



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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

March 15, 2024

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

SUBJECT: *Consider a request from PRR 1 LLC to rezone 1211, 1225, 1245 & 1261 Port Republic Road*

Consider a request from PRR 1 LLC for a special use permit to allow townhomes at 1211, 1225, 1245 & 1261 Port Republic Road

EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: February 14, 2024

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

Ms. Dang said the applicant is requesting to rezone four parcels totaling +/- 19.66-acres from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance (ZO) to allow attached townhomes of not more than eight (8) units in the R-8 district. If approved, the developer intends to subdivide the property to create single-family detached home lots, duplex lots, and up to 75 townhome lots.

Proffers

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

1. The development shall not exceed 128 dwelling units.
2. Units shall be a mixture of at least three (3) unit types (single-family detached, duplex, or townhomes). Only single-family detached units shall be located in Area 'A' as identified on the Concept Plan. Area 'B' shall be allowed to contain either single-family or duplex unit types and Area 'C' shall be allowed to contain any of the three proposed unit types. No more than 75 townhome dwellings shall be constructed on the property.
3. Applicant shall plant a 10' landscape buffer adjacent to the existing single-family development as depicted and described on the Concept Plan. The buffer shall be planted with a mixture of large maturing trees (1 tree per 60 LF, 1-1/2' caliper at planting) and medium maturing evergreen shrubs (1 shrub per 8 LF, 36" height at planting). Existing trees and shrubs that are saved during construction within the proposed landscape buffer shall be counted towards the proposed planting requirements. A landscape maintenance

easement shall be established during final platting of the development, or during appropriate phases of final platting, and Applicant will establish the homeowners' association as responsible for maintaining the landscape buffer in perpetuity upon the end of the developer control period."

4. Applicant shall provide an easement for a bus shelter adjacent to Port Republic Road at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) and will construct a concrete pad to HDPT's bus shelter specifications.
5. Applicant shall provide a public street network that extends Decca Drive and Skylark Lane, connecting to the proposed project entrance at Port Republic Road as generally depicted on the Concept Plan. The public street system shall include a total of two connections/road stubs to parcel# 008 F 7A and 008 F 6 as generally depicted on the Concept Plan. Applicant shall also dedicate right of way to allow the future extension of Westmoreland Drive through the northern corner of the property. The dedication shall include 31 feet of ROW on each side of the center line depicted on the Concept Plan. In addition, a temporary construction easement shall be provided as depicted/dimensioned on the Concept Plan.
6. A full connection to Skylark Lane will be installed and open to traffic prior to the issuance of the fortieth (40th) Certificate of Occupancy for any dwelling constructed on the property. A full connection to Decca Drive will be installed and open to traffic prior to the eightieth (80th) Certificate of Occupancy for any dwelling constructed on the property.
7. The project shall include a contiguous common area/park located adjacent to Port Republic Road. The common area shall be maintained in perpetuity by the homeowners' association after the end of the developer control period.
8. No less than one (1) large deciduous tree shall be planted and maintained by Applicant for every sixty (60) linear feet of public street frontage. At the time of planting, tree sizes shall be a minimum of 1-1/2" caliper. Trees shall be planted on private property within 10 feet of the public right of way where overhead utilities permit. Large maturing trees shall be planted in a manner so as not to conflict with existing overhead power lines along Port Republic Road. In areas where trees must be planted near the power line right of way, small maturing trees shall be utilized. Applicant shall transfer maintenance of any common area amenities, including trees and landscaping to a homeowners' association upon the end of the developer control period.
9. Applicant shall construct off-site road extensions to connect Decca Drive and Skylark Lane to the proposed public streets within the development. The connections include both the roadway, curb and gutter, and sidewalk, assuming existing right of way is in place for construction of the improvements. If the existing right of way is not sufficient to construct the improvements described above, and Applicant is unable to obtain additional right of way cooperatively after reasonable effort, the Applicant shall construct such improvements as able within the existing right-of-way.
10. Sidewalks shall be provided on a minimum of one (1) side of all private streets and on both sides of all public streets where existing sidewalks do not currently exist.
11. During site development, construction access to the site shall be limited to Port Republic Road.
12. A one hundred foot (100') right turn taper will be provided serving the primary project entrance as shown on the Concept Plan.

13. Applicant shall either (a) construct speed tables near the connection points to both Decca Drive and Skylark Lane as generally depicted on the Concept Plan or (b) construct other intersection safety measures, such as raised intersections, traffic islands, painted stop bars, and/or other measures, at the intersection of Decca Drive and the extension of Skylark Lane and at the intersection of the extension of Skylark Lane and the new public street. The locations and designs of speed tables and/or intersection safety measures require approval by the Department of Public Works at engineered site plan approval stage.
14. Applicant shall construct a five (5) foot wide pedestrian connection that connects the existing shared use trail along Port Republic Road to the sidewalk system internal to the site. The location of the connection shall be as generally depicted on the Concept Plan. The pedestrian connection shall be compacted gravel or other hard surface material. If required, a bridge across the existing drainage shall be designed for pedestrian use only (no motorized vehicles, bicycles, etc.). The pedestrian connection shall be maintained by the homeowners' association and shall contain an access easement to allow use by the public.
15. Applicant will reserve necessary temporary construction easements so that future development to the north can connect into the public street stubs shown on the Concept Plan as determined by Applicant's engineer for future connection.
16. Applicant shall install and maintain a posted speed limit signage not to exceed 15 miles per hour to serve as a traffic calming measure in at least three locations on private streets to be determined at site plan review stage.
17. Applicant shall provide public access easements across as-built private sidewalks installed along private streets within the development.

Note that proffer 9 was updated the day before the Planning Commission and the updated proffer is above. The original proffer statement and an explanation of staff's concern with the original proffer 9 is available in the staff memorandum to Planning Commission.

The concept plan is not proffered. Note that the concept plan has been updated since Friday when the Planning Commission agenda was published. Namely the changes were to the textual notes that reference specific proffer numbers; those were updated.

Further explanation of multiple proffers associated with traffic and streets is provided within the Transportation and Traffic section of this report.

