



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

Tuesday, August 25, 2026

7:00 PM

Council Chambers

1. Roll Call

2. Moment of Silence

3. Pledge of Allegiance

4. Special Recognition / Presentation

4.a. Presentation of the Virginia Department of Health Central Shenandoah Health District

Attachments: [Presentation](#)

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

5.a. Minutes from the August 11, 2026 City Council meeting

Attachments: [Minutes](#)

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

Attachments: [Memorandum](#)
 [Extract from Planning Commission](#)
 [Site maps](#)
 [Applicants supporting documents](#)
 [PC Memorandum](#)
 [Surrounding Property Owners Notice](#)
 [Notice of Public Hearing](#)
 [Presentation](#)

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

Attachments: [Memorandum](#)
 [Extract from Planning Commission](#)
 [PC Memorandum](#)
 [Current Ordinance Reflecting Recommended Amendments](#)
 [Notice of Public Hearing](#)
 [Presentation](#)

5.d. Consider a supplemental appropriation for the Public Works Department

Attachments: [Memorandum](#)
 [Supplemental Appropriation](#)

6. Public Hearings**6.a. 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: [Memorandum](#)
 [Extract from Planning Commission](#)
 [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](#)
 [Public comments received between July 3-9, 2026](#)
 [PC Memorandum](#)
 [Notice of Public Hearing](#)
 [Surrounding Property Owners](#)
 [Presentation](#)

7. Regular Items**8. Other Matters**

8.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

8.b. City Council and Staff

9. Adjournment**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 City Council 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

Interpretation Services

Language interpretation service in Spanish, Arabic and Kurdish is available for City Council 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 del consejo municipal. 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>



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-280, **Version:** 1

Subject:

Presentation of the Virginia Department of Health Central Shenandoah Health District

Presented By: Xavier Crockett, District Health Director

CENTRAL SHENANDOAH HEALTH DISTRICT

2026 Annual Update

Harrisonburg City Council

Xavier Crockett, Health Director | Central Shenandoah Health District

Meet the New District Health Director

Xavier Crockett joined CSHD as Health Director in December 2025. His experience spans public health operations, emergency preparedness, health promotion, and public-sector collaboration. His leadership approach emphasizes reliable services, a supported workforce, clear communication, and strong community partnerships that respond to local needs.

“Public health works best when it is visible, trusted, and integrated into the daily lives of the communities we serve.”

Experience & Preparation

- M.S., disaster medicine & emergency management
- Doctor of Public Health candidate
- 10+ years with the Medical Reserve Corps
- 15 years of public health experience
- Emergency preparedness & health promotion
- Hospital, local government & community partnerships

2026

Joined CSHD

Leading the District

Responsible for nearly 90 public health professionals serving ten localities.

The Harrisonburg–VDH Partnership

CSHD is a VDH-operated district health department serving ten localities through state-local agreements. Under this shared model, VDH employs and oversees the public health workforce, while Harrisonburg helps establish local priorities and coordinates around community needs. CSHD delivers services required by the Code of Virginia, along with additional services defined through the cooperative agreement between the City and VDH.

State workforce. Local partnership. Shared accountability.

How the Partnership Works

- Harrisonburg sets local priorities
- Provides the required local match
- Coordinates emergency needs
- Longstanding core partner
- VDH / CSHD employs the workforce
- Appoints the District Health Director
- Administers required services
- Coordinates ten localities

10

Localities

One Regional Health District

Public health services are delivered through a shared state-local model.

Public Health Is at Work Every Day in Harrisonburg

Core services delivered under Virginia law and the local cooperative agreement



Communicable Disease Control

STI/HIV and TB services; case and outbreak investigation



Maternal & Child Health

WIC; prenatal and postpartum support; child health, car-seat and safe-sleep education



Clinical Services

Immunizations; travel medicine; long-term support services; Newcomer Health



Environmental Health

Food, well, septic and lodging oversight; water and milk safety



Emergency Preparedness

Community readiness; emergency and outbreak response; partner coordination



Community Health & Vital Records

Birth, death and marriage records; community health assessments, education and outreach



Harrisonburg Residents Use of Services

Selected FY2026 activity from CSHD internal records

5,659

Immunization Clinic Visits

789

Long-term-care-screenings

444

Food safety inspections

22

Community outreach events

2023 Maternal & Infant Health Snapshot

Access & Service Need

Medicaid coverage signals demand for publicly supported services; late or no prenatal care is a direct access concern. Earlier connection to care remains a priority.

55.8%

Births covered by Medicaid
(35.3% statewide)

20.5%

Late/no prenatal care
(5.8% statewide)

Encouraging Outcomes

Reported infant mortality and maternal smoking rates were below state rates.

3.0

Infant deaths per
1,000 live births
(5.8 statewide)

1.2%

Maternal smoking
(2.6% statewide)

2023

Most recent year available

Practical Support for Mothers, Infants & Families

FY2026 Harrisonburg-area activity



Car-Seat Safety

13

Education sessions

19

Parents and caregivers trained

22

Car seats distributed at no cost



Safe-Sleep Support

11

Education sessions

11

Parents and caregivers trained

11

Portable cribs distributed

My Priorities for FY2027



Support the Public Health Workforce

Invest in the people and systems that keep essential services reliable across all ten localities.



Keep Core Services Reliable and Accessible

Protect access to clinical, environmental health, communicable disease and emergency-response services.



Strengthen Access for Families

Improve connections to WIC, maternal and child health, prevention programs and community partners.



Communicate Early and Clearly

Share performance, emerging risks and funding implications before decisions are required.



A Visible, Trusted Partner

Questions & Discussion

Xavier Crockett, Health Director



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-296, **Version:** 1

Subject:

Minutes from the August 11, 2026 City Council meeting

Presented By: Pamela Ulmer, City Clerk



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Minutes - Draft City Council

Tuesday, August 11, 2026

7:00 PM

Council Chambers

1. Roll Call

Present: 5 - Mayor Deanna R. Reed, Vice-Mayor Dany Fleming, Council Member Laura Dent, Council Member Nasser Alsaadun and Council Member Monica Robinson

Also Present: 4 - City Manager Ande Banks, City Attorney Chris Brown, City Clerk Pam Ulmer and Chief Matthew Tobia

2. Moment of Silence

Mayor Reed offered a moment of silence.

3. Pledge of Allegiance

Mayor Reed led the Pledge of Allegiance.

4. Special Recognition

5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

A motion was made by Council Member Robinson, seconded by Council Member Dent, that the consent agenda be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

5.a. Minutes from the July 28, 2026 City Council meeting

These minutes were approved on the consent agenda.

5.b. Consider adopting an amendment to Section 7-2-19(b)(7) of the City Code, Conservation of water during emergencies or drought of the Harrisonburg City Code

This ordinance amendment and re-enactment was approved on second reading.

5.c. Consider a supplemental appropriation for the Harrisonburg City School Board

This supplemental appropriation was approved on second reading

6. Public Hearings

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

Adam Fletcher, director of Community Development, stated agenda items 6.a. and 6.b. are presented together.

Mr. Fletcher presented a rezoning from R-2 to R-8C and a special use permit related to setbacks for property located at 704 N Liberty Street. He reviewed the surrounding land use, the property, the proffers submitted and staff recommended rejection of a clause in the proffer related to sidewalk construction by the city. He reviewed the proposed subdivision of the lot to 4 separate lots and the sewer line requirements.

He stated staff and Planning Commission (6-0) recommended approval of the rezoning request with the amendment to the proffers and recommend approval of the Special Use Permit with the reduction in side yard setback to not less than five feet.

At 7:15 p.m., Mayor Reed closed the regular session and called the first and second public hearing to order. A notice appeared in the Daily News-Record on Wednesday, July 29, 2026 and Wednesday, August 5, 2026

Gil Coleman, Coleman Engineering and Mr. Lopez, applicant, stated this request would allow smaller homes to be built on the vacant portion of the property, for up to three additional families. Mr. Coleman spoke on affordable housing and costs associated with building housing.

Rachel Smallwood, 1144 Nelson Drive, spoke on the need for a sidewalk in that area and questioned the reason why subdivision into 4 lots instead of 3.

At 7:25 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Discussion took place as to the use of the R-8 zoning as originally planned; costs of connection fees and building costs and how it hinders affordable housing; and that this is the type of additional housing development the Council looks for to take care of some of the needs in the city.

A motion was made by Council Member Dent, seconded by Council Member Alsaadun, that this rezoning request be approved with the staff recommended rejection of the clause related to sidewalk. The motion passed with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

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

presented with agenda item 6.a.

A motion was made by Council Member Robinson, seconded by Vice-Mayor Fleming, that this Special Use Permit be approved with stated conditions. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

- 6.c.** Consider a request to amend the Subdivision Ordinance

Adam Fletcher, director of Community Development, presented amendments to the Subdivision ordinance Title 10 Chapter 2. He reviewed the amendments that bring this chapter of the city ordinances in line with Virginia State Code as well as some general housekeeping of language.

At 7:39 p.m., Mayor Reed closed the regular session and called the 3rd public hearing to order. A notice appeared in the Daily News-Record on Friday, July 24, 2026 and Friday, July 31, 2026

There being no one desiring to be heard, Mayor Reed closed the public hearing at 7:40 p.m., and the regular session reconvened.

A motion was made by Vice-Mayor Fleming, seconded by Council Member Dent, that this Ordinance Amendment request be approved. The motion failed with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

- 6.d.** Consider approval of the disposition of real estate owned by the City of Harrisonburg, located on Neff Avenue to Pennrose, LLC.

Liz Webb, Housing Coordinator, presented information on the property, the project background, the agreement, and the proposed project layout.

Chris Brown, City Attorney, reviewed the process of conveying city property, including the requirements to build after the closing of the sale.

Ms. Webb shared the affordability aspect of this development and noted there will be opportunities for public engagement.

Patrick Batemen, project manager, Pennrose LLC, stated they paired the credits to be structured as competitive as possible in order to get as many credits as possible.

At 8:05 p.m., Mayor Reed closed the regular session and called the fourth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2026

Mr. Batemen stated there this project is proposed to have 200 units constructed in two phases.

Caylin Murray, 1191 Westmoreland Dr., shared her concerns of the increase in population and traffic in the area.

Rachel Smallwood, 1144 Nelson Drive, spoke on her concerns of the needed infrastructure for this development and the area, the increase in traffic and increased housing development already in progress.

Matt Tibbles, director of Our Community Place, spoke in favor of this project.

Dean Cocking, 1189 Nelson Drive, spoke on the need of affordable housing, continuity of neighborhoods, the traffic this development could cause,

Gil Coleman, 855 Summit Avenue, shared his support of this project.

Mary Monts, 1221 Woodcrest Cr., shared her concerns of the traffic and population counts in the area

Resident of 1429 Devon Lane, shared her concerns of increased traffic.

At 8:27 p.m., Mayor Reed closed the public hearing and the regular session reconvened.

Discussion took place on this being a positive use of city land, upcoming road improvements in the area to address traffic issues, the type of housing of the city needs, how the city is growing, and that housing is needed and development is going to happen all throughout the city.

A motion was made by Vice-Mayor Fleming, seconded by Council Member Dent, that this request be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

- 6.e.** Consider approving a Building and Rooftop Lease between the City of Harrisonburg and Cellco Partnership d/b/a Verizon Wireless at 101 North Main Street.

Chris Brown, City Attorney, presented a lease agreement for a small tower and communications antenna owned by Verizon. He reviewed some of the lease terms and some specifications to protect the ECC and the building.

At 8:43 p.m., Mayor Reed closed the regular session and called the fifth public hearing to order. A notice appeared in the Daily News-Record on Monday, August 3, 2026.

There being no one desiring to be heard, Mayor Reed closed the public hearing at 8:43 p.m., and the regular session reconvened.

A motion was made by Council Member Alsaadun, seconded by Council Member Robinson, that this Lease agreement be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

7. Regular Items

- 7.a. Consider a request to amend the City Code Title 11 Building Code Regulations Section 11-1-10 Appeals of the decisions of the building official, et al.

Chris Brown, City attorney, presented the revised ordinance amendment previously requested by City Council. The amendments reflect the reduction of the application fee and refund of application fee if appropriate.

A motion was made by Vice-Mayor Fleming, seconded by Council Member Dent, that this Ordinance amendment be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

8. Supplementals

- 8.a. Consider a supplemental appropriation for the Public Works Department

Ande Banks, city manager, stated this supplemental appropriation request in the amount of \$3,149,410.00 for two Public Works Department projects: South Main Street re-paving and Port Republic Road Improvement Project. This supplemental also included funds received from proffers offered by the Vista Townes project to construct a multi-use path and sidewalk on the north side of Port Republic Road.

A motion was made by Council Member Robinson, seconded by Vice-Mayor Fleming, that this Supplemental Appropriation be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Mayor Reed, Vice-Mayor Fleming, Council Member Dent, Council Member Alsaadun and Council Member Robinson

No: 0

9. Other Matters

- 9.a. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)

None

- 9.b. City Council and Staff

Council Member Alsaadun spoke on the recent National Night Out event; his participation in the Hunt Institute State Policy Fellows Program;

Council Member Robinson spoke on the recent National Night Out; she reminded everyone that even though the primaries are done there was only a 5% voter turnout, and it is important for everyone to vote; she spoke on two back to school events held by local business owners; and an upcoming event organized by the Shenandoah Valley Black Heritage Project at the Northeast Neighborhood Association Center on August 29, 2026.

Vice Mayor Fleming spoke on the recent NLC Webinar on data centers; an upcoming meeting with Josephus Allmond to discuss the merger of Dominion Energy and NextEra Energy;

Mayor Reed spoke on an exhibit at Massanutten Regional Library called Unbound: Free Black Virginians 1619 through 1865 until August 24, 2026; her participation at the all-staff Harrisonburg City Public School event; upcoming dedication of the Lucy F. Simms exhibit at the Rocktown High School;

Ande Banks, city manager, stated all the Flock cameras went dark on July 31, 2026 and all cameras were removed by August 7, 2026.

10. Boards and Commissions

10.a. Parks and Recreation Commission (PRAC)

A motion was made by Vice Mayor Fleming, seconded by Council Member Alsaadun, to appoint Jeff Williams to the Parks and Recreation Commission to an unexpired term vacancy to expire on December 31, 2027. The motion carried with a unanimous voice vote.

11. Adjournment

At 9:08 p.m., there being no further business and on motion adopted, the meeting was adjourned.

CITY CLERK

MAYOR



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.



August 11, 2026 City Council Meeting

Title

Consider a request to rezone and a special use permit at 704 North Liberty Street — Planning Commission and Adam Fletcher, 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 Hearings)
City Council	August 11, 2026 (First Readings/Public Hearings) Anticipated August 25, 2026 (Second Readings)

Recommendation

Option 1. Staff and Planning Commission recommend approval of the rezoning with the recommended rejection to a portion of Proffer #1 (6-0) and for the special use permit with the recommended condition (6-0).

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](https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment%2025-04-30%20Final.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. Approve the rezoning with the recommended rejection to a portion of Proffer #1 and the special use permit with the recommended condition.
2. Approve the rezoning as submitted and the special use permit with the recommended condition.

3. Approve the rezoning and special use permit as submitted by the applicant.
4. Approve the rezoning and special use permit with other conditions.
5. Approve the rezoning and deny the special use permit.
6. Deny the rezoning and special use permit.

Attachments

- Extract from Planning Commission
- Site maps
- Applicant's supporting documents



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

August 3, 2026

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

SUBJECT: *Consider a request to rezone and a special use permit at 704 North Liberty Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON:** July 8, 2026

Chair Baugh read the request and asked staff to review.

Ms. Soffel said 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](https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment%2025-04-30%20Final.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.

Commissioner Seitz said on the site visit yesterday you said they are going to have a curb cut entry. Is that for both of the duplexes and the house or is that for the two duplexes and the existing one for the house remains?

Ms. Soffel said the existing one for the house remains.

Commissioner Seitz said but the site plan shows a new widened pull off and parking in front of the duplexes.

Ms. Soffel said yes, it is recommended that it be 24 feet wide for that entrance. So they would have to widen the entrance, but only have one.

Commissioner Seitz said okay, so ultimately across the three lots that front the road there will be two entries that serve three properties?

Ms. Soffel said correct. To clarify, one entrance for the single-family dwelling and one entrance for the duplex.

Commission Kettler said I want to state for the record that Councilmember Dent has joined us.

Ms. Dang said she joined at 6:06pm.

Chair Baugh said I just want to be clear because I did not see it up there, that staff's favorable recommendation for the rezoning includes deletion of the language in the proffer.

Ms. Soffel said correct.

Commissioner Seitz said what does that do to their ability to apply for a variance?

Ms. Soffel said if the clause was still in the proffer, it would conflict with the Zoning Ordinance [*sic*] because the Zoning Ordinance [*sic*] requires the applicant to build the sidewalk unless they get the variance.

Chair Baugh asked if there were any more questions for staff.

There was a brief exchange between Chair Baugh and a member of the public in the audience. Chair Baugh explained that the public would have an opportunity to speak during the public hearing.

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

Gil Colman of Colman Engineering, applicant's representative, came forward to speak to the request. Good evening. I am here for any questions you may have and also the applicant is here as well. Any questions regarding the applications?

Commissioner Kettler said I have one question. The context of this question is, at our last work session for zoning reform and part of that is touching on alleys and alley access as one way to achieve certain policy ends. I was wondering if that was something you explored in this project or if you had thoughts about that.

Mr. Colman said in terms of the alley is there and its being used for some to access the site. As a matter of fact, one of the lots, the entrance is shared with the alley which is something that has to be worked out with Public Works at the time, whether they can use that entrance or not, or to be separate. And at this point, I do not know the answer to that. The access would be mainly, I think if you looked at the grades, there is maybe this house and some other houses beyond that... at some point there was an interest from the Minick School that used to own the property there to close the alley. And I do not think that was successful at the time. So I do not know how far if the alley goes all the way to, I forget the name of the road, where SVO [Shenandoah Valley Organics] owns, but that was an alley that was considered for closure... And I think at the time, it was denied. So that is a possibility that it could be used that way.

Commissioner Kettler said is there a particular reason why that would or would not be desirable in this case?

Mr. Colman said the main reason is whether the City will install it or whether the applicant would install. In this case, the City is not asking for the alley to be installed. Certainly, it could be used as a driveway. And the maintenance of that will depend also on how it is installed and how it is used, whether Public Works will take it or not. But it could be an opportunity.

Chair Baugh asked if there was anything else.

Mr. Colman said yes, I want to mention this is an opportunity also. As we've done in the past, I think I brought some other small projects like this where it is a great opportunity for affordable

housing where you have a property that is owned already by an owner that can be subdivided. And what comes with that are things that makes it uncomfortable sometimes [like] reducing setbacks and trying to accommodate all that. Trying to accommodate parking for two houses in this case, trying to fit in where we can to provide housing. One of the things that we were talking about was the fact that this is right next to the plant and some of the employees there were asking the applicant where there was any space for them to rent right there.

So, this actually provides workforce housing right where it is needed, in so many ways. That helps to keep some cars out of the street as well. So that is certainly, maybe not a lot, but at least it is right there next to the plant. Seeing the other houses that are next to you, it is an appropriate fit, it would fit well and it's a good opportunity to do some infill development that we want to do, that the City wants to do. I will speak also to the request we put in for a variance on the sidewalk. Like any development, if you are looking at housing, the cost of housing gets more and more and more, and a lot of it is obviously cost of materials, but also the more infrastructure that we have to install the more expensive it gets.

So, as we are looking at this, we are looking at the possibility... okay we can give the city space they need to build the sidewalk, but just putting a sidewalk there increases the cost of these houses. And that would be reflected on rent or whatever way to pay back for it. So that is something to keep in mind that there are reasons why some of those requests are there. So, I also understand safety issues and all that. But in this case, there is a sidewalk on the corner, which by the way, the City built that sidewalk without requesting an easement from the property owner as well. That is something that is not mentioned here, but I will mention it just to say that was done by the City, which in turn created this requirement now that he needs to put in a sidewalk because the sidewalk was put in there without his authorization. So that is something to consider. Also, the City needs to look at how can it be accommodating and not trying to increase requirements on things. Something to think about as we are reviewing the ordinance and all that is what, how are ways that the City can actually help in increasing affordable housing and not just creating more hardship. That is my take on it. Any more questions?

Commission Porter said I just wanted to confirm, the intention is for these to be rental units, correct?

Mr. Colman said correct.

Commissioner Porter said and I guess for the benefit of the question that was in the back of the room. Mr. Colman, when you were looking at your site plan design, why are you requesting the setback reductions?

Mr. Colman said setback reductions are really to make sure the houses that are built there are sizable enough for bedrooms and so on. If it gets too narrow, then it will be difficult to have a house rather than something that would be too narrow to build. It is doable, but it is difficult to do and have something that will be more usable. The ordinance allows us to ask for zero setback. We do not want to do that. As a matter of fact, my recommendation to my client is that even when he builds, to stay inside, not even reach the five feet, but to try to stay inside that. The footprint that we are showing there is just to say that is what could fit here. It is not necessarily what he is going

to do. As was presented by staff, there are also requirements when we are less than seven feet to have that fireproof and all that. So there are costs to that. So that may push us back. We might go narrow, as much as undesirable as it may be, as something that we might need to do. The applicant might need to be able to get that working and more affordable. So, there are some things that. Also, by adjusting the property lines we are providing a further setback to the existing house, which right now has a zero to maybe four feet on one side. So, we are providing more than five feet setback for that existing house as well.

Commissioner Porter said do they currently live in the house that is on the property?

Mr. Lopez Montiel said no. I rent the property.

Commissioner Porter said so that is a rental property currently. Thank you.

Chair Baugh asked if there were any additional questions for the applicant. 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.

Chair Baugh said one of the things that jumped out at me is that we have commented on a number of times how among the things that hopefully we address in the Zoning Ordinance update is that having created R-8 we found it has been used more for people to do problematic setback issues than what it was intended to do. Which is to be able to take properties like this and legitimately get more residential units on it. So, I am open to comments from the group, but my inclination is when we created R-8, this was the very type of thing we expected to see. And maybe it has been a while since we have seen one of these. Any other thoughts?

Councilmember Dent said I have been amused at R-8 as a once size fits all tool, and I agree that it is nice to see it used for its intended purpose of increasing density.

Commissioner Porter said this is exactly the sort of things that I would like to see happening in the City where we are being able to create workforce housing in the right place that really serves the needs of the community and also puts us in a situation where we are able to make better use of the plot and be able to provide more housing. The matter of the ordinance is another matter for sure, but in terms of on its face, the way this is presented, I would have absolutely no problem supporting it.

Commissioner Kettler said I would also like to heap some praise on this. I think it is a great use of an underutilized lot to have some additional small dwellings on it. Got nothing but compliments for that. I am interested, as my question suggests, about how we might be able to incorporate alleys for this kind of thing, because we have one shared drive for the duplex and one of the stated goals of that is to reduce conflict points. And of course, if we have alley access then we have potentially no conflict points with folks walking along that way and potentially more parking access so other uses for the street at that point. And when you are talking about a busier street, that does make a difference. Rear end collisions are the most common kind of collisions. I am not particularly concerned about that in this case.

Commissioner Jezior said I agree with everyone here. I think it is a great use of the R-8 zoning and if it can be workforce housing, even better. You reduce the amount of cars that you will have to put on the property because you will be able to walk to work. I am in favor.

Commissioner Seitz said I move that we approve the rezoning and special use permit with staff's recommended change to the proffer.

There was a discussion amongst the Commissioners on whether the two items should be taken up together or separately.

Commissioner Seitz said I am going to amend my motion to recommend approving the rezoning.

Chair Baugh said would that be as presented by staff?

Commissioner Seitz said so, that proffers pertain to the SUP so we do not address the recommended language change until we address the SUP.

Commissioner Kettler said there is a recommendation to reject a portion of the proffer.

Mr. Fletcher said the proffers are not associated with the special use permit.

Commissioner Seitz said they are with the rezoning?

Mr. Fletcher said could somebody explain to me in what way that is?

Commissioner Seitz said the proffers go with one or the other. So, which one do they go with?

Ms. Soffel said the three proffers go with the rezoning request. And there is also a condition that we are recommending for the special use permit.

Commissioner Seitz said okay. Chair Baugh I understand. But I think it is probably good practice that if there are separate issues and we are going to act on them separately, then they should be listed separately on the docket.

Mr. Fletcher said I think that they are.

Commissioner Seitz said, I am looking at the cover sheet, which is the 45th sheet in the packet.

Mr. Fletcher said you are looking at the staff report. For efficiency purposes in the staff report, we combine them, so we are not repeating the same information in a separate staff report. But for official agenda purposes, they are listed a separate items, which has been staff's consistent approach for a number of years.

Commissioner Seitz said I apologize.

Chair Baugh said no problem. My sense of it, Mr. Russ is welcome to jump in on this too, is that City Attorney would probably take the position that it is cleaner to take it up as they are as agenda items. So, since we have an agenda item 4.a. and 4.b. that you would probably prefer that we vote on 4.a. and then vote on 4.b. And we have made exceptions for that over the years. Sometimes in the guise of efficiency because it is just appears so readily apparent that everybody is either for this or against it and we do not think anybody is going to split their vote so we take them together.

Mr. Russ said yes, I think that is right. And sometimes with a particularly complicated proposal they might be so tied together that it is hard to envision how you could do one without the other.

Commissioner Seitz made a motion to recommend approval of the rezoning with staff's recommended changes to the proffers.

Commissioner Jezior seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning with staff's recommended changes passed (6-0). The recommendation will move forward to City Council on August 11, 2026.

Commissioner Porter made a motion to recommend approval of the special use permit with the condition as presented by staff.

