

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

SUBJECT: Rezoning – 650 Keezletown Road (Juniper Hill Commons) (R-1 to R-7)

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** February 12, 2020

Chair Colman recused himself from this agenda item due to a conflict of interest and left the room.

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

Ms. Dang said that the Comprehensive Plan designates this site as Low Density Mixed Residential. These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

- Site: A single-family detached dwelling, zoned R-1
- North: A single-family detached dwelling on property, zoned M-1 and R-1
- East: A single-family detached dwelling, zoned R-1
- South: Across Keezletown Road, single-family detached dwellings, zoned R-1
- West: Single-family detached dwellings and commercial uses, zoned R-1, R-3C, and M-1

The applicant is requesting to rezone one +/-5.5-acre parcel from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The property is located along the northern side of Keezletown Road, its western boundary approximately 525-feet from Keezletown Road's intersection with Country Club Road. The applicant proposes 28 dwelling units including eight multi-family (apartment) units, 15 townhouse units, two duplex structures (four units), and one single-family detached dwelling. The maximum allowed density

proposed by the applicant would be six units per acre. The proposed R-7 master planned community is planned to be called “Juniper Hill Commons.”

The narrative for Juniper Hill Commons states:

“The design of Juniper Hill Commons is based on the concept of cohousing, which originated in Denmark in the 1960s. Cohousing homes are privately owned by the residents as in a typical [homeowners association] or Condo Association, with a club house (common house) and walkable design to foster community. With the first cohousing community built in the United States in the early 1990s, the trend has since grown considerably in North America with over 165 completed communities, as well as hundreds more in various stages of planning or development.”

The narrative further explains the vision and other details of the proposed project, and therefore such information does not need to be repeated in this report. The submission includes a conceptual site layout that illustrates a conceptual arrangement and location of the types of residential units, parking and travelways, and a general landscaping plan. It should be understood that the site would not be bound to the conceptual site layout. However, parking lots and travelways, housing areas, and open space would be restricted to the locations depicted in the required master plan layout.

The R-7 district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has approved four R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, amended in 2007 and 2011;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013; and
- The Village at Chicago Park located along Saturday Drive off of Chicago Avenue, rezoned to R-7 in 2014.

It should be understood that any needed Subdivision Ordinance variances or other subdivision related matters should be considered when making a recommendation for master planned projects as approving the plan of development could be perceived as also providing an endorsement for the subdivision matters during the platting phase. As shown in the conceptual site layout for Juniper Hill Commons, the arrangement of the proposed parcels within this development will, at minimum,

require approval of a variance to Section 10-2-42 (c) of the Subdivision Ordinance during the platting phase to allow parcels to not have public street frontage.

As required, the applicant has submitted a master plan, titled “Master Plan Zoning Requirements for Juniper Hill Commons,” and an associated master plan layout, which together, if the request is approved, would be the “zoning” by which the development must abide. The R-7 district allows the applicant to propose their own area and dimensional regulations for the development except for maximum building height which the R-7 district regulations limit to a maximum of 40-feet and three stories for all buildings, except for multi-family dwellings, which may have a maximum height of 50-feet and four stories. Additionally, the R-7 district allows the applicant to propose alternative regulations to address off-street vehicle and bicycle parking and for provisions found in Article T. Modifications and Adjustments of the ZO.

As proposed, Juniper Hill Commons would meet or exceed all the minimum required provisions to construct an R-7 development. The development site is +/- 5.5-acres and Section C (a) of the master plan sets the maximum density to six dwelling units per acre (40 percent of the maximum density allowed in the R-7 district). Furthermore, Section C (c) restricts the location of each housing type to the locations depicted on the master plan layout.

Section F (3) of the master plan references the +/- 2.79-acre area on the north side of the stream and illustrated on the master plan layout as being reserved for open space, parks, trails, and other green space amenities such as, but not limited to, accessory buildings that are non-conditioned and that are no more than 20-feet in height. As noted above, R-7 developments must have at least 15 percent of the site reserved as open space or for parks—Juniper Hill Commons would supply about 50 percent.

Section A of the master plan describes the uses permitted by right within the development. The applicant plans to include single-family detached, single-family attached (duplexes and townhomes), and multi-family dwellings. The applicant has reduced the number of townhouse dwellings allowed to be attached from eight units as allowed by the R-7 district to six attached dwelling units. In consideration of limiting the size of multi-family (apartment) buildings on the site, the applicant has also reduced the number of multi-family dwellings allowed per building from 16 as allowed in the R-7 district to six. The R-7 district limits occupancy to a single family or not more than two persons.

Section B of the master plan allows uses permitted by special use permit in the associated district regulations of the ZO if approved by City Council.

Section C of the master plan describes the area, density, and dimensional regulations for Juniper Hill Commons. While Section 10-3-57.5 of the ZO prescribes minimum requirements for such developments, the R-7 district allows lot area, lot width, lot depth, yards for all uses to be set by the approved master plan. Furthermore, the provisions of Article T. Modifications and Adjustments of the ZO can also be adjusted through approval of the master plan, which Section E addresses.

The conceptual site layout and narrative describes eight multi-family (apartment) units, 15 townhouse units, two duplex structures (four units), and one single-family detached dwelling, for a total of 28 dwelling units. On the +/- 5.5-acre site, this equals a density of approximately 5.1 dwelling units per acre. With the proposed maximum gross density described in Section C (a) of 6 dwelling units per acre, the master plan would allow up to 33 dwelling units on the site, which would be restricted to the locations as depicted in the master plan layout. It should be understood that the exact number of the allowed dwelling unit types may vary so long as the density of the development does not exceed six dwelling units per acre, no one housing type exceeds 70 percent of all residential units, and that multi-family units do not exceed 30 percent of all the residential units in the community as regulated by the R-7 district.