Land Use

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

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 concept plan demonstrates the proffered maximum of 128 dwelling units. At a density of 6.5 units per acre, the density of the project is supported by the Comprehensive Plan. However, staff does not believe that the proposed development conforms with the types of planned dwellings recommended by the Comprehensive Plan. The Low Density Mixed Residential (LDMR) designation describes this area as being planned for large and small-lot single-family detached dwellings, and where duplexes may be appropriate in certain circumstances. The conceptual layout illustrates 26 single-family detached dwelling lots, 28 duplex units, and 74 townhome units, which equates to a breakdown of 20.3%, 21.8%, and 57.8%, respectively, where the majority of the dwelling units are townhomes. While the LDMR designation does not specifically plan for townhomes, there may be times that a few townhome units could be incorporated appropriately within property designated LDMR and even within existing single-family detached home neighborhoods. However, staff does not believe this to be the case for the proposed project, especially when more than half of the units are townhomes.

Since the completion of the Comprehensive Housing Assessment and Market Study in January 2021, there have been multiple residential developments that have received use-approval by City Council. Table 1 below shows the number of units given use-approval (exclusive of any units specifically intended for student housing).

Table 1. Residential developments that have received use-approval by City Council between January 2021 through February 5, 2024 (exclusive of units specifically intended for student housing)

Type	Single-Family Detached	Duplex	Townhomes	Multi-Family	Total
Total Units	160	40	589	1,747	2,536
Percentage of Total	6.3%	1.6%	23.2%	68.9%	100%

Given the lower number of single-family detached and duplex dwellings that have been given use-approval compared to townhomes, and that the Comprehensive Plan recommends single-family detached and duplexes for the subject property, at this time, staff does not believe the subject property needs to be rezoned to allow for more townhome development.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would

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

Proffer 4 requires an easement for a bus shelter and construction of a concrete pad for a bus adjacent to Port Republic Road at a location acceptable to the Harrisonburg Department of Public Transportation (HDPT). While the applicant has illustrated on the concept plan a possible location for the bus shelter, know that this location has not been vetted by HDPT. The location of a bus shelter would be determined during the engineered comprehensive site plan review.

Proffer 5 requires public streets to be constructed to include connections to Port Republic Road, Decca Drive, Skylark Lane, and two street stubs for future connections to tax map parcels 8-F-6 and 7A as generally depicted in the concept plan. Proffer 15 reserves necessary temporary construction easements so that future development can connect to the public street stubs. Additionally, Proffer 5 requires dedication of public right-of-way and temporary construction easements to allow for the future extension of Westmoreland Drive in the northern corner of the property.

Proffer 6 requires street extensions to Decca Drive and Skylark Lane and provides the timeline for when those connections must be made with respect to the number of certificates of occupancies issued for the planned units. When the adjacent neighborhoods of Stone Spring Village and Ashby Meadows were constructed, which included the construction of Decca Drive and Skylark Lane, the public street right-of-ways were stubbed to the adjacent property lines for future street connections into the subject property. The developers for those neighborhoods dedicated 50-feet of public street right-of-way width, which is adequate for a street, curb and gutter, grass strips, and sidewalks on both sides of the street. However, the physically built streets stop short of the property line and temporary construction easements for grading outside the limits of the 50-foot public street right-of-way width were not reserved by the developers.

The day before the Planning Commission meeting, the applicant amended Proffer 9 and the current language is provided above. The applicant has proffered that if the existing right-of-way (which includes needed temporary construction easements from adjacent property owners) does not provide sufficient space to construct the street, curb and gutter, and sidewalk as typically expected, and if the applicant is unable to obtain the needed additional right-of-way “after reasonable effort,” then the Applicant shall construct such improvements as able within the existing right-of-way. This may mean that more grading on the applicant’s property, retaining walls within the public right-of-way to avoid working on adjacent properties, not constructing the 2-foot grass strip between the back of curb and the sidewalk, or other solutions identified by the applicant and city staff during engineered comprehensive site plan. Ultimately, the applicant shall construct the street, curb and gutter, and sidewalk to a standard acceptable to the Department of Public Works and the City has the authority to not approve an engineered comprehensive site plan.

Proffer 11 restricts construction access during site development (i.e. grading, utility construction and street construction) to Port Republic Road. Once site development is completed and the public streets are connected, building contractors would be allowed to enter from any direction.

During review of the requests, staff suggested that the applicant add traffic calming measures to reduce speeding. The applicant has provided proffer 13 to construct speed tables or intersection safety measures and, as indicated by proffer 16, will post speed limit signage not to exceed 15 miles per hour on private streets to help with this regard.

With proffer 14, the applicant is committing to construct a 5-foot-wide compacted gravel, or other hard surface material, pedestrian connection that connects the existing shared use path along Port Republic Road to the sidewalk system internal to the site as generally depicted on the concept plan. Additionally, if a bridge is necessary, the applicant would construct a pedestrian bridge across the low drainage area. The pedestrian connection would also be within a public access easement. (Public access easements are privately owned and maintained sidewalks that are open for the public to use.)

With proffers 10 and 17, the applicant commits to constructing and dedicating public access easements for sidewalk along private streets. While staff would prefer sidewalks on both sides of the private street, the applicant is only proffering to construct sidewalk on one side of private streets. The applicant has proffered to provide sidewalks on both sides of public streets. While the Subdivision Ordinance and Design and Construction Standards Manual (DCSM) requires sidewalks to be constructed on both sides of newly constructed public streets, the Subdivision Ordinance has a provision that allows developers to request variances to deviate from requirements. By proffering that sidewalks will be constructed on both sides of public streets, this removes the ability to consider variances to sidewalks in the future unless the proffer is amended.

Public Water and Sanitary Sewer

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

Housing Study

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

To be clear, the LDMR land use designation supports the idea of rezoning the subject property from R-1 to another zoning category that would allow for around 7 units per acre. Thus, the Land Use Guide (LUG) of the Comprehensive Plan and the recommended policy to increase density through zoning changes as identified by the Housing Study for Market Type A areas does align. However, the question is whether the area should be rezoned to allow for a higher density of single-family detached homes and duplex development or whether greater density should be provided through townhome development. At this time, staff believes it is the former.

Public Schools

The student generation attributed to the proposed 26 single-family detached dwelling lots, 28 duplex units, and 74 townhome units is estimated to be 42 students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

Recommendation

Staff recommends denial for both the rezoning and SUP.

