



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 2, 2024

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

**SUBJECT:**

*Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to amend the Comprehensive Plan's Land Use Guide map for properties addressed as 640, 650, 660, 670, 680, 690, 700, 710, 730 Keezletown Road*

*Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris to rezone 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710, 730 Keezletown Road*

*Consider a request from Daniel R. and Naomi R. Shenk, Harrisonburg Cohousing LLC, and Brenda G. Castello & Ted A. Morris for a special use permit to allow attached townhomes of not more than eight (8) units at 1816, 1820 Country Club Road, 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezletown Road*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 13, 2023**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said before getting into the details of the report, know that since Friday when the report was published, the applicant has updated their proffer letter by adding three new proffers, and removing one proffer. With these changes, staff is recommending approval of all three requests.

With regard to the existing R-3C-zoned property, in August 1994, City Council approved the rezoning of +/- 3.04-acres identified today as tax map parcel 72-B-4 (1820 Country Club Road) from R-1, Single Family Residential District to R-3C, Multiple Dwelling Residential District Conditional. The existing, regulating proffers, include (written verbatim):

1. The property shall not be used for any of the following uses which are otherwise permissible in the R-3 zone under the Harrisonburg Zoning Ordinance:
  - (a) Multiple family buildings or townhouses

- (b) College or university buildings and functions, including fraternities and sororities.
- (c) Hospitals, convalescent or nursing homes, or funeral homes
- (d) Charitable or benevolent institutions.

With regard to the existing R-7-zoned property, in March 2020, City Council approved the rezoning of +/- 5.5-acres addressed as 640, 650, 660, 970, 680, 690, 700, and 710 Keezeltown Road and identified as tax map parcel 72-B-6 from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The project for this site was known as Juniper Hill Commons and the R-7 zoning requires the community to be developed under an approved master plan that incorporates regulatory text for the community. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, an R-7-approved master plan is the “zoning” by which development must abide. In other words, the Juniper Hill Commons Master Plan regulates the type of development and where it can occur on this parcel. The developers of Juniper Hill Commons planned to construct 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 allowed by Juniper Hill Commons is six units per acre.

The applicant has submitted three applications that are associated with portions or the entirety of three parcels addressed as 1816 and 1820 Country Club Road and 640, 650, 660, 670, 680, 690, 700, 710 & 730 Keezeltown Road. The first application is to amend the Comprehensive Plan’s Land Use Guide map, specifically to amend +/- 9.3-acres of land from the Low Density Mixed Residential to Medium Density Residential. The second is to rezone +/- 11.63-acres from R-3C, Medium Density Residential District and R-7, Medium Density Mixed Residential Planned Community District to R-5C, High Density Residential District Conditional and to R-8C, Small Lot Residential District Conditional. The third application is for a special use permit (SUP) to allow attached townhomes of not more than eight (8) units in the R-8C zoned areas. If the requests are approved, the applicant plans to construct 57 townhomes, 54 multi-family dwelling units, and one single-family detached dwelling. One of the existing single-family detached dwellings on the property would remain.

If the requests are approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage. During the preliminary plat process, the developer could also request other variances of the Subdivision Ordinance or the Design and Construction Standards Manual (DCSM) that might be needed to build the project. These matters should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variances that would be requested during the platting phase.

Vice Mayor Dent said one question about changing the map, I noticed that it was Low Density Mixed Residential, but they are talking about Medium Density Residential and dropping the mixed.

Ms. Dang said that is correct.

Vice Mayor Dent said I would probably prefer keeping the mixed in there to keep the option open for mixed retail or services in with the residential for the area as a whole even if it is not needed for this particular development.

Ms. Dang said in talking with the applicant, we talked about both of the Medium Density Residential versus Medium Density Mixed Residential. If I recall correctly the Medium Density Mixed Residential has a higher density allowed along with the fact that they were not proposing any commercial uses, we thought that the lower density of the Medium Density Residential was more fitting for this particular situation. I understand your point too.

Vice Mayor Dent said especially with the point of a catalyst to discuss adjacent properties, I think we might want to keep some of the mixed buffer areas.

Ms. Dang continued the presentation.