Commissioner Jezior seconded the motion.

Chair called for a roll call vote.

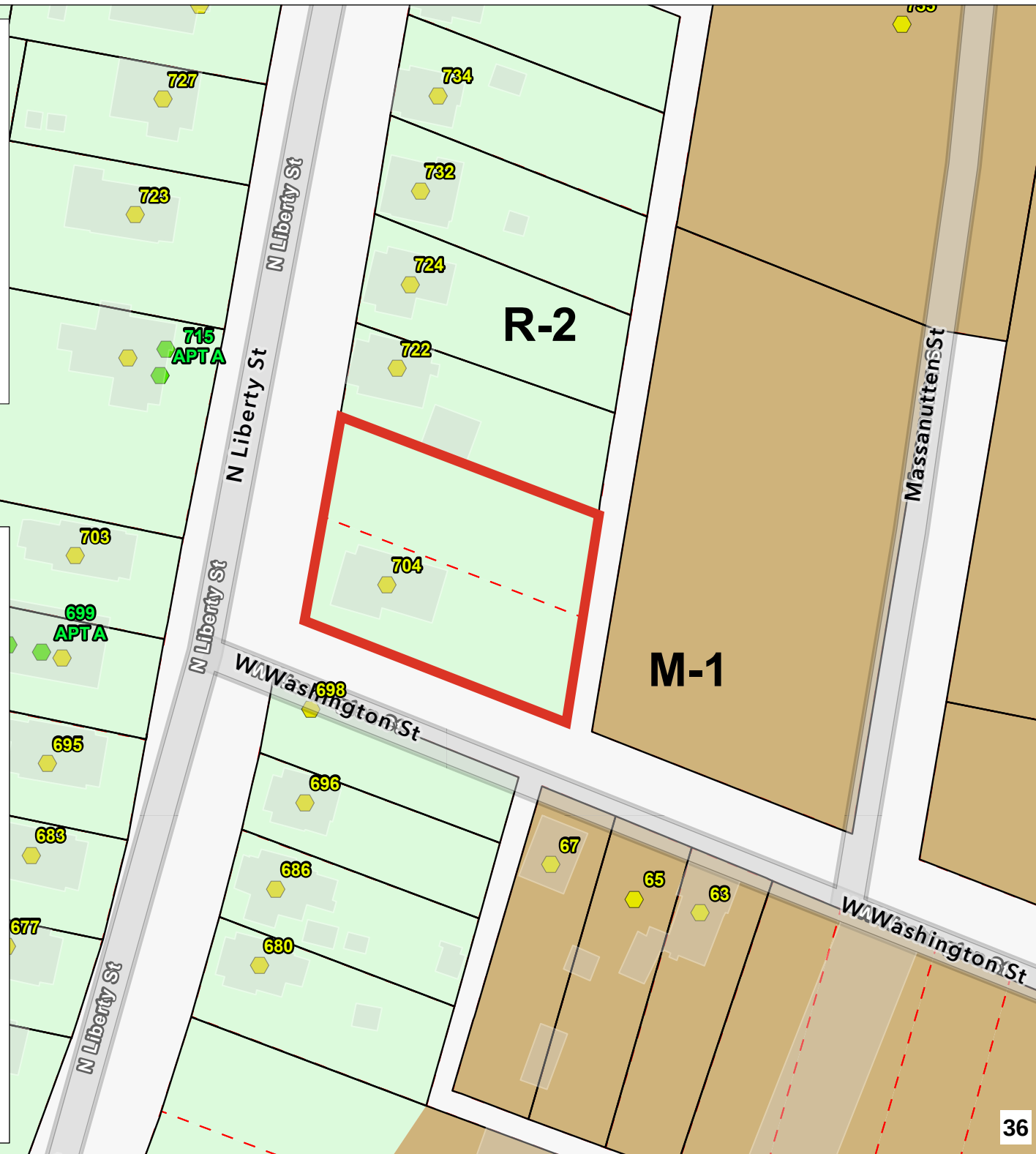
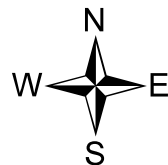
Commissioner Seitz	Aye
Commissioner Kettler	Aye
Commissioner Jezior	Aye
Vice-Chair Porter	Aye
Councilmember Dent	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit with the condition as presented by staff (6-0). The recommendation will move forward to City Council on August 11, 2026.

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

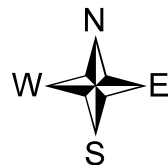
Zoning



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.

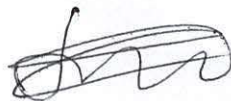
By rezoning the property to R-8, we can increase its usability and density, to help provide much-needed homes for Harrisonburg families. By rezoning to R-8, we can subdivide the property to create four total properties and accommodate four total homes (one existing single-family, one proposed single-family,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



City of Harrisonburg, VA
Department of Public Works

**Determination of Need for a
Traffic Impact Analysis (TIA)**
www.harrisonburgva.gov/traffic-impact-analysis

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

Contact Information				
Consultant Name:				
Telephone:				
E-mail:				
Owner Name:	Jose A Lopez			
Telephone:				
E-mail:				
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 ☐	Special Use Permit ☐	Rezoning ☒	Preliminary Plat ☐
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: Zachary 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.

- 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.
- Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
- 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.
- Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
- 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



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](https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment%2025-04-30%20Final.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

STATE OF VIRGINIA
CITY OF HARRISONBURG, to with:

I, Pamela Ulmer, city clerk, certify that the Harrisonburg City Council will be addressed on Tuesday, August 11, 2026, at 7:00 p.m., or as soon as the agenda permits, to consider the following:

Rezoning – 704 North Liberty Street (R-2 to R-8C)

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.

Special Use Permit – 704 North Liberty Street (Reduction in required side yard setbacks in the R-8 district)

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.

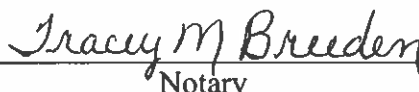
Applications and other information are available for review by contacting the Department of Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please call (540) 432-7700 to obtain a copy by email or by appointment. More information is available at www.harrisonburgva.gov/public-hearings. Interested parties will be able to attend the meeting and to watch the meeting on Public Education Government Channel 1072, and the City's website at www.harrisonburg-va.legistar.com/Calendar.aspx.

Given under my hand this 13 day of July, 2026



City Clerk

Subscribed and sworn to before me this 13 day of July 2026 a Notary Public in and for the Commonwealth of Virginia.



Notary

My commission expires May 31, 2029



JOSE ANTONIO LOPEZ MONTIEL
704 N LIBERTY ST
HARRISONBURG VA 22802

BAILEY ANN TALIAFERRO CHARLES
W JR
1617 ROMAN RD
MT SYDNEY VA 24467

SHENANDOAH VALLEY ORGANIC
LLC
PO BOX 189
HARRISONBURG VA 22803

GUADALUPE MORALES & JOSE LUIS
HERNANDEZ GUERRERO
1885 MT CRAWFORD AVE
BRIDGEWATER VA 22812

MCALISTER DAVID L
105 S POPE ST
BRIDGEWATER VA 22812

MCALISTER DAVID L KAREN LYNN
105 S POPE ST
BRIDGEWATER VA 22812

CITY OF HARRISONBURG
345 S MAIN ST
HARRISONBURG VA 22801

HUFFMAN GARY W
67 WEST WASHINGTON ST
HARRISONBURG VA 22802

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings in the City Council Chambers, 409 South Main Street, Harrisonburg, VA on Tuesday, August 11, 2026, at 7:00 p.m., to consider the following:

Rezoning – 704 North Liberty Street (R-2 to R-8C)

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.

Special Use Permit – 704 North Liberty Street (Reduction in required side yard setbacks in the R-8 district)

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.

Applications and other information are available for review by contacting the Department of Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please call (540) 432-7700 to obtain a copy by email or by appointment. More information is available at www.harrisonburgva.gov/public-hearings. Interested parties will be able to attend the meeting and to watch the meeting on Public Education Government Channel 1072, and the City's website at www.harrisonburg-va.legistar.com/Calendar.aspx.

Publication dates:

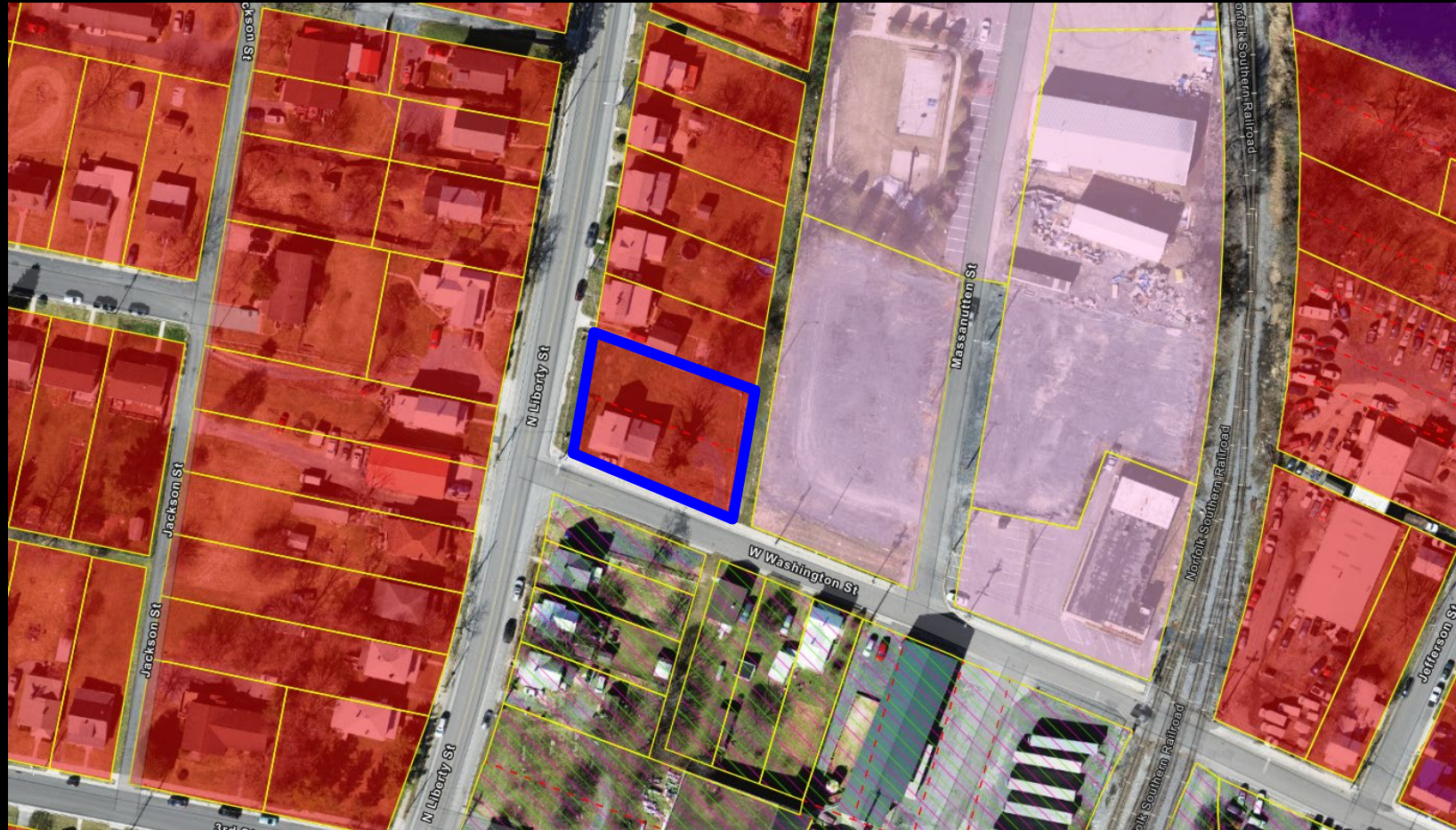
Wednesday, July 29, 2026

Wednesday, August 5, 2026

Rezoning and SUP – 704 North Liberty Street



Rezoning and SUP – 704 North Liberty Street



Rezoning and SUP – 704 North Liberty Street





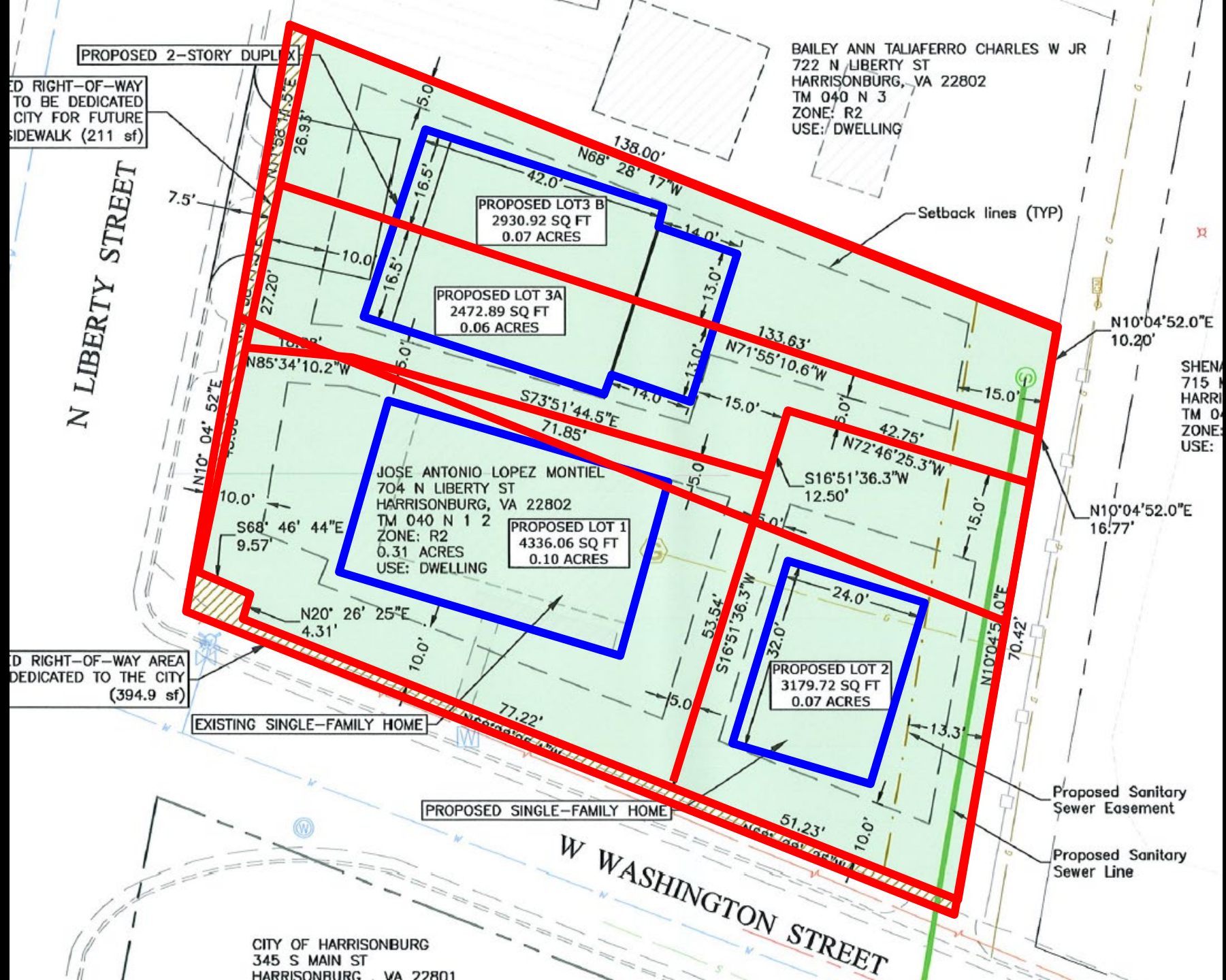
North
Liberty
Street

West
Washington
Street



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.





Recommendation for the Rezoning

Staff and Planning Commission (6-0) recommends approval of the rezoning request, and recommends that Planning Commission reject the statement “for the City to construct a sidewalk in the future” within Proffer #1.

Recommendation for the SUP

Staff and Planning Commission (6-0) recommends approval of the SUP, with the following condition:

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



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.



August 11, 2026 City Council Meeting

Title

Consider a request to amend the Subdivision Ordinance — Planning Commission and Adam Fletcher, 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	August 11, 2026 (First Reading/Public Hearing) Anticipated August 25, 2026 (Second Reading)

Recommendation

Option 1. Staff and Planning Commission (6-0) 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. Approve the Subdivision Ordinance amendments.
2. Approve the Subdivision Ordinance amendments with modifications.
3. Approve the Subdivision Ordinance amendments.

Attachments

- Extract from Planning Commission
- Current Ordinance Reflecting Recommended Amendments



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

August 3, 2026

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

SUBJECT: *Consider a request to amend the Subdivision Ordinance*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: July 8, 2026**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said 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.

Chair Baugh asked if there were any more questions for staff.

Vice-Chair Porter said for the purposes of what we are discussing here, who would the designated agent be that would be making these determinations?

Ms. Rupkey said when subdivision plats come in, I am the one who accepts them, reviews, and provides the comments. But Mr. Fletcher is the person who is the official signer of the plat. It is a group decision.

Vice-Chair Porter said so effectively it moves from something that would come before this body to administrative?

Ms. Rupkey said correct.

Vice-Chair Porter said in terms of the decision not to move any further and include anything else in this process, we have to come back and eventually address it. Can I get some basic information as to what changes would be needed for the City's Design and Construction Standards Manual and how that all fits into this process? Why the decision not to include it and what exactly would be the purpose of it?

Ms. Rupkey said that is a more involved process that we will need to work with other departments, looking at other codes and standards manuals...

Mr. Fletcher said there are many things in the Design and Construction Standards Manual that not only planning and engineering staff in Community Development, as well as, Public Works that are looking at many different issues to change in the DCSM. For example, there is healthy internal debate about street widths, about requirements associated with private street standards, requirements associated with turnarounds, length of streets, entrances...

Ms. Rupkey said distance between entrances.

Mr. Fletcher said yes, there are access management standards we want to change. There are a number of issues.

Vice-Chair Porter said so at this point, once we enact this, we will be in full compliance. There is nothing a part of that process that would put us out of compliance with the state currently.

Mr. Fletcher said to the best of our knowledge, the answer to that is yes. And I want to expand upon the question you were asking earlier about who is doing this. Know that there are many subdivisions that occur throughout the year. We have an internal process for review. There are multiple people that review that. It goes through a sequence to make sure that everybody is looking at the different specifics about a particular plat. When we review Planning Commission items, what the public does not see is that we have multiple people reviewing. It's not just the faces you see in this room. So, the Department of Public Works and their team look at it. It is a team approach. The Fire Department, the Public Utilities Department for water and sewer. Public Works is also looking at sanitation, not just streets and access. HEC, Verizon, Columbia Gas. There are so many people looking at this. We will probably do some kind of modified version of that for our preliminary plat review because it is changing some sequences. We have a different timeline that we need to abide by. We have already begun thinking about these procedures and internal processes.

Vice-Chair Porter said thank you.

Councilmember Dent said replacing the single term "variances" with "variations and exceptions"... what is the difference, if any?

Ms. Rupkey said the state code refers to what we call "variances" as "variations or exceptions," specifically for subdivisions. So when some requests a variance, typically in planning you go to the BZA [Board of Zoning Appeals] to request that type of variance. This is a different variance that BZA would not be a part of.

Councilmember Dent said does variance as we currently use, it is being replaced by these. But instead of going to the BZA, it goes to the designated agent in this case. Is that the change?

Ms. Rupkey said no. The change of term to "designated agent" is now the reviewer instead of the Planning Commission for preliminary plats. Final plats staff would still continue to review those. But then the variation and exception versus variance is primarily a terminology thing. But variation and exception is what the State Code uses to describe subdivision variations or exceptions to our code. So to match the language the State Code is using.

Councilmember Dent said so there is no real difference. Thanks.

Chair Baugh said let me take a stab at it because it will help me confirm if I am understanding this. It actually makes it clearer. What it is, is that in Harrisonburg, we have used the term variance to

cover... A bunch of stuff that goes to BZA, those are called variances. But we have used the term “variance” for these Subdivision Ordinance exceptions and all these other things, which at times is confusing to the public.

Ms. Rupkey said correct.

Chair Baugh said why did this not go to the BZA? Well, it’s not that kind of variance. So I think that I am correct. Is that what this is doing? The State Code had made that distinction, and we are catching up. So, going forward, variance is the term you use for things that go to BZA, and these other things that we have been calling variances are the ones that are going to get the new terminology. And hopefully that makes that distinction clear.

Councilmember Dent said thank you.

Chair Baugh asked if there were any additional questions for staff. 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.

Vice-Chair Porter said this effectively just brings us in compliance with the State Code and amendments that have been made. So, it seems like a very direct, straightforward thing. I would like to go ahead and make a motion that we recommend the approval of the Subdivision Ordinance amendments as presented.

Councilmember Kettler said second.

Chair Baugh said if you do not do it, then all you are doing is your ordinance is not in compliance with state law. We know who wins that contest. And it looks like as part of the other question that got asked, staff identified a few matters, and you are not in a position right now to tackle everything, but there was some low hanging fruit that made sense to go in there. Any other discussion?

Vice-Chair Porter said and it may streamline the process slightly for folks. If staff can address it a and not have to wait for a hearing or go through that whole process, I think it is also something that is probably very helpful to whatever applicant is participating in that process.

Chair Baugh said I am mildly curious. Most of these things have been handled as minor subdivision. My impression is that most of what we get are the minor subdivision.

Ms. Rupkey said the subdivisions you had previously are what we had been calling preliminary plats. Also, since this had been enacted, we have been following the State Code and meeting the State Code. It was just not reflected in our ordinance. So, you have not seen a preliminary plat for a year. You might have noticed that. But the preliminary plats beforehand were for lots that were larger than four individual lots and five acres. We had a process that was a minor subdivision, if they are smaller, then it was just reviewed internally.

Chair Baugh said the point I was trying to make is, it is not like staff is being asked to do anything new. It is that staff is adding to itself without any involvement from Planning Commission because we were already doing minor subdivisions administratively.

Ms. Rupkey said correct.

Chair Baugh said and I assume that in the overall percentage, the major subdivisions was always a very small percentage. Maybe not?

Mr. Fletcher said in recent times, yes. If you go more than a decade ago, we had a number of them. Typically, you are seeing when we talk about older subdivisions, preliminary plats, major subdivisions, it is when somebody is dedicating a public street, they are subdividing multiple single-family home lots or townhome lots. Oftentimes, with those, those are subdivision ordinance variances or now we call them variances or exceptions. You will not see those anymore, unless they are asking for a variation or exception. So, if there is a situation where somebody wants to do a townhome community and they want to do lots that do not front on a public street, you will continue to see those. But anything outside of those parameters, if it is 50 or fewer, we will handle that administratively. Big picture here is that, I believe the intent, whoever the legislator was that proposed that, was to increase the amount of time, potentially reduce costs because it is not coming before this body, you do not have to go through the sequence.

Ms. Rupkey said I want to be clear that 50 or fewer and 50 or more will all be administrative. Everything will be administrative. They will not see preliminary plats, except for anything with the variation or exception.

Chair Baugh said I thought you said at one point that 50 lots or more might still come back to us.

Ms. Rupkey said they will not come to you all. If I misspoke, I apologize for the confusion.

Councilmember Dent said did I just hear that not fronting on a public street will still come back to us?

Ms. Rupkey said correct.

Councilmember Dent said that is one of the things I have been proposing that we address in the Zoning Ordinance. Because townhouse complexes always have that; private streets within them. So, we will deal with that when we get there.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the Subdivision Ordinance amendments passed (6-0). The recommendation will move forward to City Council on August 11, 2026.



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

1 **ORDINANCE AMENDING AND RE-ENACTING TITLE 10 – PLANNING AND**
2 **DEVELOPMENT, CHAPTER 2. - SUBDIVISION ORDINANCE**

3
4 **Be it ordained by the Council of The City of Harrisonburg, Virginia that Title 10 –**
5 **Planning and Development, Chapter 2. - Subdivision Ordinance be amended to read:**
6

7 *ARTICLE A. - GENERAL PROVISIONS*

8 **Sec. 10-2-1. Purpose and intent, general effect and definitions.**

9 (a) *Purpose and intent.* The Subdivision Ordinance of the City of Harrisonburg, Virginia
10 (hereinafter ordinance) is intended to: guide and facilitate the orderly, beneficial growth of
11 the community; assure the orderly subdivision of land and its development; promote the
12 health and safety and general welfare of the public; achieve the goals and policies of the
13 City's Comprehensive Plan; promote an economical use of public and private funds while
14 protecting environmental quality, and the quality of life for the community; promote the
15 creation and continuation of pedestrian and bicycle-friendly streets, and traditional, human-
16 scale development patterns; and further accomplish the objectives of § 15.2-2200 et seq., of
17 the Code of Virginia, as amended.

18 (b) *General effect.* The effect of this Ordinance shall be consonant with the objectives of
19 the Ccity to assure the orderly subdivision of land and its development, to coordinate the
20 development of streets within and contiguous to any subdivision to establish adequate
21 provisions for water, sewer, drainage, flood control, and other public purposes, to
22 promulgate acceptable physical standards, and criteria for subdivision improvements as
23 specified in the Design and Construction Standards Manual (DCSM), to provide for
24 dedication of public rights-of-way, and to serve in implementing
25 the Ccity's Ccomprehensive Pplan, Zoning Ordinance, and other land use plans.

26 (c) *Definitions.* For the purposes of this chapter, the following words and phrases shall have the
27 meanings respectively ascribed to them by this section:

28 *Alley:* A passageway open to public travel affording generally a secondary means of
29 vehicular access to abutting lots and not intended for general traffic circulation.

