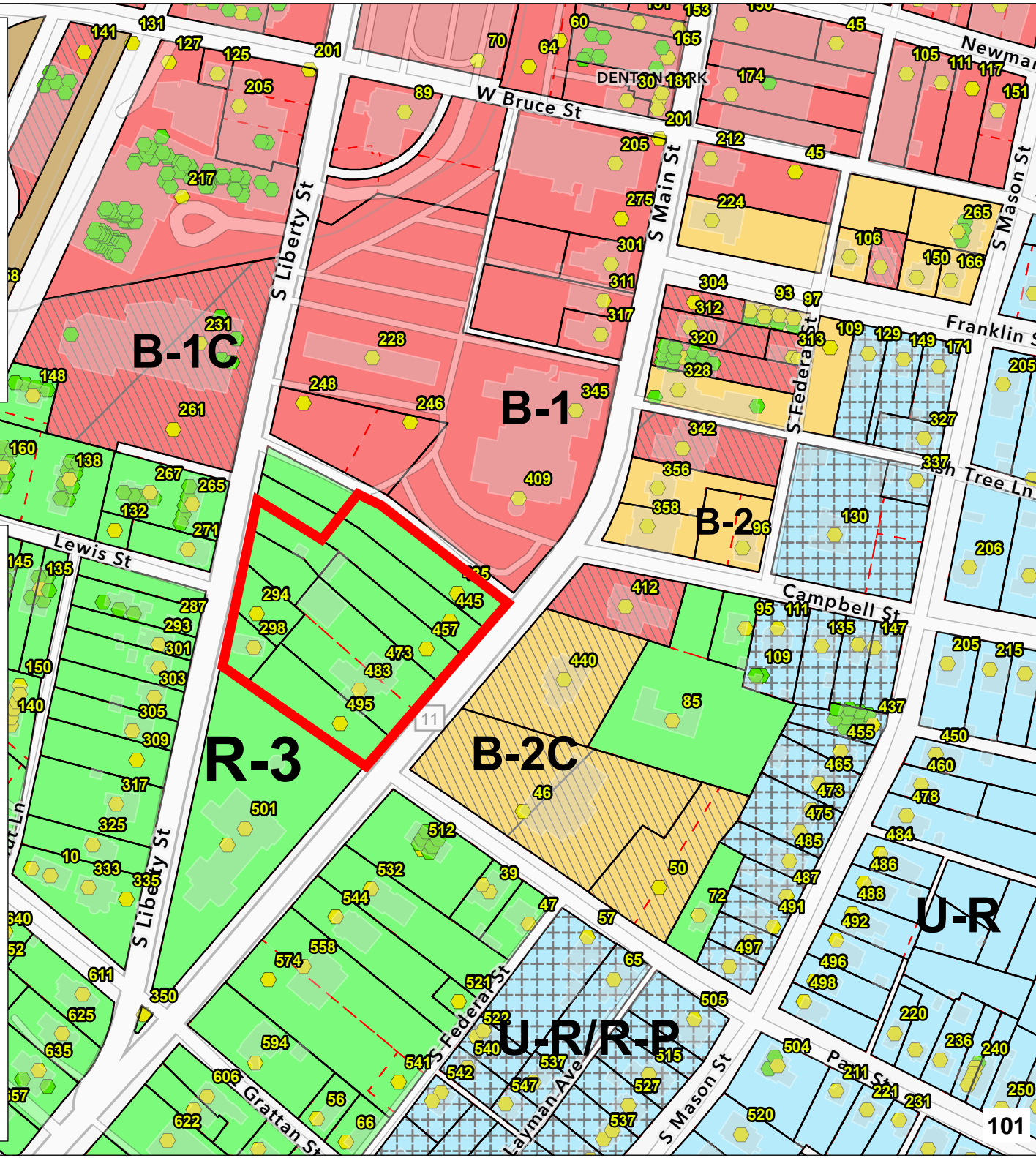
Tax Map Parcels:

25-J-2, 3, 4, 5, 6, 7,

15, 16, 17 and 18

+/- 2.75-acres

ZONING



CITY OF HARRISONBURG

Rezoning
(R-3 to B-1C)

435, 445, 457, 473, 483 &
495 South Main Street and
282, 288, 294 & 298

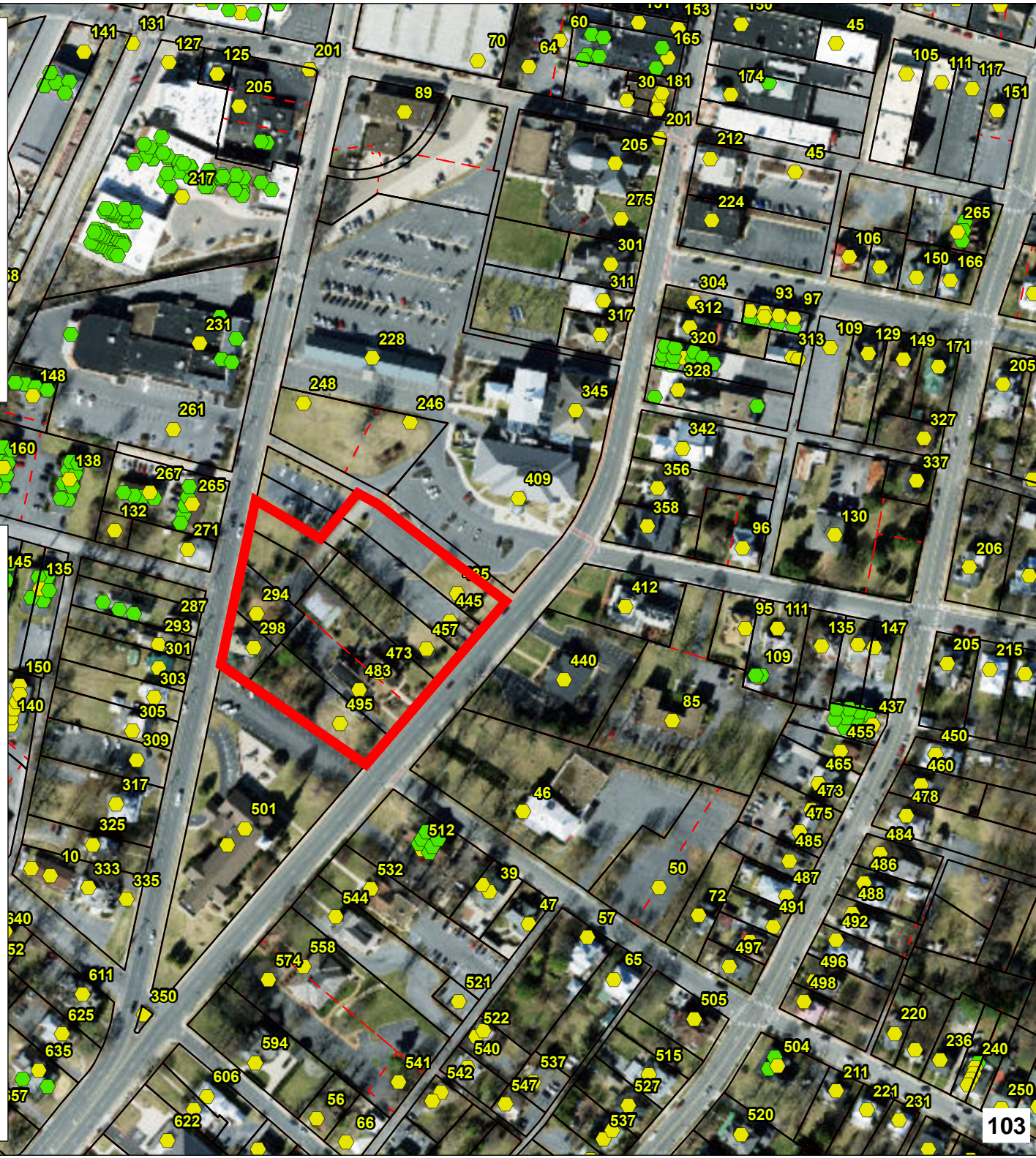
South Liberty St

Tax Map Parcels:

25-J-2, 3, 4, 5, 6, 7,

15, 16, 17 and 18

+/- 2.75-acres



CLARK & BRADSHAW, P.C.