### *Proffers*

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

1. Construct Public Street 1 from Country Club Rd to the eastern boundary of the development to provide connectivity for future development of City parcel TM# 70-A-1.
2. Construct Public Street 2 from Keezletown Rd to intersect the proposed Public Street 1.
3. A shared-use path along Public Street 1 will be installed to extend from Country Club Rd to the eastern boundary of the development. The shared-use path outside of the Public Street 1 right-of-way will be located within a 20 feet shared-use path easement.
4. The two large (approx. 50 ft tall) oak trees close to Country Club Road as shown on the Tuscan Village Conceptual Layout, and as located by a field survey; will be protected and preserved by the developer. In the event of the loss of one or both trees, during, or after construction is completed; the property owner will replace each tree with two 15 ft or taller (height at time of planting) deciduous trees.
5. Multi-family units within the R-5 district may be occupied by a single family or no more than two (2) unrelated persons.
6. Multi-family units within the R-5 district shall provide 1 parking space per dwelling unit with one bedroom and/or 1.5 parking spaces per dwelling unit with two or more bedrooms.
7. Ten (10) deciduous trees, no less than 6 feet in height at the time of planting, will be planted along the two proposed public streets, in addition to the trees required by the parking lot landscaping requirements of the zoning ordinance.
8. A playground area, no less than 1,800 sf in size, will be provided within the development.
9. The proposed multifamily buildings will be limited to 3-stories, and will not exceed 45 ft in height.
10. 28 feet and 36 feet of right-of-way will be dedicated from the center of the existing Keezletown Rd and Country Club Rd respectively. Additionally, a 15 feet temporary construction easements will be provided for the City's future roadway widening for both roadways.
11. The R-5C zoned area of the development shall not exceed 56 dwelling units.
12. The R-8-zoned areas of the development shall not exceed 62 dwelling units.
13. Dwelling units in the R-5 zoned area shall be two-bedroom, one-bedroom, or efficiency units only.

Between publication of the Planning Commission staff reports and the Planning Commission public hearing, the applicant submitted a new proffer letter that removed a previous proffer (numbered 4) which read “Public Streets 1 and 2 shall be constructed prior to issuance of any building permits north of Public Street 1.” The applicant removed this proffer because the proffer was more restrictive than they intended. Without the proffer, future plating and construction of the public streets will follow the City’s typical process.

The new proffer letter also included three new proffers numbered 11, 12, and 13.

The conceptual site layout is not proffered. For individuals who opened the application and supporting documents that were posted online, the correct conceptual layout is on page 10 of the PDF document. There was a mistake including an old conceptual layout at the end of the PDF; that layout is obsolete and is not part of the applicant’s supporting documentation.

While most of the remaining proffers are self-explanatory, staff offers additional information on Proffers 11 and 12 in the Land Use section of this report and Proffers 1, 2, 3, and 10 in the Transportation and Traffic section of this report.

#### *Land Use*

The applicant is requesting to amend the Comprehensive Plan’s Land Use Guide (LUG) map, specifically to amend +/- 9.61-acres of land identified as tax map parcels 72-B-6 and 7 that are addressed from Keezletown Road from Low Density Mixed Residential to Medium Density Residential. The remaining +/- 3.04-acres addressed from Country Club Road is designated as Mixed Use and no change to the LUG map designation is requested for that area.

The Comprehensive Plan describes the Low density Mixed Residential, Medium Density Residential, and Mixed Use designations 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.

### Medium Density Residential

These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

### Mixed Use

The Mixed-Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed-use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

The proposed LUG change from Low Density Residential to Medium Density Residential forces the conversation about dwelling unit types and density for this specific area. In analyzing this matter, note that the +/- 3.04-acre area of the subject property that is designated Mixed Use—located to the west of proposed LUG amendment area—anticipates many different residential housing types at around 24 dwelling units per acre while also planning for nonresidential uses. The differences between the types of housing and density anticipated within the existing and proposed LUG change is that Low Density Residential focuses more on providing single family detached dwellings, where in special circumstances duplexes could be appropriate with density around seven units per acre. The Medium Density Residential designation focuses on promoting single family detached units, duplexes, townhomes, and, in special circumstances, allowing multi-family units. Density is planned for around 15 units per acre, which is more than the Low Density Residential Designation, by lower than the adjacent Mixed Use Designation.

Given that much of the subject area is undeveloped, and that much of the adjacent property to the east is undeveloped, and provided that the City's Comprehensive Housing Assessment and Market Study suggested to increase density throughout the City, staff is comfortable recommending approval of the LUG change for this area. Changing the LUG could either serve as a good transitional area from the Mixed Use designation along Country Club Road or serve as a catalyst to discuss other LUG changes for the remainder of the adjacent undeveloped area.

As noted previously, prior to the Planning Commission public hearing, the applicant submitted a new proffer letter that added Proffers 11 and 12. Proffer 11 would restrict the R-5 area of the development to not exceed 56 dwelling units, which would allow up to 11.84 units per acre. Proffer 12 would restrict the R-8 area of the development to not exceed 62 dwelling units, which would allow up to 8.99 units per acre. Both densities are below the planned density for Medium Density Residential and Mixed Use areas.

#### *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.

Proffers 1 and 2 address the construction of proposed Public Streets 1 and 2, specifically that the two streets shall be constructed prior to issuance of any building permits north of Public Street 1. City standards require that all new public streets be constructed with sidewalk on both sides of the street unless a Subdivision Ordinance and Design and Construction Standards Manual (DCSM) variance is approved by City Council providing a specific deviation to this requirement. With Proffer 3, the applicant is committing to construct a shared use path along the entire length of Public Street 1, which would be in lieu of a sidewalk on that side. Additionally, the conceptual layout illustrates there will be no sidewalks on the north side of Public Street 1 adjacent to tax map parcel 72-B-1. The applicant intends to request a Subdivision Ordinance and DCSM variance during the preliminary platting phase of the project.