Per Section C of the master plan, all buildings, including community buildings and accessory structures, would have five feet building setbacks from all property lines, except along Keezletown Road and along the side and rear exterior property lines of the development. The minimum setback for principal buildings along the Keezletown Road public street right-of-way would be 15-feet in consideration of required front yard setbacks for existing and future developments on Keezletown Road. Except for the R-6 and R-7 districts' master planned communities, where the applicant can propose their own setback regulations, and the B-1 district where there is zero setback requirements, all other residential zoning districts require a minimum front yard setback of 10 to 30 feet. The minimum setback for principal buildings along side and rear exterior property lines of the development is proposed to be 7-feet for one- and two-story buildings and 10-feet for three story buildings (similar to the new R-8 district). This addresses staff's concerns about radiant heat and fire spread between buildings on this property and on adjacent properties, along with the angle for ladder placement for fire and rescue personnel between these buildings. Remember that in most zoning districts, buildings are separated from each other by 20 feet because there is a 10-foot side yard setback required for both buildings. Additionally, in order to allow the five foot minimum setback for interior property lines of the development, staff and the applicant worked together to develop regulations in Section F (1) of the master plan that prohibits structures and obstacles (exclusive of HVAC equipment) between buildings that are 20-feet or less apart. Also, within Section C, the applicant has reduced the maximum building height allowance for multi-family dwellings from 50-feet and four stories allowed by the R-7 district to 40-feet and three stories.

Section D of the master plan governs off-street vehicle and bicycle parking requirements for the development. Section D differs from Article G, Off-Street Vehicle and Bicycle Parking of the ZO in a number of ways. Of note, the locations of parking lots and travelways are restricted to the designated areas depicted on the master plan layout; the development can have more compact parking spaces than what the Article G allows; the distance between parking spaces the Keezletown Road public right-of-way is increased; an opaque wall or fence of at least six feet in height is required when parking spaces are located within 20-feet of side and rear exterior property lines; the number of tree plantings required in the landscape border adjacent to public street right-of-way is increased; and the master plan has modified requirements for landscaping islands. A more detailed summary of the differences between Section D of the master plan and Article G of the ZO is provided in an attachment.

Section E of the master plan replaces Article T. Modifications and Adjustments of the ZO. Section E modifies, supplements, and qualifies regulations appearing elsewhere in the master plan. Of

note, accessory buildings can be constructed anywhere on the property and are not limited to parcels that have been improved with a principal building or use; and accessory buildings in the open space area are limited to non-conditioned buildings, such as gazebos and sheds, that have a maximum height of 20-feet. A more detailed summary of the differences between Section E of the master plan and Article T of the ZO is provided in an attachment.

Section F of the master plan is titled Other Regulations. Sections F (1) and (3) have been described earlier in this report. Section F (2) requires a designated point of collection for dumpsters, trash cans, or other containers which will be picked up or emptied by private commercial refuse services. Additionally, Section F (2) requires that dumpster and refuse storage areas be screened and located within the area illustrated on the master plan layout. Section F (2) does not preclude individual households from having trash cans outside on their own properties. Section F (4) requires an eight-foot tall, opaque fence be installed and maintained along the property boundary with the adjacent parcel identified as TM 72-B-3, which currently has a single-family detached dwelling. This was included by the applicant after conversations with the owners of TM 72-B-3.

Section 10-3-57.2 of the ZO describes the purpose of the R-7 district and states that eight design objectives shall be achieved. The applicant has addressed these objectives in Section IV of the narrative.

The ZO allows multi-family developments in approved R-7 communities so long as certain conditions specified in Section 10-3-57.6 (d) of the ZO are met. Staff believes such conditions are met:

1. Adequate vehicular, transit, pedestrian and bicycle facilities currently serve or are planned to serve the site. During the engineered comprehensive site plan and construction phase, the applicant will be required to provide sidewalks along Keezletown Road and dedicate the necessary right-of-way for future City plans for bicycle facilities on Keezletown Road. At this time, there are no transit routes serving Keezletown Road, however, transit routes are within a reasonable walking distance from the subject site and future bicycle and pedestrian facilities are shown in the City's Bicycle and Pedestrian Plan and the Comprehensive Plan's Street Improvement Plan along Keezletown Road and Country Club Road;
2. Compatibility with adjacent existing and proposed single-family detached and attached residential development is achieved through the master plan's requirements for parking lot landscaping and fencing requirements, minimum setback requirements from the public street right-of-way of Keezletown Road, restriction of residential dwellings and the community building to specific areas depicted in the master plan layout, and reduction of the maximum height, maximum number of stories, and the maximum number of dwelling units within multi-family buildings. The master plan layout indicates that multi-family buildings would be located in the center of the development away from adjacent properties. Additionally, Section F (2) of the master plan requires that private refuse collection be provided at a designated point of collection, that said facilities shall be screened by fences or walls to hide them from view, and requires refuse collection areas be restricted to the dumpster area illustrated on the master plan layout.

3. The site is environmentally suitable for multi-family development. Section 10-3-57.6 (d) of the ZO states “[t]here shall be adequate area within the site to accommodate buildings, roads, and parking areas with minimal impact to steep slopes and floodplains.” This condition is unusual as there is no established criteria of how it should be evaluated. The master plan layout and conceptual site layout show the location of the existing stream and the proposed buildings. There is no mapped floodplain on the site. The applicant also provided an exhibit illustrating where there are steep slopes on the site using contour intervals of two feet. Steep slopes are defined by the ZO as:

“Steep slopes: Natural slopes prior to land disturbance or construction that exceeded fifteen (15) percent (0.15). Such slopes are measured as the rise in elevation over the horizontal distances between contour lines on a topographic map with a contour interval of five (5) feet or less.

While there are steep slopes on the site that will be re-graded, staff believes the site has merit to be developed as presented. The majority of the steep slopes that are on the site are located to the north of the stream. The master plan layout and Section F (3) of the master plan requires that the area north of the stream would be used for open space, parks, trails, and other green space amenities such as, but not limited to, accessory buildings. As described in the narrative, it is explained that the intent is to maintain this area as open/green space for a playfield, orchards, and gardens.