30 ~~*Building setback:* The minimum distance a building must be set back from the street line.~~

31 *Collector street:* A street that brings traffic from local residential (minor) streets to major
32 streets.

33 *Cul-de-sac:* A street with only one outlet and having an appropriate turnaround for a safe
34 and convenient reverse traffic movement.

35 ~~*Director:* Director of planning and community development or their designee.~~

36 *Design and Construction Standards Manual:* Refers to the City of Harrisonburg's Design
37 and Construction Standards Manual as adopted by Ccity Council.

38 ~~*Designated Agent:* the Director of Community Development or designee, who is authorized~~
39 ~~*to review and act on subdivision plats, site plans, and plans of development.*~~

40 *Easement:* A grant by a property owner of the use of land for a specific purpose.

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

43 *Lot:* A portion of a subdivision intended for transfer of ownership or for building
44 development for a single building and its accessory building.

45 *Major street:* A street shown as a major street on the Ccity's "master transportation plan".

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. Variances Variations and Exceptions.**

- 87 a. Where a subdivider can show that conforming with the a 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

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

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

Sec. 10-2-3. Sale or transfer of lots Reserved.

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

Sec. 10-2-4. Building permit withheld.

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

Sec. 10-2-5. Appeals.

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

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

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

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

In case of any violation, or attempted violation of the provisions of this chapter, the Ceity Ceouncil, in addition to other remedies, may institute any appropriate action or proceedings to prevent such violation, or attempted violation, to restrain, correct, or abate such violation or attempted violation, or to prevent any act which would constitute such a violation.

Sec. 10-2-7. Amendment of chapter.

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

Sec. 10-2-8. Waiver of chapter requirements.

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

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

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

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

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

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

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

Secs. 10-2-98—10-2-20. Reserved.

ARTICLE B. PLATS GENERALLY

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

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

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

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

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

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

~~agent presented to the planning commission at an appropriate a scale of one inch equals one hundred (100) feet (1" = 100')~~ with any supporting data, showing the following:

- (1) Proposed subdivision name, location, acreage, and land use.
- (2) Date, north point, and graphic scale.
- (3) Names and addresses of the owners of the property, including the existing mortgagee, the subdivider, and the designer of the layout.
- (4) Location and names of adjoining subdivisions or names of the owners of adjoining lands.
- (5) Topography: contours at two-foot intervals unless grade is fifteen (15) percent or more, in which case contours shall be at five-foot intervals. This requirement may be waived by the designated agent.
- (6) Existing and proposed streets, easements, and other rights-of-way within and adjoining the subdivision including right-of-way and roadway widths, approximate grades, and proposed street names.
- (7) Location of existing and proposed utilities adjacent to the tract to be subdivided, including size and elevation.
- (8) ~~Location of building setback lines and z~~Zoning district ~~lines~~designation(s).
- (9) Lot lines, lot and block numbers, and approximate dimensions. If proposed subdivision is a residential planned unit development, structures and approximate dimensions shall be shown.
- (10) Proposed method of water supply, drainage provisions, sanitary sewer layout, or other accepted sanitary plan and methods of flood control where applicable. Connections with existing facilities, sizes of proposed facilities, and any accessory structure shall also be shown.
- (11) Draft of homeowners' association agreements or protective covenants, if any, whereby the subdivider ~~proposed is proposing~~ to regulate land use in the subdivision and otherwise protect the proposed development.
- (12) The location of existing watercourses and other geographic features.
- (13) A statement of the floodplain designation shall be included with the 100-year floodplain boundary, including the flood-fringe and floodway, if applicable, shown within the lot boundaries in the event any portion of a parcel falls within the 100-year floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor shall include a statement of such on the plat.
- (134) Preliminary location of stormwater management best management practice (BMP) boundary areas.
- (145) A vicinity sketch or key map at ~~an appropriate scale of two hundred (200) feet to the inch~~ shall be shown on or accompany the preliminary plat. This map shall relate the subdivision to existing landmarks and show how streets, alleys, and other significant proposals connect or relate to existing facilities in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire area.
- (156) The fee for filing a preliminary subdivision plat ~~without a variance~~ shall be one hundred seventy-five dollars (\$175.00) plus twenty dollars (\$20.00) per lot, ~~or if filing a preliminary plat with a variance the fee shall be two hundred dollars (\$200.00) plus twenty dollars (\$20.00) per lot,~~ made payable to the City of Harrisonburg. The fee shall be paid upon the filing of the plat with the City.

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

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

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

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

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

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

(b) The final subdivision plat shall show:

- (1) Bearings and distances to the nearest existing street lines or bench marks or other permanent monuments (not less than three (3)) shall be accurately described on the plat.
- (2) Municipal, Ceounty, and land lot lines accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
- (3) Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest ~~one-tenth~~one hundredth (0.01~~1/10~~) foot and angles to the nearest ~~minute~~one second of arc, which shall be balanced and closed with an error of closure not to exceed one to ~~twentyfive~~ thousand (205,000).
- (4) Name of subdivision, exact locations, widths, and names of all streets and alleys within and immediately adjoining the plat.
- (5) Street centerlines showing angles of deflection, angles of intersection, radii and lengths of tangents.
- (6) Lot lines with dimensions to the nearest ~~one-tenth foot and bearings~~one hundredth foot and bearings to the nearest one second of arc. If the proposed subdivision is a residential planned unit development, exact location of all structures shall be shown.
- (7) Lots numbered in numerical order and blocks, lettered alphabetically.
- (8) Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use.
- (9) Accurate location, material, and description of monuments and markers.
- (10) A statement, either directly on the plat or in an identified attached document, of any private covenants or homeowners' association agreements.
- (11) When one (1) or more temporary turnarounds are shown, the following note shall be included on the plat:
The area on this plat designated as "Temporary turnaround" will be constructed and used as other streets in the subdivision until (insert street name) is/are extended to (insert street name if possible, otherwise insert the following note: a connecting street or to another turnaround which is approved by plat by the designated agent-planning commission) at which time the land in the temporary turnaround area will be abandoned for street purposes and will revert to adjoining lot owners in accordance with specific provisions in their respective deeds.
- (12) Location of stormwater management best management practice (BMP) boundary areas.
When BMP Boundary Areas are required, a stormwater management/BMP facilities maintenance agreement document shall be submitted for review, and upon approval by the city, be recorded in the Clerk's Office of the Circuit Court of Rockingham County, Virginia.
~~Note:~~ When BMP Boundary Areas are required, the final subdivision plat shall not be approved until the engineered comprehensive site plan is approved.
- (13) A statement of the floodplain designation shall be included with the 100-year floodplain boundary, including the flood-fringe and floodway, if applicable, shown within the lot boundaries in the event any portion of a parcel falls within the 100-year floodplain. If no portion of a parcel lies within the 100-year floodplain, the surveyor shall include a statement of such on the plat.
- (14) The following certifications:

State-Certified Engineer

~~(or Land Surveyor)~~

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

~~(date)____ (Signed)~~

~~Director of~~

~~planning and~~

~~community~~

~~development~~

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

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

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

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

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

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

Secs. 10-2-28—10-2-40. Reserved.

ARTICLE C. DESIGN STANDARDS

Sec. 10-2-41. Streets.

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

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

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

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

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

Sec. 10-2-43. Easements.

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

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

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

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

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

Sec. 10-2-45. Land dedication.

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

(b) This section shall not be construed to preclude the dedication of property for public use not included in the Comprehensive ~~city~~ Plan, provided such property is acceptable to the Ceity or Ceounty for dedication and maintenance.

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

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

Secs. 10-2-47—10-2-60. Reserved.

ARTICLE D. MINIMUM IMPROVEMENTS

Sec. 10-2-61. Streets.

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

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

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

Sec. 10-2-62. Drainage.

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

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, ~~he~~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~~.

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 Ceity 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 Ceity, 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 Ceity, shall be deemed
675 to be the property of the Ceity, and the Ceity, 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

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

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

This ordinance shall be effective from the ____ day of ____, 2026. Adopted and approved this ____ day of ____, 2026.

MAYOR

ATTESTE:

CITY CLERK

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings in the City Council Chambers, 409 South Main Street, Harrisonburg, VA on Tuesday, August 11, 2026, at 7:00 p.m., to consider the following:

Amendments to the Subdivision Ordinance

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. The proposed adjustments include the following fee changes: Application for variation or exception: Current Fee: \$0, Proposed Fee: \$200.

Applications and other information are available for review by contacting the Department of Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please call (540) 432-7700 to obtain a copy by email or by appointment. More information is available at www.harrisonburgva.gov/public-hearings. Interested parties will be able to attend the meeting and to watch the meeting on Public Education Government Channel 1072, and the City's website at www.harrisonburg-va.legistar.com/Calendar.aspx.

Publication dates:

Friday, July 24, 2026

Friday, July 31, 2026

Subdivision Ordinance Amendments

Title 10 Chapter 2



- Update the ordinance to comply with 2025 amendments to Virginia State Code.
 - Streamline processes by:
 - Reducing review and approval timelines.
 - Shifting preliminary subdivision plat approval authority from Planning Commissions and governing bodies to a designated agent.
 - Standardizing subdivision review procedures across localities.
- Administrative and housekeeping amendments.

Definition Amendments

Administrative Updates

- Replaces “Director” with “Designated Agent.”
- Adds a definition for “Designated Agent.”

Subdivision Definition Revised

- Requires City review and approval of all newly created lots, including those greater than five acres.

Additional Definition Updates

- Preliminary Subdivision Plat
- Final Subdivision Plat
- Setback, Minimum
- Variation or Exception

Preliminary Subdivision Plats

- Required only for subdivisions containing more than 50 lots
- Review and approval authority shifted from the Planning Commission to the Designated Agent.
- Decision required within 45 days of application submission.
- Approved preliminary plats remain valid for five years.

Final Subdivision Plats

- Requires the Designated Agent to approve or deny with reasons in writing a complete application within 40 days of acceptance.
- Changes associated with Owner's Consent and Dedication Surveyor's Certificate.

Variations and Exceptions

- Replaces “variance” with “variation or exception.”
- Clarifies approval authority.
- Adds application requirements.
- Clarifies the review process.
- Establishes an application fee of \$200.

Miscellaneous Amendments

- Administrative Waivers for public general utility easements.
- Clarify the appeals process.
- Identify any FEMA 100-year floodplain areas on Preliminary and Final Plats.
- Remove requirement to show setback lines.
- Standardize terminology and public notice requirements.

Recommendation

Staff and Planning Commission (6-0) recommends approval of the proposed Subdivision Ordinance amendments.



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Legislation Text

File #: ID 26-285, **Version:** 1

Subject:

Consider a supplemental appropriation for the Public Works Department

Presented By: City Staff

This supplemental appropriation request will appropriate \$3,149,410.37 for South Main Street repaving and for the Port Republic Road improvement project.



August 11, 2026 City Council Meeting

Title

Consider a supplemental appropriation for the Public Works Department — Larry Propst, Department of Finance

Summary

This supplemental appropriation request will appropriate \$3,149,410.37 for South Main Street repaving and for the Port Republic Road improvement project.

Recommendation

Option 1. Approve the supplemental appropriation.

Fiscal Impact

This supplemental appropriation will increase the General and General Capital Project Funds budgets by \$1,422,427 and \$1,726,983.37, respectively.

Context & Analysis

Funding will be provided from the following sources.

- \$1,422,427 from VDOT State of Good Repair (SGR) funds to repave South Main Street from Martin Luther King, Jr. Way to Fairview Avenue.
- \$381,296.37 from a private developer proffer agreement for the Port Republic Road improvement project.
- \$1,345,687 from additional VDOT Smart Scale Funds for the Port Republic Road improvement project.

Options

1. Approve the supplemental appropriation request
2. Do not approve the supplemental appropriation request

Attachments

1. Supplemental Appropriation

CITY OF HARRISONBURG, VIRGINIA
REQUEST FOR: SUPPLEMENTAL APPROPRIATION
For Fiscal Year Ended June 30, 2027

Revenues:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	32558	VDOT SGR FUNDS	1,422,427.00
1310	31914	RECOVERED COSTS	381,296.37
1310	33572	VDOT SMART SCALE FUNDS	1,345,687.00
		<i>TOTAL</i>	<i>1,726,983.37</i>
		GRAND TOTAL	3,149,410.37

Expenditures:

FUND	CODE	ACCOUNT DESCRIPTION	AMOUNT
1000	410341-43374	MAINT & REP.-ALLOWABLE	1,422,427.00
1310	910141-48617	PORT REPUBLIC RD ST IMP	1,726,983.37
		GRAND TOTAL	3,149,410.37

Reason: To appropriate VDOT funding.

Funds Available:

Approved Through Legistar

Director of Finance

Date

Recommended & Approved:

Approved Through Legistar

City Manager

Date

City Council Approval:

(1st reading)

City Council Approval:

(2nd reading)

FINANCE DEPARTMENT'S POSTING

NAME

DATE

JV #



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.



August 25, 2026 City Council 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 — Planning Commission and 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) August 25, 2026 (First Reading/Public Hearing) Anticipated September 8, 2026 (Second Reading)

Recommendation

Staff recommend approval of the rezoning request. Planning Commission's motion to recommend approval of the rezoning failed with a split vote (3-3).

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. 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 returned to Planning Commission for public hearing. 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 (12,000-16,673)

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. Approve the rezoning request.
2. Deny the rezoning request.

Attachments

- Planning Commission Extract
- 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
- Public comments received between July 2 and July 9, 2026



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

August 3, 2026

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: *Consider a request to rezone at 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street*

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: July 8, 2026

Chair Baugh read the request and asked staff to review.

Ms. Dang said the applicant is requesting to rezone a +/- 2.75-acre site consisting of 10 parcels from R-3, Medium Density Residential District to B-1C, Central Business District Conditional. If the request is approved, 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	+11,516 (18,000-6,484)

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.

		JMU strategic plan)	Or +10,000 ⁶
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.

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.

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.

Chair Baugh asked if there were any more questions for staff.

Vice-Chair Porter said as it relates to the change in language on the proffers related to the design standards, switching from substantially conforming to generally conforming, in terms of enforceability and what that actually means, can you provide us with some insight as to what that change in language, in nomenclature, how that impacts the proffer and our ability to be able to enforce it?

Ms. Dang said I think that the language is appropriate. The two different terms being used in two different contexts that they have. The substantial conformance is used in proffer I.a. and refers to the concept plan. So it is more rigorous and restrictive in terms of the footprint and this is what we expect that the site would look like. The general conformance proffer is used when describing the proffer that has to do with building elevations and the renderings. The first word that comes to mind, it is a little more squishy, but I am trying to think of a better word to describe it. It is talking about the general idea of architectural features and things that we would see, and then there is also that flexibility built in that building materials... I am trying to pull up the proffers here... is subject to availability of materials and other things like that, so it will not look exactly the same. So substantial conformance being more strict and general conformance less strict. But you know, we have a Zoning Administrator who would be responsible for ultimately making that interpretation when the time comes. Is there anything else any staff would like to add to that?

Mr. Russ said I think that is good.

Commissioner Seitz said I have a question about one particular email that we were sent. There was an email that expressed concern about... it was sent to us by Mr. Tennyson. He made reference to concern about the Paul Street configuration. He says I am ready 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, and I do not know if that is the right use of variance or back to variations and exceptions, under the City's zoning and development standards. I mean, we are not really approving any specific confirmation of Paul Street if we recommend this, correct?

Ms. Dang said that is correct. I respectfully think that there is some... the point made earlier in the prior conversation about the Subdivision Ordinance, the term variance is confusing in the way that we are using the same term for zoning variances that go to the BZA and subdivision variances that would go to you all and City Council. I think that there is a bit of confusion in his email. You are correct that if City Council were to approve this rezoning, the applicant still would have to come back through this body and City Council to ask for the variations and deviations from the Subdivision Ordinance for reduced street widths or other things related to the street things that do not meet the basic standard.

Commissioner Seitz said and we saw that recently in the proposed extension of Franklin Street.

Ms. Dang said that is correct. That is a good example. And that was discussed in a prior report. It was documented in the March and April 2026 staff report. There is a paragraph that explains that the applicant will have to come back through the process.

Commissioner Kettler said this may or may not apply to that particular comment or other comments, but I would generally say that relying on AI in creating public comments is often not the most helpful input. There are a couple of comments which have the telltale signs that they could be produced by AI. I am not particularly interested in hearing what AI has to say. I am very interested in hearing what the public has to say. I will leave it at that.

Commissioner Jezior said on the cash contributions, the changes in the proffers. I know in the past meeting for The Link there was a certain amount for the affordable housing per resident. The \$93,738 was calculated based on per resident. Are all the other changes in there, is there any specific reason why they would be reduced or was that just a decision that the developer made based on...

Ms. Dang said I will defer that question to the developer when they come up.

Chair Baugh said are we okay with staff at this point?

Commissioner Seitz said I want to express appreciation for the analysis that was done in the staff report, the comparison of bedrooms and units and the tables. It was very helpful.

Vice-Chair Porter said it has been a lot of changes.

Ms. Dang said thanks for the feedback.

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

Todd Rhea, local land use attorney with Clark and Bradshaw, 92 North Liberty Street, representing the applicant said with me this evening is Seth Roderick with Monteverde Engineering our local traffic and civil engineer. For efficiency, I will be making the applicant presentation this evening. Mr. Roderick is available to field questions in relation to his area of expertise including traffic, streets, engineering, height of building, those types of questions. The land use considerations of The Lindsey project would appear to be fairly well settled at this stage given its recommendation for approval three times by city planning professionals and twice by this body. While not presuming a further recommendation in advance, there appears to be no land use justification to depart from prior recommendations of approval. Planning staff have detailed how the present application meets the Comprehensive Plan, the 2040 Downtown Plan, and related city goals to increase density in downtown to activate redevelopment areas for higher economic use and to locate sorely needed customers in walking distance of downtown businesses.

The zoning justification letter in your packet and posted for public review focuses on the revision to the project since your consideration in March. My presentation will largely focus on those revisions and comments received since that hearing. The applicant has been consistently proactive and responsive over the past 12 months, from the complete redesign of the project's exterior appearance to align with those found downtown, the addition of the gateway clock tower element, changing the unit mix to provide much needed one-bedroom downtown apartments, providing street activating commercial space along South Main Street, providing extensive cash proffer

commitments consistent with project generated impacts, to finally the removal of two full stories and over 20-feet of height from the structure, going from a maximum of 75 feet to 52 feet. In direct response to community and Council concerns, there are some who will not support an urban style apartment project on this site no matter the scale. They are entitled to that view. But for many others, Timberwolf's commitment to making responsive changes to the project based on community feedback has been recognized. From the Lindsey family's perspective, having their name on the project is meaningful given their century-long ownership of the property. Both the City and the Lindsey family have been discussing redevelopment of the site for over a decade, and the family intends to see it developed. There has been some discussion [unintelligible] to have the City reach into its coffers to spend millions of taxpayer dollars to turn it into a larger public park and event venue. That is an expensive proposition not supported by the Lindsey family and represents a move beyond requesting changes to the existing Timberwolf proposal to something entirely different which does not respect Timberwolf's investment and collaboration in bringing this project to the City.

In fact, there is a fantastic public park and concert venue planned right next door and integrated into The Lindsey project. The Build Our Park leadership has worked tirelessly over a decade of planning and fundraising to make that park a reality with city support. We would encourage those who desire a downtown park to consider contributing privately to that effort or lobby the City for additional funding for the Build Our Park plan. Even with the reduced height and unit count, The Lindsey project will create an ongoing income stream to the City to maintain City budgetary priorities. Removing The Lindsey income stream and replacing it with a major park capital project not in the CIP [Capital Improvement Program] and ongoing operational expenses would simply create additional funding challenges for the City budget. Let me also share that the predecessor organization to Build Our Park, namely Greener Harrisonburg, had the Lindsey property under an option to purchase for 18 months in 2013 and 2014.

At that time, City funding was not available to provide the park committee the fiscal support to make that purchase and fund a larger downtown park project. Today, the City arguably has much less room or appetite to fund an expanded downtown park at the expense of the substantial tax benefits and critically needed downtown residents that The Lindsey project would provide back to land use. The primary consideration of this commission as highlighted by staff, the Lindsey Project has been guided by the 2040 Downtown Plan. The 2040 Plan is the adopted City plan for downtown land use and redevelopment goals. In this slide, an overarching goal of the Downtown 2040 Plan is the pressing need to increase population within walkable distance at the city center through density initiatives. Simply stated, downtown needs more residents and more residential density is needed to help support downtown businesses. Those of us who work and live in downtown Harrisonburg know that need from the small business community.

The plan also recognized the City's running out of old buildings to remodel and focused on areas where new and dense residential construction should be directed. South Downtown containing The Lindsay site is highlighted in the 2040 plan as one of those targeted areas ripe for reinvestment to accommodate the goal of encouraging mixed use space and residential developments in key clusters of underutilized space. Zooming in closer, the Plan calls for integrating new housing close to City Hall to activate the area south of Turner Pavilion. This slide specifically shows urban scale

residential buildings on the Lindsey site that could not be built under the current R-3 zoning classification.

I have talked extensively during these presentations about the last 15 years of development patterns which have pushed almost all new growth and permitted residential units into Rockingham County near the City limits. As the recent Peach Grove student housing project's public discussion and tonight's staff report confirms, placing students closer to downtown in realistic bike-walk distance of campus and away from autocentric corridors is an expressed city goal that the Lindsey property aligns with and supports. As the staff report states, the Lindsey site is among the more appropriate locations in the city for student-oriented housing. The new Lindsey concept plan shows a project that fits neatly on the site with natural separation and buffering on the east and west from Main and Liberty Streets on the north from the existing city parking lot and on the south from the Baptist church parking lot and the new Paul Street extension, it has natural buffering.

This building does not loom over anybody. It does not press up against anybody. Just giving the natural improvements around it. The project also provides significant upgrades to bike and pedestrian connectivity, through the Liberty Street cycle track, through installing wider sidewalks along its main frontages, and public seating space in south downtown along the major street corridors. That is an important proffer. It has not been touched on in these hearings so much, but this is an activated area around this building. Finally, a large drop-off area is designed along the Paul Street extension to serve all ride share delivery and related needs for the property purposely moving those stops off of Main and Liberty Streets.

The applicant's architectural team has retained the updated traditional appearance of the building, utilizing finished colors and elements such as brick and greystone materials, townhome style elements to break up the massing of the building, traditional balconies and signage, cornices, varied foundation materials at pedestrian level, and a signature clock tower element as a gateway to downtown. All suggestions received and responded to through the public comment and discussion process. The building has been reduced to a maximum of 52-feet finished roof height with some small leeway for the clock tower and roof screening via architectural elements. The height of the building now aligns with the height of City Hall. The natural curve of Main Street as you can see on this picture and the lower height of the northeast corner of the building - you can see a little bit of a setback there on that corner and that area on the other side of the drive aisle is a little bit lower - is intentional to provide additional visual clearance for City Hall. And City Hall, as you can see, is oriented and aligned. Looking out toward the street, it doesn't face directly into the back of The Lindsey building. Exterior design is a subjective process. It is not governed by existing City ordinances, but as is evident from the traditional redesign and the lowering of building height, The Lindsey project team has listened to feedback and invested significant time and resources in the evolution of this proffered design.

[Referring to the powerpoint presentation] This initial view shows the building from the southeast corner near the Paul and Main Street intersection looking northwest. The clock tower feature in the middle, the commercial area under the clock tower and along South Main with sidewalk patio, a more traditional mounted sign above the main entrance off Paul Street and building design elements and colors are clearly shown. The gateway corner under the clock tower contains a wide pedestrian circulation and seating area at its base in front of the commercial shops. The second

elevation from the northeast looks toward south toward the back of the building. This view provides an example of how parking garage screening through muralization can provide a palette for natural or other art installations which are proffered to a 60% coverage level by the applicant. It also shows how the South Main Street sidewalk is widened and landscaped as an attractive and activated pedestrian corridor.

Activating South Main Street is a key goal of the Downtown 2040 Plan. The third elevation is from the southwest corner of the property looking north up Liberty Street. This view shows the new Paul Street intersection, the Liberty Street cycle lane, and additional views of the transformed exterior building design elements. This view along Liberty [Street] gives you a great view of the very greystone foundational element at pedestrian level seen with many older structures in town. You can also see an example of street level landscaped space and pedestrian seating along Paul Street. I will briefly discuss project impacts that I more thoroughly covered in previous presentations.

First, transportation improvements. Despite the reduced size and unit count, The Lindsey continues to fund the full installation cost of the Paul Street public street extension and provides City Public Works directed transportation calming funding for the Paul Street Corridor. Parking. The project continues to be designed to meet its resident parking needs within an onsite parking garage. Timberwolf plans to charge separately for parking as an economic incentive to promote bike, walk, and transit options. There are transit stops on Main and Liberty [Streets] close to this site today. The parking garage will be built over what is largely today surface parking, greatly increasing the parking efficiency of that space without taking up new land for parking spaces. The garage will offer EV charging stations for resident use at a level which are in line with EV charging station standards adopted for City public projects. The removal of two levels of the parking garage to reduce structure height while maintaining resident parking ratios does mean that the applicant will no longer be able to provide dedicated City parking spaces in the structure. The project continues to provide improved parking solutions and circulation for the Baptist Church parking lot. It continues to provide a parking impact cash proffer for City utilization and continues to proffer full-time onsite management to address any overflow parking concerns. Finally, affordable housing. During the community engagement process and past public hearings, affordable housing needs were stressed by citizens. The Lindsey team took the initiative to develop an affordable housing cash proffer supported by legal and financial analysis prepared by Virginia Proffer Solutions. In the absence of an affordable dwelling unit City ordinance as authorized by the Virginia Code and the lack of a local housing trust or other dedicated fund, Timberwolf has provided that affordability cash proffer, legally supported under existing laws and ordinances. The concern has been consistent. Hey guys, what you proffer, make sure it is legal and enforceable. We have taken the steps to do that.