With Proffer 10, the applicant has committed to dedicating land for public street right-of-way and temporary construction easements along both Country Club Road and Keezletown Road for future street improvements by the City.

#### *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 property within Market Type D, which has "neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover." The Housing Study also notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate

in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

#### *Public Schools*

The student generation attributed to the proposed 57 townhome units, 54 multifamily dwelling units, and one single family detached dwelling unit is estimated to be 60 students. Based on the School Board's current adopted attendance boundaries, Smithland 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 many of the schools.

#### *Recommendation*

As previously stated, prior to receiving the applicant's new proffer letter, staff had recommended denial of the rezoning to R-5. Additionally, with the SUP to allow townhomes in R-8, staff had recommended a condition to control the density of the area. With the new proffers 11 and 12, staff rescinds the recommended SUP condition to control density in R-5 because the applicant's proffer will control density.

Staff recommends approval of all three requests – (1) the Comprehensive Plan LUG map amendment from Low Density Mixed Residential to Medium Density Residential, (2) rezoning to R-5 and R-8, and (3) the SUP to allow townhomes in R-8.

Furthermore, staff is comfortable recommending approval of the SUP condition to extend the approval from 12 months to 24 months as requested by the applicant. As identified by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months. Staff believes the additional time is appropriate for this project.

At this time Commissioner Washington arrived.

Chair Finnegan asked if there were any questions for staff.

Commissioner Armstrong said Public Street 1 is how many lanes?

Ms. Dang said it would be a two lane street.

Commissioner Armstrong said it looks like from this conceptual layout that the highest density is to the north of that street, right?

Ms. Dang said yes. Well actually, density in terms of units? I would have to calculate the apartments to answer that question accurately.

Commissioner Armstrong said there is a high density and that is the side that has no sidewalk.

Ms. Dang said they are proposing that to be a private street and they are illustrating a sidewalk on one side of the street.

Commissioner Armstrong said not on the private street I am talking about Public Street 1.

Ms. Dang said if this were to get approved and there is a preliminary plat request, a variance would also be requested to allow sidewalk on just one side of the public street would be from [referencing the site plan map] this point to Country Club Road. The portion that I think you were concerned about where the townhomes are, they do plan to have sidewalks over there. Staff would want that.

Commissioner Armstrong said not on Public Street 1, that was only on the south side of Public Street 1 that there is a sidewalk.

Mr. Fletcher said that is a shared use path on the south side of Public Street 1. Typical five-foot sidewalk on the north side of Public Street 1 except in the location that Thanh had showed.

Commissioner Armstrong said the reason is obviously there is a high density of residential there and there is only a sidewalk on the south side of Public Street 1, I know I deal with that on Port Republic Road all the time. There is no sidewalk on one side where all the houses are and there is no way you can cross the road. But that is not true, there is a sidewalk on the north side also. Okay.

Vice Mayor Dent said from the topography of this, there is a very steep slope in the back where the townhouses are. Where public street 1 goes through, I would imagine it could have a lot of water runoff and see that there are three retention ponds for stormwater. I just wonder if that might be...is there an existing creek there or could that become a floodway?

Mr. Fletcher said there is not a recognized floodplain in this area, there is a drainage area. In fact, in the previous plans for Juniper Hill Commons our City Engineer and his staff worked along with Mr. Colman and his staff to accommodate higher elevated dwelling units even though there were no recognized floodplain to anticipate that. As would be the case for any development, they have to meet stormwater quantity calculations required by the Department of Environmental Quality, which is always the case.

Vice Mayor Dent said I see the parking lots around the multi family, where is the parking for the townhouses or do they have garages?

Chair Finnegan said we will get a chance to ask the applicant. I do have a question, on the back of the property, the private street is kind of a loop road it goes up and it goes back down, and then in the future Land Use Guide this is all Low Density Mixed Residential currently. Have we given any thought to, and maybe this is a question for the applicant, walking connectivity on the back of the division?

Ms. Dang said that actually has been discussed quite a bit. Given the complexity of the site in that area we were going to wait to figure out exactly where, if a connection can be made to connect to a future development when we get to the preliminary plat phase. They are aware that staff's preference is to see a connection go to the top of the page for future connectivity for at least a bicycle and pedestrian connection.

Chair Finnegan said I did have a question about the special use permit condition suggested by staff, that first one, can you explain that? The "there shall be no more than 57 townhome dwellings



and they shall not be located in the area where the planned single family detached dwelling lots are illustrated.”

Ms. Dang said that one, we are actually rescinding because now they have offered the new proffer that puts a restriction on the density in that area.

Vice Chair Byrd said so [condition] number two is staying?

Ms. Dang said that is correct.

Chair Finnegan said is it on proffer number six... “one parking space per dwelling unit. 1.5 parking spaces per dwelling unit with two or more bedrooms,” is that more than or less than what would be required?