With regard to the Comprehensive Plan, the subject property and properties to the north and to the east are designated as Low Density Mixed Residential and the properties to the west are designated as Mixed Use. Low Density Mixed Residential is described as for “residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building.” The Land Use Guide goes on to describe that the gross density of development in Low Density Mixed Residential areas should be around seven dwelling units per acre. The Mixed Use designation is “intended to combine residential and non-residential uses in neighborhoods,” and “are prime candidates for ‘live-work’ and traditional neighborhood developments (TND).” Additionally, the residential density in Mixed Use areas outside of downtown is recommended to be around 24 dwelling units per acre, and all types of residential units are permitted: single-family, single-family attached (duplexes and townhomes), and multi-family buildings. While the proposed Juniper Hill Commons development does not conform exactly with either Low Density Mixed Residential or Mixed Use, staff believes that the proposed development serves as a good transition between the more intense Mixed Use areas and the lower intensity and lower density Low Density Mixed Residential areas. A map of the Land Use Guide designations around this area is attached.

Although Juniper Hill Commons would allow townhomes and multi-family units, which is not planned in Low Density Mixed Residential areas, the gross density of the development fits the description of “around seven dwelling units per acre” for Low Density Mixed Residential areas. The narrative and conceptual site layout indicate a gross density of 5.1 dwelling units per acre and the master plan limits the development to a gross density of six dwelling units per acre. Although

the City does not calculate density in this way, if one only considers the acreage between the stream and Keezeltown Road (approximately 2.75-acres), the gross density of the development as described in the narrative is about 10 dwelling units per acre (28 dwelling units divided by 2.7-acres) and as allowed by the master plan is about 12 dwelling units per acre (33 dwelling units divided by 2.7-acres).

Staff believes the proposed development provides a good transitional area between two different Land Use Guide designations, provides innovative residential building types, and provides a creative subdivision design. This development also helps in the furtherance of achieving Goal 5 of the Comprehensive Plan, which, among other things, is to promote the development of new neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.

Staff recommends approving the rezoning request to R-7 as submitted.

Vice Chair Finnegan asked if there were any questions for staff. Hearing none, he continued the public hearing and invited the applicant or applicant's representative to speak to their request.

Ervin Stutzman, 1315 Harmony Drive, came forward to speak in favor of the request. Thank you for the opportunity to say a few words on behalf of this project. My name is Ervin Stutzman. I am one of the members of Harrisonburg Cohousing, LLC, and I generally chair the meetings. My wife Bonita and I love the new home we built in Harmony Heights in 2000, but the compelling vision and values of this planned cohousing neighborhood drew us into becoming equity members early in 2018.

First of all, let me offer a word of thanks to the city staff for their careful, thoughtful work with our application. They helped us navigate the complexity of the R-7 zoning application process to assure that our vision aligns with the city's carefully laid out comprehensive guidelines. We are grateful.

Juniper Hill Commons is a carefully-planned neighborhood based on a vision for healthy social interaction and environmental sustainability. The community layout, specific amenities and house plans are designed to help meet those goals. We believe that persons of all ages can thrive in this environment—a walkable, safe community that encourages a healthy lifestyle and a healthy natural environment. It provides for privacy as well as meaningful social interaction, for personal property as well as shared common areas.

I also wish to acknowledge some of the concerns that have been expressed by neighbors near our property at 650 Keezeltown Road. Because we want to be good neighbors, we arranged for several occasions to meet face-to-face with neighbors to discuss their specific concerns. In recent weeks, we have made a number of changes to our Master Plan in response to their concerns.

Further, I want to thank Peter Lazar of Sheeflee, LLC, for his work as a consultant and developer on our behalf. We are fortunate to have found an entrepreneur who understands cohousing from the inside out. He has lived in the cohousing community at Shadowlake Village in Blacksburg for

15 years and serves as President of the Cohousing Association of the United States. He is currently building a cohousing community called Emerson Commons in Crozet, Virginia.

Peter Lazar is here this evening, as well as Josh Yoder, a representative from Colman Engineering. Together, they have provided the conceptual layout for us. Either of them may best be able to respond to any technical questions related to our rezoning application. But first, Peter will say a few words about cohousing as a movement.

I believe the city staff have presented our case well, and we hope that you take action in keeping with their recommendation. Thank you again for considering our rezoning application, so that we can form a new kind of community in this city that we are proud to call home.

Peter Lazar, Sheeflee, LLC, came forward to speak to the request, supplemented by a PowerPoint presentation. What is cohousing? The co- in cohousing is not communism or cohabitation. It stands for community. That is the name that was given to the concept when it was brought to the United States from Denmark in the 1990s. In Denmark, it is very common. Fifteen percent of housing is cohousing style neighborhoods. It is a form of new urbanism where houses are clustered. It is pedestrian oriented with lots of green space. Amenities are much higher than you would normally see in a neighborhood of that type, with a clubhouse, playground, community gardens, and other features. It is arranged in a way to facilitate human interaction and people running into each other.

This is not only in the physical structure, but also the governance. It is a typical condo association or HOA legally, except that residents participate in it. They do not hire a management company to run things but manage it themselves.

The picture on the right is in my neighborhood. These deep porches are in the design presented for Juniper Hills Commons to facilitate outdoor interaction with true deep porches. On the left is a neighbor, Michael, who is representing the elders and a child sledding to show the multi-generational aspect of cohousing. Central to cohousing is putting people in front, not cars, so the design forces you to run into your neighbors. It is not a club where you join, rather you buy a house. The design is that there are points where you run into people. Rather than drive your car around and press that button and the garage door goes up, and you go in without ever meeting your neighbor, you have to walk to your house. That is where you run into people. You get your mail from a similar place. It is all by design. It moves parking to the exterior.

It balances community and privacy. Privacy is more than fifty percent of the equation. This is a picture of Emerson Commons in Crozet, near Charlottesville. Juniper Hills houses, duplexes and townhomes have their own private back yards and have their living rooms in the back, but they also have their public central places. It really is the kind of village that raises children. With the century of the automobile, the internet and dual earning families it becomes harder and harder for the backdoor life that many of us have enjoyed. It still happens in places. The size of the neighborhood, typically between 24 and 36 homes, helps you get to know everybody. No cars, so it is a great place that kids can feel safe and parents can feel safe that the kids can run in packs with friendly people around.