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AMY L. RUSH, C.P.A.
NOT AN ATTORNEY

June 26, 2026

City of Harrisonburg
Community Development
Attn: Adam Fletcher, Director
409 South Main St.
Harrisonburg, VA 22801

Re: Change of Zoning District (Rezoning) Application
City Tax Map Parcels: 025 J 2, 3, 4, 5, 6, 7, 15, 16, 17, 18
Owners: Bernard, LC and Trenton, Inc.
Developer: TCP Link Harrisonburg, LLC
Project Address: 473 S. Main Street, Harrisonburg, VA 22801

Dear Mr. Fletcher,

On behalf of the property Owners and Developer (referred to jointly herein as “Applicant”), this updated Zoning Justification Letter will supplement the previously filed letter dated March 2, 2026, which was submitted along with a Change of Zoning District (“Rezoning”) Application, Proffer Statement, survey, Concept Plan, and application fee. The Applicant seeks a Rezoning from R-3 (Medium Density Residential District) to B-1C (Central Business District with proffered conditions) to allow for the development of a primarily residential mixed-use project with structured parking on the approximately 2.75 acre site comprised of ten tax parcels located at 473 S. Main Street, Harrisonburg, VA 22801, bearing City Tax Map numbers 025 J 2, 3, 4, 5, 6, 7, 15, 16, 17, 18 (“Subject Property”).

This supplement to the Zoning Justification Letter will highlight several important revisions to the Proffer Statement submitted in connection with the rezoning application in response to community and citizen feedback on the Project. In the interest of brevity, unless modified by this supplemental Zoning Justification Letter and related updated exhibits and filings, the detailed zoning justifications contained in the March 2, 2026 Letter remain valid as basis for the requested rezoning. City Staff, officials and the public are invited to review the March 2nd letter for that detailed discussion.

The Project, which was formerly know as “The Link” has been renamed by the Applicant and shall now be known as “The Lindsey”. While not a substantive change to the Project profile, given the significant changes to the Project outlined below, and given the family connection to the Subject Property over generations of Lindsey family ownership, the Applicant believes that connecting the Project with the Lindsey family name is valuable for community context and the Lindsey family.

The Revised Proffer Statement and Exhibits submitted along with this supplemental Zoning Justification Letter are summarized as follows:

1. The primary residential building structure has been reduced from six (6) floors to four (4) floors of residential units with a maximum building and parking garage height of 52’ for all buildings on the Subject Property with an additional 3’ for equipment and architectural features above the roof level with appropriate screening. The parking garage has reduced from seven (7) parking levels to five (5) parking levels. Updated Proffer exhibits have been filed showing the reduced height Project from several vantage points. These maximum height revisions bring the building scale into alignment with the height of the new City Hall building adjacent to the Subject Property.
2. Maximum unit count has been reduced to 180 residential units and maximum number of bedrooms has been reduced to 440.
3. The unit mix has been revised to accommodate for reducing building height by two stories, but without increasing the maximum number of 4-bedroom units.
4. Proffered commercial space at the corner of Paul and Main has been retained to activate that streetscape.
5. The previously proffered Parking MOU for up to 65 public/civic parking spaces has been withdrawn and removed from the Proffers. This allows the Project to maintain adequate parking ratios for resident parking in order to minimize parking impacts to surrounding properties and streets.
6. All impact cash proffers have been retained at a level generally proportionate to the number of units and bedrooms proffered for the Project reflecting a consistent commitment to addressing these impact areas reflective of the smaller Project size.
7. The Paul Street extension, sidewalk improvements, landscaping, garage façade screening and streetscaping proffers have all been maintained as consistent with prior Proffers submitted for the Project.

The Applicant reiterates the positive impact of the Project in the following key land use and downtown design elements detailed in the March 2, 2026 Zoning Justification Letter under the categories of Transportation Improvements, Fiscal Benefits, Community Cohesion, Open Space Synergy and Affordable Housing. The Parking Solutions section is modified for the withdrawal of the Parking MOU Proffer but retains Proffers relating to a parking impacts cash proffer, EV charging stations, ample covered bike storage and on-site management to address any parking conflicts or impacts on a real-time basis.

This Rezoning continues to represent a significant opportunity to transform an underutilized property into a valuable community asset that aligns with the City's long-term planning goals. The project will create jobs during construction and operation phases, significantly increase Downtown housing supply, tie the JMU and downtown communities together visually to enhance Downtown economic activity, and generate substantial tax revenue that will benefit the City for decades to come. The Rezoning request to B-1C aligns with any logical extension of the existing B-1 District filling the full width between Main and Liberty Streets in the downtown core. The Land Use justifications for approving the requested rezoning remain compelling and in alignment with existing City Plans and as evidenced by consistent City Planning Staff and Planning Commission recommendations for approval of the Project.

Finally, the Applicant has continued to make significant and meaningful responses to community priorities and concerns regarding Project raised during the extensive entitlement process as reflected in the revised Proffer Statement for the Project, and most significantly the materially reduced building and garage heights.

Thank you for your assistance and cooperation. If you have any questions, please do not hesitate to contact me.

Sincerely,



Todd C. Rhea

REZONING REQUEST PROFFER STATEMENT, AS
(Conditions for this Rezoning Request)

Applicant/Developer:
TCP Link Harrisonburg LLC
2400 Liberty Street, Suite 300
Harrisonburg, VA 22801

Owners:
Bernard, LC
Tax Map Parcel: 025 J 3 & 4
0.69 acres
473 S. Main Street
Harrisonburg, VA 22801

Trenton, Inc.
Tax Map Parcels: 025 J 2, 5, 6, 7, 15, 16, 17, 18
2.01 acres
473 S. Main Street
Harrisonburg, VA 22801

Total Acreage: 2.75 +/-

Dated: June 4, 2025; Revised July 1, 2025; Revised February 10, 2026; Revised March 2, 2026;
Revised March 4, 2026; Revised March 25, 2026; Revised June 26, 2026

TO THE MEMBERS OF THE COUNCIL OF THE CITY OF HARRISONBURG

Property Information

The Applicant (also referred to herein as “Developer”) and the Owners of the above-described parcels, containing approximately 2.75 acres +/- of land (the “Property”), have petitioned the City of Harrisonburg, Virginia (the “Council”) for a Change of Zoning District (“Rezoning”) from R-3 (Medium Density Residential District) to B-1C (Central Business District with proffered conditions) to allow for the development of a primarily residential mixed-use project (“Project”) as shown on the Concept Plan prepared by Monteverde Engineering dated June 1, 2026 (“Concept Plan” or “CP”) which depicts the Property delineated in the Rezoning application filed with the City.