Ms. Dang said that would be less than what our conventional parking requirements are for multifamily, which if you recall is based on one-, two- and three-bedroom configurations. This is less than. I will also point out, in case anybody is wondering, this proffer number six is for the R-5 district parking then R-8 requires only one parking space per dwelling unit.

Chair Finnegan 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.

Amar Gogia, a member of the development team for Tuscan Village, came forward to speak to the request. He said today we just wanted to spend a few minutes introducing our team and we will tell you a little bit more about our vision. We will talk about some of the property types in a little more detail and how they meet the market needs as we see them. We will also get into some details on the design and amenities that are available. Like I said, my name is Amar, I have been involved in development locally for the last 19 years or so. We have Scott Rogers, he is our resident marketing and local real estate housing expert. We have got Kate Kelty here, she is our customer and design coordinator. We also have Courtney Leach, who helps with quality control and helps with designing the amenities as well. Gil Colman, who you are aware of. We figured between all of us combined we have about 50 years of working with Jerry Scripture, who you might be familiar with at this point. We have been around, we are all local, we live here, and we want to keep living here and continue to make it a nice community. [Referencing to the PowerPoint presentation on the screen] We have a few of our neighborhoods in the past that we have worked on. I want to just show you some of the things that we have done in the past and how we intend to promote this and continue to make this one of the nicer communities that we have done. Here is Stone Spring Village, single family homes there. Avalon Woods, this is a townhouse neighborhood off of Reservoir and it is a similar layout to the townhouses we are proposing here as well. We have got Heritage Estates; this is by the golf course off of Garbers Church. Liberty Square, another townhouse community. I want to point out the amenities here, that is one of the things that we are proud of, creating communities that have amenities. This is an example of one that we have done, this was a while ago, and it is still being used and still in good shape. We have got the second section of Liberty Square there. The Glen at Cross Keys, that was a paired home community in the County. The Townes at Bluestone, that was a recent townhome community in the City here. I will point out too, the Townes at Bluestone that was one neighborhood that did not want to be

completed by the original developers so we came in and made sure that got finished and put it up to our standard. Here are the Townes at Congers Creek, these are townhomes in the County that we are currently building. There is a second phase of that as well. We are closing up on that development and we are continuing to hear the need for housing in the City and so with Tuscan Village our goal here is to provide a high-quality community. We want to have a unique identity. All of these homes are going to have design elements that were inspired by Italy, so there is going to be a sense of arrival when you get there. We are going to have stone, stucco, and a lot of other design elements, which we will get into here a little bit more. The other thing we are working hard on is maintain these trees that are on site. As Ms. Dang pointed out, that is something that is important to us. We are hopefully going to improve the landscape through the process of this community. A few other things that are important to us; energy efficiency, you will hear a little bit more about that. We are working on incorporating renewable energy as well. Again, the amenities are a big part of what we are offering. Another important point is that we are intending to, and we will, sell the townhomes but we are going to keep these multifamily units and maintain them and keep them as an attractive part of the neighborhood for years to come. We are motivated to have this be long lasting as a desirable place to be. To Vice Mayor Dent's point, we voluntarily limited the density in Tuscan Village for that exact reason. With that, I will pass it on to Scott. While he gets up here, I will tell you one more thing too just as an example of some of the things we are committed to. We have spoken with our local Shenandoah Bicycle Company, and we are going to partnering with them to offer bicycle storage for every unit on site. The idea there is to encourage the use of that shared use path that we are going to have throughout the neighborhood.

Scott Rogers, a member of the development team, came forward to speak to the request. He said I am going to tell you a little bit about the products we plan to build, and the market need that we are seeing. [Gesturing to the slideshow on the screen] On the subdivision plat here for this community, you will see two different property types, which Thanh has explained. The yellow boxes towards the top are intended to be townhouses and then the multifamily apartment buildings will be in the second section there. The three-story townhouses will have two car garages on the first level, so parking will be as you drive into the townhouse and then two living levels above that. Those will be offered for sale. Again, most of the developments that has been proposed in the City over the last few years have been apartments for people to rent. We have been building townhouses for sale in the County. We believe there is a need and a desire for people who want to buy a home in the City and we would like to create housing for those folks to be able to buy. The orange color through the middle there would be apartments. We are intending for those to be one-bedroom apartments, there are not a lot of smaller apartments in the City and so we are trying to meet that unmet need as well. The townhouses would be...Here are some of the renderings that we have been working on of the townhouses. We will talk a little bit more about some of the materials that we are using, but you can see some of the Tuscan themes that we are trying to work into this design wise. This is one of the streets that is going between the rows of townhouses. You can see the two-car garage is there underneath the townhouses. We are hoping to price the townhouses in the upper 200s and low 300s with a target market of first-time buyers. Again, the apartments would be intending to meet the unmet need of smaller and thus slightly lower price point apartments for rent in the City. [Referencing to the slideshow on the screen] This is looking off of that balcony on one row of townhouses. You would be looking across the street towards the next row and because of the topography of the site there, you would have backyards behind your townhouse off of the main living level and then be pulling into that main level into your garage

and then walking up to that level. I will turn it over to Kate now. She meets with every homebuyer in our communities and customizes every home for them. She also plans the street presentation of the homes so that the colors and the futures of the homes are harmonious, and it is a good looking community throughout.