Spontaneous socializing happens. That picture is in my neighborhood, a happy hour that happened. Affinity groups, that is me with some neighbors that like to mountain bike. Events and traditions happen. The clubhouse is a major amenity. It is called a Common House. There are potlucks, events, and common meals. You can also reserve it. It becomes an extension to one's own home. Your houses can be a little bit smaller because you do not need a guest room. You can reserve a guest room. When my in-laws visit, they stay in the Common House guest room.

Our mantra is "more fun, less stuff." You do not need as much. You can live in a smaller house. There are more shared aspects to life. That is what cohousing is.

There are other cities with cohousing. Boulder, Colorado has eleven within five miles. There are six around Raleigh-Durham. There are clusters around the country. It is a growing trend. I think that Harrisonburg is an ideal market for cohousing. College towns seem to be a classic location for these neighborhoods. This part of the vision and goals seems like it was written for cohousing, with *neighborhoods that are quiet, safe, beautiful, walkable, enhance social interaction, and offer a balanced range of housing choices.*

Sometimes, I see in new urbanist neighborhoods that rich people live in the big houses on the hill and there are the medium size houses and the apartments where you start out, sometimes you see an old folk's home, so all you need is the cemetery to complete the cycle of life, all separated. The people in a cohousing neighborhood, whether millionaires or on a fixed income, they all live together. When you are at a common meal, you do not know, you cannot tell. I think that is a very attractive housing model.

It is always difficult to make cohousing happen. It was big deal, in Blacksburg, to get through the Planning Commission. Ultimately, a few years later, Blacksburg awarded Shadowlake Village the town beautification award for its beautiful neighborhood.

This is what Emerson Commons looks like. This is what I am constructing now. Seventeen of the 26 houses are on the ground and it is already a thriving community. This will be the first all solar community in the State of Virginia. Sustainability is an important aspect of what we do. We are hoping that Juniper Hills Commons can be the second all solar community in the State of Virginia. All houses are oriented exactly south, which you can see by the roof lines on the site plan. This is a picture of raised beds. Food, whether it is growing food, cooking food or eating food in company, is part of the lifestyle.

Mr. Lazar then went through a number of pictures of different cohousing neighborhoods from around the country.

Dathan Young, 29 Shenandoah Avenue, came forward in favor of the request. I have been a part of Harrisonburg Cohousing since it started. As someone who is from Harrisonburg, and has lived here for over a decade, this both revolutionary and traditional. I think that this more than just a development so that there is more housing in Harrisonburg. This is about expanding a vision for how we can live in Harrisonburg in another way. It is very exciting. I hope you think so, too, after we get past these technical aspects. It is from grassroots, here.

Carina Young, 29 Shenandoah Avenue, came forward in favor of the request. I have been working on this project for about seven years. I am so excited that I am going to be one of the people who live in it. I would like to move in before my children are grown. We looked at a lot of different properties before we decided on this one. I think it is a great idea. I think it would be wonderful if we could have more of these around the country and in our city.

Sue Freesen, 750 Keezletown Road, came forward to speak in favor of the request. I am a neighbor to this property. My husband and I recently purchased that property because of its closeness to 650 Keezletown Road. We have been part of the planning group with Harrisonburg Cohousing for five or six years. We had a farm in Staunton. We did business here in Harrisonburg. We have been part of the Harrisonburg Farmers Market for the last eighteen or so years, selling meat from our farm. We have been part of the Harrisonburg community from afar. Our history with cohousing goes back even further. We have had this vision as a couple and with our children. We have wanted to live in community. We have wanted to look for intentional community. Cohousing is a different name, but the same concept of intentionally choosing to live in connection with your neighbors. We are very excited to be a part of this. That is why we moved to where we moved, to be close enough to be able to participate easily in all that was transpiring with this activity. I encourage you to vote in our favor.

Barbara Colson, residing in Massanutten, came forward to speak in favor of the request. I tend to be an introvert. It is very easy for me to isolate myself. I know that, as I age, being able to live in a supportive environment, where you have balance, where you can stay in your own space and have access to a wonderful community and relationships is very important to me. I am very much involved as a bird watcher. In addition to living in community, is ensuring that the rest of that hill that we are talking about has habitat that is rich and diverse for bird life and other pollinators. That is also exceedingly important, not just to me, but to several other community members. I am excited. I have been involved since the beginning, as well. It should have happened several years ago, but it is going to happen.

Panayotis Giannakaouros, resident of Harrisonburg, came forward to speak in favor of the request. As I listen to this presentation, this should not be a rezoning. This should be how we look at our entire City by right. It is a vision that is suitable for making our City sustainable, for reaching the goals that we talk about. I would just add to the conditions that they have suggested, that their green space should not be encumbered by the tall grass and weeds ordinance and their auxiliary structures should be allowed to be dwellings, as just a couple of potential improvements on the direction in which they are already going. I would be interested in knowing on what areas they had to compromise with the City and that they feel their vision was still superior. I think that can be a benefit to us, going forward. We heard, specifically, about how people interact and socialize. I personally cultivate my yard by hand, and that gives me the ability to interact with other people who are forced to resort to walking dogs to have personal interaction. This community builds that kind of humanity into their community. When we were talking about building a new jail, some time ago, the question came up, early in the formation of Judge Paul's committee, onto which I came as an advisory member, why did we have to build a new jail? What was the difference between us, and in my case, some communities that I knew in the United States that had global level incarceration rates? The thing that I presented at that time, was something that we heard in this testimony, that everybody mixes together, and you cannot tell who is who. That is how you

reach safety on multiple levels. This is also an alternative to the way that we currently look at things in the City. In Ms. Dang's presentation, there was a juxtaposition of things that we do currently, that are a problem, and things that we do currently that are potentially positive directions. We had as a condition number eight presented "visually compatible with the residential character of the neighborhood." That residential character, R-1, is something that has been a burden on us at every turn. We need to get rid of that. Trying to legislate aesthetics that have no scientific basis, unlike some of the aesthetics that I talked about natural spaces that do have some foundation, is something that we should not be thinking about. This should be a guide, instead.