As most are aware, the City needs more housing in the City, and while this project would add more units, staff does not believe this project at this location should be approved at this time. While staff understands that the style of buildings and unit types is what is desired by the current developer, at this time staff does not believe this development is what is best for the City. Staff is concerned with:

- The lack of conformance with the Comprehensive Plan's Low Density Mixed Residential designation, which does not plan for townhomes in this area.
- There are already 589 townhome units in the City that have received use-approval from City Council since January 2021.

Staff recognizes the difficulty and the complexity of recommending denial of residential development during a time when the City needs more housing. However, we cannot ignore the greater concepts and planning efforts. As described in the Land Use section of this report, if the private industry continues forward with projects that have already been given use-approval, more housing units should be on the way.

As should be understood, staff is not opposed to rezoning the subject site to R-8 generally, but has concerns with the amount of townhouse development proposed on the site, where such development was not previously anticipated. As noted earlier, the LUG and policies identified in the Housing Study support rezoning this site. An appropriate request might be to rezone the property to the R-8 district with appropriate proffers to allow only for small lot single-family detached and duplex dwellings.

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

Todd Rhea, applicant's representative, came forward to speak to the requests. He said good evening, Vice Chair Byrd, good to see you chairing the meeting this evening. Fellow commissioners and City Officials, I am Todd Rhea with the firm of Clark and Bradshaw here in downtown Harrisonburg at 92 North Liberty Street. I will be presenting tonight on behalf of the applicant, Evergreene Homes. Here with me is Amy Polk with Evergreene, Mark Giganti who signed the proffers and is the chief operating officer for Evergreene is under the weather this evening, so I am going to serve in the speaking role for Evergreene's portion of the presentation.

Carl Snyder with Valley Engineering is the design engineer for the project and Carl is also present. Given the level of detail, complexity, and interesting nature of the land use questions that we will be talking about with this application, my presentation is going to be a little longer than normal. It is going to be in two parts. The first part is going to introduce you all to Evergreene and the type of product they tend to construct, or propose to construct, on this site. The second one will be me diving into some of those land use issues in more detail as discussed with staff over the last few months. You all are probably familiar with the Evergreene name locally by virtue of the fact that they have built out the vast majority of their residential portions of Preston Lake, which is in Rockingham County just east of the City limits. Preston Lake is zoned for about 850 residential units, about 75 percent of which has been built. There is a wide mix in Preston Lake from large lot, single family detached housing; cottage style, small lot, single family housing; there are duplexes in Preston Lake and a variety of townhome styles. Evergreene is a high end, semi-custom builder. Weston Park in the City, which is before you this evening, is kind of a smaller version of the Preston Lake concept; mixing those three housing use types from single family detached through duplexes and onto townhomes. Evergreene, again, they are located in northern Virginia. They develop in the Mid-Atlantic region, including the Shenandoah Valley. They have built a lot of homes. They are not like a national builder; they are much more of a semi-custom builder. They almost always build for contract. They work and design a wide variety of housing packaged directly with the homeowner. They are kind of between a large national building and custom home builder in that they have a design team and work on custom product. They do have a design team on site at Preston Lake, so it is local where citizens can come pick out their finishes and work directly with the builder. They have, and intend to have in Weston Park, some one-story product. You all have seen the quality of finishes if you drive through Preston Lake. [Referencing the presentation on the screen] Here are some of the single-family design lots. These are larger, their cottage style homes. The lots in Weston Park are smaller, most of those will be a cottage style. The duplex paired homes are a luxury duplex, one and two stories, and townhomes. These are, again, higher end townhomes. Typically, three stories tall with a garage and as in Preston Lake, they are mixed in with the other housing types. You all have seen and heard staff talk in detail about the layout, which you see before you, which has been developed over the last six or seven months.

We met with the community, the neighboring property owners and have developed this screening, which has been proffered, and developed the plan where all the existing single family home lots will only have single family home lots backing up to them. You will not have duplexes or other attached housing in the backyard of an existing single-family neighborhood. We met with those neighbors and committed that to them. You will be able to see on the design as we go through some of the other slides, that is how the neighborhood is laid out. That is Evergreene. They are not new to the area. They have a great reputation, they know how to bring a community to life, successfully. I have been asked a question through this process, it is a higher end home. These are more expensive houses, they are on the barbell. These are those class A houses that are missing in Harrisonburg. There are not a lot of inventory of new construction homes. These are the people who may want to live in the City, but they want a new house that is a higher end home and so they live in Rockingham County. There are not new built communities in the City of Harrisonburg meeting that need. Weston Park gives the opportunity for them to have a choice between living in

the county or living the City in this type of higher end new construction product. Amy, did I miss anything? Do you want to add anything else about Evergreene?

Ms. Polk said I think you hit everything. We would welcome the opportunity to bring our community that we are proud of here to the City.

Mr. Rhea said if we can bring up the second slide presentation, which is more mine. I wanted Amy to have the opportunity to give the same feel as Tuscan Village did a couple of months ago. That was an impressive presentation, but I think Evergreene gives a similar presentation and type of community a focus on not just building it quickly but building it right. The land use discussion the crux of the reason for the denial is this textual nonconformance with what the Comprehensive Plan says in the Low Density Mixed Residential district. Let us talk about first the process of how we got to where we are today and then some detail as to why we believe, notwithstanding what the Comprehensive Plan says in the existing zoning district, why the current project merits approval. Here is a timeline, again, this is not a developer or an applicant who has come to staff and said my way or the highway, or who has said this is absolutely what we have to do and we are going to push forward with what exactly we want. It has been a very proactive and iterative process with staff. The property went under contract last summer. The preliminary design work happened in July and August to the point where we were able to schedule a pre-application meeting with City Staff and City Departments at the end of September. After that meeting, we took those comments in hand. Valley Engineering and Evergreene did their work. We had a follow up City staff meeting with an updated plan on Halloween that generated 25 staff comments. We responded successfully to all of those staff comments by Thanksgiving. The week after Thanksgiving we held our community meeting with the folks in Ashby Meadows to the south and I call it King Edwards Way and Decca Drive to the east of the property. We talked about screening, we talked about the connection of those roads, not bringing construction equipment through those residential neighborhoods during the site development phase. We talked about and committed to lining the outline of the property with single family lots, so that the existing single family lots would have a single family transition in place. We got good feedback during those meetings, answered questions and had a follow up meeting with City staff a few days later on November 30. Which, again, generated another set of 13 comments, to which the applicant responded to. Finally, the last round of staff comments last week, which we worked through very productively, to arrive at the 17 proffers that are offered with this property. We successfully addressed 42 of the 43 staff comments. We are down to one, we are down to what the Comprehensive Plan says in the Low Density Mixed Residential district.