Kate Kelty, a member of the development team, came forward to speak to the request. She said I am excited to present to you our Tuscan Village. [Referencing the video on the screen] This is a video of our planned streetscape and as Scott mentioned to you, you can see the architectural elements here common to the streets of Tuscany. So, you can see here stucco in a variety of warm tones and finishes. Stone in several different cuts and applications. Window boxes, balconies, archways and terracotta tiles. Each home is designed uniquely and yet to compliment one another. I have been working with a local stonemason who has honed his craft is excited to bring a variety of options to Tuscan Village. Beyond our high-end exteriors, we are going to offer the same upgraded standard package that our current buyers are pleased with. Granite, stainless steel and luxury vinyl flooring just to name a few. Here are some of the features that we are excited about; energy efficient townhomes with six inch exterior walls, thoughtfully designed floorplans based on years of working with townhome buyers, pedestrian and bike friendly travel ways through the community, solar ready townhomes with solar orientation, electric vehicle charger ready, standard bike storage area in the townhomes, and a beautifully designed community with multiple amenity areas. Courtney, seated over here, conducts twice weekly quality control visits to all homes under construction. She also plans our amenities package and has started amenity planning for Tuscan Village. Here is the playground that Courtney has worked to design that we have planned. There will be other areas throughout the community where we will have other types of playground or leisure areas as well. Amar, I will hand it back to you to finish up.

Mr. Gogia said just to close, you have heard about the amenities, you have heard about the energy efficiency, it is really the community we are trying to create and we want this to be a place where people are proud to live for decades to come. One more quick point, everything we are going to be doing is going to be locally sourced. We are going to have local tradesmen and local suppliers, that is important to us as well. I know there are a lot of plans that have been approved that are in the works, we are ready to go. We are ready to meet the needs of the City as soon as we can. We also have the adjacent property owners here, Dan and Naomi. I do not know how you work getting them up here but they would like to speak as well. Thank you.

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

Commissioner Armstrong said what does solar ready mean?

Mr. Gogia said solar ready would be having the conduit structures in place.

Commissioner Armstrong said just not the panel?

Mr. Gogia said yes, the idea is that we are going to be saving people some time and money by having all of that ready to go ahead of time.

Commissioner Armstrong asked what type of heating is used?

Mr. Gogia said we have been using heat pumps.

Commissioner Armstrong asked so an electric heat pump?

Mr. Gogia said correct.

Vice Mayor Dent said a follow onto that about the solar ready, is that for the townhomes or the multifamily or both?

Mr. Gogia said the units that are going to be oriented for solar use, the south facing units is what we are anticipating to be. Places where you would not want to put solar, we probably would not do that.

Vice Mayor Dent said I just wanted to call your attention to the CPACE program, the Commercial Property-Assessed Clean Energy. That would be applicable to the multifamily because it is a business, as in that can include multifamily. That is a financing mechanism that Harrisonburg has recently joined the Virginia program and we had a kickoff meeting. That has the potential for you to find financing on the solar on the multifamily units as well as the townhomes that people will own.

Mr. Gogia said that is fantastic, I appreciate it, thank you.

Mr. Fletcher said our Department of Economic Development, contact them, they operate the program.

Chair Finnegan 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.

Dan and Naomi Shenk came forward to speak to the request. Mr. Shenk said we currently own the three-acre piece that is on Country Club Road. We have had that since 1994, so next year that will be 30 years. We call it 1820, which is the address. There are two buildings, eleven offices of counselors, psychotherapists, acupuncturists, and massage therapists. We have been fortunate to have our offices stay full the whole 30 years we have been there, and it is a wonderful place.

Ms. Shenk said I would just like to add that we really appreciate that the buyer wants to keep our renters in the offices as they are. So, they are not requesting rezoning for that portion of the property where the buildings are located.

Mr. Shenk said we are really happy we found a buyer that wants to keep the renters and to keep that part of the property.

Ervin Stuzman, a resident at 1315 Harmony Drive, came forward to speak to the request. He said I represent Harrisonburg Cohousing, so we are the owners of that R-7 property that was shown in purple on that first screen. I am just going to speak in favor. I am grateful for the good plan they

have for people to use that property. We had hoped for a cohousing place, it did not work out, but we are supportive of this.