Something that we had talked about that makes some sense, condition number three, environmentally suitable, minimum impact on steep slopes and floodplains, those are the kinds of things that we should be thinking about. That is the direction in which this group is oriented.

I noticed in your packet that there were some objections that were voiced in terms of R-1 zoning. I think that those should not be considered because that logical basis is a faulty logical basis. It is a way that we use our public power to give private benefit to specific individuals that was motivated with segregation in mind. If that is the argument, that is not a valid foundation. I will also remind you, as a precedent, that some time ago, these discussions of views and these discussions of density and so on, and transitions, were discussed in a rezoning that was proposed by Giles Stone. That was approved. We have a precedent of this. One of the residences involved in that was looking at having a big wall put in front of their picture window. That is the extent that our City Council has been willing to say that they are not going to create property rights for you at the public expense versus somebody else's plot. This development is nothing like that, so you already have precedent that more than exceeds approving this development.

Vice Chair Finnegan called for a five-minute recess.

Vice Chair Finnegan reconvened the meeting and asked if there was anyone else wishing to speak in favor of the request.

Karen Robertson, Pleasant Valley Road, Rockingham County, came forward in support of the request. I am interested in moving into this community in the future. A couple of years ago, we toured Shadowlake in Blacksburg. What I keep remembering from that tour was that at least two people said to me, "I live in this community. I live alone. I am not lonely." That really has stuck with me.

Vice Chair Finnegan asked if there was anyone else wishing to speak in support of the request. Hearing none, he asked if there was anyone wishing to speak against the request.

Carmen Barron, 630 Keezletown Road, came forward in opposition to the request. My husband and I live next door to and on the west side of the parcel that the applicant seeks to rezone. We submitted a letter to the Planning Commission, in January, expressing our concerns with the rezoning request and proposed development. We appreciate the opportunity to discuss some of those concerns. I want to make clear that we have no issues, personally, with any of the individuals which are part of the Harrisonburg Cohousing group. We have had the opportunity to meet many of them over the last several months and they all seem to be very lovely people. Nor do we have

any concerns whatsoever about the fact that the development, if approved, would be a cohousing community. Although it may not be the lifestyle everyone would choose, we appreciate their intention to develop a community where they may implement their cohousing ideals.

To be clear, our opposition to the rezoning request and the development is grounded entirely on the proposed development's inconsistency with both the City's long-term plan for the Keezletown Road area and the City Zoning Ordinance and the significant negative consequences on the neighboring community and adjacent properties that would flow from the design and density of the development. We understand that in addressing rezoning questions, Virginia law requires the City to consider, among other things, the compatibility with the long-term plan and assessment of the negative impacts rezoning would have on adjacent and nearby property owners relative to the benefit to the community at large. We do not believe that these factors were given adequate consideration in the staff report. We ask the Commission to consider these factors in making your decision. No one disputes that the rezoning request is in conflict with the City's Comprehensive Plan approved by City Council a little over a year ago. The City's long-term plan designates this site as a low-density mixed residential, a mix of large and small lot single-family detached dwellings. This is inconsistent with the proposed dense development of several multi-unit buildings including apartments and numerous parking lots on about two and a half acres. We are aware of no new circumstances that would justify a change to the City's long-term plans since its adoption in 2018. We ask the Commission to abide by that plan and deny the rezoning request.

The staff report notes that the new development would have a density of 5.1 dwelling units per acre, but this does not take into consideration that the units will be located on two and a half acres, meaning that the actual density would be about twelve dwelling units per acre, almost twice what the anticipated long-term plan is. Numerous parking lots, townhouses and apartments are incompatible with the long-term plan. The staff report suggests that the parcel might be a useful transition area between intense mixed-used and density, lower density residential, but that ignores the fact that the parcel is bordered on both sides by R-1 residential. This would not be a transition area. It would be R-7 development smack in the middle of the neighborhood overwhelmingly zoned R-1. The staff report also fails to address the negative impact rezoning and the development would have on the existing nearby property owners. We appreciate that Harrisonburg Cohousing group has put a lot of thought and effort into the project, including engaging the chairman of this commission to design it. No matter how well designed, we believe that the proposed development with a large common house, numerous parking lots and apartment would be an eyesore when compared to the compatibility of an R-1 development of single-family detached homes with garages and driveways. If the property is rezoned to R-7, our property values, and those of our neighbors, will undoubtedly go down. We, and our neighbors, purchased our properties knowing that the area was zoned R-1 and expected it to arbitrarily change. The applicant also purchased the property knowing that it was already zoned R-1, therefore the applicant must show that the benefits to the community at-large outweigh the negative impacts on the nearby property owners. There has been no such showing.

With respect to the benefits to the community, this is not an affordable housing opportunity. For example, we have been told that a one-bedroom apartment could cost around \$220,000. Nor do we believe that there is a pressing need in this community for this type of residential development. It

is our understanding that Harrisonburg Cohousing group has eight families signed up and that it needs additional members before construction can begin.

In recommending approval, the staff notes that the proposed development could meet goal five of the Comprehensive Plan which seeks new, beautiful safe neighborhoods. This is not a reason to rezone to R-7. The same goal can be achieved through R-1 development. In our view, it all boils down to this, the Commission is being asked to elevate the interests of the families in the cohousing group and any future families who may join over the interests of the nearby families and property owners who are opposed to the development. A vote to approve the rezoning request would be a vote to favor the rights of the applicant group over the rights of the existing neighborhood, neighboring landowners, coupled with the project's incompatibility with the City's long-term plan. We believe approval of this request would be the type of spot zoning prohibited by Virginia law.