Proffers

In furtherance of the requested Rezoning, the Applicant and Owners hereby proffer that in the event the Council approves the Rezoning of the Property from R-3 (Medium Density Residential District) to B-1C (Central Business District with proffered conditions), then the development on the Property shall be done in conformity with the terms and conditions as set forth herein, except to the extent that such terms and conditions may be subsequently amended or revised

by the Applicant and Owners and such be approved by the Council in accordance with Virginia law. These Proffers shall be binding upon Applicant, Owners, and their legal successors or assigns and shall run with the Property. The Applicant and Owners hereby agree that the proposed Rezoning itself gives rise to the need for these Proffers, that the Proffers have a reasonable relation to the proposed Rezoning, and that all conditions are in substantial conformity with the City's Comprehensive Plan. This Proffer Statement shall supersede and replace in full any previously filed Proffer Statement(s) for the Property in connection with the Application.

The Applicant and Owner hereby voluntarily proffer that, if the Council acts to rezone the Property as requested, the Applicant and Owners shall develop the Property in general accord with the following proffers pursuant to Sections 15.2-2303 and 15.2-2303.4, et al., of the Code of Virginia, 1950 as amended, and pursuant to Section 10-3-123, et al., of the City Of Harrisonburg Code of Ordinances, the Applicant and the Owners, or their successors and assigns, will provide the following:

I. Development Standards:

a. The development of the Property in terms of primary building structure location, parking garage location, and public street access points shall be in substantial conformance with the Concept Plan. The Concept Plan may be modified during site plan review as needed to meet applicable local, state, and federal requirements and otherwise deemed necessary/beneficial during the Comprehensive Engineered Site Plan ("Site Plan") approval process with approval by the Department of Community Development.

b. The maximum number of residential dwelling units on the Property shall not exceed 180 units. The maximum number of bedrooms on the Property shall not exceed 440.

c. A minimum of 40% of the maximum proffered residential dwelling units (as provided in proffer I.b. above) will consist of studio or one-bedroom apartments (for clarity, a minimum of 72 studio or one-bedroom apartments).

d. A maximum of 47.5% of the maximum proffered residential dwelling units (as provided in proffer I.b. above) will consist of four (4) bedroom apartments (for clarity, a maximum of 85 four (4) bedroom apartments). No dwelling units will consist of more than four (4) bedrooms.

e. A minimum of 2,500 square feet and a maximum of 5,000 square feet of commercial space shall be completed on the southeast corner of the first floor of the primary structure and along the Paul Street and South Main Street frontages. Commercial tobacco, smoke or vape shops uses shall be prohibited on the Property.

f. Reserved

g. The Project shall be designed to include many architectural features intended to scale down the massing of the building by incorporating materials of various styles and

elevations and by articulating the façade both vertically and horizontally with elements such as fluctuating parapet heights and depths, and containing multiple building projections including unit balconies, cornices, trim, sun shades in general conformance with the building elevations titled “Proposed Housing Project – 473 South Main Street, Harrisonburg, VA – View 1, View 2, View 3” (3 pages), dated June 5, 2026 and filed with these Proffers. Final colors, finishes, materials and exact exterior specifications shall be subject to final construction documents, Site Plan approval, and material availability.

h. The height of all buildings on the Property shall be limited to fifty-two feet (52’) as defined under “Building, height of” in the City Code of Ordinances Section 10-3-24. Rooftop structures such as solar panel installations, HVAC units and other mechanical equipment and parapets shall be permitted up to fifty-five feet (55’) per the “Building, height of” definition so long as those structure installations are screened from public view. It is the intent of the Applicant that Curb Grade shall be measured at the midpoint of the Paul Street extension frontage, with the primary entrance of the building being located on Paul Street as shown on the Concept Plan.

i. The parking garage’s north facing wall and west facing building plane will contain at least one of the following exterior screening/décor features: a green wall (living plants), screening trees, mural art, sculptural screens, installed landscaping, lighting and other screening and exterior décor features. The gross coverage area of each of the north and west facing garage wall building planes will be at a minimum of 60% surface coverage. For any tree plantings or living wall installations being counted as part of the minimum screening coverage ratio, detailed planting types and screening dimensions at levels of maturity will be submitted for review and approval by the Zoning Administrator as a supplement to the Site Plan.

j. The primary structure will include design elements and rough-in measures to allow for future installation of solar panels on a portion of the roof of the main building structure. Such measures include structural support considerations, electrical conduits, and placement of rooftop HVAC units.

k. The Property shall be managed by a qualified third-party property management company experienced in the management of comparable multifamily properties. The management company shall be responsible for the day-to-day operation of the Property, including but not limited to:

- (1) marketing and leasing,
- (2) resident services and community programming,
- (3) enforcement of lease provisions, noise and lighting impacts and community rules,
- (4) property maintenance, repairs, and unit turnover,
- (5) capital improvements as needed, and
- (6) parking management and enforcement.

The Developer or any successor owners shall designate with the City a local management representative who shall be available to respond to operational issues or concerns. The Property shall maintain on-site staffing located in Harrisonburg, Virginia, which may include, but shall not be limited to, a property manager, leasing personnel, resident services staff and maintenance personnel.

Nothing in this proffer shall prevent the Developer or any successor owner from changing property management companies, provided that the Property continues to be professionally managed in accordance with this proffer.

II. Transportation Improvements:

a. A public street extension of Paul Street shall be designed and constructed as generally shown on the Concept Plan with sidewalks on both sides of the street and designed to accommodate 2-way traffic. Final width and configuration of this new public street extension will be reviewed and approved by Public Works during Site Plan approval.

b. The new Paul Street public street extension will be dedicated to the neighboring property line of Harrisonburg Baptist Church (“HBC”). The street will be designed and installed to accommodate entrances from the existing HBC parking lot onto the public street extension with locations shown on the Concept Plan and to be reviewed and approved by City Public Works during Site Plan approval, and with the approval of HBC. Upon HBC request and City approval, Developer will install curb, gutter and sidewalk extensions consistent with the installations on the Subject Property across the former (closed) Main and Liberty Street entrances to the HBC parking lot. Street bump-outs along South Main Street will be designed and installed as approved by Public Works during Site Plan approval in the locations as generally depicted on the Concept Plan. Public Works may, in its sole discretion, waive, in whole or in part, the completion of bump-outs.

c. At a minimum, sidewalks shall be constructed to conform with City standards along all public street frontages of the Property. The South Main Street and Liberty Street sidewalks along the length of the subject property shall be designed and constructed to match the width, material, and appearance of the sidewalk fronting the adjacent City Hall and Build Our Park properties, respectively, to be reviewed and approved by Public Works during the Site Plan approval process. Where new sidewalk width exceeds existing rights-of-way, public pedestrian access easements shall be granted to the City.

d. A minimum of two sidewalk connections will be made from the north property line of the Property connecting to adjacent City-owned parcels (City tax map numbers 25-J-10, 19, 20, 21 or 22). The specific locations of these connections shall be determined in consultation with and approved by the City during the Site Plan approval process. These two proffered north boundary pedestrian connections are in addition to, and do not include, the existing sidewalk connections fronting South Main and South Liberty Streets.

e. A cash contribution shall be provided to the City upon request in the amount of Forty-Five Thousand Dollars (\$45,000.00) for traffic-calming improvements to Paul Street

and/or connecting streets. The City may request funding for any traffic calming improvements that are selected through the City's Neighborhood Traffic Calming Program on Paul Street (or connecting streets) between South Main Street and Martin Luther King, Jr. Way. The cash contribution may be requested by the City after the issuance of the first Certificate of Occupancy for the Property and shall be provided within 180 days of the City request. The City shall make any request for a cash contribution under this proffer within five (5) years of the issuance of the first Certificate of Occupancy for the Property (and may make multiple requests up to the aggregate cash contribution amount).

f. All proffered Transportation Improvements in this section II, unless specifically provided otherwise, shall be substantially complete prior to the issuance of the first Certificate of Occupancy.