The good thing is the current entitlement process, lengthy as has as it has been, has raised awareness and public input into the work to be done in this critical area of need. Given the range of demonstrated benefits of the Lindsey Project and its consistency with City land use plans, we hope that a recommendation for approval will not be withheld on affordable housing grounds where the City itself has much remaining work to do in order to legally facilitate higher levels of affordability support from new market rate projects. I want to thank the Commission for its time and consideration this evening. There are obviously political considerations outside the purview

and scope of Commission consideration. The Lindsey site application has certainly taken a unique path to come before you for the third time and the fifth time for Councilmember Dent. We realize that the nature of compromise means that folks on all sides of this project may not get their full desired outcomes, but we are comfortable that this final proffered plan represents Timberwolf's best efforts in arriving at both an economically viable and politically approvable project. As discussed at the beginning of my remarks, the land use decision before you is clear and compelling with the reduced height. The project is now below the midpoint between allowable R-3 and B-1 heights, a challenging but reasonable compromise. We ask the Commission for its continued vote in support of the project on land use grounds consistent with the renewed recommendation of approval by planning staff as we continue forward with the process to move The Lindsey back before City Council for consideration and hopefully resolution in late August. Thank you, Mr. Chairman.

Chair Baugh said thank you. Questions for the applicant.

Commissioner Jezior said same one that I brought before for Ms. Dang. What was the thought process in the reduction in the cash proffers?

Mr. Rhea said cash proffers are based upon identifiable impacts from the property. These are all offsite proffers; they are not within the building or the site. So, as the building reduced its resident count, bedroom count, and parking space count, those cash proffer impacts were reduced proportionately to those reductions. Again, not a scientific process but well within what was supportable, and we have gone through how those were calculated on affordable housing through the VPS report on the traffic calming measures through other similar type improvements, traffic humps, speed cameras, stop signs and that nature. So again, it was what we believe as a fair and proportional reduction based on similar reduction in the number of residents there.

Commissioner Kettler said in terms of the internal layout change and like the atrium area there, what was the thinking behind that?

Mr. Rhea said it was an ability while we were losing roughly one-third of our building height - buildable area from six floors to four floors - we were able to add back a little bit by adding a couple wings internal so you would not see those additional units from the street. They are all hidden internally and it allowed us to attach the building itself to the parking garage so that there would be direct resident access from the garage into the full area of the building on site.

Commissioner Jezior said a question that came up at public comments that I want to bring up. I know there was some concern that the four stories were not proffered and that there might be a way to fit five stories within 52 feet.

Mr. Rhea said we have heard that concern. The elevations are proffered; they show four stories. If you look at City Hall and you look at the backside of City Hall, when you come in the entrance out here, it is three stories. On the backside of City Hall, it is four stories because there is an exposed below grade area. The roof will be flat. So, people visually looking for whatever impacts there are, it will be at that capped at that 52-foot height. Why we came up with Paul Street is the City has a very technical definition of "building, height of" and where you measure that from and

how it is measured. That is our primary entrance for this building; it has been from day one. So that is the most consistent area. It is not the most favorable nor the least favorable for the project. It is kind of a midpoint for fairly measuring that height.

Commissioner Kettler said what costs are associated with a delay of a project of this size. So, I'm thinking, financing or other additional costs over a period of time, like months here.

Mr. Rhea said there is certainly a cost to the City of delaying a project like this. Although there have been substantial material changes to this project that could be justifying that delay, costs go up over time. Generally, it is going to be more expensive to build tomorrow than it is today unless we have deflation and deflation of building materials, which we have not seen for quite some time. Interest rates are more variable, they go up and go down. That is kind of the luck of the draw as to where you are in the economic cycle and the rate cycle when you lock in your rates. So that could go up or down but, but generally the cost of things continues to go up. So, delaying it does make it more expensive.

Commissioner Kettler said in terms of the layout. It is an overall reduction in the number of residential units. So, I'm wondering on the ground level, are there intended to be more residential units or any residential units on the ground level that were not there before in previous iterations?

Mr. Rhea said the commercial space has remained the same. The ground level will still be primarily used as office space and recreational space. There may be some more on the ground level. The question again came up relative to Mr. Seitz's question about substantially versus general conformance. One of the most challenging things is this has been the most detailed proffered project from an exterior design appearance in my experience in the City, but we have not gone through construction documents yet. And so, when you go through the construction documents there is some variation with that, but the intent is to be consistent with those elevations that were provided. The concept plan, the city knows what it gets if it approves this project.

Vice-Chair Porter said could you speak to the process with the transportation changes and the communications related to Harrisonburg Baptist Church. Since the last time we have seen you, has there been material discussions between you and the church? Have you reached some accommodation?

Mr. Rhea said there have not been. I do not think they have objected to what we have proposed with respect to their parking lot. It remains completely optional to the church if they want to leave their parking lot as it is today. So there have not been specific conversations regarding that because I do not think there has been a specific objection to that portion of what is being proposed. That remains within the Baptist church decision. If they want to close that, Timberwolf will pay for extending the sidewalks and closing in those ends and giving them the entrances onto the new Paul Street extension as that is constructed.

Vice-Chair Porter said I also want to have you speak on the rationale and the decision-making as it relates to the reduction in the number of bedrooms, the rationale behind that and also the mix that you chose. You know, I have given you a hard time about the four-bedroom units, and I still have concerns about four-bedroom units and that has been well trodden ground, but that percentage

has gone up significantly as the project has changed and you have reduced one-bedroom units and significantly reduced two and three-bedroom units. So, I am just curious what the rationale was.

Mr. Rhea said that is economically based. The four-bedroom student housing component to this building is a key part of what makes it economically viable to be constructed with all the proffers and bells and whistles that go along with getting the project approved. We were very intentional about not raising the amount of four-bedroom units, so there are not any more there now than when you all considered this back in March. If you look at a lot of other downtown student-oriented projects along West Main Street in Charlottesville, the project formerly known as The Standard, it is called something else and was sold last year, that is 90% four-bedroom and five-bedroom units. So, this has been an intentional mix. We have had conversations with City officials. We have done our best to provide a project that works and maintaining that one-bedroom scale that young people really are clamoring for. There are people who live at the Ice House, there are not that many units there, they are all the all one-bedrooms. It is where the young professionals want to live. That is who we want to see downtown. I think in terms of opportunity, the ability to live without having a car at that age. Still being tied to the university scene in your twenties, but not being a student there.

Vice-Chair Porter said that is a fair answer.

Chair Baugh asked if there were any additional questions for the applicant. 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.

David Bernstein, 521 Ott Street said I will be very brief because a lot has changed since your last discussion of this proposed zoning change and it is clear that you should now oppose it. It is not needed and it is counterproductive. We now know that JMU plans to construct dorms and have 60% of its students live on campus. If the student body does not grow, remains at 23,000, this will amount to an increase in on-campus students of about 6,400 to about 14,000, which is a decrease in off-campus students of 7,300. If the student body does grow to 30,000 as planned, it will still lead to a decrease in off-campus students of about 4,700. In other words, the City and surrounding County could see a decrease in demand for student housing of between 4,700 and 7,300 bedrooms. That is, we have plenty of student-oriented housing. We also now know for sure that The Lindsey will be a student-oriented complex. The most likely configuration consists of 85 four-bedroom units between nine and 14, two- or three-bedroom units and 72 one-bedroom units. This means that out of a total of 440 bedrooms, 340 or about 77% will be in four-bedroom units. Twenty-eight, about 6% will be in two- or three-bedroom units and 72, about 16% will be in one-bedroom units. The four-bedroom units, as we have all discussed, is attractive only to students and ultimately this means the entire complex is going to be attractive only to students. Hence, we will soon have plenty of student housing and there is no need for The Lindsey. There is, however, need for other kinds of housing. According to the 2020 Harrisonburg Housing Study, 94% of owner-occupied units are traditional single-family homes. In other words, the City has a clear need for other kinds of housing, exactly the kind of housing that is likely to be built if the zoning remains R-3. In

conclusion, there should not be a change in zoning. What is best in Harrisonburg is to leave these lots at R-3. Thank you.

Lynn Adams, 906, Circle Drive, said I have been here for 45 years. My husband and I, before we retired, were very involved in the building industry of Harrisonburg and depended on it. That helped our family grow. But as things have changed, so have certain needs, I feel, for downtown Harrisonburg. One thing that concerns me is the future of the ownership of The Lindsey. How long does Timberwolf plan to hold onto it before it sells? Then, will it maintain its beautiful pictures that we are seeing today? That is an entrance to our historic city, which is a very important thing. Four-bedrooms, if it goes as the gentleman before me said to where we do not need student housing as much as they are saying we need it now and it goes to families that need to live in things like that, a four-bedroom, four-bath, one will be too expensive for a normal family to afford. So that is one concern and as JMU goes to living on campus, we have an awful lot of housing for students off campus now. That is not going to change by building this here downtown closer. They are still going to want to be off campus but not under the thumb of downtown restrictions. Parking is going to be affected. I am not sure how the surveys and the tests and all that were done. Anybody, if you talk, I talk to a lot of people downtown, and I am downtown quite a bit. The people that come into our area, one of the big things they bring up is parking. Where do you park? I cannot find a parking space. These students, and I do not know how many of you have young children or teenage kids or grandkids like we do, they are not going to leave their cars at home. They are going to bring their cars and, if you try parking on any of these streets that are the 10-hour-parking during the week, Monday through Friday, they are all student cars that are taking up all those. And when you bring more students living at The Lindsey, there is not going to be any parking that is available for the people that are going to come down, the residents that live here 365 days a year, to shop downtown. They are not going to be able to park. So, I think, I hope that you consider the long-term effects that we are going to have to deal with after Timberwolf sells the building and moves on to the next town. Thank you.

John Mansfield, 505 South Mason Street said I certainly want to compliment Ms. Dang and Mr. Rhea for their presentations and also Timberwolf for their efforts. I think one question I would have is if the majority of city residents really believe that what appears to be purpose-built student housing is preferable over a festival center that might have other benefits both culturally and in the long term. I also wonder, in considering a festival center, if you are looking at the value as opposed to just the cost. Well, thank you. I appreciate having been able to meet with a number of you and also hopefully you have read some of the emails that I sent. Thank you.

Todd Alexander, Paul Street, said Parking. We are 120 parking spaces short. We already have parking issues on Paul [Street]. We brought it up to City Council. They sent police officers out and for two weeks they patrolled it, ticketed, towed, did all the things that they needed to do. We appreciated that. But that is a two-week period, you know, this is going to be every day. We are going to have 120 cars and when they cannot park in the parking garage, they are coming into the Old Town Neighborhood. We already have issues. And if you think that JMU students are not going to own a car, you are not thinking correctly. If the developer is in the proffering stages and they are so certain that parking will not be an issue, they are going to cover all the parking, then

let them pay to add onto their parking garage when it is a problem. Let them proffer that, if they are so certain that their parking is correct, it should not be an issue because they should not have to build it. We still do not have a clue what the price of these units are going to sell for or rent for because they have never told us. We have no clue how expensive the parking is going to be. If you go and look at The Standard, which they keep referring to, you will find that the reviews are not good. Parking is high. Outrageous, they say. But they still park there because they have no choice. They say that their parties are so loud in the hallways that they do not sleep at night, that people are throwing up in the elevators and throwing up in the hallways and it takes weeks to get it cleaned up. Now those are student reviews, good, bad or ugly. That is what they are. But if you are going to make references to that, then you are going to have to take the good, the bad, and the ugly with it.

What is the plan to address the future problems with traffic? The developer is going to give a small sum of money for traffic calming. What are you going to do with the rest of it? How are you going to fix that? Because once they walk out, it is done. Then we, the taxpayers and the City, are paying for this. Developer is not paying for it anymore. They gave their small amount of money and they are done. So once again, if they are so certain that it is not going to be an issue, let them proffer to pay for that. Look at the study a year later and they can pay the expenses to fix that. I do not know what else to say about that. Four-bedroom units are difficult, almost impossible to convert and in 10 years we are going to be stuck with a whole building full of them. What are you going to do then? Water. We have not even talked about water.

Water, next 25, 50 years. I mean we have water today because the City Council had the foresight long time ago to buy multiple sources of water. We need that same foresight today. Especially if the answer is to rely on the Shenandoah River where there are environmental concerns. The river is at record low. I have never seen the river this low in my entire life, and we have property on the river.

I am still confused. Maybe you guys have the answers to this. I do not understand why you can build a six-story structure with 62 feet, but it takes 52 feet to build a four-story structure. If you have answers, I am listening. It seems to me that a four-story structure should be 42 feet. It still has not addressed affordable housing. Adding rental units does not automatically mean that you are increasing the working... The residents, the young professionals, families, seniors, nobody can afford that housing. You are just not going to be able to do it.

Some of the proposed developments are now described and are less necessary because of changes on the JMU campus housing. Why is that reasoning basically applied selectively? We apply it in one area, but we do not apply it in the other. I think we need to apply it in all areas, not just one or the other. We need housing for young professionals, working residents, people who want to live and invest in the community year-round, not just part of the year. We already have plenty of that. If you walk downtown now, you can actually walk down the sidewalk without having to walk out into the street to get around. You can see the difference, which is just going to compound that. The

housing study has been referenced in this for some reason. The Housing Study says that there is an increased need for rental housing, but I do not understand why it is now being used to justify recommendations that and why it has not been followed with the same urgency for all the other things. We just chose to apply it to this. What is going to be built on the property? We have an idea, but we do not because things are generally this. I think we need specifics. These are not minor details. They are basic questions about infrastructure, affordability, transportation, water, and neighborhood character.

A zoning change or major developmental approval should not move forward just because we need revenue. The City is like, oh, we need money and this is great money for us. I do not think it is. I think you should look at some of the other projects from this developer and see how much revenue is generated from that. I think that would help you a lot. And so, I would ask if it is not your job as Planning Commissioners to protect citizens' quality of life, then what is the responsibility and who is responsible to protect our quality of life? We are depending on you guys to do that. I ask the Planning Commission to require clear, concise answers to this and many other questions and ensure that the public input is not treated as an obstacle, but as an essential part of responsible planning. Harrisonburg deserves thoughtful growth, not growth that leaves residents with unanswered questions and multiple costs. We are going to get stuck with all these costs as the residents. I ask you to protect our quality of life. Thank you very much.

Carl Larsson, 47 South Mason Street, said I have lived in Harrisonburg for 10 years now and I absolutely love our city. I share in the desire of many in this room to have greater density and more neighbors living in and around our downtown. And yet I am here to respectfully ask that you vote no tonight on recommending approval of the rezoning as a first step toward a better yes on this property tomorrow. I want to be very clear, I do not believe that voting no is a vote against housing or against downtown growth. Voting no tonight is a vote to uphold our City's planning documents. It is a vote to ask that this rezoning application is not just or does not just partially align, but that it should fully align with our city standards before recommending approval to our City Council.

I would like to offer three arguments. First, this proposal contradicts our Downtown 2040 Plan. Second, the proposal does not have the support of the community and there are too many unresolved issues to allow it to move forward for a vote by City Council. Third, there are many alternative uses for this property that could better serve the needs and goals of our community.

First, this rezoning proposal contradicts the Downtown 2040 Plan in several important ways. The Downtown 2040 Plan was adopted by City Council, and it represents our community's shared vision for downtown development. While this development proposal may deliver development and density downtown, density alone is not enough. I would like to show a poster, and you should have a handout of this in your docket as well. This image, from page 60 of the Downtown 2040 plan, clearly depicts a B-1 style building at three stories, not four or five or six, but three stories with both historic buildings preserved. The applicant's proposal contradicts this plan by first demolishing historic buildings and second, introducing four- to five-story structures and massing

in an area next to two- to three-story buildings. That scale and massing violate the sound planning principles of transition zones and the need to match existing neighborhood character. Some additional contradictions with the Downtown 2040 Plan include the following: The Downtown 2040 Plan calls for green building solutions on page 60. It is my understanding that the comparably sized Urban Exchange is LEED certified, but I do not see any similar environmental certifications being proffered in this proposal. This proposal also risks the negative environmental impacts of removing mature trees and green space next to the Blacks Run watershed. Page 44 of the Downtown 2040 Plan calls for the highest standards of design at this downtown gateway. The proposal's proffers, however, allow for an exposed parking deck rather than wrapping the parking with apartments, which is standard in many cities. The proffers even seem to allow for future changes to the design and materials after rezoning, and I simply feel that we should not accept, as Ms. Dang described as squishy general conformance language for the final design in building materials at this key gateway to our downtown. I do not think the Downtown 2040 Plan says that these issues I have mentioned can be ignored as long as density is delivered. Until all of these criteria are met, we have to conclude that at this time the current proposal contradicts the Downtown 2040 Plan. Thus, I respectfully ask that, even if there are aspects of this project that we appreciate, we nonetheless hold off in recommending approval until the proposal fully rather than only partially aligns with the content of our City's adopted Downtown 2040 Plan. Second, the proposal does not have the support of the community and there are too many unresolved issues to allow it to move forward for a vote by City Council. Over 1,600 people have signed the petition against rezoning and the map in your docket shows that the petition signatures come from neighborhoods all across the city.

Commissioner Seitz said sorry to interrupt. Are you referring to this? [Referring to a handout.] There is no label or context on this, so can you just describe explicitly what this page represents?

Mr. Larsson said that represents the addresses of those who have signed the petition against rezoning to B-1C, in favor of keeping the current R-3 rezoning.

Commissioner Seitz said thank you for the clarification.

Mr. Larsson said thank you for the question. It does not come as a surprise to me that there are so many people opposed to this given how many unresolved issues still linger. Affordability, traffic, parking, management plans, fiscal impacts, and the possibility of future tax breaks on the property and environmental impacts the legal enforceability of the proffers. None of these are small details. They are fundamental issues that demand answers, and the proposal now has an increased focus since last March on student-oriented units with the proffer now allowing up to 77% of bedrooms to be housed in student-oriented four-bedroom units. Increasing the proportion of student-oriented units simply does not make sense to me in light of JMU recently approved plan to build around 10,000 new beds on campus. We already have plenty of student housing in town and JMU on campus housing projections, we have heard forecast that will now be around 4,400 or more fewer students living off campus by 2040. Our City does not need a building with 440 new bedrooms

marketed to students. If anything, we need 4,400 already existing bedrooms to convert from student off-campus housing to workforce and family housing between now and 2040. As our City Community Development Department recently said in its memo for the Peach Grove rezoning request, staff does not believe that more student-oriented housing is needed at this time. And secondly, they said, quote, it would be better for the community to provide the appropriate style of units at the initial time of construction.

Let me pose a question. What do the following recently completed multifamily apartments in downtown Harrisonburg have in common? The Ice House apartments, the Kavanaugh apartments, the Foundry apartments, and the Keezle building apartments. Besides all being very popular downtown Harrisonburg apartments, as far as I can tell from a quick internet search, it looks like they consist of only one- and two-bedroom units with no three- or four-bedroom units at all. I feel that the absence of three- and four-bedroom units is a major factor that makes properties like this attractive to year-round, non-student residence. Even Urban Exchange is predominantly made up of one- and two-bedroom units with only about 20% of their units listed online having three-bedrooms. And there are no four-bedroom units at Urban Exchange. None at all. We simply do not need more four-bedroom, student-oriented housing in town. On the other hand, one- and two-bedroom units appear to be in high demand downtown. Completely eliminating three- and four-bedroom units from the proposal not only seems to be financially feasible, but I also believe that this change would much better serve our City's current and future housing needs.

Finally, very briefly, I would like to show you how your no vote tonight could open the door to a better yes vote on a different plan tomorrow. First for reference, this is the developer's updated rendering that we have already seen this evening. I feel that it visually downplays the height of The Lindsey making its five-story parking decks somehow appear to be shorter than our three-story City Hall. In reality, the building and parking deck would likely feel very out of context with their surroundings. City Hall would no longer be the focal point of our civic core. Center stage would be taken by these apartments. Now here is a possible alternative use of the property [referring to a poster he held up]. The first possible alternative use of the property would be an expanded public park. Please think about how great an expanded public park could be for this area, our downtown environment, and the ability to attract new investment in dense housing and businesses to downtown. The Urban Land Institute and other planning experts agree, great downtowns need great parks and public spaces. Think of how great an expanded downtown park could be to catalyze downtown growth and investment for generations to come. Will a student-oriented apartment building have the same effect?

A second alternative use of this property could be to build context-sensitive multifamily. If the landowner wishes to pursue B-1 housing here, then please vote no tonight and let us wait for a plan that fully aligns with the Downtown 2040 Plan by focusing on three-story apartments, built side by side with the existing historic buildings on the property. This would be consistent with the scale of other recently completed downtown apartments, the ones I mentioned earlier, and thus, it seems to be economically feasible and in high demand for our City. It could still provide downtown

density, and it could be absolutely beautiful for our downtown. These are just two examples of a better path forward. I feel that it would be a false dichotomy to believe that this is a choice between something like R-3 townhomes or an out of context student-oriented apartment block. On the contrary, I would hope that there are many more options available for the applicant to explore that could better serve the common good of our city.

To conclude, a no vote tonight is not a rejection of downtown growth. It is an opportunity to reset and invite this talented development team to come up with a proposal that fully aligns with the needs of our community and the guiding documents adopted by our city government for the sake of our downtown today, as well as our legacy in the downtown that we leave for our children and our grandchildren. I ask that you please vote no tonight so that we can reset the process and work together towards a better yes tomorrow. Thank you for your time and consideration.

Sierra Lambert, East Elizabeth Street, said my comment was not written by AI. A classic social psychological tactic is where a negotiator makes an extremely unreasonable request that is sure to be rejected when the other party inevitably says no. The negotiator follows up with a slightly smaller but still extreme request because the later request feels like a compromise. The other party is much more likely to agree. I ask that you do not fall for the psychological trap created by the developers and the attempts to convince us that this is a good thing for downtown. This updated plan still emphasizes the same 84 four-bedroom units, which undoubtedly primarily focuses on JMU students who are willing to be living in shared spaces. This proposed development would be just housing students who already go to school every day within walking distance of downtown, many of which will already be housed close by due to JMU's new on-campus housing plan. The argument of boosting downtown business from this development is invalid. I also just want to remind you of the likelihood of this development being sold to JMU. Being the developer is incentivized to sell because of certain tax breaks they would qualify for, then the City will be receiving absolutely no money from taxes from this development. Keep the dorms on campus where they belong. The new plan removed all public parking proffers and will only provide 320 parking spaces for 444 bedrooms, forcing residents to overflow into public parking that is already limited, especially during the farmers' markets and church services. Not to mention the traffic that would be added to the two roads this development would be situated between that the Downtown 2040 Plan intends to reduce to one lane. If this development was proposed to go in place of the Courthouse on Court Square, would you consider that location because of any twisted attempts to argue that the Downtown 2040 Plan supports that. We have to think critically about the location of where we allow a massive, as massive of a structure as this, a four-story wall of brick, the same height as Urban Exchange and concrete wall, a story higher spanning from Main [Street] to Liberty Street at the entrance of downtown towering over our tiny pavilion park. Not to mention the historical destruction that will be caused by this development, which Downtown Harrisonburg cannot afford any more of. I will hit on, as I have in many other meetings, that there are plenty of other properties for sale already zoned for this type of development within walking distance of downtown and JMU. Some great alternatives I have mentioned prior include many buildings

downtown that can be renovated into housing and the Roses and CVS lots. Some new properties that have come onto the market since the last meeting are 625 and 635 West Market Street, which is Black's Paint and Floor Covering. It is \$1.32 million, B-2 zoning, 3.46 acres. Another property is 291 West Wolfe Street. It is where the big white Graham Packaging plastic products plant is located right when you turn onto West Market Street, it's M-1, \$2.95 million, and 5.35 acres. A proposed alternative of a Lindsey Park is the best and highest use for this property with the greatest potential to benefit all of the members of not only the Harrisonburg community, but visitors as well. The public performance space will also provide a place for many local and tour musicians who have lost a place to play in Harrisonburg due to the closure of Crayola, the Warehouse, the Golden Pony, and many other venues downtown within the last few years. And the \$6 million is not really a lot to invest in a public park for everyone to enjoy when the City is proposing to spend \$26 million just to renovate the building we are standing in. The power is in your hands to make the best decision, and it is well within your right with a multitude of valid reasoning to say no to B-1C.