We also believe the development would not comply with the R-7 Zoning Ordinance requirement that multi-family development be compatible with the existing single-family homes, such that adjacent views are not dominated by buildings or parking lots. The applicant proposes to build a parking lot within feet of our property line. Because our home sits higher than the applicant's property, we will look directly down onto a parking lot from the main floor of our home.

We are also concern about the heights of the proposed buildings. We have been promised that due to the grading that will be done, the roof to the common house will not be any higher than the roofs of the existing single-family homes. As that requirement is not in the proposed master plan, we have no legal assurance that this will be done.

For all of these reasons, we ask the Commission to deny the applicant's rezoning request. Before I take a seat, I would like to ask for a show of hands of others in the room who also oppose the request.

Vice Chair Finnegan said that there are thirteen in opposition.

Nancy Haas-Salomon, 833 Sandtrap Lane, came forward in opposition to the request. We have talked to some of the neighbors in the area, some that live in exactly my neighborhood and others. I am speaking on behalf of myself, mainly, but also some of the comments of many of the neighbors that are not in town and have had to do it by email. Our concerns are not with the cohousing itself. We do not have anything against that. It is a different way of living, but we do not have anything against the cohousing principles or way of living. Our concerns have more to do with traffic issues, emergency vehicles and flooding. The way things are today, without anything being built there, and we realize something is going to go on there, whether it is that or even if it is single-family homes on a more dense basis, Keezletown Road already has some serious traffic problems. I do not know why, but this is the fact. We have trucks, agricultural trucks that go at speeds that are over the speed limit, so it makes it dangerous to circulate in that area. We have had near and some accidents at the intersection of Keezletown Road and Country Club Road because there is no traffic light. I invite any of you to go to that intersection and be there. We did not used to have rush hour, when I first moved here in 1995, but now we do. It has become a major problem because people become impatient. The fact that Aldi's and McDonald's opened on Country Club Road a few years ago added traffic. That is creating a major problem.

We are also concerned about the flooding because we already have had some rainy seasons that have caused some problems where they had to close Country Club Road because the water coming from Keezletown Road gushed into the neighborhood. There is a creek on the property that will swell from all the water. Last year, there were little lakes that formed that the geese were using as if they were regular lakes because the water would not recede. Those are our main concerns.

R-7 says that the City would like to have walkways for people to walk more. I am one of them. I love to walk. Now I cannot walk on Keezletown Road. I fractured my foot and my doctor said to not walk there because you cannot control the traffic. There are no walkways that would lead from their proposal, or whatever is built there, to the restaurants and shops that are very near. They would be walkable if it was not for the traffic which has become a safety issue.

Another concern is that if anything is built there with only one entrance for emergency vehicles, it becomes a dangerous situation if emergency vehicle cannot go in and there is no other exit.

Ms. Haas-Salomon reiterated her concerns about flooding and walkability. She noted a letter submitted by Lisa Hawkins on behalf of another neighbor that addressed some of her concerns regarding walkability. Ms. Haas-Salomon thanked the Planning Commission for the hearing on this matter.

Lisa Hawkins, attorney with Flora Pettit representing CH, LLC, owner of tax parcel 70-A-1. It adjoins this parcel to the rear and extends from there over to Country Club Road and all the way to the elementary and middle school site. It is a relatively large parcel. It is improved with several residences, one of which is in very close proximity to the rear property line of this proposed development. That all said, even though I am speaking in the anti-camp, there are a lot of things about this proposal that we support. We support the time and thought that went into the plan. We support the concept of a higher-density, clustered development of mixed uses, and mixed housing types. We think that is a good model for the City in the future, and something that it should look at doing more of. We appreciate a lot of the changes that were made by the applicant to address some of the concerns that were raised by neighbors and others, such as imposing height restrictions on the buildings and other things, to take into account some of what they heard.

One of the concerns expressed in the letter that is in your packet was about setback from Keezletown Road. In follow up conversations with staff, we learned that that had, in fact, been taken into account. We applaud the staff and the applicant for thinking ahead and planning for that in an appropriate way. That concern is no longer a concern on our part. It was included, but we did not know that because it was not shown on the plan, at that time.

We do remain concerned about stormwater drainage. There is a serious challenge there. I think that we also recognize that is not a problem for this developer to solve. It is not of their making. It is the City's issue and something that we hope the City will take leadership on in seeking to address. This applicant should not be charged with fixing something, but we do hope that the City is confident that its ordinances will provide that whatever development occurs on this site will not make an existing situation worse. That is what we would like and hope. Whatever occurs there

will need to plan appropriately for stormwater management, so as to not exacerbate what is already an existing problem.

Finally, we appreciate the efforts of Juniper Hills Commons to engage and educate its neighbors and the larger community about what it is planning. What it is doing is planning. It is land use planning. It is essentially creating its own stand-alone zoning ordinance. Because of that, what that master plan does not say, matters just as much as what it does say. It is a stand-alone zoning for that property. Our concern is that so much attention has been focused on what is happening in the front development area that too little attention has been paid to what is happening in the open space area which adjoins my client's property.

Open space, under the City's ordinance, is

Land within a private development set aside, dedicated and designed to protect natural environmental resources, to serve as a visual amenity, and/or to provide recreational opportunities that is owned by a property owners association and is designed and intended for the common use or enjoyment of the residents of the development. Such land shall be primarily naturally vegetated or landscaped, but may include limited paved areas, such as sidewalks, pedestrian plazas, trails, and recreational courts. Such land shall not include streets, street rights-of-way, driveways, parking areas, structures, above ground public utilities, including stormwater management facilities, or other improvements, except as may be approved for recreational or historic preservation purposes in a development plan or site plan.

That is open space under your Zoning Ordinance definition. The Master Plan narrative says

As shown on the Master Plan Layout, open space, parks, trails, and other green space amenities such as, but not limited to, accessory buildings, will be located north of the stream.

That is it.

On page 9 of the Master Plan it says

Only non-conditioned accessory buildings, such as gazebos and sheds, up to a maximum height of 20-feet, are permitted within the open space area...