III. Parking/Access Improvements:

a. A minimum of 320 structured parking spaces shall be provided on the Property. The structured parking spaces shall be substantially completed and open for public use prior to the issuance of the first Certificate of Occupancy (or Temporary Certificate of Occupancy) for the Property.

b. Reserved.

c. A minimum of ten (10) Level 2 or better (or equivalent to current Level 2 technology or better) electric vehicle charging stations shall be installed and maintained within the structured parking deck.

d. Secure indoor/covered bicycle storage for a minimum capacity of ninety (90) bikes shall be installed and maintained on the Property. A minimum of sixteen (16) exterior bike parking spaces shall be installed and maintained on the Property.

e. Coordinated back of stage access and turnaround as generally shown on the Concept Plan will be designed and installed in coordination with the timing of installation of adjacent Park improvements as constructed by the City or a third party. An ingress and egress easement shall be granted to the City or appropriate Park authority for this Park access within ninety (90) days of Site Plan approval or City request associated with Park construction needs, whichever first occurs, with the simultaneous release of the existing City access easement (found recorded at Deed Book 5542 at Page 793) located over a portion of the Property.

f. A cash contribution will be made to the City for parking enforcement or enhancements to the City's public permit parking programs in the amount of Twenty-two Thousand Five Hundred Dollars (\$22,500.00) in order to offset parking related impacts from the Project. Such cash contribution shall be delivered to the City within thirty (30) days of the issuance of the first Certificate of Occupancy for the Project.

IV. Amenities:

a. A minimum of 8,000 square feet of indoor amenity & common spaces on the Property, and a minimum of 15,000 square feet of outdoor amenity space will be installed and maintained on the Property. Amenities may be placed within the primary building structure, courtyard/atriums or parking garage areas so long as they enclosed from public view.

b. The development shall incorporate pedestrian-scale lighting, street furniture (minimum of six (6) separate outdoor seating locations), and landscaping along public street frontages of the Property. Street furniture shall include, at a minimum, trash receptacles and varied seating options. Landscaping shall include, at a minimum, one (1) large deciduous tree or two (2) small deciduous trees or combination thereof at same ratios, planted for each 50 linear feet of street frontage of the Property. Up to 50% of the large tree requirement may be substituted with ten (10) shrubs or ornamental grasses, or any combination thereof at the same specified ratios. Trees and shrubs may be clustered. All improvements and installations contained in this section (including pedestrian area refuse management) shall be completed or bonded for completion prior to the issuance of the first Certificate of Occupancy for the Property.

c. The development shall incorporate pedestrian-scale lighting and landscaping where pedestrian facilities are provided along the northern property lines. Lighting may be limited where necessary to avoid light trespass in excess of City standards, unless otherwise permitted via City Council waiver. Landscaping shall include, at a minimum, one (1) large deciduous planted tree for each 50 linear feet of property line north of the development. Up to 50% of required large deciduous trees may be substituted (per tree) with two (2) small deciduous or evergreen trees, ten (10) shrubs or ornamental grasses, or any combination thereof at the same specified ratios. Trees and shrubs may be clustered. Any trees or other landscaping placed to satisfy this proffer may also count towards screening requirements provided in Proffer I.i. above. All improvements and installations contained in this section shall be completed or bonded for completion prior to the issuance of the first Certificate of Occupancy for the Property.

d. The Zoning Administrator may allow reduction or modification of tree and landscaping commitments contained in this article to meet public safety requirements from applicable City departments including Harrisonburg Fire Department, Harrisonburg Police Department and Public Works. The applicant shall demonstrate to the Zoning Administrator that alternatives to meet requirements have been explored and exhausted before the Zoning Administrator approves reduction or modification.

V. Affordable Housing:

a. A cash contribution to the City to fund affordable housing or housing programs or initiatives in the amount of Seventy Thousand Dollars (\$70,000.00) to offset impacts to City housing affordability from the Project. Such cash contribution shall be delivered to the City at the time of the issuance of the first Certificate of Occupancy for the Project.

VI. Implementation:

These proffers shall take effect upon approval of the rezoning by the City Council. We hereby proffer that the development of the subject property on this application shall be in strict accordance with the conditions set forth in this submission.

In witness whereof, the Applicant/Owner has caused these Proffers to be executed as follows:

APPLICANT:

TIMBERWOLF CAPITAL PARTNERS LLC

By: John T. Hoover III (SEAL)
7BAE9A41CB4C47B...
John T. Hoover, III, Managing Partner

Date: 6/26/2026

OWNER:

BERNARD, LC

By: Dr. William Lindsey (SEAL)
8638B65167D5426...
Dr. William Lindsey, Manager

Date: 6/26/2026

OWNER:

TRENTON, INC.

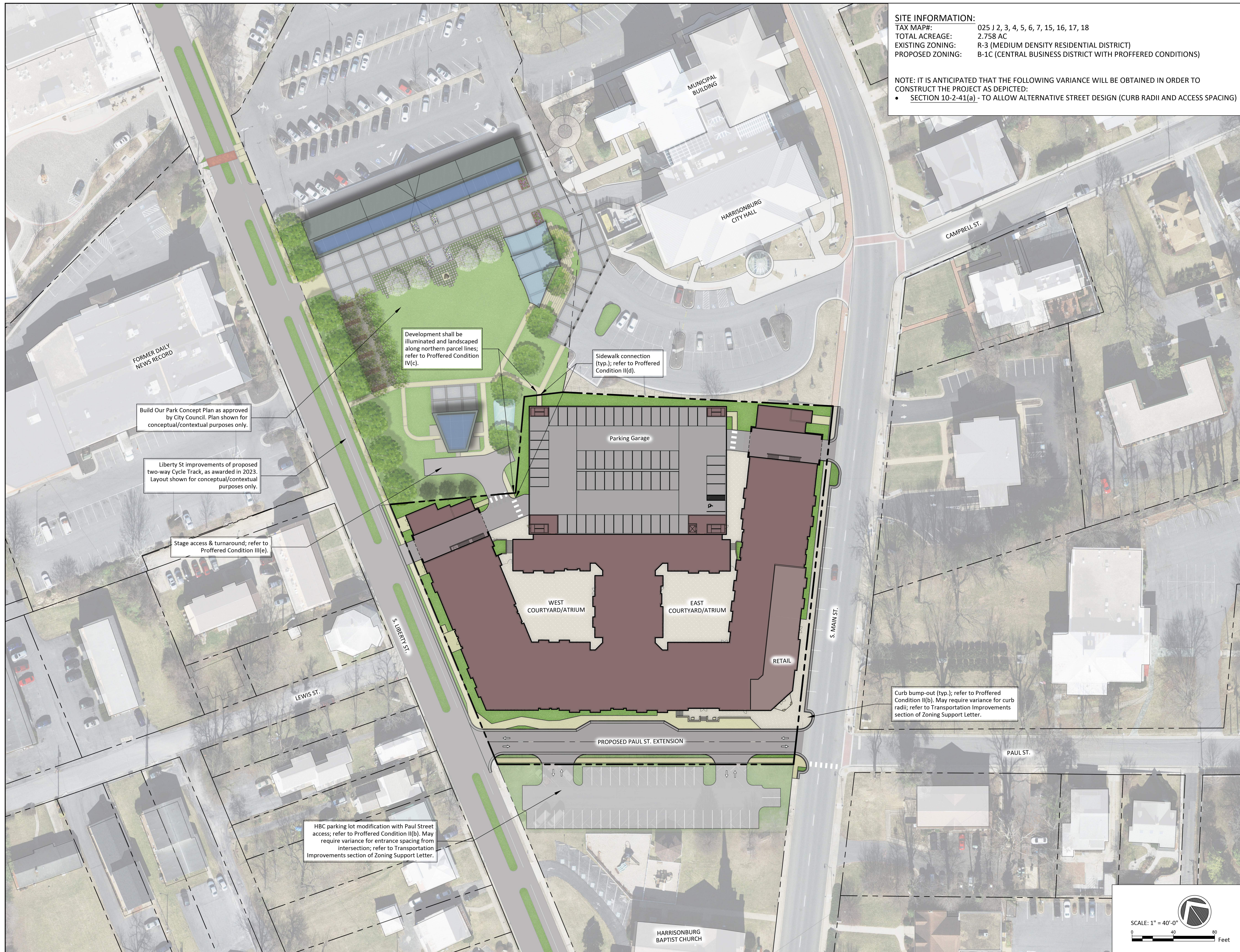
By: Dr. William Lindsey (SEAL)
8638B65167D5426...
Dr. William Lindsey, President