When the process started at the pre-application meeting, the project started with 150 units, which was about 7.6 units per acre. There were two housing types in that; single family detached in the areas where they exist today and the balance as townhomes as part of this discussion and revision of the plans, we introduced the duplex for a third housing type, as an additional step up in density and use type, into the plan and reduced the overall density of the site from 7.6 to below the target density of 7 units per acre. It came in at 6.5 units per acre. Looking at the Comprehensive Plan, you all will note the site is mainly Low Density Mixed Residential, which has the target density of 7 units per acre, but there is a pretty good swath along Port Republic Road zoned for Limited Commercial. As you follow that east towards the County, that is where the Community Health Center is located. If you come back towards the City, you pretty quickly get to where the CVS is

located at the corner of Peach Grove and Port Road. Due to the location of the floodplain on this property, that higher intensity strip was unable for development economically and for environmental reasons. Which, again, reduced density opportunities across the overall site. The yellow [referring to the presentation] is your Low Density Residential district, which is across Port Road and behind it in the Kind Edwards Way, Decca Drive neighborhood. The yellow density targets... Here is sort of our rational as the applicant as the step up in density. The light green [referring to the presentation] is really the yellow density in reality. Those neighborhoods were built out at about three dwelling units per acre. It is sort of a traditional suburban neighborhood in the low density areas, those are under the four units per acre target. You can see our first level of those lots, in discussions with the neighbors that boarder those lots, having an equivalent Low Density Residential density, it is about three and a half units per acre in that lighter green area. The duplex section in the darker green [referring to the presentation], which is again a step up, is approximately seven units per acre, so that is in the target for the low density mixed residential area. The proposed medium density is the townhome section. [Referring to the presentation] If you look at the arrows and if you are on the site, you are pretty close to Peach Grove Avenue and Port Republic Road which are developing commercial corridors. Those High Density Residential areas along Peach Grove on both sides are 24 dwelling units per acre Comprehensive Plan designated land use districts. That little strip in the yellow in between there is pretty thin, that is the remainder of the Eagle Carpet Property that is undeveloped today. That has some opportunity as a transition from seven dwelling units per acre to 24 but not a whole bunch. What we are proposing is to use a portion of the site away from the Low Density Residential neighborhoods, move it into that transition zone to allow that step up to continue on a common sense basis such as the overall site meets the Low Density Mixed Residential district targets. Which leads to a question, okay applicant, why do you not seek to reclassify to the next higher density district? Well, the next higher density district is a pretty steep step up. That goes from seven, which is us the LDMR, all the way to 15. We are comfortable with the seven across this site as reasonably applied in our plan, we think a reclassification to 15 on that site is less consistent with what the Comprehensive Plan provides today than what is existing. We think it is consistent with the Comprehensive Plan to work within the existing district in a common sense basis, hitting those dwelling unit per acre targets knowing that we are bordering a Low Density Residential district. Here is the rest of the text from the Comprehensive Plan for the Low Density Mixed Residential district [referring to the presentation]. It allows for creative subdivision designs that promote neighborhood cohesiveness, walkability, connected streets, community green spaces, and the protection of environmental resources or sensitive areas such as floodplains, which we have on this property. Those 17 proffers hit all of those targets. We designed this community, and those 17 proffers, to be fully consistent with a Low Density Mixed Residential district description in the Comprehensive Plan with a gross density of development in these areas to be around 7 dwelling units per acre. Here is how the site breaks down. Our single-family homes and duplex portions of the property, while in number of units is more than half, in area used is less than half. Our single-family lot effective density per acre, again, this is Todd's math, but taking the open space and public road right of ways and allocating them in proportion to the underlying uses by gross acreage gives us a low density district in that transition zone. The duplexes I discussed is right on your target of seven and the Area C townhomes, this is not a super dense townhome district, this is a ten unit per acre which is two thirds of what your medium density residential district provides. Which is really the area where you get into hey, this is where we want townhomes all the time. Our overall density, that is how we get to six and a half units per acre, we think, in a fairly thoughtful way.

Let's talk about why there are 589 townhomes that have been approved in the City of Harrisonburg since the Comprehensive Housing Study came out. The Comprehensive Plan is getting age on it, that is why you all are going to start reviewing it in the next City fiscal year. The data which went into the current zoning districts was based on 2017 data. So, that was housing price data from the second year of the Trump administration, that is how long ago the underlying Comprehensive Plan data that you are using today was developed. At that time, in the City of Harrisonburg, more median detached single family home price was in the 225 [thousand dollars] range, maybe 230, that was 2017 into 2018. That is your starter home, that is what people could afford to buy in the City on a median housing basis. At that time, townhomes were about \$150,000 in median costs. Fast forward to 2023, the most recent year ended, those same single family median housing costs are approaching \$350,000 in six years. Townhomes now at 215, are right at about the price where your traditional detached single-family home was in 2017/2018 when the current Comprehensive Plan was developed. Townhomes, you all heard me joke at one of the previous public hearings that the vast bulk of special use permit requests that come before you all are to allow townhomes because the City in the early 2000s said "we have enough townhomes. We have enough apartment homes, so we are going to disfavor those uses." Very few townhomes got built in the City after 2007, there was a burst of townhome activity then. Avalon Woods, Liberty Square, Cooper Beech, Pheasant Run, Beacon Hill; they all built out and the City said enough. Well, we had 15 years of not building any townhomes. The housing study said we have a shortage and now the market is reacting to that shortage by wanting to produce housing types that people can afford. It is a more efficient use of land, it is a more efficient use of energy and it meets the City's very clearly stated density goals. I submit, and we admit, that the 2018 Comprehensive Plan says Medium Density Mixed Residential is not targeted to townhomes based on the data that was in place then. Given the floodplain on this property and how much land it takes to do detached housing, there is no way you are getting your target of seven dwelling units per acre out of primarily detached housing.