Chad Wilsher, owner of the Wilsher Group at 1740, 1738 and 1742 Country Club Road, came forward to speak to the request. He said one of the things that I really think that I was surprised by the most is that the City does not feel that we need to do a traffic analysis on Country Club. I do not know how many people deal with that every day, I sat 20 minutes trying to get out of my parking lot just to get here tonight, that is a huge issue. We have had employees trying to turn into the parking lot this year and have had collisions where cars ram into the back of them at 55 miles an hour on a 35 mile an hour road. Every two weeks, at the Keezletown intersection, there is a car accident there. I certainly think that we should look at an incident report on that road. There has got to be something done about that. Now we are proposing this new road that is literally five feet from my property line. I was not able to add onto one of my offices to extend for more employees because of a 30-foot setback. Being that is residential I was not allowed to add an additional room onto one of my buildings where my estimators are but now, we are going to build a City street right there. For me, how does that work? We cannot do something to continue to grow business, but we can turn around and stuff a City street in right there. The concern I have with that is, it is literally 10 feet from one of my entrances. Cars trying to pull out of there and cars coming down the road turning into my parking lot, how are they going to distinguish where that car is turning? We are going to have more incidents on that road. Traffic is a huge issue on that road that I am concerned with. We have this shared use path so on and so forth, but Country Club Road does not even have sidewalks. How are we getting there? We constantly already have people walking through the front entrance in my parking lot. If any of you know the property, from our buildings to the road is not very deep to begin with so it gets kind of chaotic in there with customers coming in, it seems to be the Country Club turnaround for people that miss things. I am worried about more incidents happening on that road. I am not against the development; we need more housing for sure. I am a business owner as well and I want to see more happening in the City. I just do not think we put enough thought into this before we are at the approval phase for this. I have spoken to several police officers and firefighters, and they are panicky about this as well, they are not even staffed fully and we are talking about how many hundreds of additional residents. Let us say the national average is two cars per household now, we have not taken into consideration the math of all of this. For multiple reasons, I have objections to this. We need to do a little more studying before we approve something like this. Thank you.

Greg and Ellen Bowman, residents at 735 Keezletown Road, came forward to speak to the request. Mr. Bowman said I am not necessarily opposed to the project; I think it is well designed and it looks like it is a good intensive use of the space. I am concerned about the...we live right across from the end of Public Street 2. I wonder if there is any consideration for persons leaving Spotswood Terrace trying to go either direction, they see oncoming traffic out of this development, how would folks leaving Spotswood Terrace be able to make a left turn or a right turn without any light there. I was able to confirm the previous speaker's concern about traffic. We usually go left towards Kroger and getting to that intersection is very hazardous, especially between seven and nine in the morning and four and seven at night. That is already a place in need of some remediation and perhaps a light. I am wondering if people who do not have cars would want to walk from there onto Country Club, where they would go. There are already a lot of people leaving the trailer park across the street from this place and walking down towards Lowe's. There is a good bit of foot

traffic there and there are no sidewalks on the left side of the road going toward Linda Lane. Any additional pedestrians there are going to really increase some hazards. We have only lived at our place 15 months, but residents in the area say anytime some high rainfall there are a lot of water that goes down the middle of that property. There has been a lot of flooding already on Country Club Road on high impact rain events. I am wondering how increased impervious surfaces with roofs and roads will increase runoff if the studies you mentioned really improve what is already a bad situation on Country Club. Those are the areas I am concerned about, not so much against the proposal, I was really wanting some interaction with planners on how traffic will be maintained coming out of Spotswood Terrace and maintain safety at the intersection at Country Club Road and Keezletown Road.

Nancy Haas-Salomon, a resident on Sandtrap Lane came forward to speak to the request. She said again, like the previous speakers I am not against the development itself, but I am very concerned about traffic. It already is very hazardous. In the mornings I walk around that area and the Country Club has even put a no trespassing sign because some of us who walk have to walk there because there are no sidewalks on Keezletown Road or on Country Club Road either. There are no places for us to safely walk if I come out of the street where I live. As far as cars, every time we are trying to leave, whether it is at the times that the previous speaker mentioned or even in the middle of the day, it is very hard to go onto Country Club Road coming from Keezletown Road. Keezletown Road has a lot of agricultural traffic, and many trucks with chickens. That kind of traffic is constantly there because of the nature of what is around. It is already pretty hazardous. The units that they have mentioned, you can multiply that by two, you are going to have that situation. On the flooding, we have had flooding. Not only on Country Club Road because there is a creek there but also on Keezletown Road there were times where we could not get out of the subdivision to go, for example, to Lowe's because it was flooded. Already we have a problem with adding more impervious areas. I think it is going to create a situation where they need to do some remediating before it becomes a hazard. Even though they have these two roads, I am still concerned about fire hazards with that community. Those are my thoughts, thank you.

Rebecca Morris, a former resident of 750 Keezletown Road, came forward to speak to the request. She said we lived there for 42 years and there has always been bad visibility there, we never had an accident coming out of the driveway. There is bad visibility up at Sandtrap Lane and always has been. The water situation across the road may have been once or twice across the road. I would say twice, but it is nothing, it was like a 100-year flood thing, maybe. It was nothing consistent with every time it rained the water ran across the road. We dealt with the times when it happened, but it was nothing consistent. I understand the traffic concerns, but it is Keezletown Road. Like I said the visibility at the top of Sandtrap has always been bad. The water issue is not something that has been consistent.