Date: 6/26/2026

SITE INFORMATION:
 TAX MAP#: 025 J 2, 3, 4, 5, 6, 7, 15, 16, 17, 18
 TOTAL ACREAGE: 2.758 AC
 EXISTING ZONING: R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT)
 PROPOSED ZONING: B-1C (CENTRAL BUSINESS DISTRICT WITH PROFFERED CONDITIONS)

NOTE: IT IS ANTICIPATED THAT THE FOLLOWING VARIANCE WILL BE OBTAINED IN ORDER TO CONSTRUCT THE PROJECT AS DEPICTED:

- SECTION 10-2-41(a) - TO ALLOW ALTERNATIVE STREET DESIGN (CURB RADII AND ACCESS SPACING)



FORMER DAILY NEWS RECORD

Build Our Park Concept Plan as approved by City Council. Plan shown for conceptual/contextual purposes only.

Liberty St improvements of proposed two-way Cycle Track, as awarded in 2023. Layout shown for conceptual/contextual purposes only.

Stage access & turnaround; refer to Proffered Condition III(e).

Development shall be illuminated and landscaped along northern parcel lines; refer to Proffered Condition IV(c).

Sidewalk connection (typ.); refer to Proffered Condition II(d).

Parking Garage

WEST COURTYARD/ATRIUM

EAST COURTYARD/ATRIUM

RETAIL

PROPOSED PAUL ST. EXTENSION

Curb bump-out (typ.); refer to Proffered Condition II(b). May require variance for curb radii; refer to Transportation Improvements section of Zoning Support Letter.

HBC parking lot modification with Paul Street access; refer to Proffered Condition II(b). May require variance for entrance spacing from intersection; refer to Transportation Improvements section of Zoning Support Letter.

PLAN OF DEVELOPMENT
LINDSEY PROPERTIES
 473 S. MAIN STREET, HARRISONBURG, VA 22801

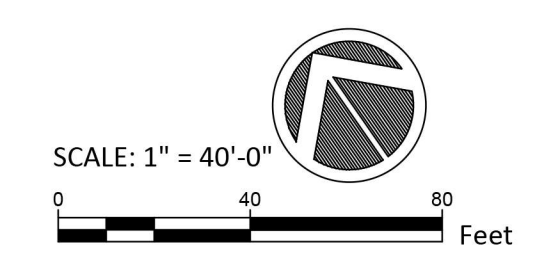
Revisions:

No.	Description	Date

PRELIMINARY ISSUE
 NOT FOR CONSTRUCTION

CONCEPT PLAN

Project number:	24024C
Date:	JUN 01, 2026
Drawn by:	OP
Checked by:	SOR





PROPOSED HOUSING PROJECT | 473 SOUTH MAIN STREET HARRISONBURG VA

VIEW 1

01

06 | 05 | 2026

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PROPOSED HOUSING PROJECT | 473 SOUTH MAIN STREET HARRISONBURG VA

VIEW 2

02

06 | 05 | 2026

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PROPOSED HOUSING PROJECT | 473 SOUTH MAIN STREET HARRISONBURG VA

VIEW 3

03

06 | 15 | 2026

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The Link Rezoning Comments - Paul St Extension

From Steven Tennyson [REDACTED]
Date Fri 6/26/2026 1:27 PM
To CD Planning <CDPlanning@harrisonburgva.gov>

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

Dear Ms Dang,
Please share the comments below regarding the proposal of the rezoning of 473 South Main Street with the members of the Harrisonburg Planning Commission in anticipation of their July meeting. Please include them in the agenda packet for the public record.

Respectfully,
Steven Tennyson

A Formal Objection to the Paul Street Extension as Part of The Link Development

Dear Planning Commission Members,

I am writing to formally object to the apparent use of the subdivision ordinance process to approve elements of the proposed Paul Street extension that would otherwise require a variance under the City's zoning and development standards.

At issue is not simply the design of the Paul Street extension, but the procedural pathway being used to authorize it.

Under established land use principles, when a proposed development cannot meet required standards—whether related to roadway design, connectivity, right-of-way, or other dimensional or infrastructure requirements—the appropriate mechanism for relief is a variance. The variance process exists specifically to ensure that deviations from adopted standards are:

- Justified by a demonstrated hardship,
- Limited in scope, and
- Evaluated through a quasi-judicial process with clear evidentiary standards and meaningful public input.

In contrast, the subdivision approval process is administrative or legislative in nature, intended to assess compliance—not to grant relief from standards.

In this case, the subdivision process appears to be functioning as a substitute for a variance. If the Paul Street extension, as proposed, does not meet applicable requirements, then its approval through

subdivision review constitutes a de facto variance without adherence to the legal standards required for one.

This raises several significant concerns:

1. Avoidance of Legal Standards

The hardship test, central to any variance request, has not been demonstrated. Instead, the design is being advanced without the burden of proof required under a variance process.

2. Circumvention of Quasi-Judicial Review

The Board of Zoning Appeals exists to evaluate deviations based on evidence and legal criteria. That level of scrutiny is not present in subdivision approval.

3. Diminished Public Accountability

The variance process ensures focused public engagement tied to specific findings. Subdivision review does not provide the same procedural safeguards.

4. Creation of a Precedent

Allowing ordinance requirements to be bypassed through process selection undermines the integrity of the City's regulatory framework and invites similar circumvention in future developments.

For these reasons, I respectfully request that the City:

- Determine whether the proposed Paul Street extension meets all applicable standards without modification;
- If not, require that the applicant seek appropriate relief through the variance process before any subdivision approval is granted;
- Clarify that subdivision review cannot be used to waive or reinterpret standards in a manner that would otherwise require a variance.

At its core, this is a question of process integrity. If a variance would be required under one pathway, it should not be avoidable by proceeding under another.

Thank you for your consideration of this matter and for your commitment to consistent and transparent application of the City's ordinances.

Respectfully,

Steven Tennyson

507 Paul Street

The Link - Comments for Planning Commission

From Jennifer [REDACTED]
Date Thu 7/2/2026 8:45 AM
To Thanh Dang <Thanh.Dang@harrisonburgva.gov>

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

Hello! Please forward to the Planning Commission for the July 8th meeting.