What does accessory mean here? Accessory is defined in your ordinance as

As applied to use or structure, means customarily subordinate or incidental to, and on the premises of such use or structure. The words "on the premises of" mean on the same lot or on the contiguous lot in the same ownership.

In our case, we are talking about a structure, so it is an incidental or subordinate related structure to another structure or use on the property. We know what that means when we are talking about

a house. You know what a shed is. You know what a gazebo it. You know what a detached garage is. We are not talking about a house. We are talking about a cohousing community of 33 dwelling units. What are we talking about? Is it a mammoth community picnic shelter? Is it a big warehouse full of tractors and maintenance supplies for the community garden? It is a greenhouse? Take sheds and multiply it by 33. Take a gazebo and multiply it by 33. That is our concern. At present, there is nothing in the rezoning master plan that addresses scale of any of those improvements, or coverage, or anything that would impose a limitation on the size of those structures, other than that they are an accessory. They are an accessory to a community use, which is pretty open, even if you limit it to recreation type structures. Sheds does not.

We would ask that the Planning Commission and staff work with the applicant, who are aware of our concern. Work with the applicant to create some additional language that addresses the types of accessory structures that would be permitted in the open space area, the scale of those structures and the location of those structures. Right now, there would be a five-foot setback from property lines. That is a very large area. There is no reason that those types of structures need to be within five feet of a property line. There is plenty of room. Pull it back thirty feet. There is a residence that is located one hundred or two hundred feet from the rear property line. There are woods there, but there is a house not that far away. You can imagine a very large structure five feet from that property line could be pretty intrusive. We are asking for some support, in the planning process, to address that specific concern. Building on something that Ms. Dang said in her presentation, that is where most of the steep slopes are. Limiting the scale of those would also support your Comprehensive Plan and ordinance goals and requirements that ensure that the development have minimal impact on steep slopes. That is where the steep slopes are on this site, in that open space area. It would very supportive of that goal. I think that if you do not impose those restrictions, this plan could, potentially, not be in compliance with that objective and guideline.

We would also ask for some controls on vehicular traffic within the open space, by limiting that traffic to sporadic tractors and trucks related to open space and recreational uses of that property and related construction. The applicant has said that is all that is intended and has now added a limit on paved roads in the open space, but nothing in the Master Plan makes it clear that is the intent.

In addition, we have asked Juniper Hill Commons and now ask the Planning Commission to support our request for a fence or other physical barrier along the rear and a portion of the side property lines of the open space to both delineate the property line and to protect against the liability risk of residents or children crossing onto the adjoining property, which affords a direct path to the elementary and middle school complex as well as Country Club Road from the project site. Knowing it is unsafe to walk down Keezletown Road to Country Club Road and the emphasis in the Master Plan on walkability of the site, we are concerned about the very real liability risks to a property owner that exist even when a trespasser is hurt, and the legal and practical risks are even greater when children are involved.

We very much appreciate the time and effort that has gone into the Master Plan, but there is more work to be done to ensure that the interests of the City and the neighbors are adequately taken into account. Thank you for your time and attention.

Vice Chair Finnegan asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finks asked if the applicant representative had a response to the last concerns regarding the potential for a wall on the back side of the property and the concerns about the accessory buildings.

Mr. Stutzman, board member for Juniper Hill, said that they did meet with Ms. Hawkins to discuss these issues. We think these are reasonable requests. We said that we need to take this up with our membership. What I heard her say about the back, though, was not a wall, but simply a dividing fence. Just some designated place that says "Stop here." That is the way that we understood it. In terms of roads, we have no intention to build roads. The only vehicles would be what she described, sporadic. There may be a pick-up truck to take mulch up to put on a path or a vehicle to take people up to a pavilion if we have a picnic up there. We do not intend to build 30 sheds. We do not intend to build 30 pavilions. This would be completely out of character with our community. We have shared things. We already believe that we are mostly in conformity and we would be happy to have further conversation. We do not see a necessity to put it in the master plan.

Vice Chair Finnegan asked staff if they have any comment regarding the spot zoning concern.

Ms. Dang said that she is not concerned. As we described in the staff report and the presentation, this provides that transitional area between the two land use designations. We feel that it is supported by the Comprehensive Plan, even though it does not match exactly.

Commissioner Finks said that the adjoining property is labeled as mixed-use in the Land Use Guide.

Ms. Dang said that the majority of the properties surrounding this area are zoned R-1. That is the existing zoning designation. Our Land Use Guide calls for Low Density Mixed Residential. The R-1 density is four dwelling units per acre. In order to achieve around seven dwelling units per acre called for Low Density Mixed Residential, we may be looking at other rezonings of other properties to develop, if they were to be in conformance with the Comprehensive Plan. They can develop as R-1, or they could also rezone for that increase in density.

Vice Chair Finnegan said that they have heard several concerns regarding traffic and flooding. Any questions for staff about traffic or flooding?

Ms. Dang said that regarding the flooding concerns, this development will be required to meet the state and local stormwater management regulations for managing the stormwater coming off of their development. I would encourage residents to continue talking with the Department of Public Works. They maintain the stormwater improvement plan and drainage program that people could apply for and could to help evaluate priorities of stormwater issues that are across the City. These being the existing drainage problems that exist throughout the City. In terms of the comment made regarding emergency access into the development being served only by the one entrance, we have reviewed this multiple times with staff from multiple departments. I did not think that it was a concern because it had not been brought up, but I did make a point to speak with the Fire Chief to

ask him if he was concerned that there is only one entrance. His short answer was that the code does not require a specific number of entrances into a development based on layout, but it does give him the ability to require an additional entrance when he feels that it is necessary. It is a subjective decision. He said that he would take into consideration the type of development, how many people are there, etc. This is not a traditional apartment complex. He did not see that there was a lot of traffic into the development. His opinion was that the one entrance would be sufficient for emergency access.