You can see, if we go back, how much land goes into the right of way for public streets. So, the goal: let us create an integrated road map that connects, so we added a public street from our initial plan to the plan that is before you. That takes up acreage, that reduces the opportunity to match your density goals with detached housing. We submit that the plan that is before you meets every single criteria of the Low Density Mixed Residential district other than the text of this is intended for primarily detached housing, that statement is inconsistent with the density goal of that district. We planned it thoughtfully with a step up and would ask Planning Commission's recommendation for approval on those grounds and recognition of how hard we have worked to proffer this community consistent with all of the other district goals in the LDMR Sorry, that was long winded. I appreciate all of your time, but it is an important set of issues. Thank you.

Vice Chair Byrd asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

Kenneth Gibson, resident of 1317 Port Republic Road, came forward to speak to the request. He said this land here lays right behind my house. When I have very heavy rains, I have a river behind my house. I just want to know what are you going to do with the water that comes from that

development? Any inch of hard rain, it is like a river behind the house. Where is the water going to go?

Commissioner Baugh said I will take a stab at it. The way this works, whether it great or not, is they are not required to fix; they are required not to make it worse.

Mr. Gibson said are they going to fix my house if I get flooded?

Commissioner Baugh said I am just saying that the rules would be that they will be required in their engineering to make sure that they do not create more of a problem.

Mr. Gibson said we want to know that before it happens, do we not?

Commissioner Baugh said I understand what you are saying, that is a very logical way to look at that. They have to get their approval before it even makes sense to get the engineering to do that level of study on it. But that is a check that is built into the system later.

Mr. Gibson said I also have a spring on it that I have water rights to. I want to know what is going to happen to that.

Vice Chair Byrd said do you have any other comments sir?

Mr. Gibson said no.

Vice Chair Byrd said thank you.

Brian Moore, a resident on Decca Drive, came forward to speak to the request. He said I think my primary concern revolves around the density [unintelligible]; I would hate to see a denser housing development go in. If we have existing zoning and if we have an initial recommendation to not broaden that or change that, then I certainly am supportive of that. I heard the presentation; it sounds like they have got a nice product. I heard that they followed the rules, I think that is great, but I did not hear anything compelling to say that we need to do that. That we need to put in multifamily homes to this level of density. I am especially concerned about the egress from the area that they are going to build out. They show five egress points but as a homeowner on Decca Drive, I would like to believe that the majority of traffic is going to depart and enter through Port Republic, you would think that since that is a main artery. As I see the proposal, it appears to me that they are hedging their bets that Decca Drive will serve as one; Skylark I think was the other one and then two that do not exist now and probably will not be for some time. I mean I have lived there for 14 years, so I have a real concern about that. If you just step back to King Edwards Way, which is the next development down, that almost is a highway. It is just commonplace if you want to go from Stone Spring to Port Republic where the health center is, that is just an easy shot through there. I would really hate to see the same sort of thing happen on Decca Drive if you have kids that are going to the school with that beltway, I understand that is now County, but I mean that is a rocks throw from this development. You have a huge amount of dense building that is already going on there. Anybody who lived over in that area sees that. I think, and I do not want to speak for my neighbors, I conversed with them and I was hoping maybe I would see some more here but

we have not gotten together to organize an effort to hold off on this but with the conversations that I have had with neighbors, I believe there is a lot of concern about this development. You cannot stop progress, I get it. I love looking at the farm field, deer running through there all the time. I would love for that to continue but I know that is not going to, so, I know you are going to have progress, but I would like to control that progress so that it is not an all or nothing. So that it is not just you either have a downtown environment or a rural environment, there is something in between. I would like to slow the roll on that as best we could. I would very much appreciate it if you would follow the recommendation for denial. Thank you for your time, I do appreciate it.

Kalin Tashev, a resident at 1554 Apple Ridge Court, came forward to speak to the request. He said my main concern is...he pretty much covered everything that I wanted to say but just to compare the neighborhood that served from Decca Drive, Apple Ridge Court, Rebecca Ridge Court is about the same size as the property here, but it has three times less units. This is just a rough idea of how much more dense that neighborhood will become. The access point from Decca Drive changes the nature of the neighborhood, which is a dead end, it is not a through neighborhood, not like King Edwards Way and Little Sorrell Drive. Again, I very much hope that you guys will move to deny this application. Thank you.

Vice Chair Byrd asked if there was anyone else in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Armstrong said these floodplain designations here are 100-500 [year], I am kind of concerned to see 100-year floodplains with this proximity. 500 is a little more comfortable particularly given the unpredictability now of intense rainfall. These designations are based on this whole space being permeable, open landscapes, that is what generated that floodplain. Now, what they are proposing is to make this entirely impermeable because lawn turf is impermeable. Even where you have lawn, that is an impermeable surface and then you have roads and then you have streets. All of this will now become impermeable. You also have slopes here that are going to expand this floodplain and if you get an unpredictable intense rainfall, I would not want to be the one who owns these expensive single detached family approximate to this floodplain zone. We had a previous...[request] it might have been Tuscan Village, where they recognized the problems with permeability and higher density and so they actually designed landscaping that they called rain garden type landscaping, which is not turf, it is not grass turf. It is actually designed to be absorbent, so it is semipermeable. Like I said, I would not want to live in this. Some of the realtor sites have the second hand, not new, construction are now showing First Street data, which is an organization that is really mapping across the Country observed current flooding levels that are recent. I really look at that because I would not want to worry about it. Particularly if I have purchased a high-end home. That is just a real hole in this plan for me. As far as high-end housing, it reminds me of some of the discussion in City Council about increased housing is providing for local populations or is it providing for outsiders, that is a real question. They have not given any prices on this high-end housing. I am just not sure this is, in any sense, what is really needed. We need midlevel homes here and the midlevel housing as pointed out has already inflated to being not that affordable. To build high end in an inflated housing situation I do not think it is serving local populations.

Vice Mayor Dent said I am in favor of this because we are looking for increased density because we are a City, we need relatively affordable housing, which townhomes have become. I would not go along with the recommendation for denial based on an out-of-date Comprehensive Plan that we know we want to move very strongly in the direction of more density and more affordable housing. That is why I will be supporting it. I think it is a really creative use of the space, although, I share Commissioner Armstrong's concern about the flood way. There might need to be more aggressive engineering for the water containment and rain gardens, microbio retention. That is the word that I learned from Gil over there. Anyway, I like the spacing of the detached homes around the edge so that it blends in with the neighborhood and then the concentration towards what is already a higher density area and future commercial lot for the development. I think it is a good use of space and meets some portion of the missing middle of our housing needs, I will support it.