Dear Planning Commission,

The City has acknowledged that its zoning ordinance no longer reflects Harrisonburg's vision for the future and has begun a comprehensive rewrite.

Downtown, historic neighborhoods, and transition areas deserve careful study as new standards are developed. Those conversations are intended to answer the very questions raised by this proposal: What is appropriate at the gateway to downtown? How should new development relate to historic neighborhoods? What should mixed-use development really look like? Where should student housing be situated in our city?

If these questions are important enough to spend years rewriting the ordinance, they are important enough to answer before approving one of the most consequential rezonings the City has considered in decades.

Approving a large, student-oriented rezoning now risks establishing a precedent under rules the City has already determined are outdated.

This is not an argument against growth or housing; it is an argument for thoughtful planning with input from the citizens. Complete the zoning rewrite first, establish clear expectations that reflect Harrisonburg's long-term vision, and then evaluate projects against those standards.

I am opposed to rezoning of the Lindsey Funeral Home property.

Regards,

Jennifer Cunningham

Old Town Resident

B1C

From Bobby Lifka [REDACTED]
Date Thu 7/2/2026 10:16 AM
To CD Planning <CDPlanning@harrisonburgva.gov>

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

Really, what is it that you folks do not get. This new submission is just lipstick on a pig. We do not want any large housing development downtown. We do not want some large cinder block building, parking garage, and the headaches from a student housing building. The smoke and mirrors of this project is unbelievable, and so is the developer just trying to cash in and leave us holding the mess in time. You ALL have an obligation to support the community's wishes. Scrap the project and put up the park that was promised in this green space.

Bobby Lifka

COMMENTS REGARDING THE PROPOSED REZONING OF 473 SOUTH MAIN STREET (THE LINDSEY)

Submitted to the Harrisonburg Planning Commission

**Jeffrey Roy
519 Paul Street
Harrisonburg, Virginia**

Executive Summary

I respectfully request that the Harrisonburg Planning Commission recommend denial of the requested rezoning for the following reasons:

Key Concerns

- The proposal remains student housing by design despite being described as mixed-use.**
- The requested rezoning is permanent, while the proposed building and future ownership are not.**
- The revised proposal reduces numbers but leaves the fundamental planning concerns unchanged.**
- Existing neighborhood streets, sidewalks, and intersections were not designed for this level of residential intensity.**
- Parking remains inadequate relative to the project's size.**
- Downtown 2040 calls for thoughtful growth that balances redevelopment with neighborhood compatibility and preservation.**
- Since this proposal was first introduced, the planning context has changed, including JMU's Campus Master Plan emphasizing additional on-campus housing and intentional enrollment management.**
- The existing zoning already allows meaningful development. The question before the Commission is whether this additional intensity is appropriate.**
- The surrounding neighborhood already functions as an important pedestrian and vehicle connection between Downtown, James Madison University, and adjacent residential areas. The project's impacts will therefore extend well beyond the development site.**

The following comments explain each of these concerns in greater detail.

Introduction

Planning Commission Members,

Thank you for your continued service to the City of Harrisonburg and for your thoughtful consideration of this rezoning application.

Over the past several months, I have attended public meetings, reviewed the rezoning application and supporting materials, listened carefully to both supporters and opponents, and made a genuine effort to evaluate this proposal through the lens of the City's adopted Downtown 2040 Plan rather than emotion alone.

I appreciate the applicant's willingness to revise the proposal. The reduction in residential units, bedrooms, and building height demonstrates that public input was considered to some degree. However, after reviewing the revised application, I remain convinced that these changes reduce the project's size without resolving the fundamental concerns that led many residents to oppose the original proposal.

My family chose to live in this neighborhood knowing that James Madison University was already an important part of our community. We accepted that reality and have enjoyed living in a neighborhood where students and long-term residents coexist. **My opposition to this rezoning should not be interpreted as opposition to students, growth, or development. Rather, it reflects my belief that this particular rezoning is inconsistent with the planning vision established in Downtown 2040 and would permanently alter a neighborhood in ways that the current zoning does not permit.**

The Permanent Nature of Rezoning

Zoning decisions are among the most permanent decisions a local government makes. Buildings may eventually be renovated or replaced. Property ownership changes. Businesses come and go. Residents change over time. The zoning, however, remains until a future governing body determines otherwise.

For that reason, **I believe the Commission's responsibility extends beyond evaluating the building proposed today. It must also consider the long-term precedent established by permanently changing the allowable intensity of development on this property.**

The existing R-3 zoning already permits meaningful development of this site. The question before the Commission is therefore not whether this property should be developed—it certainly can be. **The question is whether Harrisonburg should permanently authorize a substantially greater level of intensity and the corresponding impacts that accompany this requested rezoning.**

Student Housing by Design

Although the proposal is described as a mixed-use development, I remain concerned that its design continues to function primarily as student-oriented housing.

The revised application still permits up to 85 four-bedroom apartments while requiring only 2,500 to 5,000 square feet of commercial space.

While the applicant has stated that the project is intended to serve a variety of residents, the building configuration, unit mix, and proximity to James Madison University strongly suggest that students will likely remain the primary residential market for this development.

Mixed-use development should be more than a small commercial component beneath a predominantly residential building. In both design and function, this proposal remains overwhelmingly residential, and remains substantially more consistent with student-oriented housing than with a balanced mixed-use development.

The Project's Impacts Extend Beyond the Property Line

One of my greatest concerns is that the discussion surrounding this proposal has focused primarily on what occurs within the development itself.

The project's impacts, however, will not remain within its property boundaries. Without the requested rezoning, the additional intensity—and many of the corresponding impacts discussed throughout this letter—would not exist.

Every resident, visitor, delivery driver, rideshare vehicle, cyclist, and pedestrian generated by this development will ultimately enter Harrisonburg's existing transportation network. These neighborhood streets are not simply local roads. They function as important connections between Downtown, James Madison University, and surrounding residential neighborhoods. As a result, the project's impacts will naturally disperse well beyond the boundaries of the site itself. **Those impacts—not the amenities provided within the development—are what the Planning Commission is being asked to evaluate.**

This proposal should therefore be considered not only as an individual building, but as a **permanent addition to an established neighborhood whose streets, sidewalks, intersections, and infrastructure were designed for a substantially lower level of residential intensity.**

One additional consideration is the structure of the surrounding street network itself. The residential streets east of the proposed development do not function independently. Rather, many of them ultimately rely on Paul Street as their primary connection to Martin Luther King Jr. Way and the broader transportation network. Consequently, additional pedestrian and vehicle trips generated by this development would not remain isolated to the development site but would be concentrated along an existing neighborhood corridor that already serves multiple residential streets.

Traffic, Pedestrian Safety, and Neighborhood Infrastructure

Traffic discussions often focus on vehicle counts. I believe the **more important consideration is the number of conflict points created by introducing hundreds of additional residents into an existing neighborhood.**

The surrounding streets already serve a diverse mix of pedestrians, including James Madison University students, downtown visitors, families, cyclists, and long-time residents. While sidewalks exist along portions of the surrounding neighborhood, they do not provide continuous pedestrian connections. Several neighborhood streets transition from sidewalks to shared travel lanes as pedestrians move farther into residential areas.

Likewise, neighborhood streets such as Paul Street, Mason Street, Ott Street, Preston Avenue, Myers Avenue, and others already present challenges due to roadway width, on-street parking, and limited sight distances. Paul Street rises from the proposed development into the neighborhood, while intersections throughout the area experience reduced visibility created by roadway geometry and parked vehicles. Likewise, Paul Street serves as the only direct connection to Martin Luther King Jr. Way for several nearby residential streets. Consequently, additional neighborhood traffic generated by the project has the potential to affect not only Paul Street itself but also the surrounding residential street network that depends upon it for access.