Sarah Baker-McEvilly, business owner at 157 North Main Street and resident in the Northeast Neighborhood, said I have been in support of this project since the beginning. One of the things that really concerns me about tonight from the opposition especially, is that we are making a lot of assumptions on hypotheticals. Everybody is really concerned about what is maybe going to happen to this building in 10 years. If JMU is able to follow through on this completely radical project to get 60% of their students living on campus that a brand-new president submitted and supported because he is new and wants to make his mark on the University, then that is great, that is totally within his rights to do that. But this is a really large undertaking, and we are assuming that there is going to be no delays in this project and that all these students are going to immediately start living on campus and then all of the student housing in town is going to be vacant quickly, overnight. And then there is going to be no use for these housing anymore. I think it is a very, very poor decision to decline this project because you are worried about something that could happen 10 years from now when the vacancy rate in town is 2% right now, and we need housing. I also think it is worth addressing that just because they are students does not mean they do not deserve a place to live. We are having this entire conversation around a group of people who, yeah, it sucks that they leave in the middle of summer. As a business owner, I feel that stress, but when they come back in the fall, they throw their money around, and that is beneficial to me. I am not saying that the community does not support me throughout the year, but these people still participate in our economy, and we are treating them like second-class citizens who do not deserve a place to live. It is the unfortunate consequence of our economy in town that we need a certain amount of four-bedrooms to ground the economic feasibility of a project so that we can have one-bedrooms that young professionals can live in. I mean, this project has seen so many reiterations in the name of compromise that I think this is the best that we are going to get. And I am genuinely scared for what other things we are going to get brought to the table. I do not want us to be making decisions on city planning on hypotheticals that JMU is going to do this, or the hypothetical that this is only going to attract students or the hypothetical that this could be a drain on resources when I am

assuming you have not had anybody who is an expert on water use come in and look at the wells underneath the land yet. And we do not really know anything about this project because this is just an approval to continue. I think that people asking for definitives are being willfully ignorant to how planning processes actually work. I also take huge offense as a business owner for people who do not own a business downtown, coming up here and saying, this is not going to benefit the local businesses. We have seen 15 businesses close in the last two years, and it is scary. We are seeing three open in the next month, and that is really, really great. I am super happy to have these people joining our community. They are not going to succeed, and the people who are here already are not going to succeed, if we do not have more people coming in downtown because while the community grounds us and has supported our downtown, the inflation rates are insane. We cannot keep up with the expenses and how everything is rising. I cannot tell you what I am going to have to raise my prices next year because my electricity bill just almost doubled because of how much we are paying Dominion for electricity now. There are so many outside influences to cost that you just simply need more people because it is not fair to demand our community to spend more money when the influx of money that they are getting from their jobs is not keeping up at the same pace. I fail to see how the park alternative that people have brought up with almost no planning or background or input from the city is ever going to support businesses downtown. People are saying it is going to drive people, attract people for businesses. A walking area separate from most of the businesses downtown is not going to bring people to my bakery. It is probably not going to bring people to Bella Luna, which is like a block away from wherever this park is. People go to parks to spend the afternoon. They maybe have a picnic there, they are not doing it to go hit up the businesses around it. And even with the numbers of signatures against this project, I would like to point out that that's only 4% of the City of Harrisonburg. And I do really love the opposition's vocalness and how involved they have been in this project. And I think the compromise that has happened in this process has been ultimately for the better. But now we are hitting a point where nothing that is going to be compromised on is good enough for this opposition. I would like to ask you guys some questions if you are able to answer. The traffic study has kind of identified points of failure in the traffic that's happening, right? The Lindsey is supposed to be addressing that with the Paul Street bypass. If they do not do that, do you have any alternatives to fix the traffic patterns? I do not know of any alternative projects in the works to fix the traffic issues other than what The Lindsey is proposing to pay for. I do not know of any projects that are in the works to fix the parking problem. Everybody keeps talking about parking, meaning more parking garages. This is the only parking garage that has been put forward to be put downtown that I have seen in the last two years. I mean, it is directly addressing the problems that people are bringing up in opposition to the project that we have no other alternative to fix. I just do not see how not approving a project that is going to give you a solution to track problems in parking garages is not worth approving. But all that to say that as a business owner downtown, I do think this is the best way forward. I think that the compromises that have been made are incredibly generous. I am happy with the approval process that this has gone through. I think that this is great. I also am really happy with

the reduction in scale, but we cannot keep denying this project. It is what I believe downtown needs. Thank you.

Keith May said I am the broker on this property. I appreciate the position the staff has taken on this project in the past and also the Planning Commission members. The opposition seems to think that they can actually determine what will be done with this property whenever it is privately owned. It is simply not their choice. The developer now could build townhouses, and they could say nothing about it. We have already approved a similar project like this when we approved the Urban Exchange Building in 2008. The residents of that property are not unruly, they are not loud, they are not disruptive, and they are not throwing up in the elevators. And whenever we talk about the gateway into Harrisonburg, I would argue that the Urban Exchange is on Route 33. That is more of the gateway to Harrisonburg than South Main Street. I would like to talk about affordable housing because we always talk about this is not affordable housing. I would say every single unit of housing that is built, either for rent or for sale, contributes to affordable housing. The more housing we provide, the more we contribute, the more we contribute to affordable housing. Building all types of housing increases housing supply, which in the end other people move up from lower housing into the higher housing and then other people from even lower housing move into that housing. So, it all relates to affordable housing. And I would argue that this very decision could contribute more to affordable housing than any other decision that the City has made in the past 10 years. Thank you very much for your service.

Aaron Garber, Paul Street, I was not going to speak tonight, but as the small business owner stated we cannot go off what ifs. Well, what if you take a president from another college, he comes in, makes a proposal to bring students on campus. Guess what? He has done it before at his previous college. He has been doing exactly what he is proposing here at JMU. So, it is not as much of an amorphous “will this happen?” “Could this happen?” It is probably going to happen because he has done it before. This man knows what he is doing and how he is going to do it. He already has made proposals, and I would almost say it is probably going to happen with a 98, 99% probability. Now Mr. May gets up here, he speaks to affordable housing. Well, we all remember Reagan and trickledown economics. So, are we talking about trickledown affordable housing? That is a joke. We all know it. We know it from Reaganomics. We know it for this. So, Mr. May, he stands to earn big on this. Mr. Rhea does as well. That is the 900-pound gorilla in the room. You look at this room, the majority of us are against this project, and we are going to be the ones that are going to shoulder the burden if things go the way that the JMU president wants them to go. Not Mr. May or Mr. Rhea, because they are probably not going to be in town anymore. Again, I hope you oppose this. Thank you.

Bucky Berry, city resident, called in. [The call was not clear.] Mr. Berry stated his opposition to the rezoning. He asked how much the rent will be and stated this will not be affordable housing. He said the Water Street Parking deck should be rebuilt.

Chair Baugh recognized Mr. Mansfield back up for a second comment.

Mr. Mansfield said I guess from what the lady said that owns the bakery, that if 15 businesses have actually closed downtown and you have only gained three, are we doing something wrong? Might it be better to build something like a festival park, much like the Ting in Charlottesville that has been very successful in helping the downtown and is also economically self-sufficient. And also, I have a question is if you build more fours, does that mean that you are going to sell more [unintelligible]? That is regarding the affordable housing that these are not convertible. Apparently from what Mr. Rhea said in the past, that four-bedroom student housing is not easily convertible to affordable housing for workforce. And so if you have 4,000, you say it's hypothetical... well, I guess you could take that either way. Is it true or is it not true? And what are the consequences if it is true. Thank you.

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

Chair Baugh said we have completed the public hearing on item 4.d. and it is now before us for discussion and consideration. Alright, I will go first, I guess. There is a whole lot of really good thought that has gone into all of this stuff from a lot of different directions. I will spare everybody my commenting on every one of them. I have got sort of three points that jump out at me. One, is this last point that has come up. I have said this before, publicly, we know from data that people are not that good at predicting the future. So at some point, I think one of the speakers said the more the statements present certainty about this is what the future not just beckons, but will in fact occur... We are all entitled to our opinions and who knows sometimes those things are right and maybe somebody does make a right call. I think here, particularly, it is not really all that meaningful to look ahead and say, "I know what happened with this building in five, ten, 15 years" even in terms of things like internal configurations, because at least my observation has been, especially when you are at a market where housing is tight, you would be amazed at what people can do once they find that their market interests cause them to want to modify what they have or go in a different direction.

The second thing I want to say is that it surprises me a little bit, and this was discussed at the last public hearing on this... although I am not unfamiliar with there being a large group of people and I am the only one who holds the opinion that I hold. Will not be the first time that ever happened. But I think the point that I emphasized when we last considered this is that our existing planning, it calls, it is anticipated that our core downtown area would ultimately extend southward along the Route 11 corridor essentially until such time it gets met from the JMU development creeping north. At some point, that is what we envision things to be. And why would we do that? One of the reasons is that our core downtown area is in fact already our best economic engine and driver. It is surrounded. There are only so many directions you can go in it. Yes, there is some potential for some redevelopment and sort of the longstanding part of it, although that is fairly limited. There is some potential to go north, although that has already kind of a hit the northern boundary in a lot of respects. And there hopefully will be some future infill up there. And you have got this, where

you are hemmed in. There is no interest in crossing over to redevelopment in the existing residential area. I would say heaven forbid we ever consider doing that. The thing I keep coming back to, I think we would agree that generally it is good to expand our core downtown area. That is to have the kind of more urban downtown development along that Route 11 corridor is not only kind of makes sense, but it is a thing that is done. I mean, we could go other places and look at main drags that have sort of an urban feel and there are residential areas a block over. It is a thing you see in communities that are successful. And I guess what hits me going the other way is well, we are not going to do that. There is a suggestion to do R-3. R-3 is not what you would think of as an urban core downtown zoning category. I will spare the speech over why that is all R-3 because it is just old inertia. So, R-3 is probably not it.

I will touch on the park related areas and my last point. I understand why a lot of people like what is there, it is what has always been there within the memory that this is sort of a little quiet break between what is perceived as the downtown and the JMU part. And there are things to like about that as a person who lives here. But from a planning standpoint, is that something that rises to the level of something we want to preserve to the point we are saying no to urban expansion southward? That is hard for me. That just sort of feels like it does not make sense to me that the plan is wrong because it should be about maintaining some sort of quiet buffer in there. I understand why people would like that. But that just does not seem like a great planning strategy to me.

And then the other thing... as I go back to discussions that we were having about this a little over 20 years ago when we were still talking about downtown revitalization as a hopeful thing. And what we were saying when we were doing our planning? One of the things that kept coming up was that for the places where this works, what has to happen economically for your businesses... if they can pay the bills off of pedestrian traffic that comes by, and then the events that come downtown that pull in larger groups of people periodically, the parades and those things... there is your gravy. But to make it work, you need people walking by your establishment on a regular basis. And this was when this was still somewhat aspirational for us. And what we said was yes, we want to promote things to get people living downtown. And based on what we had at the time, what did we anticipate? Well, like a lot of places, the more common model than what we have had here is the older buildings redevelop. They spruce up. We have some of this, we spruce up the upper levels of things that are still commercial on the ground level and that will take care of it. We have had some of that. We have never had enough of that to really get the bodies downtown to support the downtown businesses. What happened instead, that we did not predict correctly... I try to place this conversation, and it was about 15 years ago I was speaking to JMU President Jon Alger when he was new. I was repeating the conventional wisdom of the time, which is not the conventional wisdom anymore, which is we used to say over and over as part of the discussions that if people cannot see where they are going when they park, they will not go there. And how do you factor everything in there? That was just accepted as truism and there were many examples of it. We used to talk about how at a time you had these things called shopping malls that sometimes

would have a whole lot of people? Somebody will go to the mall during the holidays and park, get the last spot furthest away from the door, but would say I tried to go to a downtown merchant, and I had to park around the corner to walk half as much distance and then say we cannot support those downtown merchants anymore because there is no parking. That was the world 15 years ago. And what changed after that? And now the truism, something that we absolutely did not anticipate, is now if I can walk 15 minutes, it is easily walkable. That is just a no brainer. I do not see it. I do not have to pull a car up to it. I can walk to it in 15 minutes. And what happened with us and our downtown businesses was not predicted. The neighborhood in the northwest quadrant there between High Street and Market Street, they walk downtown and support businesses. 15-20 years ago, we would not have predicted that would happen. I know people who live in the neighborhood on the other side of Memorial Hall who can walk downtown in 15 minutes. It is great. Good way to clear your head on a nice night after you have been downtown. I understand the impulse about the park. I am not against the park although you have two huge challenges here that nobody has talked about. One is this is private property, so you have to work out something with the private property owner. And two, maybe Councilmember Dent wants to speak to it... what is in the budget? Not sure there is any money lying around.

This has been a known thing to the City about the property and the lack of interest of the City acquiring this property has been around for a while. I do not think it is brand new, and I am not quite convinced that anything here is going to change it. But aside from that, it seems to me, and I think this is what a couple of speakers are really saying is that, we are at a point right now where the economics of the City and the downtown it is not really about creating more space to attract people to come downtown. People want to come downtown already. We have been fairly successful about that. We need more bodies who live closer to it. And the thing that has been weird about us, where we deviated from that typical model of just redevelopment of upper stories is of course, part of our history is that Urban Exchange came online at what had to be about the historically worst time it could have ever come online since the seventies. So they had to change their business model. They really were not going to rent to students. Well, guess what? There was not any way to get anybody in those in 2009 unless you were willing to rent to students. And oh, by the way, they filled up and they raised rates and got people downtown. Since it was part of a recession, it also sucked the air out of people who were looking to develop other projects downtown. So, we have had this history of these sort of bigger buildings coming in... I remain unconvinced that it is a bad idea for our core downtown to keep extending in this direction. And my sense from what I am hearing, what I hear from the business community is that they like the idea of more bodies downtown living closer to the businesses than they do trying to find another way to attract people downtown.

Commissioner Kettler said it is a good framework for discussion. I appreciate some of that context. Some of the context that I'm thinking about is at least as far back as 2011, the future Land Use [Guide] map for this area was designated the same as the rest of downtown. That is to say exactly along the lines that Chair Baugh has suggested, it should be part of downtown. And that is

reiterated again in 2018 with the Comprehensive Plan then. The Downtown 2040 Plan specifically identifies this area as one key area to be redeveloped for housing. Arguably this is ultimately a debate over the vision of what downtown should be, and ultimately it is kind of along the same lines as it was in that discussion 15 years ago. Because a lot of it is, are we building for people? Or are we building for cars? That is an important distinction because if we are building for people, if we are building for foot traffic, that activates downtown in a way that absolutely nothing else will. We have had lots of business closures recently, apparently 15 in the last two years. The few that I know about and went to plenty were Mashita, Golden Pony, Friendly Fermenter, and Joshua Wilton House. And when I think about that and I think about those plans, I think they reflect a common vision. Downtown is better when it has more people, when it has a stronger economic engine, when there is more people driving it. And density is something we talk about here sometimes as a virtue. And nowhere is that more true than downtown. Downtown is the living, breathing heart of our City, and it is what needs that engine more than anything. It is not a new idea. The fact that you need people for a city to exist. I mean, that has been true since time immemorial. But what I think some of the anxiety from folks opposed to it have noted is concerns about parking and concerns about traffic. If your view of new development is that it means more cars, more cars means a flying hunk of metal that is repeatedly going by your house and making things less safe. That is the vision of it. But there is one way and one way only to reduce traffic-viable alternatives to driving. When you have housing that is close to other places, housing that is close to JMU, housing that's close to downtown, where you can walk to other businesses, that is the only way you get rid of traffic by providing meaningful alternatives. Fifteen minutes is good, five minutes is better. We need a lot of that kind of housing. We needed a lot of that kind of housing. That is reflected in our housing study and several other documents. And you know, the attitude that we have with that, it, it cannot just be, I support housing but not here. I support housing, but not now. I support housing, but not for students. I support housing, but not in my backyard. It has to be, I support housing. That's the only way we get out of a housing crunch by actually allowing that housing to exist in a way that creates a community that you don't just drive past, but one that you are a part of, by one that you can walk down the street that the easiest thing to do is to walk down the street and see your neighbors and to walk to the local store and to make that a reality for more people.

Commissioner Seitz said the reconsideration of this has been an exercise of being careful what you wish for. I think that there were statements made when we considered this before that people were saying, in principle we understand the need for housing and, and some people, not everybody said this is a good place for it, but I wish it was not six stories. Credit to the developer for coming back. I supported it, I voted for it in its last iteration. And, and I did so not because it was a perfect project, but I thought that there was enough general benefits to the City, some of which had been discussed up here. Some of that was a worthwhile trade off to accept the engine of housing to be marketed to students relative to the other benefits; the extra parking spaces dedicated to the City, the greater dollar proffers. But in reducing scale, the developers have taken a lot of that away. I agree with the assessment that this is a housing development targeting undergraduate student

residents. There have been comments made by people about the benefits of that relative to the benefits of other people occupying that building. Also, I voted against the Peach Grove and Port Road development and made the statement in that meeting, "I do not think Harrisonburg needs more student housing." That is kind of a blanket statement. I have nothing against students being accommodated in off-campus housing. But the situation we have found ourselves in is that whether it is development, whether it is up zoning of places like this property, right now, the only free market economic engine that will build new housing is housing oriented towards students. So, as I have thought about all the pros and cons of this, I come back to this core issue. And my audience for what I am about to say is not the developers, it is not the residents of Harrisonburg, it is my fellow appointed officials that I serve with that are serving other parts of the City. It is to our elected officials. *t is to our city staff. The will to create the conditions to develop the type of housing other than student housing requires more than just leaving it to the free market. I am going to oppose this project more symbolically because I am asking all of us that are involved in leadership and I am asking citizens, everybody who is glad to say no, to come out when we do the Comprehensive Plan, to come out to do other things and get involved in solving the problem. Because we are not going to get to what we all up here are advocating for simply by saying no to projects. We are going to have to get involved. And, you know, it is incredibly complex. I think, first and foremost, we have to start with good planning that includes inclusive public input, skilled leadership towards consensus building, and a community-wide willingness to understand we do not get anywhere unless we compromise. I think we have to understand - this is not why this graphic was generated (holding up a graphic provided by Mr. Larsson) - but I had the thought in going through this material that Harrisonburg is a small enough place that everywhere in Harrisonburg is my backyard. So, to say I know we need housing, but put it over here on somebody's land that neither we nor the City control is not constructive in terms of getting this to where we do. You do it by engaging in the messy, dirty, drawn out, inefficient process of legislative endeavor, beginning with comprehensive plans, zoning ordinances, petitioning City Council, electing City Council officials that are willing to get out in front of these issues. It is going to require that we wrestle with that we are not simply reactive in terms of utilities, transportation, general infrastructure, and so on. We were proactive in terms of building a second school. But if I considered transportation a critical issue for vetoing things, I am not sure there is anything in Harrisonburg that I could vote for. I voted against the project out on Betts Road because I understand the severity of that situation. I also voted for the project on South Main Street where people have a legitimate concern about the traffic situation there. But again, where does the will come to make the public investment in improving traffic infrastructure? In utility infrastructure? In considering do we have enough water? Mr. Alexander, you referenced city governance that had the foresight to look ahead and plan. Where is that foresight now? Where is that political will now? Because we need the growth. And I also want to say I still think high density housing and mixed use is the highest and best use, hopefully designed in a way that it makes a gateway that makes us proud as Harrisonburg residents. And also in a way that honors the decade-long efforts of people to actually build a park and who have done the heavy lifting and the legwork of building consensus,

of raising money, of coming to a legal agreement with the City. I think this proposal of an alternative use, again, falls back to this thing of, here is a great idea that proposition somebody else's land and the government should pay for it without doing the heavy lifting of true economic pro forma. Candidly just honoring the efforts of people that have been involved in this, in efforts going back to 2007. I wish that this was a different type of housing. I think the changes that have been made architecturally have made it better. But I at some point, as a citizen, as somebody that is part of hopefully being somebody with some foresight on behalf of the City, at some point we have to start drawing a line in the sand and saying, we have got to do the hard work because if we do not, it is just going to be the same thing over and over again. Thank you.

Vice-Chair Porter said I absolutely 100% agree with everything that this gentleman [Commissioner Seitz] just said. I think that this is a bigger issue that is structural in nature. One thing about having something like this come before us three times is I have had a lot of time to think about this. Sometimes projects come before us, I give it some thought the week of. Sometimes I may lie there at night after we have had a discussion about it, and I think about whether I did the right thing or whether I voted the right way. Did I give it the right thought? This, I have had some time to really contemplate, and I have heard commentary from friends and neighbors and folks that have come here on three separate occasions. I have heard a lot of very salient points on both sides of the issue. I think, for me, this comes down to a clear understanding of how difficult it is to build in a community. Also, how broken our system truly is. With all due respect to our developers in this particular case, you know, the market is in a position right now that what is being brought to our community is exactly this type of building. We are looking at being able to effectively service a student population where we know that there is a revenue stream that is predictable and we are adjusting and building to meet that revenue stream. I guess on some levels, I cannot blame a developer for coming in here and choosing to do that, but the reality is that the market and market forces are not bringing us the type of houses that we need in this community. That is not to say that student housing is not important or that there that if you are opposed to student housing in this location or to this degree or in this configuration, you are opposed to students. I do not view that that way. I think that my long-standing opposition to four-bedroom configurations has a lot to do with the community that it creates. And then what happens when that housing is no longer desirable for students? We have watched students migrate around our community and those units do not fall back into our housing stock as well as they could have. I have seen some pretty deplorable circumstances during my time in homeless services where individuals are shoehorned into these four-bedroom units that really need permanent supportive housing because it is affordable or at least more affordable. The fact is, is that we have a misfit between the housing stock in our community and our needs. And the market is bringing us things that are economically viable. Only if you put 75% of it in four-bedroom student units, nobody is bringing us housing that says this is your workforce housing solution. I struggle with this because I do believe that Mr. May's point about more units drives affordability. I would agree with that up to a point. I think that there is some efficacy to that. But the types of units that we are bringing in and how easily those can convert to affordable housing is where I have the difference of opinion. I do not believe that these

units fall into our housing stock in a very effective way. And for someone to have to come in and put additional cost into renovating these units or retrofitting these units, ultimately that cost is going to be passed on to the consumer like almost everything is. We do not end up with affordable housing. I believe very much, as Mr. Seitz does, that we have to look at really thoughtful, informed reform of how we do housing. And it goes much beyond this development.

I am disappointed that this facility will not allow for someone to come in and use a voucher because it will most likely be over the FMRs [fair market rates]. I am, again, be careful what you wish for. I think that I was a bigger fan of this project when there were more units in it. The fact is that we had to do that, or this was done to accommodate the community's desire to have a lower profile. But from just a sheer housing perspective, this might have been a better project before all the changes. I am still concerned about the fact that the percentage of units in this building that are four-bedroom units is going to actually create increases. I think it makes this building less viable for the long term. And to the point that was made about whether we can predict the future, we certainly cannot. I am not sure where this university and its housing is going to go. But what I can tell you is that I know that our present state does not allow for people who work in this community, that work at JMU, that work in downtown, that they are able to afford to live in this community based on the direction that we are headed. And every project that comes forward is focused on trying to be able to maximize a revenue stream. And maybe this is a bigger commentary on how we do housing in America, but the fact is that affordability is very rarely the primary concern. Will we look at housing? It is about "can we build it?" and "can we build it profitably?" And it is always more, more, more. Unfortunately, these are the type of products that we are going to continue to get. I do think that we, as a community, need to do a better job of curating and planning around this type of housing. I struggle with this layout. I will continue to have problems with the way the four-bedroom units are laid out, and I have seen the impacts that they have had, and I cannot support it. I will tell you that a lot of the issues here that this developer faced, they have accommodated. They have made significant concessions. I have been extremely impressed with the fact that they have been able to continue to engage. And I do believe that the statement that it does not matter what is going to get built here if it is this size and tenor, some folks are never going to support it, whether it was six stories or four stories or three stories. I do believe that. But there are also legitimate concerns that the community has about traffic. What the burden on the developer to address that is, that line is in my opinion, partially on the City. I have concerns for the folks on Paul Street in terms of traffic flowing back up that street. I think it is a legitimate concern. If this expansion goes through Paul Street, I would like to see it be one way, flow out of the neighborhood, come across the building, do not flow back into Paul Street. I do think students are going to use this as an avenue to get to the other side of campus. If I lived in that neighborhood, I think it is a reasonable concern. But at the end of the day, the [unintelligible] arrow did not change for me on this. I changed my vote for this. I voted for this, and then I voted against it. The things that made me vote against it are still very much in place. So, I have a hard time changing my vote or even endorsing the project as currently configured.

With that being said, these developers have done a fine job of trying to meet what this community is asking it to do, not in the area that I would have voted for, which is affordability. And again, we have affordability arguments that are based on bigger macro discussions as opposed to what this building actually does to contribute to affordability. Affordability ultimately is somebody else's problem. I am telling you that I am of the opinion that we as a community are going to have to start to address this affordability issue and take some responsibility for it in terms of the type of housing that we are attracting and incentivizing to come to our community. But we are going to have something less than a community that we currently have.

Commissioner Jezior said I wanted to thank the members of the public that did reach out to talk. Sorry I did not get to accommodate everyone that did. And the developers as well, I am very impressed with the changes that were made to the look of the building. I mirror a lot of my Commissioner's viewpoints here. I voted for this project in the past, specifically because of the mix of family units, young professional units and student housing that was meant to be accommodated here. My main issue with the way this is being presented now is with the change in proffers. We are switching to three quarters of the building being four-bedroom and really just accommodating students. And like the other members here said, be careful what you wish for. Because of those changes, I do not think I will be able to support this anymore. I think everyone else has said what I have been thinking too, so I do not need to reiterate.

Councilmember Dent said I liked it the first round. I liked it more the second round, and I liked it even better the third. We need housing, and we need to continue revitalizing our downtown and the prejudice against student housing is unfortunate for a university town. The idea of having students walkable to campus and to downtown where many of them will work, as well as, supporting the downtown businesses. I have said all along, Harrisonburg is a city. We need to grow inward and, to some degree, upward or we keep losing all the people and the revenues to the County, which is exactly what has been going on for years. I will still support it enthusiastically. I am a little disappointed to lose some of the units, but I understand the accommodations to the community pressure for a smaller scale and even I can admit that it fits more comfortably within the community and having a smaller parking deck so that looking out of City [Hall] you don't see quite as huge a thing. I still like it. I understand the dilemmas about student housing. I think that is more what will more appropriately addressed in the ongoing zoning ordinance updates. So that is where we can get involved. That, and the comprehensive plan when that comes around. So yes, I support it.