Gil Colman, applicant's representative, came forward to speak to the request. He said this is a great project over all. I think it is providing what we need but also limiting the density to make it a good place to live. I had spoken before about other projects that I have been involved in, but I want the quality of life and this provides it. Nobody wants to deal with traffic and that is something we deal with all the time. As a growing city, we have that. Our streets, some of them are adequate and some of them, not so much. We are giving right of way and easements for when the time comes for the City to improve those roads, they have the room to do so. We are not necessarily building

it ourselves but we are providing room for that. In terms of the traffic studies, the City has done several traffic studies in this area before. I do not have any data of that, but what it comes down to when a traffic study is triggered, in this case it depends on the number of... we do a light study to figure out what is the traffic generated by this site and based on that the City determines whether a traffic study is needed or not. That is standard, so it is not like we are going to require it here or there it is something that has a trigger based on numbers. There is an issue also with the visibility. We would prefer if that street went straight, but the problem with that is that the visibility is not there. That is something that Public Works was not open to, it was something we requested because the interest was "why do we not just go and front into their street, it makes a nice intersection" but then at the same time it creates more problems because you cannot see when traffic is coming. So, that was the reason why. This was also the previous development, Juniper Hill, where we have the entrance in that place for the same reason because as we are working with Public Works, they recommended the entrance to be there. That eases the issues with traffic there from the standpoint of visibility. When it comes down to stormwater, there is a channel there, there is a lot of drainage coming through that for sure. That is why we are strategically locating our development around that and working with that. We are going to have work with that to make sure the buildings survive a 100 year flood. We have to work with the Corps Engineers and DEQ in terms of delineating that. In terms of the water quality and water quantity we have to meet state requirements. So, those are across the board with the City and any locality in Virginia. What we are anticipating here is that we will likely use, some of what you saw in the renderings the backyards have those planting areas, some of those for stormwater so there is a form of microbio-retentions. Ideally, when you are doing stormwater, you want to capture that at the source as much as possible before it gets concentrated. If you can reduce the time that it takes for that water to reach the main channel, then that makes it so the water has an opportunity to go through before everything comes to it. We do not want to see a bunch of big ponds there either. We want to make sure that it is distributed throughout the site. We will make our effort to do that. We also do that because it is the best way to do it and it works for the development. I have seen developments with huge ponds, I do not like that, you can distribute that across that site. I do not know if I am answering all the questions, but yes traffic and water were the main concerns.

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

Mr. Fletcher said I will just add to the comments about no sidewalk on Country Club Road, which is absolutely true. Our 2018 Comprehensive Plan specifically identifies our plans for widening Country Club Road for a three-lane facility, one way in each direction and a center turn-lane and a sidewalk on one side of the street with a shared use path on the other. High ticket cost there, I think in 2016-2017 dollars was \$20 million dollars, it does not go unlooked, and we are much aware of the need for that and have already planned for that.

Commissioner Baugh said there is also some history, this is not the first time this has come up. Our big impediment is that there is a large property there that will not help us with sidewalks. That is talking about the larger arch. For example, you were talking about the pedestrian traffic out of the trailer park, it is not something we have not tried to address over the years. It is going to be really expensive and we are getting that on the list so hopefully staff and everybody will eventually find a funding source.

Vice Chair Byrd said being parallel to [Route] 33 does not help.

Chair Finnegan said not when there is a speed camera on 33.

Vice Chair Byrd said I can understand anyone who has to traverse that for just general living, not for me going to the grocery store, having concerns about that road and its traffic. For those of you that may not know, the tick that will cause the City to do a big traffic analysis is very high. You would have way more traffic than you are actually experiencing now for that particular tick to take over. Soon there are going to be multimillion dollar solutions. It is a thing that we all have considered in the back of our minds all the time. For me personally, that is an issue but there are a number of places in the City where that is an issue. I drive on all those roads and so I am very familiar with the concerns there. It is disturbing how people choose to drive on Country Club Road despite the fact that it is only two lanes, one going one way and the other the other way. All the mitigations to try to help with those turns, especially to turn onto Keezletown, it does not help that you have that other direction to go to Kroger. I can see how everyone would be concerned about that. I do not feel that should prevent us from improving residential areas and building more development in those areas. We would just have to keep in mind these things if we get to a point where they are in preliminary plat phase to pay attention how the roads would be perceived to be made at those particular intersections. More detail to the actual changing of the Comprehensive Plan, I have no issue with that. We have been trying to figure out how to get this area developed while taking into account that there is just this topography going down and then going up. When you have a bowl, the water wants to go to the bottom. Any project that tries to build there is going to have to figure out what to do with the water regardless of the project, R-1, R-2 it does not matter, everyone is going to have to figure out what to do with that water for the topography. The rezoning sounds like a lot of trying to make something that gets developed there work, I have no issue with that. The special use permit with the condition, that is fine. They are just trying to make it so we can get something to work there. I have approved the R-7 before with the preliminary plat for that one as well and that did not come to fruition. I have no issue of approving this and then waiting to see if it ever gets built.