Commissioner Baugh said you want to hear a third perspective? I do not entirely agree with either of those, but I am inclined to vote against it. My thinking is more along the lines of where I think staff is coming from on this. You have a whole lot of overlays and a whole lot of different factors. The Housing Study, I am thinking that. I am not worried about 2017 data. What I kept hearing, and it was my experience, the big takeaway from the Housing Study because we are here and most of it you pay a consultant to tell you that your own observations are correct. What it did say was we were kind of unique or over to one side in the pervasive shortage of housing in all categories. I know we are coming under Comprehensive Plan update in the foreseeable future, I do not know that it has been decided that the answer is just all affordability all density all the time. The Housing Study is saying what we lack is options at all price ranges. What I see is part of what staff is saying is "yeah, what is in the pipeline? There is no shortage of the townhouse." There is already a lot of that teed up and that in and of itself might be the rational for...I have always had this kind of concern that at some point are we just going to simplify it to say it is all density all the time and that is going to solve all of our problems, I do not think so. My inclination is agreeing with staff's rational. It is something of a transitional neighborhood, but as some of the folks have commented, it is adjacent to low density housing. I know it is a bit of a subtle point. You are arguing around the margins a bit, but the pressure is always in this direction. If we ever think there are spots where we want to hold the ground in planning, you have to do it. Hardly anybody ever comes in here and asks us to move in the other direction. It is always a request in this direction. I am happy to hear what other folks have to say as to voting in favor of staff's recommendation.

Commissioner Armstrong said the Housing Study also said one of their criticisms is that higher income people are buying below their income. Which you know to me is a really bizarre concept. You compete and you meet the market. Building more high end [housing] to me is not the solution, more midlevel would solve that more. The high income want the midlevel in addition to the midlevel income.

Commissioner Baugh said I think you and I are kind of giving to a similar place just in a different direction because I think you are taking more at face value what they are saying they are going to do, which maybe they will maybe they will not, it is not proffered. What we are doing here is the actual rezoning. If we approve this zoning, that is what we are going to get.

Commissioner Armstrong said I heard high end.

Commissioner Baugh said it would be whatever the market bears.

Vice Chair Byrd said I have always read that comment about high incomes purchasing properties that are considered below housing quotations that they can afford. Of course they can afford it, so they are going to buy it, you buy low and sell high, that is what you do. If I have enough money to buy a house or I have enough money to buy two houses, some would say “what would you do? Buy one house or two houses?” I would go “buy two houses of course. Why would I buy one house when I can buy two houses and I can rent a house.” There are multiple ways to look at that statement and it is all about how much money one has and what one wants to do with that money. I am not going to get into that type of concern. Every time I look at areas around the City, when I see fields, I am always looking at the topography of the land and then I hear people talk about water, and they are concerned about water, and I go “Why has that area been empty for so many years?” I have been in the City for 16 years now and there are certain areas that have always been an empty field and how many years before that was it also an empty field. I look at the topography of those areas and I go “what would you even put there?” Most of time we are looking at bowls. When I say a bowl, I mean just like you are putting your cereal in. There are high walls all around and there are things in the middle of it and I go “who would build in a bowl?” That sounds like a terrible idea. I learned that property owners are responsible for their water, and they are not supposed to have their water runoff into someone else’s property, creating larger rivers as one of the citizens was concerned about. When I looked at this and looked at the land, I went “oh, here is another bowl in the City. This does not surprise me that nothing has been built here.” People were telling me that it is listed at R-1 and I go “what are we going to build there?” You have to account for the water. Which means a lot of those acres then get taken away since you are not going to want to build houses in the area you are going to send the water to. This is because I grew up in Portsmouth where we were at sea level. There was no digging into the ground, they would put a foot slab of concrete on the ground and went “hey, it takes this many years for that concrete to sink a foot, good luck.” Their streets became their floodplain and so, that is why I moved to the mountains. I look at this property and I looked at our Future Land Use Guide and I am looking at where the water is going. The citizen that brought up where that water was going when it rains gave me a better picture of what I thought the water would go because I saw it on a dry day and there was no rainfall. I am very concerned about how much of that land is even usable because it is near Port Republic Road. You are asking some developer to come in and put in a low density, you know how much they are going to charge for those houses. Those houses are going to be more expensive and I do not see how that benefits the City at all. I can understand staff’s concern because us as a body have been concerned about sticking to the plan. You see someone offering some things different than planned, you go “well, authority has not been too kind to that to recommend denial.” But there are some topography issues that I just go I would rather see someone address those and see what they can come up with because at the end of the day we are going to try to build something. The other citizens that mentioned their concerns about Decca Drive and Skylark, they brought up some good points about those roads. Then that brings us to the concerns about item 9 and we go to the end of those roads, you see these hills, which is part of what I was talking about the bowl. On the other side of the hill, where this property is going, there is a lot of construction issues with this and when I see that I just go that is more expense for the developers because it means whatever is built there is going to cost more for whoever purchases it. That does not favor less density because the less people who have to purchase them at the higher price.

Commissioner Washington said I was actually impressed with the transition area from R-1 to the proposed R-1 on the single family detached. I find that in the City of Harrisonburg a lot of their townhome neighborhoods are kind of siloed. That transition, for me, kind of goes towards the community cohesion that I feel like some of Harrisonburg is missing. I do not feel that the argument that there are too many townhome units in play is a good argument as we are trying to house folks. To be honest, in today's reality, buying a single family detached home is not everyone's reality. That argument, too many townhomes, just sounds bogus to me. One thing that was not said was when we talked about the 589 townhome units in play. We did not talk about where within the City those townhomes are or where in development these townhomes are going to be. One thing that I found Harrisonburg to be is very segregated in terms of where the housing is going. I would love to see where all the propose housing is going and on which side of town and who is serving those communities. That would make more sense to me in terms of why we continue to develop on one side rather than the other. I know this was at a more recent Planning Commission meeting, but how that is affecting our schools? When we talk about how we are developing and where... Is one side of the City being more developed than the other side? Then we are looking at the environmental implications of the overdevelopment versus the underdevelopment of the other side. If this land is going to be developed, I feel like the smarter thing to do is to go denser because you get more people housed rather than saying single family, single family, single family, I would find it to be an inefficient use of space. When you think about energy efficiency, when you think about all of the things you are saving when you go to a duplex or a townhome, it just makes more sense to me than a single family detached home. The mix of housing looks good to me. This is one of the most creative things that I have seen so far in development since I have been here on the commission. I do also share some concerns about the floodplain, but we have not had anyone really address what that looks like and how the developer plans on addressing that in an adequate capacity. Those are my comments.