Commissioner Kettler said Commissioner Seitz, you were saying a lot of the things that I was thinking, but did not say in my initial remarks. So, I just want to touch on that briefly. This is, in my opinion, measurably worse project in almost every way compared to four months ago. Given the issues that three the Commissioners noted, it is a substantial reduction in all of the non-four-bedroom units and that makes it a project that is considerably less of what we need. I have spoken less about the difficulties with student housing with this, primarily because of its proximity to JMU in a way that is not true for almost any other development. Part of the reason I am not taking the

developer to task about it is because it seems clear that that is the only path forward. That will not engender enough resistance to stop the project. Coming in tonight, I did not know whether I was going to vote yay or nay. Ultimately, I am going to vote yay for the reasons I discussed earlier, but I completely understand where you all are coming from. Fundamentally, the idea that we are discouraging more and more housing and this is back and forth the third time. It is discouraging. We have dodged a serious opportunity here. Another way that is less obvious, but the parking spaces that were previously proffered for municipal use could have been a useful part of solving the jigsaw puzzle of south downtown parking because we have the area north of the Turner Pavilion, which in the long term may still be viable as part of the downtown park. And part of the reason that did not work is there was not enough parking for city employees. Looking at the Water Street parking deck, that is, eventually, going to have to be redeveloped. In the meantime, we will need additional south downtown parking. That could have been a useful part of solving that problem. Now it is gone. I stand by my vote where I said previously, but I just wanted to recognize that I understand those concerns.

Commissioner Seitz said I would like to address Councilwoman Dent's comment about prejudice against student housing. I am not prejudiced against student housing. My family and my business have benefited tremendously from the presence of JMU, and I am proud that JMU is part of our town. I think the difference is that approving student housing and using the rationales that we do distracts us from the harder work of really getting the housing that we need. Maybe it is splitting hairs, but I feel like I want it in the record that it is not a prejudice against student housing. It is that I think it is a distraction from doing the hard work that we need to do to get the type of housing we really need.

Vice-Chair Porter said I think that this has also uncovered some inadequacies in terms of how our city has managed its business here in the last 15, 20 years. The fact that we still do not have a housing trust fund in this community, despite the significant need for it, is a problem. And again, I will continue to push our elected officials and anyone that will listen on the importance of having that. The proffers that are being presented this evening, I am not entirely sure I fully understand the consultant's view on what is proportionate and what have you, but I do feel like that larger proffers for offsetting affordability, if they did want to make these units affordable, could have been something that could have been negotiated and that funding could have come into a fund that could have received a proffer as opposed to whatever convoluted process of a line item that this is going to end up being, if this moves forward in this manner. It is a problem, it is an injustice. We as a community are in a crisis as it relates to housing. And the fact that we do not have a housing trust fund and cannot receive proffers that would allow us to be able to build the type of housing that we truly need in the community, also even maybe foster some home ownership in our community, which is also a huge problem in terms of the mix of housing that we have in our community right now is a structural issue. We have traffic problems, we have significant infrastructure issues, we have difficulty being able to build in this community because it is hard to

build in this community. And I understand the frustration of the developer getting into this process. I question if I was in their position, how comfortable I would be having to go through all of these meetings and all this process. It is difficult to build, but at the same time we have got to create a city that is going to not only accommodate this discussion, but also drive this discussion with some sort of vision. What should this community look like in 10 years? I think we are blind right now. I think we are literally reacting. The market is just bringing us whatever will be economically viable without putting us in a position of being able to say what best serves our community. So, I think this is part of the larger discussion that Commissioner Seitz has brought up. We as a community have to make some very serious decisions about what Harrisonburg looks like in the next 10 to 15 years. And affordability is going to have to be a key issue. And again, this is not just a Harrisonburg problem, this is a national issue. This is an issue that we as a nation have to think about who deserves housing, what should it cost, how much of their income should have to go to be able to put a roof over their heads. And the fact is that our systems are set up in such a way to make building more expensive and more difficult. It also puts us in a situation where the only things that can be built economically or these sorts of things that require pro forma, that have 77% of the bedrooms to be four-bedroom units because that is where we can get the maximum return. I think that, unfortunately, that is the reality that we are facing and will continue to face until we start doing some proactive thinking about what the City should look like.

Chair Baugh said I have a couple of thoughts. One, Councilmember Dent, I disagree with you on, on the point that yeah, I like the second iteration better than I like the third iteration. That is the only thing I think I disagree with you on about this. There is a part of me that ... this just seems odd that for all of the comments and input that was out there, and I know we received all of it, that was talking about how the essential issue with this was the scope and the scale and how big it is. And again, I was certainly in the group that supported it in that version. Essentially that is all this is, it is scaled back from what we saw before. And, somehow, the applicant is now in a worse position for having scaled it back. I am really having trouble getting my brain around that. I note that when we voted against the Peach Grove proposal, one of the things I pointed out was that, as almost all communities in this country are wrestling with these same questions right now, that one of the things that many, if not most, localities have found on their list of things that they needed to correct, was something that we had not particularly had. When they looked at the list of all of the proposed projects that they voted down for one reason or another - it was not in the right place, these people did not like it, it is not forward looking enough. Those communities have come to realize that they would not be in some of the spots that they are in now if they had said yes to some of these things. We had not been that jurisdiction. So now we voted down Peach Grove. We voted down Betts Road; I was not here for that, and I would have had to recuse myself if I was. And now we have got apparently waning support for this. Meanwhile, the unchallenged figures going out, we still have a, what, 2% occupancy rate? As somebody who over the years has at times made these arguments about, if we really want to see what we have in the future, maybe you have to say no to some things to do this. I have found remarkable unwillingness of people to go along with

that at a time when we seem to have a decent housing stock. But now, that we clearly do not have decent housing stock, we are “now is the time that we raise the bar and need to make the point about, you have to be willing to say no to this stuff.” Which is, you know, sort of generally true. I have also said my continued support for this plays into two other things that are just me and maybe I may be all by myself or part of a small minority. One of the things I have consistently opposed, and expect I will continue to oppose, is while I can agree that perhaps leadership in the City could have done more to have gotten us further along the line with this, it always bothers me, will continue to bother me, to think about voting against a proposal, largely driven by arguments about it not addressing affordable housing sufficiently, when we have not set any guidelines for that. And so the development community then bears the brunt of that. What do you have to do to get these things? Well, gee, we do not know what, you just know that there are people who are going to talk about affordable housing. If they are not satisfied, how do you satisfy them? Oh, we nobody has come up with that. It is certainly appropriate for this body to be involved in that discussion and consider making recommendations, but we are not the ones that ultimately decide those things. That circles back a little bit to my point of how in the world did this thing get smaller and smaller in response to input, and now it is a worse idea? That feels a little odd. And again, this is just me personally. I probably have, but I cannot think of one. Of all the votes I have taken on things, I just have a hard time with arguments, I am not talking about anybody else just talking about me, that at some point in my mind where I feel like I am being asked to let the perfect be the enemy of the good, I cannot think of a time when I ever voted that way. I probably have. I would not say I am an absolutist on that. I absolutely believe there are times to take a stand. But I say, this checks more good boxes than bad boxes, but I am going to vote no on it to make a larger point. The world is awfully speculative when you get there. We do not know what is going to happen tomorrow. It is just a few years from now. And as I said this checks off more good boxes than bad boxes. In my mind, the best arguments to vote against it are these arguments that are about “somehow we need to hold up for something better or need to be working for something better or we need to get our act together.” Meanwhile we have a 2% [vacancy] rate and we are now potentially on the third project here where, nope, wrong place, wrong time, did not check enough. I know we need more housing, but not this one in this place. This is a place that, there are a lot of places that things about this where we are in uncharted waters. One of the places that I am seeing that we are uncharted waters is the extent that we are now suddenly voting against stuff at a time when, first and foremost we, we know we need more housing.

Commissioner Jezior said my change in vote on this now is because of that percentage difference here. It is not anti-student. *t is that if you have 77% units filled with students versus a closer to 50-50 split, that building is going to have a much different feel. It is going to be much more of a dorm than a community focused building bringing students and bringing young professionals and families that need the two- and three-bedroom units in. That is going to change the way that the students respond and live in that building when they see kids and other people that are not students in the building.

Chair Baugh said I do not disagree with that. All I said is that is a good succinct way of saying why I like the second version a lot better than the third version. I just end up on another part of the scale from you, which is fine. I am trying to say well, good thing this developer listened to all the community input and all the small “d” democratic stuff that was going on, telling them you have to make this smaller. Well, if you make it smaller that is what you have. Anybody want to make a motion, or do we want to keep talking?

Commissioner Kettler said I agree with your logic.

Vice-Chair Porter said the irony is not lost on me, in terms of the direction that this went. I think a lot of the folks that are in opposition had one point specifically about the size of this. Despite being the only Commissioner that voted against the last time it came before us, that was not my primary driver. Maybe my vote is a protest vote that is probably rooted in something that is much bigger than just this project. And the fact that we are making a recommendation as opposed to deciding the actual outcome of this project gives me some latitude to do so. I just think that this is simply a symptom of a much larger issue that I think is solvable, but it is something that we have to start really working on. I think you could be pro student and not support this configuration at the same time. And I think that the reality is that the density was never a concern for me. It was more about why do these units have to be \$2,000 for a one-bedroom? Why do we have to have the majority of the units be four-bedroom units that will maximize the return? The premise of what I am trying to say here is probably rooted in something that a lot of folks will not appreciate, which is that sometimes for the good of the community, I would like to see somebody take less. Or do something and say I am going to go ahead and offer up 5% of our units. You can accept a Section 8 voucher. That sort of thinking is not probably good business. But I do believe that that eventually doing good is good business. And I think that we will eventually find, hopefully somebody in this marketplace that will come forward and help us try to solve our housing problems. And we as a community need to incentivize that in terms of our development. We as a community need to do a better job of attracting the type of housing that we want. Work more closely and inclusively with developers that come to this community to build that type of housing and make it as affordable and as easy for them to be able to do so as possible. I still think that there are huge barriers that affect affordability, that are systemic issues that are not necessarily germane to this specific case. But it does speak to the larger issue and why I am concerned about the fact that there is no affordability here.

Commissioner Kettler made a motion to recommend approval of the rezoning.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning failed with a split vote (3-3). The request will move forward to City Council on August 25, 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

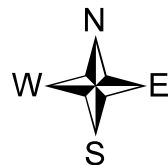
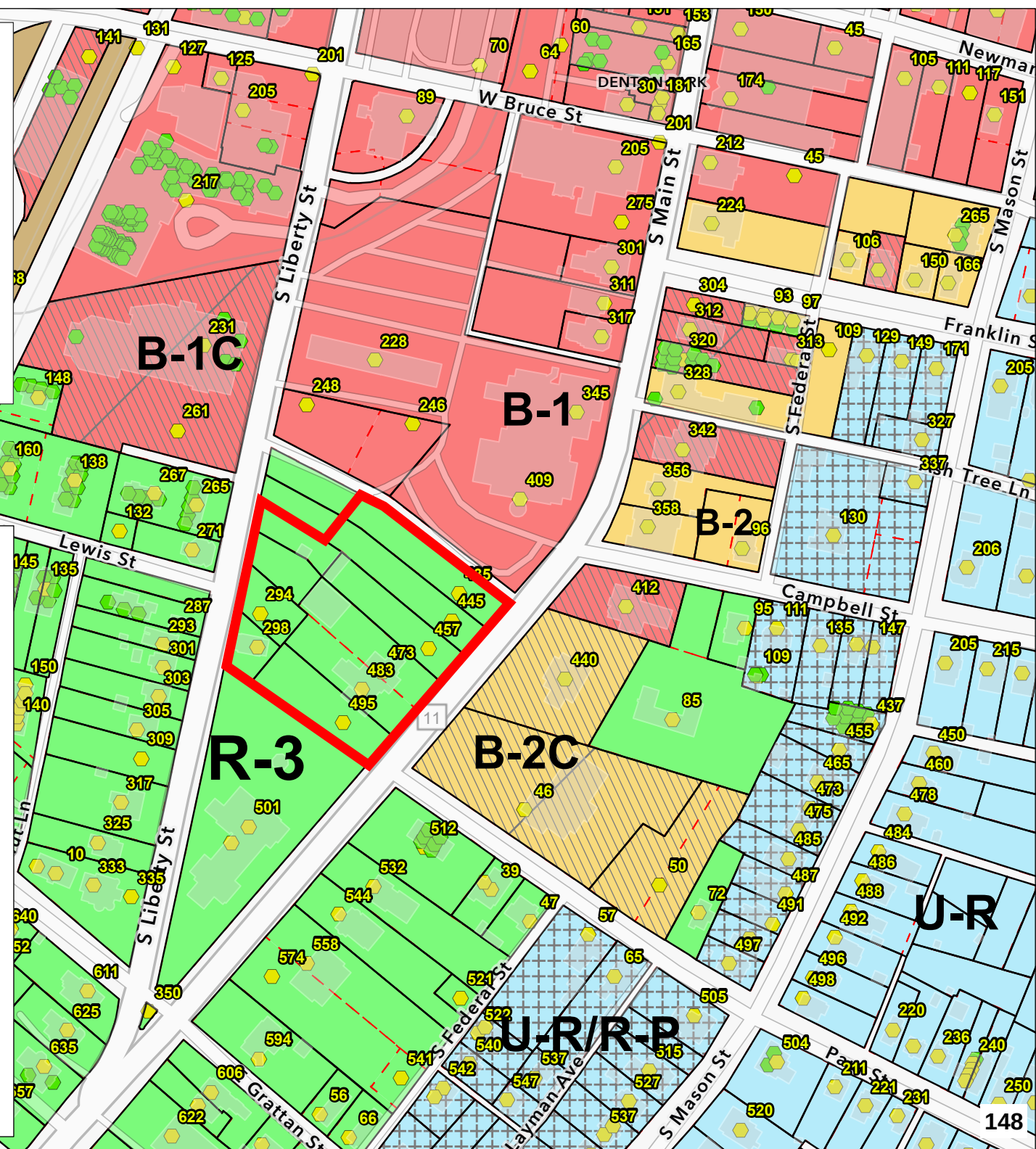
South Liberty St

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

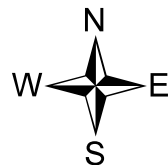
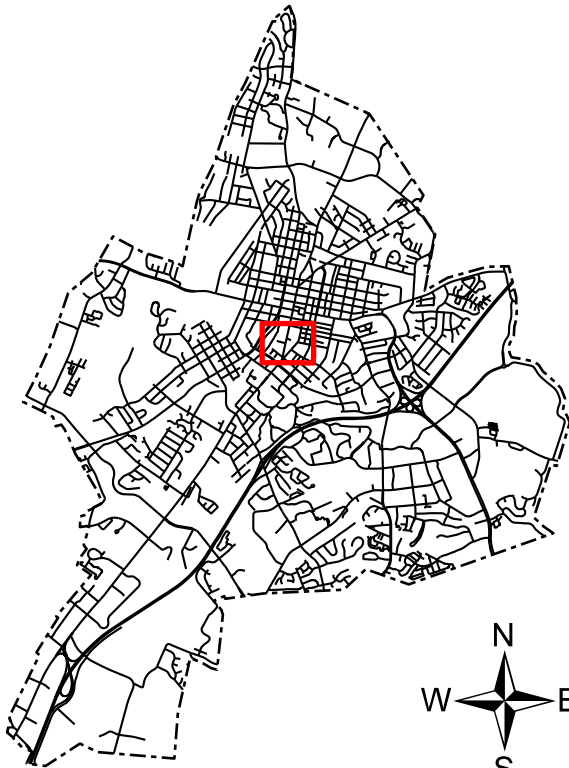
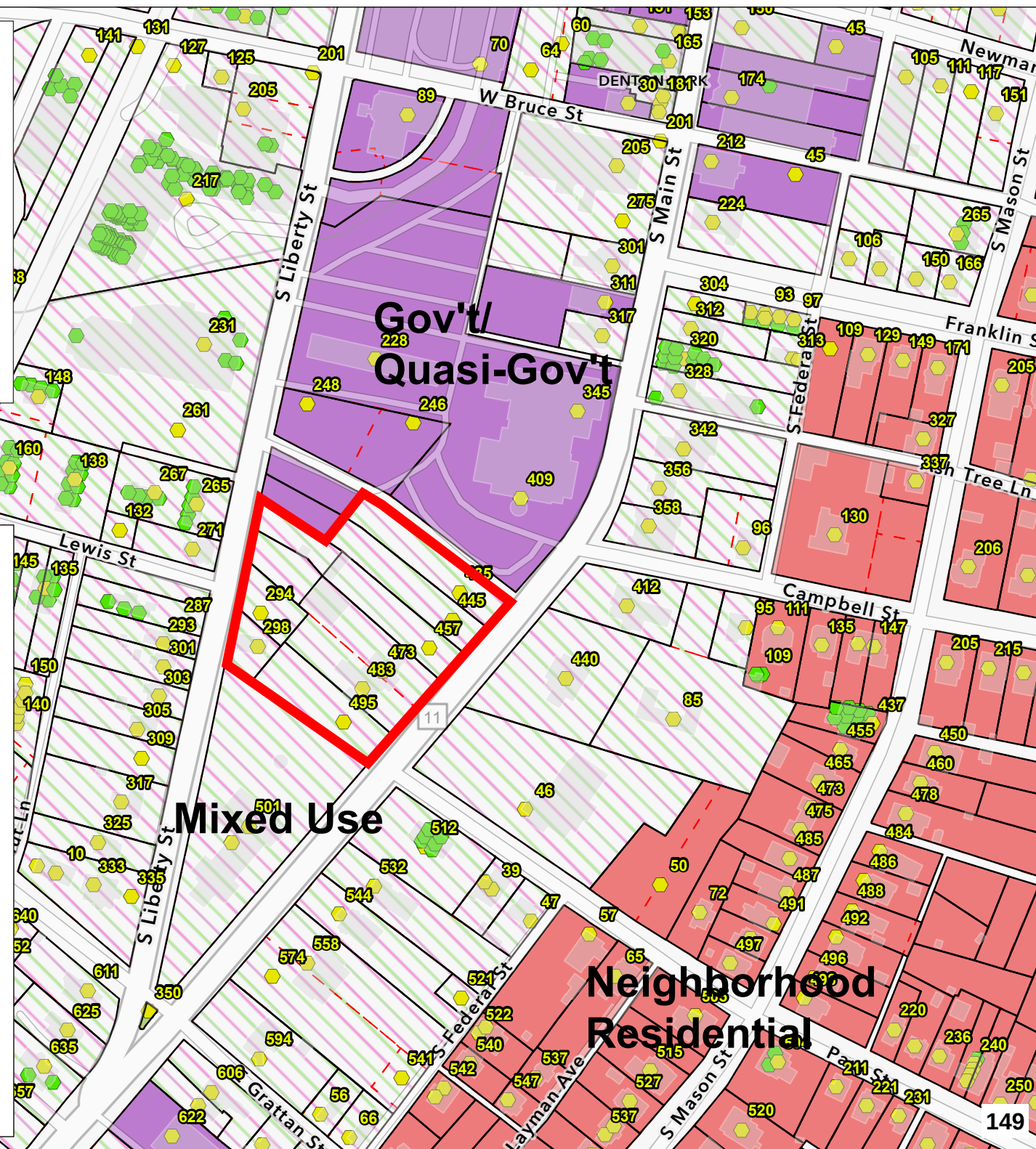
Tax Map Parcels:

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

15, 16, 17 and 18

+/- 2.75-acres

(FUTURE) LAND USE GUIDE



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

The figure is an aerial photograph of a residential area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. The area is bounded by South Main Street to the north and South Liberty Street to the east. The map shows numerous residential parcels, many of which are marked with yellow and green hexagonal icons. The text in the top left corner provides details about the rezoning project, including the address range (435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty St), the tax map parcels (25-J-2, 3, 4, 5, 6, 7, 15, 16, 17 and 18), and the area size (+/- 2.75-acres). An inset map in the bottom left corner shows the city of Harrisonburg with a red box indicating the location of the rezoning area. A north arrow is located in the bottom right corner of the inset map.

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

The main map is an aerial photograph of a residential and commercial area in Harrisonburg, Virginia. A specific area, outlined in red, is the subject of a rezoning from R-3 to B-1C. This area includes parcels 282, 288, 294, 298, 435, 445, 457, 473, 483, and 495. The map is overlaid with a grid of yellow and green markers, likely representing individual lots or specific features. Numerous parcel numbers are visible throughout the map, such as 141, 131, 127, 125, 201, 205, 217, 231, 248, 246, 261, 267, 265, 271, 287, 293, 301, 303, 305, 309, 317, 325, 333, 335, 350, 358, 360, 372, 385, 399, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356, 372, 409, 412, 425, 440, 455, 465, 473, 475, 485, 487, 491, 497, 498, 499, 501, 504, 505, 512, 521, 522, 527, 537, 541, 542, 547, 558, 574, 594, 606, 622, 625, 635, 657, 66, 68, 70, 72, 85, 89, 93, 96, 97, 99, 106, 109, 111, 117, 129, 130, 135, 147, 151, 153, 165, 166, 174, 181, 201, 212, 224, 228, 236, 240, 250, 265, 275, 301, 311, 317, 342, 356,

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

The figure is an aerial photograph of a residential area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. The area is bounded by South Main Street to the north and South Liberty Street to the east. The rezoning area includes parcels 25-J-2, 3, 4, 5, 6, 7, 15, 16, 17, and 18, totaling approximately 2.75 acres. The map shows various residential structures, parking lots, and green spaces. Numerous yellow and green markers are scattered across the map, likely representing specific points of interest or data points. The inset map in the bottom left corner provides a broader geographical context, showing the city's location within a larger region. A north arrow is present in the bottom right corner of the inset map.

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

The figure is an aerial photograph of a residential area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. This area includes several parcels, some of which are marked with yellow and green hexagons. The map is overlaid with a grid of parcel numbers. In the bottom left corner, there is an inset map showing the city's location within a larger regional context, with a red box indicating the area shown in the main map. A north arrow is located in the bottom right corner of the inset map.

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

The figure is an aerial photograph of a residential and commercial area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. This area is bounded by South Main Street to the north and South Liberty Street to the east. The rezoning area includes several parcels, with the following tax map parcel numbers listed: 25-J-2, 3, 4, 5, 6, 7, 15, 16, 17, and 18. The map also shows numerous other parcels, many of which are marked with yellow and green hexagons. A north arrow is located in the bottom right corner of the inset map.

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

The map displays an aerial view of a residential neighborhood in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the proposed rezoning from R-3 to B-1C. This area is situated on the east side of South Main Street, bounded by South Liberty Street to the north and South Washington Street to the south. The map shows a grid of tax map parcels, many of which are labeled with numbers. A north arrow is positioned in the bottom right corner of the map. An inset map in the bottom left corner provides a broader context, showing the location of the rezoning area within the city of Harrisonburg.