Vice Mayor Dent said one thing about the opening part about changing the Comprehensive Plan map, I do not recall that we do that very often. Usually, we see the Comprehensive Plan as a loose guide and if we deviate from it, oh well. I did not recall that we go back and change the map to accommodate a development. Does that happen?

Ms. Dang said it has been done before, but you are correct that it is not a common occurrence.

Vice Mayor Dent said I liked your point about catalyzing further development, that is why I wanted to make the point about keeping the mixed in the mix. I remember the cohousing proposal and how I really like that concept, so this is a good inheritor, it is considerably more dense. Remember there was a lot of greenspace going up that hill that was really appealing but this has the added housing. Another point about traffic, I agree with Vice Chair Byrd that traffic is not a reason not to build something with a traffic impact analysis, whether it is performed or not, is really more about what the City would need to do to mitigate it. Whether it is to widen the road or add traffic lights or any such. If it tips over to the point where we are saying the road widening happens or a



traffic light is required, that is a later phase. Finally, microbio-retention, I have never heard that before, but I get the concept. That to me says that you are thinking about the landscaping around and perhaps having rain gardens instead of just monocultural lawns.

Chair Finnegan said I do hope that when it comes time for the preliminary plat that there is thought given to what may happen on those properties nearby. If you are a pedestrian, if you are a cyclist, you do not want to go out there, so as other places get developed I think it would be really good to bookmark spaces where there are small alleyways, not wide enough for a car. As a pedestrian, as a cyclist it is much more pleasant to do that than to walk on a thin sidewalk next to high-speed traffic.

Mr. Colman came back up to speak to the request. He said there were several reasons for those but one of the main reasons why it ended up not being feasible was that we initially had a road going around it, we pushed it in through discussion with staff... and then as were talking about the possibility of putting a path going up, the slope is so steep that it is beyond the accessibility requirements. It would not be an accessible path; it could not be made without taking the whole side and going back and forth. That was one of the main impediments.

Chair Finnegan said I do appreciate the thought towards shared use paths on the public streets when trying to make that not miserable for people that cannot drive or do not want to drive.

Commissioner Baugh said on traffic, I think the Vice Mayor stated it more succinctly than I was going to. I think of that in some respects as the ultimate small deed democratic issue; everybody hates more traffic. Traffic impact analysis – when they do not do one, they should have done one, and when they did one, it was no good because they did not really understand the area. That is the type of thing we usually hear. The answers are really more of what it is about so we can have in mind adjusting the appropriate infrastructure. Or if you have a traffic impact analysis giving greater insight on things, we may go to the developer to contribute. I wanted to address just because it has been brought up and really, I think we all sort of sense this whether that is a benefit of the public or other folks here that on the flooding issue, part of what we are getting at is the rule is not that they have to fix the flooding problem, the rule is that they have to not make it worse. That is what the [unintelligible]. To the extent that you have had flooding there, this is necessarily a reason to vote against it. Now, if the project goes through and the flooding is worse, that is a whole other ball game for us to take up at that time. A lot of effort is put into these developments to make sure that does not happen.

Chair Finnegan said on the traffic piece, I do think there is a chicken and the egg issue. That whole east side of town is unwalkable. It is not just Country Club Road, you can see where there are bits and pieces of walking and biking infrastructure but until that gets filled in... The best that we can do is say when these come up, we want sidewalks and we want shared use paths because at some point, as Mr. Fletcher was saying, when these roads get redone, we want a network. There were decisions made a long time ago on Country Club Road before any of our time and that was not included. I do think that this is heading in the direction that we want to see given what is on the Comprehensive Plan.

Commissioner Baugh said the other thing that gets lost sometimes and it surprises me sometimes how it gets lost even on some major debates. To my mind how little time gets addressed that also is the fact that for the average person, they are comparing what is proposed to what they have now. Of course, in my view, that is not what we are looking at. We are looking at what is proposed versus what happens if we do not do anything. Which starts of with the Comprehensive Plan amendment here because it is designated as a Low Density Mixed Residential area, and I think that is why staff is doing this. It is in conflict with that and I think the idea of being the...let us be honest about it, the thing is the rational for voting no is more along the lines of we really like that low density designation and for some reason we want to keep it slash this proposal just is not good, I guess that would be the rationale. With that, I think it does make sense, so on the first issue I will go ahead and move approval of the Comprehensive Plan amendment as presented.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of passed (7-0). The recommendation will move forward to City Council on January 9, 2024.

Vice Chair Byrd said I would like to make a motion to approve the request for the rezoning.

Commissioner Baugh seconded the motion as presented by staff.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on January 9, 2024.

Vice Chair Byrd said I would like to make a motion to approve the request of the special use permit with the condition as listed.

Commissioner Baugh seconded the motion.

Vice Mayor Dent said I am glad to see 24 months instead of 36. I mean, I wish it could happen in a year, but we have seen them push it out and I am glad to have that middle ground at least.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit passed (7-0). The recommendation will move forward to City Council on January 9, 2024.