Students frequently choose neighborhood streets rather than the primary arterial roads when traveling between campus and off-campus housing. This existing pattern of pedestrian and vehicle travel should be recognized when evaluating the cumulative impacts of additional residential density.

These conditions already require drivers, cyclists, and pedestrians to exercise caution. Increasing neighborhood intensity without corresponding improvements to the surrounding public infrastructure increases the potential for conflicts that extend well beyond the property itself.

During previous discussions, the City's traffic engineer acknowledged that existing traffic concerns are already present within this area and suggested that additional mitigation could be considered in the future if warranted. I respectfully question whether intentionally increasing development intensity while postponing transportation improvements until after impacts are experienced represents the most prudent planning approach. In my opinion, infrastructure should adequately support a development before additional intensity is introduced rather than relying on future taxpayer-funded improvements after problems become apparent.

Parking

Although the revised proposal reduces the number of bedrooms, it also reduces the amount of structured parking.

As a result, the underlying parking concerns remain largely unchanged.

The proposal still provides a minimum of 320 structured parking spaces for up to 440 bedrooms and permits up to 85 four-bedroom apartments.

Overflow parking should not be viewed merely as an inconvenience; it also affects visibility at intersections, emergency access, and pedestrian safety on streets already constrained by their design.

Neighborhood streets such as Mason Street and Paul Street already accommodate significant on-street parking while functioning as important neighborhood connectors. Additional parking demand reduces visibility, narrows travel lanes, complicates emergency access, and increases conflicts among vehicles, cyclists, and pedestrians.

The revised proffers also include a \$45,000 contribution for future traffic-calming improvements. While appreciated, this contribution appears unlikely to address the full scope of improvements that may ultimately become necessary if neighborhood traffic impacts require additional mitigation.

Consistency with Downtown 2040

Harrisonburg's adopted Downtown 2040 Plan recognizes that Downtown should continue to grow and evolve. I fully support that vision. The question before the Planning Commission, however, is not whether growth should occur, but whether this particular rezoning achieves the balance the plan calls for between new development, neighborhood compatibility, walkability, preservation of historic character, and community-supported planning.

Although this proposal has been reduced in size, its fundamental characteristics remain largely unchanged. The requested rezoning is the same, the building footprint remains substantially similar, the Paul Street extension remains part of the proposal, and the development continues to function primarily as a large residential project. While I appreciate the applicant's revisions, I do not believe they resolve the underlying compatibility concerns that have been raised throughout this process.

This concern is reinforced by recent developments beyond the rezoning application itself. In 2026, Preservation Virginia placed the Harrisonburg Downtown Historic District on its List of Virginia's Most Endangered Historic Places. In announcing that designation, the organization noted that more than ten contributing historic structures have been lost within the district over the past decade and specifically identified this proposed apartment development as an additional challenge facing Downtown. Preservation Virginia concluded that "rightsizing infill development and encouraging the adaptive reuse of existing structures will help preserve downtown while allowing for new housing."

I recognize that Preservation Virginia does not determine local land-use policy, nor should it. However, I believe this independent assessment highlights the same planning challenge now before the Commission: how to accommodate growth while preserving the historic character and neighborhood compatibility that make Downtown Harrisonburg unique.

Downtown 2040 does not present growth and preservation as competing goals. Rather, it **envisions that both can be achieved through thoughtful, appropriately scaled development that complements surrounding neighborhoods and strengthens Downtown's identity. I respectfully submit that, even as revised, this proposal has not yet demonstrated that balance.**

Housing Need

I recognize that Harrisonburg continues to grow and that additional housing will be necessary in the years ahead.

Since this application was originally proposed, conditions surrounding student housing needs at JMU have evolved considerably.

James Madison University's Campus Master Plan now calls for housing approximately 60 percent of students on campus by 2040 and intentionally managing future enrollment growth. This represents a significant shift in the long-term planning context since this application was originally conceived. The University specifically recognizes that on-campus living improves student success, retention, community, and overall well-being.

Although the development is located near portions of James Madison University, students' daily transportation needs extend beyond classroom buildings to employment, shopping, medical appointments, recreation, and destinations throughout the City. Proximity to one edge of campus should therefore not be assumed to eliminate vehicle ownership or parking demand.

At the same time, Harrisonburg has approved numerous residential developments over the past several years, several of which have not yet been constructed or occupied, making the long-term housing supply still uncertain.

Given these changes, I question whether permanently rezoning adjacent residential neighborhoods for additional student-oriented private housing remains necessary or consistent with the University's own long-term vision.

Community Engagement

While I appreciate the applicant's efforts to engage the public, I did not feel the facilitated meetings represented a genuine opportunity to consider whether rezoning itself was appropriate.

Participants were invited to discuss modifications to a proposal that already assumed the requested rezoning would occur. Alternatives that maintained the existing zoning or explored fundamentally different development concepts were never meaningfully presented.

As a result, many residents—including members of the No to B-1C coalition—did not view the process as collaborative planning but rather as discussion regarding modifications to a predetermined proposal.

Not Opposition to Growth

Some have characterized residents who oppose this rezoning as opposing growth or development. I respectfully disagree with that characterization. Harrisonburg's future depends upon continued investment, additional housing, and responsible redevelopment. **My concern is not with growth itself, but with ensuring that growth occurs in a manner consistent with the City's adopted plans, compatible with existing neighborhoods, and supported by appropriate infrastructure. Those are the planning questions I respectfully ask the Commission to consider.**

Conclusion

My opposition to this rezoning should not be interpreted as opposition to development or to James Madison University.

However, not every proposal represents good planning.

The existing zoning already allows meaningful development of this property. The additional impacts discussed throughout this letter arise not from development itself, but from the substantially greater intensity made possible only through the requested rezoning.

Good planning is rarely measured by what can be built today. It is measured by whether the decisions we make today continue to serve our community decades from now.

I respectfully ask the Planning Commission to consider not only the building proposed before you, but also the permanent precedent this rezoning would establish. Because this property serves as one of the primary southern gateways into Historic Downtown Harrisonburg, today's decision will influence not only this parcel, but expectations for future redevelopment along this important corridor.

For these reasons, I respectfully request that the Planning Commission recommend denial of the requested rezoning.

Thank you for your careful consideration of these comments and for your continued service to the Harrisonburg community.

Respectfully,

Jeffrey Roy

**519 Paul Street
Harrisonburg**

Amy Roy

519 Paul Street
Harrisonburg, VA 22801

July 2, 2026

Harrisonburg Planning Commission
409 South Main Street
Harrisonburg, VA 22801

Re: Rezoning Application – The Lindsey (473 South Main Street)

Dear Planning Commission Members,

Thank you for taking the time to consider my comments regarding this application.

My family moved to Harrisonburg from Southern California in 2016. Like many people who relocate from larger metropolitan areas, we were drawn to Harrisonburg because it offered something that has become increasingly difficult to find: a vibrant downtown, established neighborhoods, and a genuine sense of community.

We immediately fell in love with the character of the city, particularly its historic downtown, where students, families, longtime residents, business owners, and visitors all share the same sidewalks, restaurants, parks, and community events. It was exactly the kind of welcoming, walkable community we had hoped to find.