The other concern was about traffic related to Country Club Road and Keezletown Road. I have heard from a number of residents regarding the wait time at that intersection, and that there should be a traffic light. I know that there has been consideration by the Public Works Department for a traffic light. They monitor it. A traffic light is warranted based on particular standards that they use to review based on delays and number of accidents and other criteria. When the intersection meets the warrants, they would recommend funding or installing a traffic light at that location. Additionally, there are plans for future improvements to Keezletown Road, adding new bike and pedestrian facilities. That is something in the City's Street Improvement Plan. This development is only responsible for those improvements that are within their frontage. They are not responsible for connecting all the way to Country Club Road, although I would agree that additional walking and pedestrian facilities is something that is needed in many places throughout the City.

Commissioner Finks said I had an email from a citizen that had a concern about the fact that it was a blind, unbanked curve when coming out of the development, looking east, over the hill, towards the County. I know that a TIA was not necessary in this regard, but was there any discussion about the placement of the main road entrance out of this and its correlation to the curve on the road?

Ms. Dang said you are asking, with the location of the entrance, regarding the ability of people leaving the development and their ability to see traffic in every way? Yes, there was quite a bit of discussion about the location of the entrance. Where the entrance is proposed to go, the development will have to work with the adjacent property owner to the east for some sightline easements to clear brush and possibly cut down some of the embankment so that they can have better sightlines so that they can get out. That will be addressed during the engineered comprehensive site plan phase, when they design the site.

Vice Chair Finnegan said that when we went on the site visit, we talked about the bus stop. The school bus would not be pulling in and out of that development, as it is currently planned. It would stop on Keezletown Road.

Ms. Dang said that she spoke with the School Bus Superintendent. He reminded me that the school bus practice is to stop on the public street and not enter into a private development. When this property is to be developed, they would determine the safest spot, within proximity of that development or in front of the development to stop the school bus to pick up the children.

Commissioner Romero said that they could take a look at existing bus stops and see how closely they may align with that. I have to admit that this is a new concept to me. I will be doing a lot of research and meeting and reaching out to people. That is what I like to do, so that I have a better idea as I make decisions. Every time we look at a property within the City, we cannot forget that

we have a big issue with lack of housing, especially affordable housing. To what extent would this project be able to support any sort of housing that would be affordable to a lot of our population. There are apartments and duplexes. Would this be in the market for any of those people, at all? Would there a possibility to have several units available for this sort of a thing?

Mr. Fletcher said that you would have to ask the applicant what their plans are for marketing.

Vice Chair Finnegan said that his understanding is that it would not fall under the category of affordable housing, as we think of it, as below Fair Market Rents (FMR).

Commissioner Finks said that we also have to keep in mind that as new housing comes into the City, that is going to open up possible affordable housing in other places in the City where people are still living in starter homes. You could be opening affordable housing just by extension of creating more housing in the City.

Vice Chair Finnegan said that in contrast with other subdivisions where all the houses are roughly in the same range, this has a range of housing. I think that it was in the presentation. I am not sure what the range is.

Commissioner Romero asked if the Commission could ask the applicant what the range will look like.

Nancy Gunden, 1567 Hillcrest Drive, said that she is a member of Harrisonburg Cohousing. The range goes from the lower \$200,000 to the mid-\$300,000 range.

Vice Chair Finnegan asked if there are any other concerns from the Commissioners that have not been addressed or need to be addressed, such as the need for fencing. I will say that I would not feel comfortable walking to TJ Maxx from this location. Crossing Country Club Road is difficult. I do not even feel safe pulling out of that intersection, sometimes. As new developments happen, as we approve new developments, sidewalks are added. We are incrementally making these places more walkable and bikeable.

Commissioner Finks had another question for the applicant. During the second presentation there was discussion of the clubhouse being able to be used for a variety of events. Can the clubhouse be reserved or rented by people outside of the cohousing community? Or can it only be used and reserved by people in the cohousing community?

Peter Lazar said, no, it would require a community resident for reserving it. It is thought of as an extension of one's home. It is not a public space. If you had a club, and you are a resident, you could invite people over like you could to your own home. That is how it is typically treated and will be here.

Vice Chair Finnegan reminded those in attendance that the public comment section is closed, however he invited the community member to speak.

Nancy Haas-Salomon came forward. I went into the website of Shadowlake Village because they had cited as an example of an existing cohousing project. It says there that the clubhouse, as they call it the common house, is open to public rental. It also says that they cannot rent the whole unit, but they can rent rooms. For example, if there is a two-bedroom unit, they can rent one room. There is one for sale and one for rent.

Vice Chair Finnegan said that it sounds like it may be up to the individual community. There is nothing restricting that use in this.

Ervin Stutzman came forward. The question is about how these things are regulated. They are regulated by community, usually consensus. A community can make a decision to do things differently than other cohousing communities. Mr. Lazar was speaking about how it was in the one he lived in and how many do it around the country. On most of these kinds of things, whether a pet policy, or any kind of policy for rentals, it would be determined by the governance of the specific community, not under some other association or group.

Vice Chair Finnegan asked if there is anything restricting the use of the clubhouse from the City.

Ms. Dang said that she would consider it as they do short-term rentals. Even with the amendments we are proposing, which we will discuss later this evening, if short-term rentals or homestays became a by-right ability, someone had to be living there as a primary residence. If it does not have someone living there permanently, they could not use that as a by-right. In our existing short-term rental regulations, they would have to get a SUP to rent it out to others.

Mr. Fletcher said that it would be just like with other residences. It does not permit transient housing dwelling spaces.

Commissioner Ford-Byrd said that there seems to be some more discussion to be had on this topic. From what I am hearing, there are general concerns, but I think that with continuing to meet and talk about it, there is some common ground that could be reached. I would hope that that would happen between tonight and the City Council meeting.

Commissioner Ford-Byrd moved to recommend approval of the request.

Commissioner Finks seconded the motion.

All members voted in favor of recommending approval of the request (5-0). The recommendation will move forward to City Council on March 10, 2020.

Chair Colman returned to the meeting room at the conclusion of this agenda item.