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

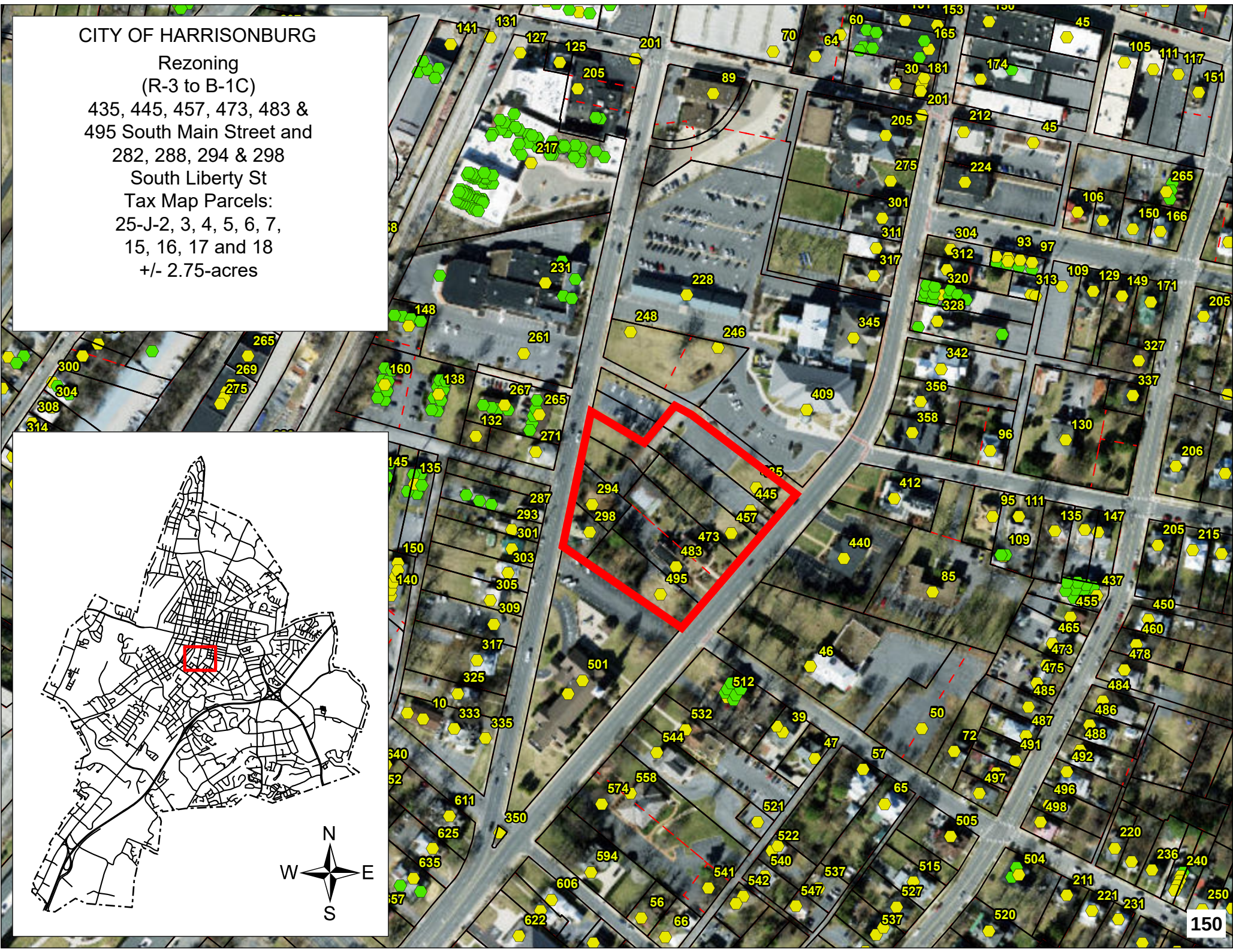
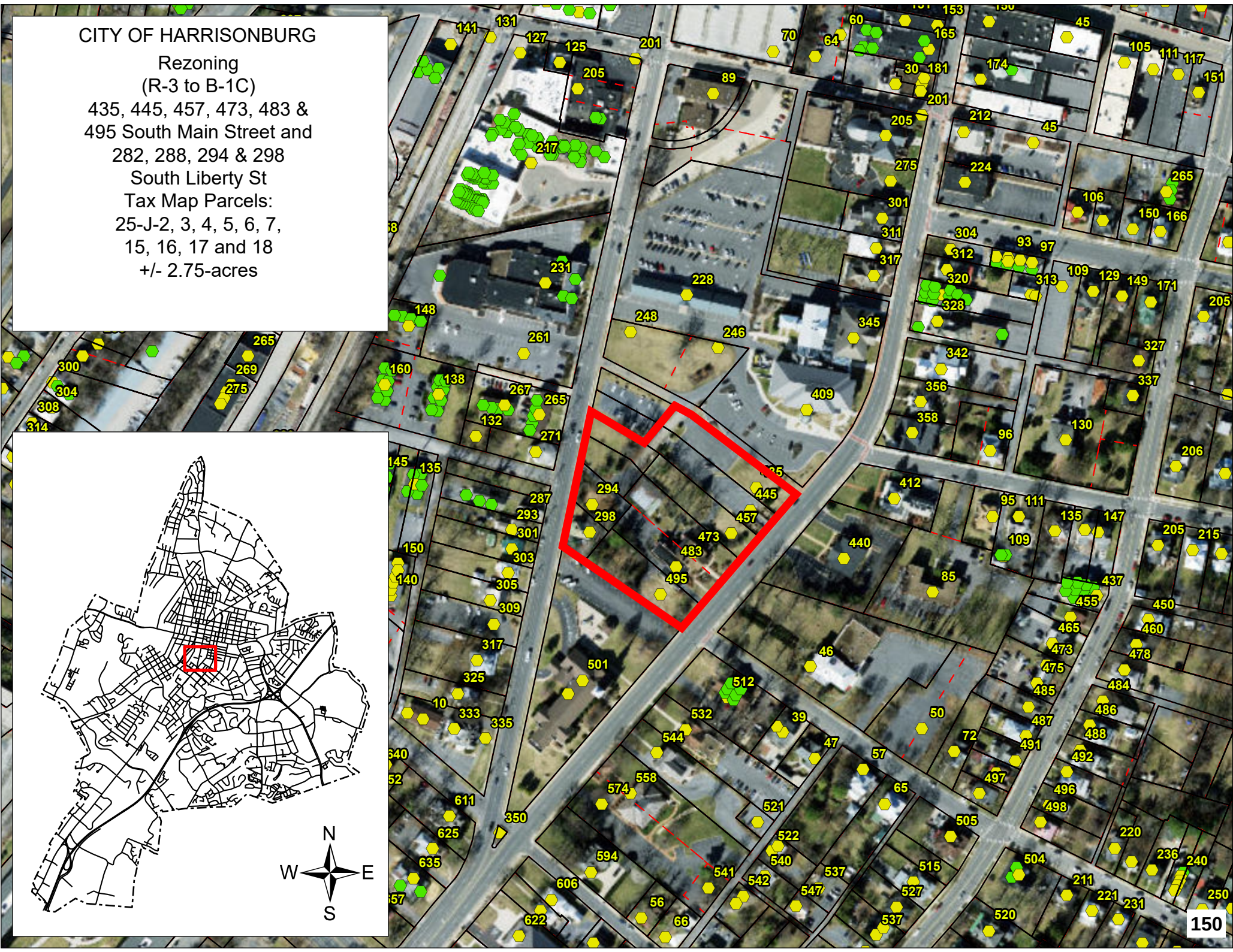
The figure is an aerial photograph of a residential and commercial area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. This area includes parcels 294, 298, 473, 483, and 495. Surrounding areas are marked with yellow and green hexagons, likely representing other parcels or features. The map includes a grid of street names and parcel numbers. An inset map in the bottom left corner shows the city's location within a larger regional context, with a red box indicating the specific area shown in the main map. A north arrow is located in the bottom right corner of the inset map.

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

The figure is an aerial photograph of a residential and commercial area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. This area includes parcels 294, 298, 473, 483, and 495. Surrounding areas are marked with yellow and green hexagons, likely representing other parcels or features. The map includes a grid of street names and parcel numbers. An inset map in the bottom left corner shows the city's location within a larger regional context, with a red box indicating the specific area shown in the main map. A north arrow is located in the bottom right corner of the inset map.

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

The figure is an aerial photograph of a residential and commercial area in Harrisonburg, Virginia. A specific area is highlighted with a red outline, indicating the rezoning project. This area includes parcels 294, 298, 473, 483, and 495. Surrounding areas are marked with yellow and green hexagons, likely representing other parcels or features. The map includes a grid of street names and parcel numbers. An inset map in the bottom left corner shows the city's location within a larger regional context, with a red box indicating the specific area shown in the main map. A north arrow is located in the bottom right corner of the inset map.



CLARK & BRADSHAW, P.C.

ATTORNEYS AND COUNSELORS AT LAW

TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
QUINTON B. CALLAHAN
KAREN L. ROWELL
KATHERINE M. MANN
KEVIN M. WHEELER

92 North Liberty Street
Harrisonburg, Virginia 22802
Post Office Box 71
Harrisonburg, Virginia 22803-0071
Telephone: [REDACTED] Facsimile: [REDACTED]
Web Site: www.clark-bradshaw.com
Writer's Email: [REDACTED]

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,

A handwritten signature in blue ink, appearing to read 'Todd C. Rhea', with a stylized, flowing script.

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 are 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.

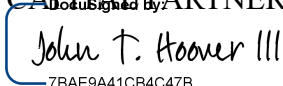
VI. Implementation:

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:

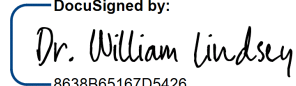
TIMBERWOLF CAPITAL PARTNERS LLC

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

Date: 6/26/2026

OWNER:

BERNARD, LC

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

Date: 6/26/2026

OWNER:

TRENTON, INC.

By:  (SEAL)
DocuSigned by:
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)



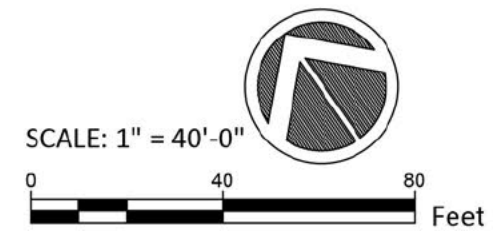
PLAN OF DEVELOPMENT
LINDSEY PROPERTIES
473 S. MAIN STREET, HARRISONBURG, VA 22801

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

© 2026 QPK DESIGN LLP ALL RIGHTS RESERVED





PROPOSED HOUSING PROJECT | 473 SOUTH MAIN STREET HARRISONBURG VA

VIEW 2

02

06 | 05 | 2026

© 2026 QPK DESIGN LLP ALL RIGHTS RESERVED





PROPOSED HOUSING PROJECT | 473 SOUTH MAIN STREET HARRISONBURG VA
VIEW 3

03

06 | 15 | 2026

© 2026 QPK DESIGN LLP ALL RIGHTS RESERVED



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 **envision[s] 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

474 S Main St Rezoning - Question on building height and final design

From Carl Larsson [REDACTED]
Date Tue 7/7/2026 8:06 AM
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.

Please include the following note in the public comment for the July 8th meeting of the Planning Commission.

Dear Members of Planning Commission,

In addition to numerous other concerns that I have about the revised rezoning request for 473 S Main St., I'd also like to write with a question for you concerning the maximum height and number of stories allowed in the revised rezoning proffers for 473 S Main Street.

I understand that the revised renderings depict a 4-story building, but **the current proffers do not explicitly state a maximum number of building stories.** Instead, the proffers only specify a maximum 52' building height.

While I understand that it is entirely possible for a 4-story building to reach 52' tall, my question is on whether it might also be possible under these proffers to build a 5-story multi-family apartment building with compressed floor heights? If so, why hasn't the applicant included a clearly worded, legally binding "4-story cap" proffer to accompany its revised renderings?

Furthermore, if the building height is to be measured from the uphill Paul St extension side, then how tall will the parking deck and building be on the downhill, "back side" that faces City Hall, the Farmer's Market, and Build Our Park? Will the height of the concrete parking deck visually dominate our City Hall?

As a related point, I am also concerned by the ambiguity of the legal proffers in describing final building plans and materials:

- **Why does the rezoning application use the legal phrase "substantial conformance" in one proffer, but only "general conformance" in another proffer?**
- **How much leeway do the proffers give the developer to deviate from the pictured renderings and later change the building design and final materials?**

I understand that the developer may not want to take on the risk of committing to certain designs and materials at this early stage of the development process, but that risk can't disappear; it's simply passed on. In other words, who should hold the risk of design and material commitments: the developer who can sell and walk away, or the local community that ends up living with the building for generations to come?

The Downtown 2040 Plan, adopted by City Council as a guiding document for downtown development, clearly states on p. 44 that "Main and Liberty Streets are the primary front doors to Downtown. They should aspire to the highest standards in design, as they reflect the first impression visitors have of Downtown." For a building in a location as important as this one, which will effectively define our gateway to downtown and civic-center for generations to come, I ask that you please do not recommend approval of the rezoning request until these ambiguities are fully vetted and clearly specified in the legally binding proffers.

Thank you for your time and consideration of these points.

Best,

Carl Larsson
487 S Mason St.

Unit Mix of the Revised 473 S Main Proposal

From Carl Larsson [REDACTED]
Date Tue 7/7/2026 8:06 AM
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.

Please include the following note and attached/embedded images in the public comment for the July 8th meeting of the Planning Commission.

Dear members of the Planning Commission,

As you review the revised rezoning proposal for 473 S Main St (the Lindsey apartments, aka The Link), I ask that you please consider how drastically the housing needs of our city have changed since the last time the commission convened to review this rezoning request in March of 2026. Since March, it's my opinion that JMU's newly announced commitment to building on-campus housing now makes it unnecessary, and potentially even harmful, to approve a rezoning that intends to create surplus, student-oriented housing on this crucially important property at our downtown gateway. I therefore request that the Planning Commission move to recommend denial of the current request on grounds that include (but are not limited to) its excessive focus on 3- and 4-bedroom unit types, while encouraging the applicant to instead consider alternative proposals (e.g., a downtown park, public event space, or apartments that focus on the 1- and 2-bedroom layouts that have proven to be popular in several recently built multi-family apartments such as the Urban Exchange, the Ice House apartments, the Kavanaugh apartments, the Foundry, and the Keezell building apartments.).

For background on JMU's strategic plan, JMU's board of visitors in April 2026 endorsed [The Madison Promise and approved the 2027 Campus Master Plan](#). The plan includes a commitment to "house approximately 60 percent of students on campus by 2040." The JMU press release notes the rationale for this decision as follows:

Research shows that on-campus living is associated with improved student outcomes, creating a sense of belonging and community, greater retention and graduation rates, and improved overall student well-being.

Some quick calculations using figures from page 3 of the [final draft of the strategic plan](#) show that the number of JMU students living off-campus is projected to decline from a baseline 2025 figure of 16,673 students off-campus to a projected estimate of only 12,000 students off campus by 2040.

Thus, our city is projected to have 4,473 fewer JMU students living off campus by 2040.

In light of this significant reduction in future demand for student housing, it was my hope that the development team behind the Lindsey would adjust their unit mix to better reflect the more pressing housing needs that our city faces by eliminating 3- and 4-bedroom units from their plan, and instead focus on 1- and 2-bedroom units. In contrast, the *revised plan actually increases the proportion of 3- and 4-bedroom units allowed under the new proffers*, thus tilting the possible unit mix even further towards the possibility of becoming a student-dominated apartment block. This type of off-campus student housing is not only no longer needed in our city, but it furthermore puts our downtown gateway and civic-center at risk of the well-documented, negative impacts of “studentification”. (If there is any question at all of whether the Link/Lindsey is intended to be student housing, please note the “Student Housing” label used by the developers themselves under their “Harrisonburg Development”, here: <https://timberwolfcp.com/developments/>).

On the contrary, there are several examples of dense, recently completed downtown apartments that, going by the online listings below, appear to consist of only 1- and 2-bedroom units (i.e., no 3+ bedroom units):

- [The Ice House apartments](#)
- [The Kavanaugh apartments](#)
- [The Foundry apartments](#)
- [The Keezell building apartments](#)

Anecdotally, it’s my understanding that these apartments house a healthy, diverse mix of students, grad students, and non-student residents alike. The popularity of these apartments points to the sound financial feasibility of building 1- and 2-bedroom downtown apartments, with the implication that undergraduate-student-oriented 3- and 4-bedroom units are not necessary to make a project economically feasible in downtown Harrisonburg. In other words, it seems false to believe that 3- and 4-bedroom units are needed to make an apartment building “pencil out” in downtown Harrisonburg.

I’d also like to highlight **Urban Exchange** as yet another example of a downtown apartment building that better serves local housing needs for students and non-students alike. After reviewing online listings for Urban Exchange on Matchboxrealty.com, I found that **Urban Exchange consists of almost all 1- and 2-bedroom units, with a small amount of 3-bedroom units, and absolutely no 4-bedroom units**. I am attaching a detailed table of my findings here for your reference. Here are the highlights:

- Urban Exchange has **zero four-bedroom units**
- Student-oriented **3-bedroom units make up only ~21% of units** (~30% of all bedrooms) listed on the Matchbox website, **with under 3% of all listed beds in 3-bed/3-bath units.**
- **Urban Exchange is predominantly 1- and 2-bedroom units (~79% of all listed units).**

Many community members, myself included, appreciate the mix of units at Urban Exchange that can house both seasonal students and year-round, non-student residents (I also appreciate how it is truly

mixed-use with more commercial space than that which is proposed at the Link/Lindsey...I sense that our downtown could benefit from more commercial/retail space!).

In contrast, the Lindsey is very much a student-oriented floor plan with an extremely high proportion of beds in 3- and 4-bedroom units possible under the proffers. **In fact, assuming that studios are counted as "0 bedroom units" (a technical question about the wording of the proffers that should be addressed by Planning Commission), the current proffers could allow for up to 100% of bedrooms to be located in 3- and 4-bedroom units (similarly, Community Development's analysis with different assumptions finds that up to 77% of beds in the Lindsey could be housed within 4-bedroom units). Furthermore, there are no longer any occupancy limits imposed on the units (previously proffer 1.f.), thus meaning the total number of residents in the building is uncapped and could theoretically reach numbers within similar ranges as previous iterations of the rezoning request.** For purposes of illustration, I'm attaching a sample analysis of a possible unit / bedroom / resident mix for 473 S Main under the current proffers (note that it assumes double occupancy throughout - while I concede that this is not likely, **the main point is that the current proffers introduce an inordinate amount of uncertainty into the city's planning process and should be tightened up to reduce the significant risks to the city under the revised proposal**).

I would also like to suggest that the downtown location of 473 S Main should not grant it a special exception to create more, now-unnecessary student housing, as if excess student housing is okay as long as it is within walking distance of a small portion of JMU's geographically expansive campus. It's common knowledge that students often prefer driving, even for short distances.

Furthermore, 473 S Main is still a rather long drive from most other parts of campus. For example, **473 S Main is a 1.9 mile drive from the Convocation Center, a common destination for students who are driving to park on that side of campus (map attached). This implies that the Lindsey/Link will likely generate traffic along the already-congested S Main and Port Republic corridors.**

I agree with our city staff report for the rezoning request at 1351 and 1361 Peach Grove, which correctly noted a disadvantage of that location for student housing is that "the proposed development is over one mile from academic buildings when following public streets and existing shared use paths or trails." **To be consistent with the treatment of all rezoning applications, could the planning commission please consider investigating the rather long driving distance from 473 S Main to all parts of JMU's campus (including along Port Republic Rd), rather than only noting the distance to the closest edge of campus? Given this information, how credible is the claim that its student residents will routinely choose to walk and bike to campus rather than drive?**

I greatly appreciate how the PC Memorandum for the rezoning request at 1351 and 1361 Peach Grove Avenue addresses the impact of JMU's recently released housing plan on our city's housing needs, such as in the following statements made by city staff:

- **"Staff suggested the applicant consider proffering a multi-family building that would have one-, two, and three-bedroom units"**
- **"Staff does not believe that more student-oriented housing is needed at this time."**
- Finally, in reference to the student-oriented unit mix of the Peach Grove Ave proposal, the PC Memorandum wisely states, **"it would be better for the community to provide the appropriate style of units at the initial time of construction."**

It's my hope that the Planning Commission will apply these same standards consistently and recommend denial of the 473 S Main St rezoning based on the extremely high proportion of 3- and 4-bedroom units allowed under its current proffers. While some may argue that 3- and 4-bedroom units can later be converted to 1- and 2-bedroom units, our city needs to consider how likely (or unlikely) this outcome is given the intensive disruptions and required capital investments needed to convert 4-bedroom units into 1- and 2-bedroom units at a later date. As stated by City Staff, it would be far better for the applicant to provide 1- and 2-bedroom units, already proven to be popular downtown, at the time of construction, rather than constructing now-unnecessary, student-oriented 3- and 4-bedroom units.

While some may argue that changing the recommendation to a denial of the 473 S Main rezoning request would be inconsistent with the outcome of the March planning commission, it is important to once again **summarize the two new, significant developments since March of 2026:**

- 1. First, JMU's strategic plan newly approved in April '26 forecasts significantly lower future demand for student housing, to the tune of a projected 4,473 fewer students living off campus by 2040.**
- 2. Second, the rezoning applicant has nonetheless chosen to increase the proportion of student-oriented 3- and 4-bedroom units allowed under its revised proffers.** This change seems to ignore the major impact of JMU's strategic plan on demand for off-campus student housing, while also seemingly missing out on the opportunity to capitalize on the apparent popularity of 1- and 2-bedroom floorplans proven by recently completed apartments across our downtown.

These two developments seriously throw into question whether the applicant's proposed unit mix is aligned with our city's housing needs, and they should cause us to question whether the proposed public benefits still merit an upzoning.

Please note that in addition to the concerns noted above, I continue to hold many other concerns about the Link (e.g., negative impacts of "studentification" on the surrounding blocks, negative impacts on our historic district as highlighted by Preservation Virginia's addition of our Downtown Historic District to its 2026 "Most Endangered" list, negative environmental impacts on the tree canopy and stormwater runoff to Blacks Run, lack of commitment to LEED or similar building standards, uncertainty regarding final design and materials given the ambiguous language of the proffers, negative impacts on the experience of visitors to the farmer's market, City Hall, and Build Our Park, negative impacts during construction (e.g., how will it affect the Farmer's Market and summer concerts? Will there be street closures? If so, for how long?), negative impacts on surrounding neighborhoods, traffic, etc., etc.). It's my hope that the issues that have surfaced via public comment over the last year will be thoroughly vetted and addressed by the developer in updated, legally binding proffers before our city can consider recommending approval of the rezoning.

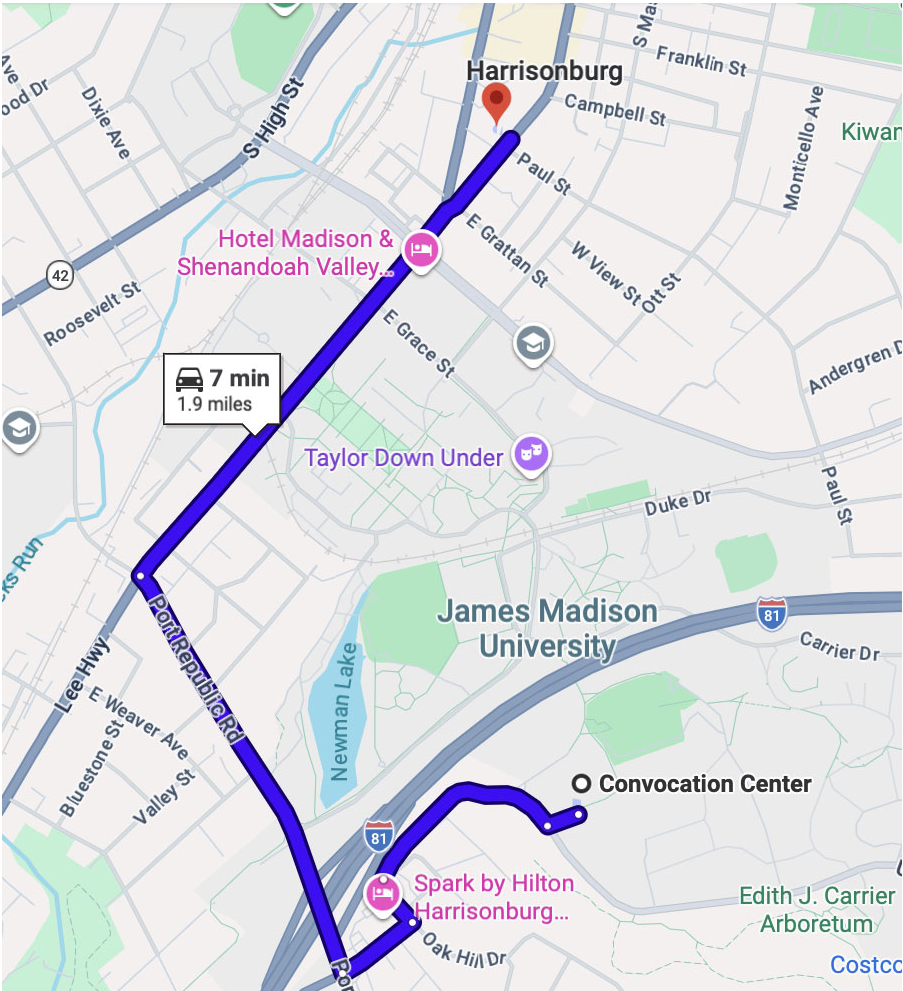
Finally, I'd like to question how the rezoning applicant's attorney has previously framed this decision as a choice between two outcomes: either the Link/Lindsey, or R-3 townhomes. I feel that this is a false dichotomy which puts forth only two, suboptimal outcomes for our city, all while ignoring the possibility of many other, alternative outcomes that could better serve the common good of our city (e.g., a park/public event space; or a context-sensitive apartment building consisting of 1- and 2-bedroom units, with existing mature trees and historic buildings on the property preserved; among other options). **Of course, none of these better options can be explored until the current,**

student-oriented development proposal is flatly denied. In other words, please say “no” today so that we can work towards a better “yes” tomorrow!

Please let me know if there are any questions that I can answer about the information in this email, and thank you in advance for your time, consideration, and service to our city.

Best,

Carl Larsson
487 S Mason St.



Urban Exchange				
	1 BR	2 BR	3 BR	Totals
Units	16	125	38	179
%	9%	70%	21%	100%
Beds	16	250	114	380
%	4%	66%	30%	100%

Source: Matchboxrealty.com. Note that 179 listed units on Matchboxrealty.com do not match the 194 units at Urban Exchange previously cited by city staff.

473 S Main St Proposal (June 5th Revision) - Possible scenario

	Studio (0BR)	1 BR	2 BR	3 BR	4 BR	
Units	72	0	0	23	85	180
%	40%	0%	0%	13%	47%	100%
Beds	0	0	0	69	340	409
%	0%	0%	0%	17%	83%	100%
Residents*	144	0	0	138	680	962
%	15%	0%	0%	14%	71%	100%

Source: Calculated using proffers from June 5th Revision of rezoning application for 473 S Main St.
Table assumes that studios count as "0 bedroom" units, and thus do not count towards the proffered cap on bedrooms

*For purposes of illustration, residents are calculated as 2 occupants per bedroom (updated proffers do not impose constraints on number of residents per unit or bedroom)

Lindsey Building

From Brian Miller <[REDACTED]>
Date Thu 7/9/2026 8:48 AM
To CD Planning <CDPlanning@harrisonburgva.gov>

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

To Whom it may Concern,

As a multi-generational resident and community member, I just wanted to voice my thoughts and feelings on the proposed housing at the Lindsey property.

My family has owned and operated the same farmland just north of the Harrisonburg City limits for well over 100 years. While I understand the growth we are facing as a city and county, I do not believe this is the correct location for such a property.

City and county residents already cannot access downtown the way we should. The enormous popularity of businesses downtown is fantastic and something we all should be grateful for, though it is not something we should take advantage of by adding more residents to that area. Downtown is already under equipped to handle what we have. The lack of parking is evidence to that. Adding another housing complex of this size, that close in proximity to downtown will effectively remove any chance locals have of visiting these businesses.