In 2021, we intentionally chose to move even closer to downtown because we wanted to be able to walk to local restaurants, businesses, community events, and everything that makes downtown Harrisonburg special. We didn't choose this neighborhood because it was isolated from growth—we chose it because it represented the kind of thoughtfully planned, human-scale community that is becoming increasingly rare.

One of the reasons my family chose Harrisonburg was because it offered a different vision—one that embraces growth while preserving the character, charm, and sense of place that make the city unique. I hope those qualities continue to define Harrisonburg as it grows.

Because of that, I have never viewed change as something to fear. Cities should evolve, and I believe Harrisonburg will continue to grow and prosper. I support new housing and thoughtful redevelopment. My concern is simply that not every location is appropriate for every type or scale of development.

As a physician assistant student, I spend much of my time learning how the environments in which people live influence their health and well-being. Healthy communities are shaped not only by housing, but also by thoughtful planning, safe public spaces, connected neighborhoods, and development that fits comfortably within its surroundings. Those qualities are part of what drew my family to this area, and I hope they remain part of its future.

I appreciate that the applicant has revised the proposal, and I recognize the effort that has gone into responding to public feedback. Even so, I remain concerned that the requested rezoning would create permanent changes to this area in ways that extend well beyond the building itself. Once a zoning change is approved, it becomes part of the long-term framework that guides future development, and I believe that makes this decision particularly significant.

I also hope the Commission will remember that many of the residents who have expressed concerns are not opposed to growth. We chose to live near James Madison University because we value being part of a vibrant,

active community. Our hope is simply that future development continues to strengthen that relationship while preserving the character that already makes this neighborhood such a special place to call home.

I respectfully ask the Planning Commission to recommend denial of the requested rezoning. I welcome redevelopment of this property within the existing zoning and sincerely hope to see a project that reflects both Harrisonburg's need for continued investment and the qualities that make our downtown neighborhoods so special. I believe those goals can coexist, and I remain hopeful they can be achieved on this site.

Thank you for your thoughtful consideration and for your continued service to the City of Harrisonburg.

Respectfully,

Amy Roy

re: Rezoning for "The Link"

From Douglas Hendren [REDACTED]
Date Thu 7/2/2026 12:16 PM
To CD Planning <CDPlanning@harrisonburgva.gov>

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

Thanh Dang
Deputy Director of Community Development

Dear Thanh,

re: Rezoning for "The Link"

My wife and I have lived in Harrisonburg now for 30 years, during which time we have watched it grow into a thriving, bustling community. So far, it has been able to maintain a charming, accessible downtown area despite the rapid growth and expansion of JMU only a few blocks away.

I believe re-zoning the Lindsay Funeral Home area to permit a large, multi-story residential tower will very likely destroy the ambience that makes the area around City Hall and the Farmers Market such an attractive and popular part of the Harrisonburg community. The expansion of JMU in recent years has included taking over where the hospital once stood, right down to Hotel Madison on Main Street. It still, however, leaves a buffer neighborhood of small businesses and professional offices as a gateway to the downtown area. Putting a large, student-dominated facility smack in the middle of this would feel very much like the JMU juggernaut starting to take over the downtown space. It would rob much of the current charm.

I appreciate the challenges of your department, and understand the ideas about housing density and walkability. On paper, the Link might appear to be a solution. But I believe it would be short-term at best, and one the City would soon regret.

Sincerely,

Doug Hendren MD

Fwd: Rezoning Application for The Link

From Laura Conklin [REDACTED]
Date Thu 7/2/2026 12:35 PM
To Thanh Dang <Thanh.Dang@harrisonburgva.gov>
Cc CD Planning <CDPlanning@harrisonburgva.gov>

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

Resending due to misspelling of name. Please accept these comments that were sent prior to noon 7/2/26.

Thank you,
Laura Lee Conklin
Sent from my iPad

Begin forwarded message:

From: Laura Conklin <conklinl6@gmail.com>
Date: July 2, 2026 at 11:56:38 AM EDT
To: Tanh.Dang@harrisonburgva.gov
Subject: Rezoning Application for The Link

Members of the Planning Commission:

I wish to express my opposition to the approval of The Link, aka The Lindsey. While I typically do not speak out on local issues, this proposal has caused me to write to you.

I have lived in Harrisonburg since I graduated from JMU in 1986, working at JMU off and on for nearly 20 years. My husband and I have raised our two children here and were involved with the founding of the Explore More Discovery Museum due to our interest in the community and downtown Harrisonburg. We recently relocated from the county to the City of Harrisonburg, close to downtown, bringing life back to a 1950s home built by Joseph Nielsen for his daughter. Obviously, we care deeply about the history and the future of Harrisonburg.

I believe that whatever the size, shape and purpose of a residential building at the entrance to downtown would permanently change the character of the downtown area, including Old Town, to a less desirable destination and place to live. JMU's plan to house up to 60% of its students in the next several years will cause students to leave other

student complexes, most of which are 4 bedroom/bath, leaving inappropriate housing for our workforce and families in the future. Although the proposed mostly residential building is close to the JMU campus, the majority of the students who would live in the facility would bring and use their cars regularly. With only 320 parking spots for 440 bedrooms, students will be parking all over downtown and Old Town. If these and other reasons presented to you by other concerned citizens are not enough cause to disapprove this rezoning, Preservation Virginia's inclusion of Harrisonburg's Historic District on its list of Virginia's Most Endangered Historic Places List 2026 should. This should not only bring all of us pause, but also put a stop to this rezoning. Countless individuals, groups, and the city government have worked tirelessly for years and spent thousands of dollars to restore and maintain our historic and beautiful downtown.

Thank you for your service to our community, for reading and considering all citizens' thoughts on the project under review and for voting No to B1C.

Kind regards,
Laura Lee Conklin

Sent from my iPad



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ORD 26-015, **Version:** 1

Subject:

Consider requests to initiate Zoning Ordinance amendments related to (1) Manufactured housing, and (2) Minimum lot width in the R-8 district

Presented By: Thanh Dang, Department of Community Development



July 8, 2026 Planning Commission Meeting

Title

Consider requests to initiate Zoning Ordinance amendments related to (1) Manufactured housing, and (2) Minimum lot width in the R-8 district – Thanh Dang, Department of Community Development

Summary

Staff request Planning Commission initiate consideration of Zoning Ordinance amendments related to:

	Description of Request
Manufactured housing	<p>The Virginia General Assembly adopted amendments that prohibit localities from treating manufactured homes differently or more restrictively than single-family site-built dwelling units provided that the manufactured home is (i) converted to real property, (ii) constructed so that the certificate of occupancy is issued within five years following the date of manufacture listed on the home’s data plate, and (iii) placed on individual lots. More information at: https://lis.virginia.gov/bill-details/20261/HB655/text/CHAP0019.</p> <p>The Zoning Ordinance will be amended to comply with updates to the Code of Virginia.</p>
Minimum lot width in the R-8 district	<p>The Virginia Assembly adopted amendments that requires any locality with a population of 50,000 or more to adopt at least one zoning classification that permits a single-family dwelling on a lot with a minimum lot area not exceeding 3,000 square feet and that such zoning district classification not impose minimum lot widths exceeding 30-feet. More information at: https://lis.virginia.gov/bill-details/20261/HB1212/text/CHAP0751.</p> <p>The R-8 district requires a minimum 2,800 square feet of lot area and a minimum of 35-feet of lot width for single-family detached dwellings. To comply with amendments to the Code of Virginia, staff proposes to reduce the minimum lot width for single-family detached dwellings from 35-feet to 30-feet.</p>

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 related to manufactured housing and the minimum lot width requirement in the R-8 district.

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.