Commissioner Alsindi said I also do not see sufficient justifications having high end residential here that justifies the project, plus identifying clear answers for the flood issue; plus what was mentioned in proffer 9, I did not hear concrete answers on how that should be. I am most likely in support of the recommendation by the staff.

Commissioner Armstrong said once again we are seeing the Traffic Impact Analysis for the proposed rezoning, the project would not generate these 100 or more new peak hour trips. We have this threshold that over and over again we do not meet that threshold. There is essentially no discussion about traffic impacts. It is either a zero sum game in this area, do you exceed that 100 and then you get a traffic impact analysis or else it is no impact. That is what gets put in on the form is there is no impact to traffic. This is emptying onto Port Republic and we almost always have residents coming in. The comments they do make as we are concerned about the traffic. That kind of more nuanced and more real, in my mind, is not happening and it has not been happening in any of the projects. If I remember correctly, Tom Hartman when I kind of harassed him one time when he came in here, this 100 or more peak hour trips, they are using assumptions that are based on national recommendations. That is all well and good, it kind of looks very sophisticated to make a national recommendation your standard. That does not work when you are planning at a local level, there has to be more sophistication than that. I just really have an issue with this 100 or more new peak hour thresholds, that means that we do not discuss in a realistic way. This is

emptying onto Port Republic and if I lived there, I would go on one of those back streets too, Port Republic is just wild.

Ms. Dang said before you invite the applicant if I could just try to answer some of the questions or comments that Commissioner Armstrong raised. Just because a TIA study is not required, I want you to understand that staff and the applicant have a lot of discussions about traffic. That is part of the reason why they have shown the street connectivity to distribute the traffic. They did a smaller type of study on needing that right turn lane with the taper and we talked about traffic calming and all of these other elements too. Just because a study is not required does not mean that we did not have these conversations because we certainly do.

Commissioner Armstrong said I do not think it is coming out into the public enough. Those are back office discussions. What we see on here is no impact. There is no impacted traffic.

Vice Chair Byrd said if I am hearing you correct, Commissioner Armstrong, that when we are looking at the report, we are only seeing that particular type of statement, we are not getting the picture of any part of that conversation that was had. Sometimes, you can eke out a bit of it in parts when certain streets are mentioned about certain things.

Mr. Fletcher said I wonder if we have an opportunity when we have a month that is not a full agenda that we could take some time to explain to Planning Commission, which Ms. Dang probably did early when Commissioners were appointed to the Commission to understand different terminology and processes and what goes into staff's review. We are ultimately responsible for these implications, and I think it might be a terminology type of situation. We are writing about whether or not a Traffic Impact Analysis was completed or required to be completed, which is an expensive study that has to be done by the applicant, it is like a check box whether or not they had to do it or not. What we are telling you is, they did not have to do it. That by no means is an indication that there is not an impact on traffic. In fact, one of the early things that we do in pre-application meetings and the 25 comments and the 13 comments, in fact those are probably low numbers because those are combined comments into one comment that Ms. Dang or Ms. Rupkey has put together. Those 25 comments are likely around the 50 mark, which we have condensed. Comments also do not get documented sometimes because they are in the meetings themselves, there is a lot of communication that goes into those with the applicant in the back and forth conversations that happens. I would not necessarily describe them as back office conversations, I mean there is a lot of transparency there. The documents that are in the folders and everything that gets communicated. I would not want there to be a representation that these are things are just sort of discussed. I think when we live in our world that we are understanding these things, I understand, I hear the misinterpretation or misunderstanding of what our processes are and to make sure that you can have trust in staff that we are taking these very serious considerations and looking at them very comprehensively.

Commissioner Armstrong said this is in no way a criticism of the staff. My experience is that what it is exactly frustration at the product. I live on Port Republic and I know I am not alone because I am constantly running into people who say Port Republic is insane. We keep not addressing it and then it comes to be an amelioration thing. How can we calm this traffic that we have now created

by not having enough discussion, in my mind? We have allowed approval and just glossed over traffic impact and then we end up with how do we ameliorate this.

Mr. Fletcher said the comments about Port Republic Road traffic is insane and nothing is being done, I would disagree with that as well.

Commissioner Armstrong said I did not say that nothing was being done.

Mr. Fletcher said I am sorry, what did you say?

Commissioner Armstrong said I said it is really difficult to live there now.

Mr. Fletcher said our folks down at Public Works did a Smart Scale Grant and received tremendous amounts of money to make improvements along Port Republic Road, from the interstate to Bradley Drive, where there are bicycle accommodations, pedestrian accommodations, new traffic signal timings, the widening of lanes, restrictions of traffic movements. It is absolutely a situation that our Public Works Department is aware of and works towards and applies for the Smart Scale funding that is out there.

Vice Chair Byrd said I think that the Commission should consider these types of discussions at another time because I have a feeling that we have gotten away from talking about this application. If we feel that we need to discuss this more, we can find time for such things to make sure that we are all in understanding what is going on and how we want to process information and receive information and those types of wonderful things so that we can better serve the community that we volunteered to serve and that staff has hired to serve and swore to do their judiciary responsibilities.

Commissioner Alsindi said what was mentioned exactly, [unintelligible] by the City that it says it obligates the City, possibly is going to be an obligation, and I wanted to know more about this.

Ms. Dang said that proffer statement has been updated, so the one in your staff report no longer obligates the City. So, the new proffer statement number 9 is addressed and is no longer a concern.

Commissioner Washington said I just wanted to say that as someone who probably cannot afford high end or luxury housing in this day and age, there is the reality that a lot of people are moving to the Valley and these people are coming from higher end background who can now work from home. We see a lot of people who can afford homes, who are pricing folks out that are coming from DC that are coming from all these different places. That is just the reality as we even talk about the Valley being of the most livable places in the next 50 to 100 years based on climate change, right? We are going to have to accommodate folks coming into the City as well as the folks who are living here. As someone who moved here, finding housing is difficult. So, I am pretty sure Harrisonburg wants to grow and accommodate folks at all price points. I think this would be a great project to do that, if done well. When we talk about folks moving into to housing that fits their own price point, I think this could be that. We also did not hear how much this project is going to cost and how much these houses are going to cost. Which I am also interested in because I'm curious.