As much of a blessing to our local GDP as JMU is, if students are allowed housing in this proposed building downtown will become even more of a disaster than it already is during school months. Students unfortunately do not appreciate our city and surroundings as much as residents do and you can tell by other student housing that they do not take care of where they live. Downtown will become a trash zone. Students will overtake it more than they have and local residents will reject downtown more than they already do while JMU is in session.

It's also an unfortunate fact that our homeless population has increased because of Harrisonburg's push for "low income housing" (which most still cannot afford), and this has made our Downtown a haven for soliciting and drug use on the very street that is proposed to add yet more lower income housing. Harrisonburg should consider a remedy to that issue before they add another area that will downgrade the wonderful Mainstreet we have. The city has worked very hard to get downtown to the place it is now. Lets not throw the views and thriving businesses away for a random housing complex that we do not need.

Please consider some of this while this building is continually discussed. Residents have already spoken out against it, and in perfect Government fashion, the name was changed and size reduced just a tad to attempt to hide it from the community who already rejected it. Do not disregard the wants and needs of the current residents. They should come first. Do we need more housing? Yes. Absolutely. Just not a building like this downtown.

Thank you
Brian Miller
[REDACTED]



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

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings in the City Council Chambers, 409 South Main Street, Harrisonburg, VA on Tuesday, August 25, 2026, at 7:00 p.m., to consider the following:

Rezoning – 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty St (R-3 to B-1C) (The Lindsey, formerly The Link)

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.

Applications and other information are available for review by contacting the Department of Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please call (540) 432-7700 to obtain a copy by email or by appointment. More information is available at www.harrisonburgva.gov/public-hearings. Interested parties will be able to attend the meeting and to watch the meeting on Public Education Government Channel 1072, and the City's website at www.harrisonburg-va.legistar.com/Calendar.aspx.

Publication dates:

Wednesday, August 12, 2026

Wednesday, August 19, 2026

STATE OF VIRGINIA
CITY OF HARRISONBURG, to with:

I, Pamela Ulmer, city clerk, certify that the Harrisonburg City Council will be addressed on Tuesday, August 25, 2026, at 7:00 p.m., or as soon as the agenda permits, to consider the following:

Rezoning – 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty St (R-3 to B-1C) (The Lindsey, formerly The Link)

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.

Applications and other information are available for review by contacting the Department of Community Development, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m. Please call (540) 432-7700 to obtain a copy by email or by appointment. More information is available at www.harrisonburgva.gov/public-hearings. Interested parties will be able to attend the meeting and to watch the meeting on Public Education Government Channel 1072, and the City's website at www.harrisonburg-va.legistar.com/Calendar.aspx.

Given under my hand this _____ day of July, 2026

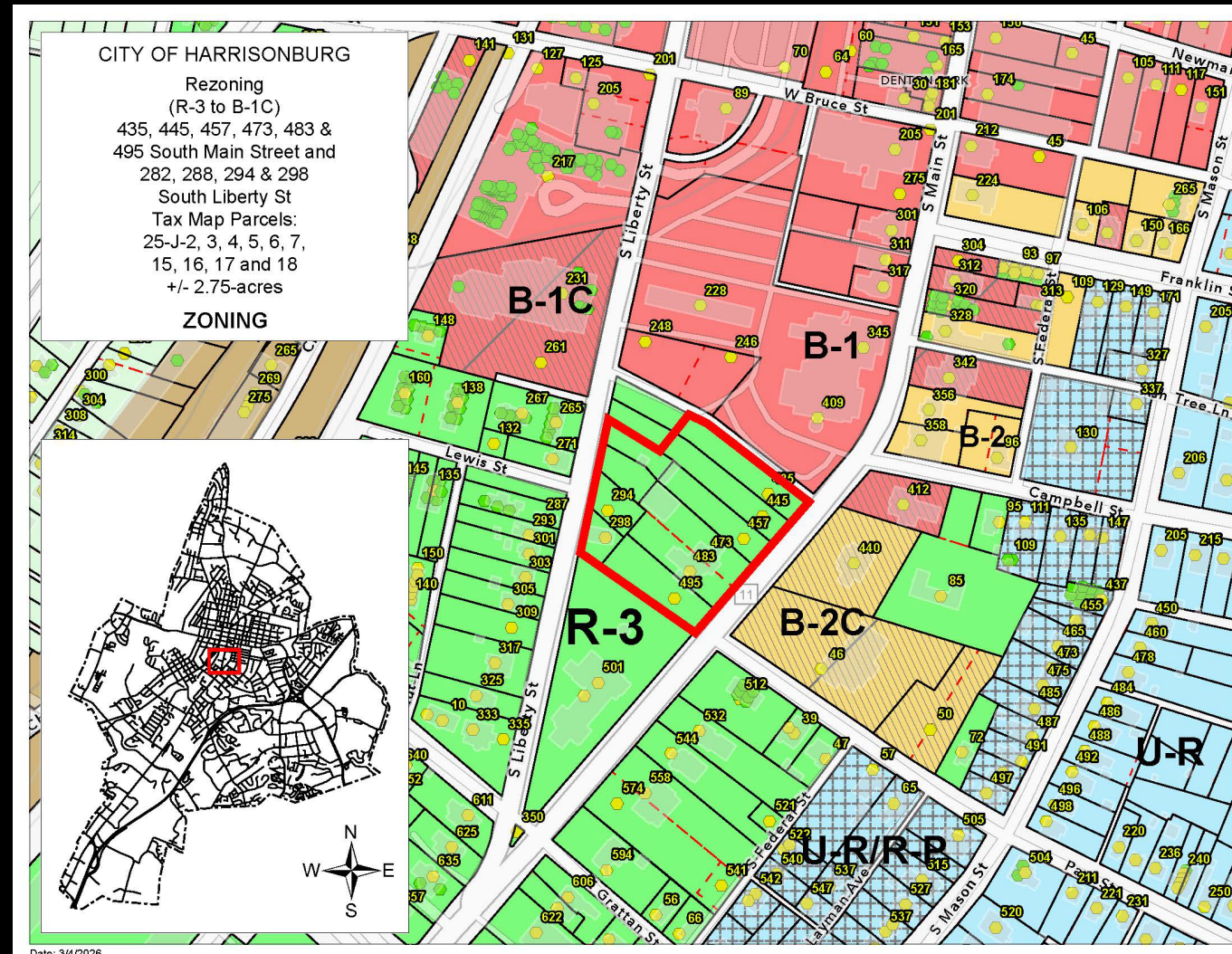
City Clerk

Subscribed and sworn to before me this _____ day of July 2026 a Notary Public in and for the Commonwealth of Virginia.

Notary

My commission expires _____

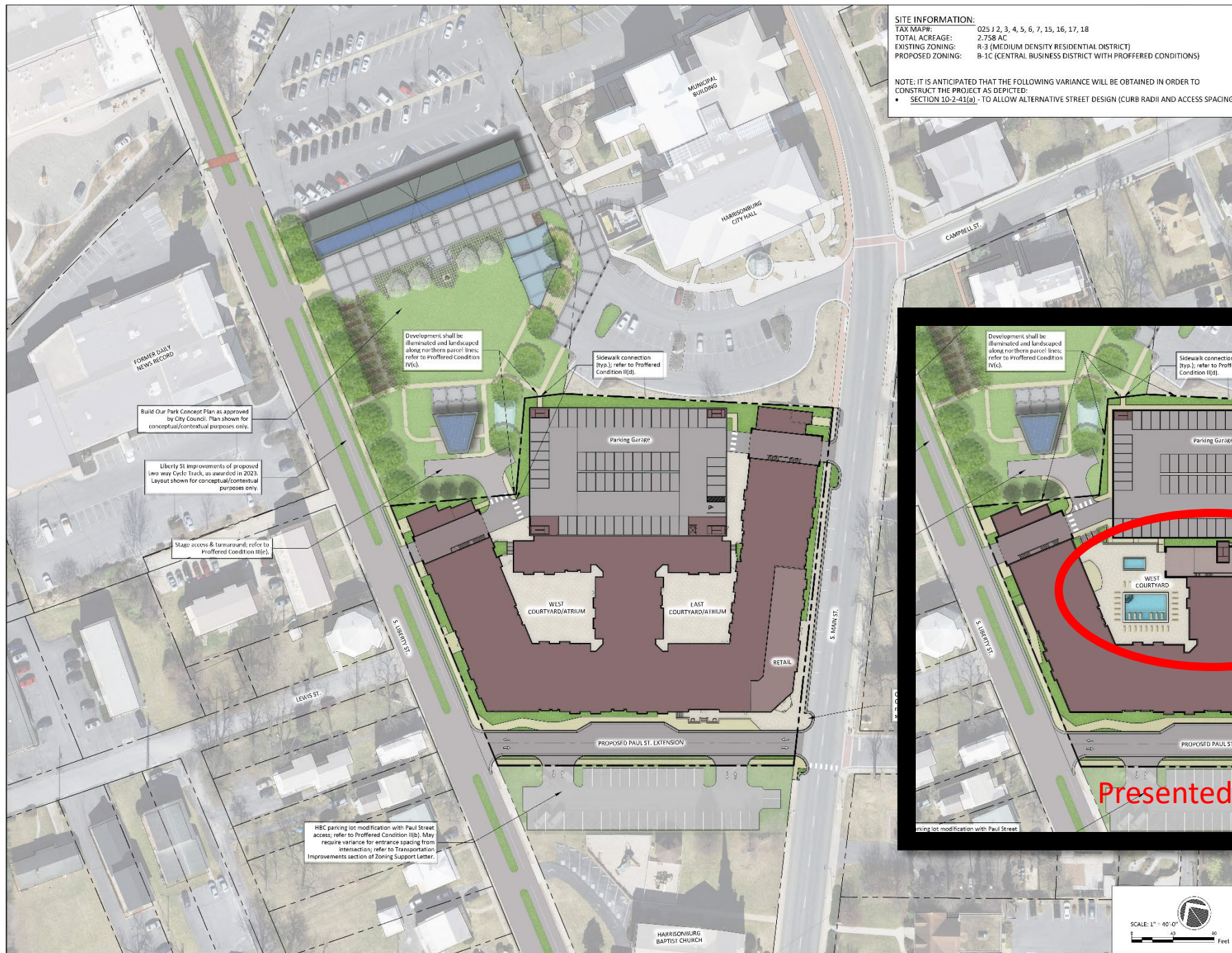
Rezoning – S Main St & S Liberty St The Lindsey (R-3 to B-1C)









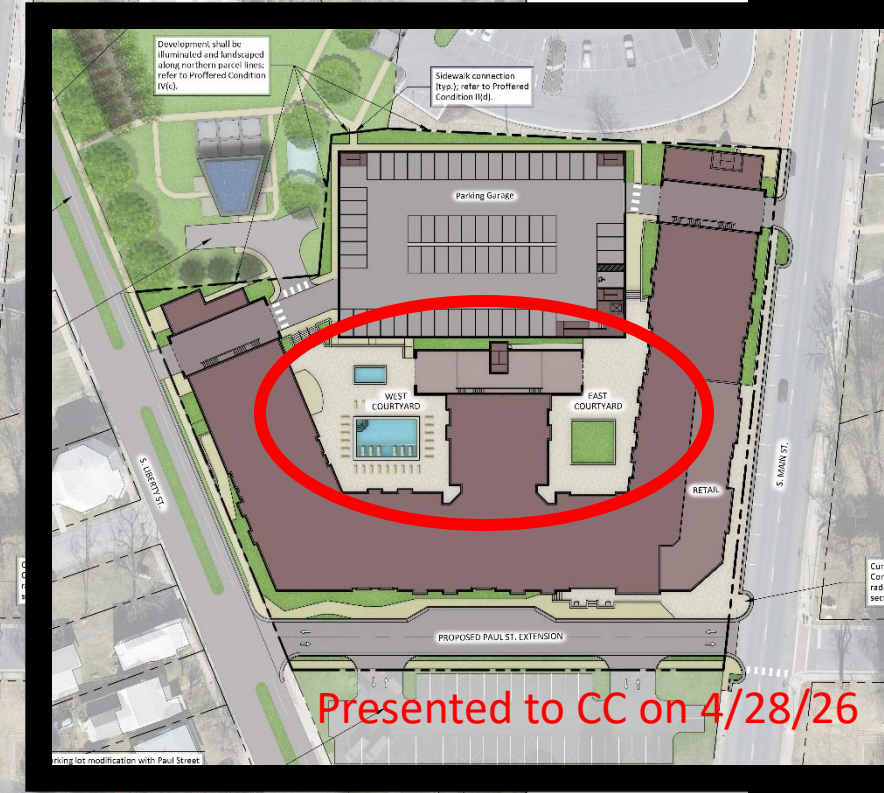


SITE INFORMATION:
TAX MAP: 02512, 3, 4, 5, 6, 7, 15, 16, 17, 18
TOTAL ACREAGE: 2.758 AC
EXISTING ZONING: R-3 (MEDIUM DENSITY RESIDENTIAL DISTRICT)
PROPOSED ZONING: B-1C (CENTRAL BUSINESS DISTRICT WITH PROFFERED CONDITIONS)

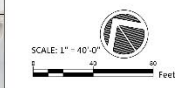
NOTE: IT IS ANTICIPATED THAT THE FOLLOWING VARIANCE WILL BE OBTAINED IN ORDER TO CONSTRUCT THE PROJECT AS DEPICTED:
• SECTION 10-2-41(a) - TO ALLOW ALTERNATIVE STREET DESIGN (CURB RADI AND ACCESS SPACING)



Monteverde
Engineering & Design Studio
2401 Flowers St., Suite 112 • Harrisonburg, VA 22801
244-223-0222 • www.monteverde-engineering.com



Presented to CC on 4/28/26



CONCEPT PLAN	
Project number:	24024C
Date:	JUN 01, 2026
Drawn by:	GP
Checked by:	SOR
1 OF 1	

Proffers

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

Proffer Amendments

	April 2026		July 2026	
	Units	Bedrooms	Units	Bedrooms
Total Units and 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 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 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 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)

Proffer Amendments

- Reduced minimum number of structured parking spaces from 480 to 320
- Reduced minimum number of electric vehicle charging stations from 14 to 10
- Reduced minimum number of secure indoor/covered bicycle storage spaces from 120 to 90
- Maintained minimum number of exterior bicycle parking spaces at 16
- Reduced cash contributions for
 - Traffic-calming improvements from \$60,000 to \$45,000
 - Parking enforcement or enhancements from \$30,000 to \$22,500
 - Affordable housing from \$93,738 to \$70,000

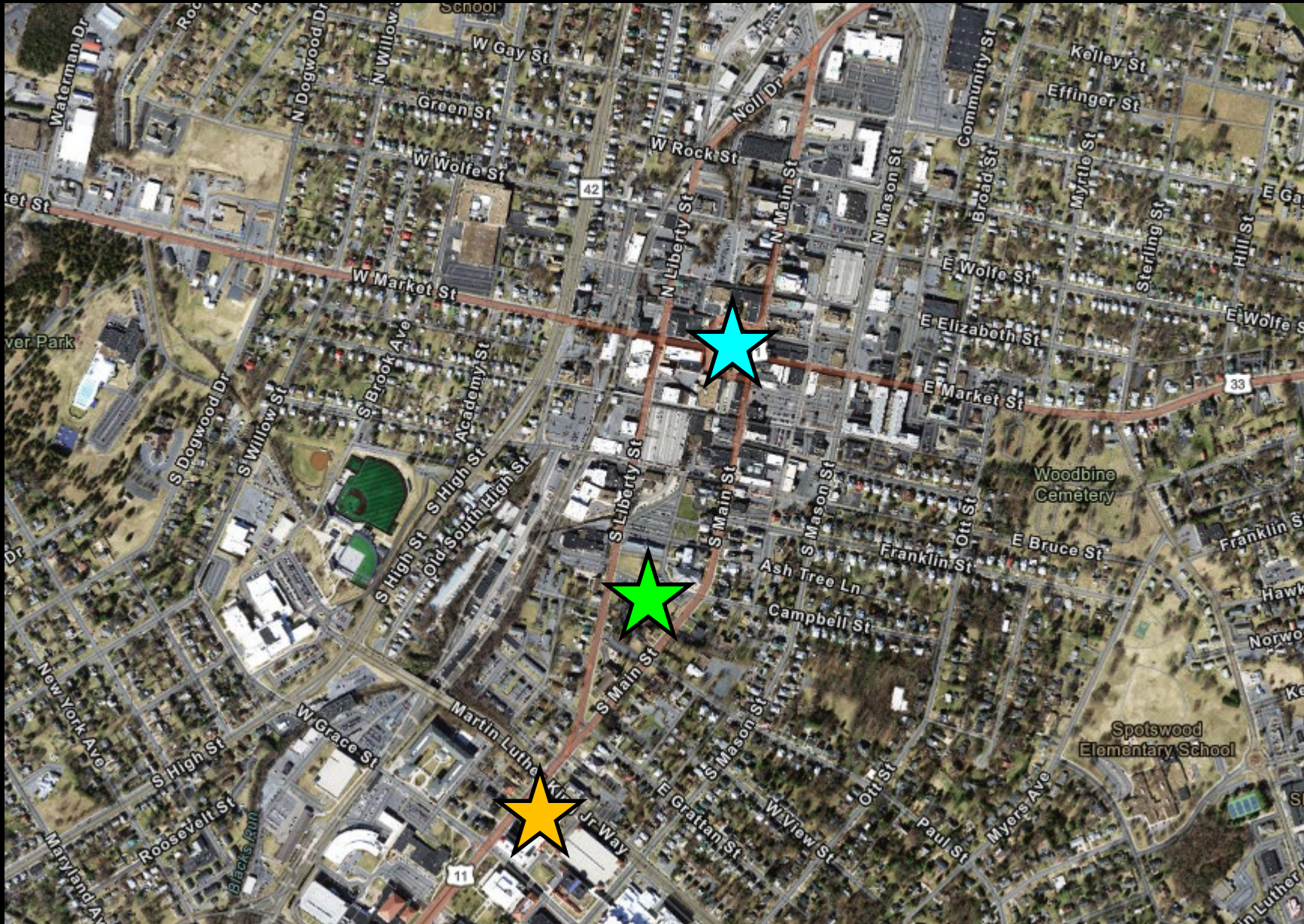
Proffer Amendments

- Reduced maximum building height from 75-feet to 52-feet
 - Rooftop structures can be 55-feet if screened

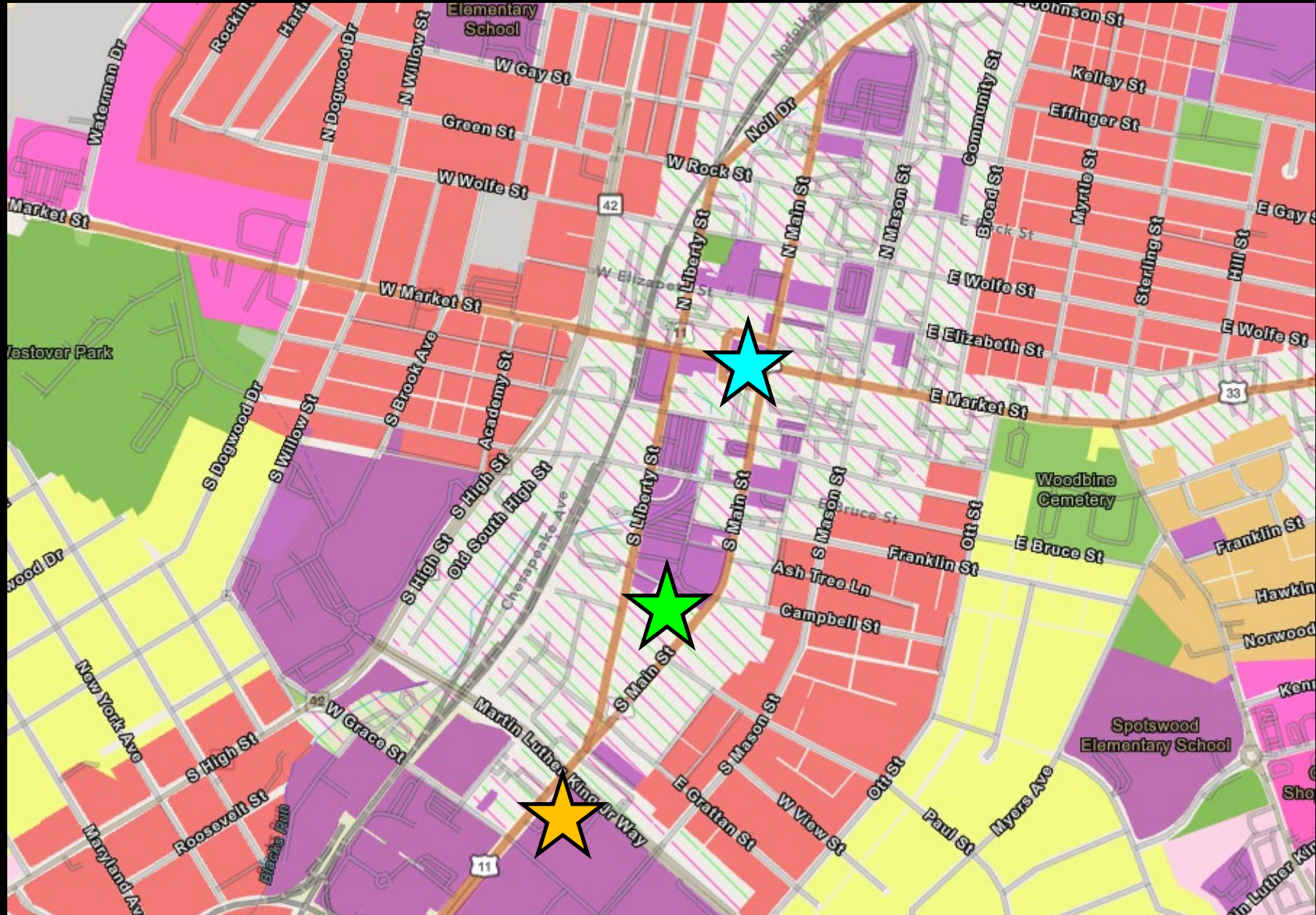


Proffer Amendments

- Changed the minimum square footage of non-residential uses from 2,000 to 2,500 square feet and retained maximum 5,000 square feet
- Removed occupancy restrictions
- Removed Parking Agreement with the City



2018 Comprehensive Plan – Land Use Guide

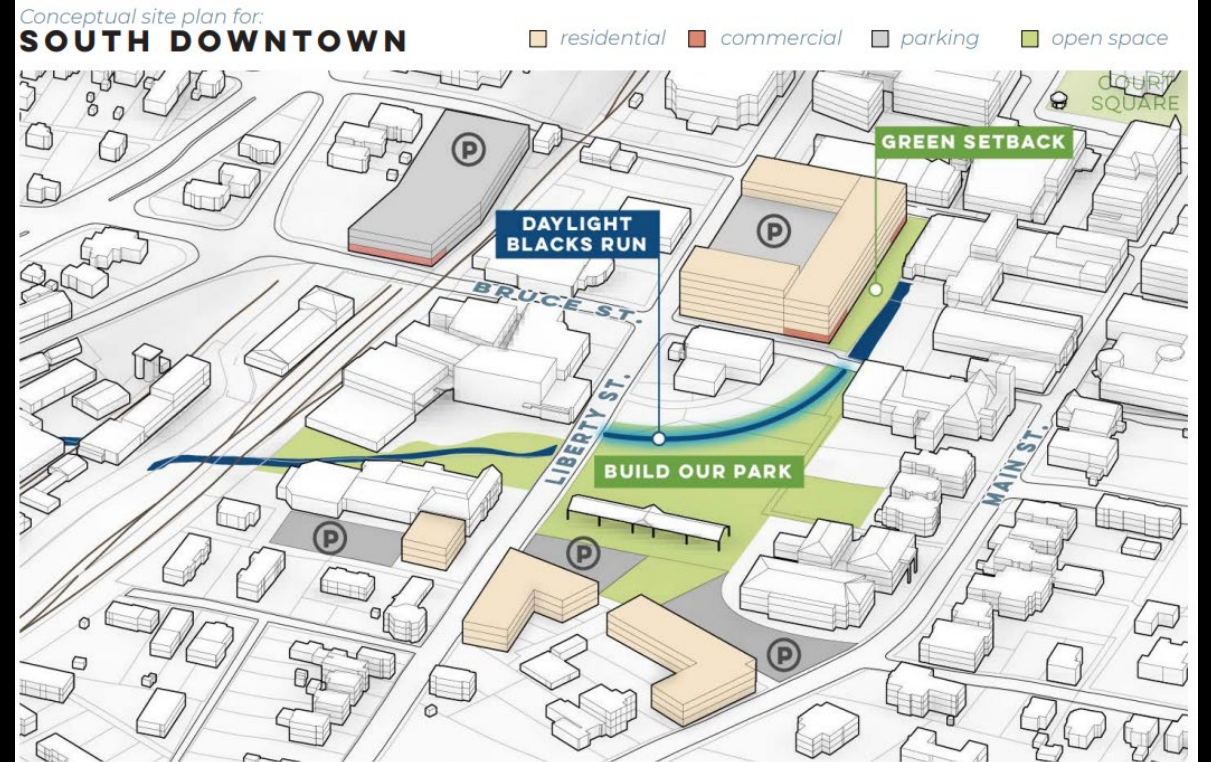


Harrisonburg Downtown 2040 Plan

POTENTIAL RESIDENTIAL DEVELOPMENT



GROW DOWNTOWN AS A NEIGHBORHOOD



16

Encourage mixed-use and residential development in key clusters of currently underutilized space

17

In the long-term, seek opportunities to add density and improve the urban design at key Downtown sites

JMU Campus Strategic Plan

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

Recommendation

Staff recommends approval of the rezoning request.