Vice Chair Byrd said Commissioner Alsindi, do you still need a response?

Commissioner Alsindi said no.

Commission Washington said I am still curious to hear about how folks are...because there was a lot of conversation around the water, how they have a plan to deal with the water concerns that were brought up multiple times.

Vice Chair Byrd said we are opening all the way up back to the applicant so we can hear about the water. Anything else before I open this back up the public hearing? I will bring the applicant back up.

Mr. Rhea said thank you, Vice Chair Byrd. I heard three questions if you can give us 2 minutes to address. Number one the street network, these are existing stub streets. This Comprehensive Plan and the City Public Works Department directs us to interconnect to those public streets to disperse traffic. That is what it was designed for, that is what the Comprehensive Plan calls for and that is what we did in this case. In terms of price points, this is Preston Lake's developer, you all can look at Preston Lakes townhome, duplex home, and single family home pricing and that will give you a good idea as to the ranges of what product will be produced here because it is intended to be a similar product to another local community. We have our engineer, Mr. Snyder here, who is much more qualified to speak to the stormwater management floodplain and floodway issues. So, I will let him speak to the Commission.

Carl Snyder, from Valley Engineering, came forward to speak to the request. He said I will just be brief to speak about the floodplain/floodway issue for a second. One thing I want to point out that kind of got overlooked with this floodplain. We are at the very upper end of the floodplain floodway. There are actually properties downstream, I believe it is CVS on the corner and then you have the convenience store and the McDonald's some of those on the other side of Peach Grove, that also developed over the same floodplain. They actually filled it and it meets City Code with how you address the floodplain and floodway. We had that option here as well to demonstrate that we did not impact the base flood elevation anywhere about more than a foot in the City. That is all in accordance with your floodplain regulations. You can see that we opted to put forth a design that actually protects the floodplain and the floodway that is there. Our only impact to it is the very upper tip of the end of the floodplain where our entrance road comes in, that is it. That is the only part that we have to address because we have to get access off of Port Road into the property. Along those lines, with the stormwater management, I want to offer just a little bit of an add on to Commissioner Baugh's comment earlier, where I believe you made the comment that we just we cannot make it worse. Actually, all the stormwater design regulations we have to meet now put forth by DEQ and handed down to all the localities. Actually, that used to be the case, now we actually have to make it better. Without going into all of the mundane calculations that go into it, we actually have to reduce the energy of the water that is leaving our site. I would anticipate, in the development like this, some low impact BMP's, the rain gardens that that got mentioned, that is a smaller scale version of the bioretention. We have not done the BMP design yet, but I would anticipate some of the impact BMP's such as that. Even internal to the site before it even gets down to that point. I would even imagine some underground features as well. Again, have not

gotten the design, but that is sort of just experience speaking of where I see this going. So again, there would be a reduction in the stormwater energy and hopefully I have answered some of the thoughts, concerns, and, more importantly, pointed out our attempt at protecting the floodplain and floodway, as compared to what some of the downstream properties have done. Even though, again, it meets the code. We choose to leave it as is, as opposed to a closed conduit system. Did I answer your concerns about the stormwater, floodplain, and floodway?

Vice Chair Byrd said yes, thank you.

Brian Moore, a resident on Decca Drive, came forward to speak to the request. He said you mentioned the ingress, egress or stubs that are set up by the City, I wonder how long ago those were set up and I suspect those were set up with the understanding that property would be zoned R-1, lower impact right? Maybe, there would have been more, no? That one single entrance coming off of Port Republic is large enough and designed to manage 150 folks? That is a real concern. Two base concern, the density and the traffic flow, because I think they have gone to a great extent to show you that there are five places that people can leave from, but there is really only three, right? We hope that they go out Port Republic and I hope that we have done, or we will do, what does the future lies. Does that mean there is going to be a traffic signal there? Is that an additional cost that the City considers? I do not know, but it is another stop. So that is for folks that live there. That is one more reason to do the Beltway around the City, right? Something to consider. The other thing with the flood is if with the water runoff, you know what, it is funny because you get these conversations and it is either we are all in favor of the environment and we are concerned about what climate change is doing right now, right? Then you look at the topography there it is a bowl. One of you mentioned the bowl. You have taken one area and it is all now sports fields. You have got another area that has been open field for a long time. You have the area, I think that the engineer was mentioning that is filled, going up Port Republic towards the high rise. When you put high density housing like the multifamily stuff, I mean you are getting rid of ground, you are getting rid of opportunity for water to soak into the ground, right? I mean that I am not an engineer, I am not a civil engineer, I am not an environmental engineer, but the more pavement you put down, the more roofs you have up, the less place that the water can enter the ground. Maybe that comes into something that you want to consider in the future. I appreciate the time. Thank you.

Vice Chair Byrd said I will now close this public hearing. I kept it open for a bit since I allowed the applicant to speak, I thought it was only fair to allow members of the public to also speak in that case. We have now heard from everyone. I have heard from all of the Commissioners, I've heard from staff, what I have not heard is a motion.

Vice Mayor Dent said Mr. Chair, I move that we approve the rezoning of Weston Park where the address is 1211, 1225 1245, and 1261 Port Republic Road, R-1 to R-8C to allow attach townhomes and so on as presented by staff.

Mr. Fletcher said well, staff recommended denial, so it would not be as presented by staff, but the details I presume, is what you intended to mean because you are recommending in favor?

Vice Mayor Dent said I am recommending to approve the rezoning in spite of how it was disapproved by staff.

Commissioner Washington seconded the motion. She continued and said just to clarify, that is an approval of the applicant, not the approval of the denial from staff?

Vice Mayor Dent said approval of the project.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	No
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Vice Chair Byrd	Aye

The motion to recommend approval of the rezoning request passed (4-2). The recommendation will move forward to City Council on March 26, 2024.

Vice Mayor Dent said all right, Mr. Chair, I move that we approve the special use permit to allow townhomes at the same address as on Port Republic Road as presented and discussed.

Commissioner Washington seconded the motion.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	No
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Vice Chair Byrd	Aye

The motion to recommend approval of the special use permit passed (4-2). The recommendation will move forward to City Council on March 26, 2024.