

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

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

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

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

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

Proffers

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

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

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

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

The illustrative layout is not proffered.

In preparation for the public hearings for their rezoning and SUP requests, the applicant has met with surrounding community members. The applicant describes in their letter that they have received feedback from community members regarding "site access, neighborhood connectivity, guest parking, buffering, and overall project design." The applicant has proffered a maximum of 49 dwelling units (Proffer #2), a 20-foot-wide landscaping buffer adjacent to single-family

properties on Fairway Drive (Proffer #3), and a six-foot-tall opaque fence adjacent to single-family properties on Fairway Drive, as well as, the vacant property between the subject property and Spotswood Country Club (Proffer #4). The applicant has also proffered a tot lot of at least 1,000 square feet (Proffer #6) and a minimum of 10 additional off-street parking spaces for guests in addition to the one space per dwelling unit that is required per the ZO section 10-3-25 (7) (Proffer #7).

Land Use

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

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

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

Transportation and Traffic

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

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

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

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

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

Public Water and Sanitary Sewer

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

Housing

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market

activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.”

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

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

Public Schools

The City contracted with the University of Virginia’s Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

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

Conclusion

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

Staff recommends denial of the rezoning and special use permit.

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

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

Vice Chair Porter asked if there any questions for staff.

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

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

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

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

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

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

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

Ms. Rupkey said without seeing another proposal that is in front of us I cannot say outright we would recommend approval of a commercial development for rezoning. The future Land Use Guide is for Limited Commercial which are those subjectively lighter commercial uses. More of your office parks or your smaller retail style uses versus if someone was to come in and want to rezone to do a car-centric use might have more concerns.

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

Ms. Rupkey said can you reword your question?

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

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

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

well as compatibility to the adjacent land uses. I hope that provides a little bit more clear context of where we were headed.

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

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

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

Mr. Fletcher said I think that is fair.

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

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

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

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

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

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

Mr. Fletcher said similar, yes ma'am.

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

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

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

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

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

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

Councilmember Dent said I think I disagree with staff on that matter. I think I like housing and I like townhomes as homeownership opportunities and this is as good a place as any and we need the infill. I did talk with the applicants about that signaling at Evelyn Byrd Avenue and crosswalks or some such to make it walkable across to the large commercial district with Martin's and all of that. There is also the potential if at some point the City were to build the shared use path to keep

going along there now it is along the golf course and it would need to walk to Aldi's. There is potential for walkability in the adjacent commercial zones. I like it. I guess I am with you in trying to understand why they are recommending denial here with some of these other similar things we have approved.

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

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

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

Bill Moore, applicant's representative with Westwood Professional Services, came forward to speak to the request. He said as we have heard throughout the evening there are some concerns with traffic and access associated with the proposal so I would like to discuss some of those topics from an engineering perspective. First, the proposed development would access Betts Road east of the East Market Street intersection as you are all aware. Secondly, the proposed development does not meet the City's threshold requiring preparation of a formal Traffic Impact Analysis due to the relatively low peak hour traffic generation associated with the project. Thirdly, the traffic and safety concerns associated with the Betts Road and East Market Street intersection are not new and predate this application. The City identified concerns at this intersection in late 2025 and have been actively evaluating potential improvements since that time. As we heard this evening they are already advancing a R-cut installation. As part of that effort the City's Transportation Safety and Advisory Commission reviewed conditions at the intersection and discussed a variety of potential mitigation measures. That is probably a moot statement since we already heard that they are already moving forward with a mitigation plan. At that meeting in April they also mentioned that they had evaluated the total amount of crashes at the intersection between 2017 and 2024. Which was a total of 12 or 1.7 per year. While any crash is concerning, the data provides important context regarding the existing conditions at this location. Various access alternatives for the proposed development were also evaluated including a right-in/right-out connection on East Market Street and the connection at the Evelyn Byrd Avenue intersection. Due to safety considerations, site topography, geometric constraints, those alternatives were determined to not be feasible. The key point is that the traffic condition being discussed tonight are mostly existing conditions that the City has been studying and moving forward with a mitigation plan. A denial of

this rezoning does not eliminate the traffic concerns at the intersection as stated today. Based on our engineering review there is no technical reason why this proposed development cannot be safely served by the existing transportation network together with any future improvements that the City determines are appropriate with the intersection of Betts Road and East Market Street. I will be happy to answer any technical questions you may have. With me is Mr. Rob Sidell who will continue the presentation if there are no further questions.

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

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

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

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

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

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

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

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

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

Rob Sidell, applicant's representative, came forward to speak to the request. He said thank you for your time. I am here on behalf of the applicant in support of their request to rezone. I want to begin with a central point, this property is a transition parcel. It sits along East Market Street. It is one of the City's principal east-west commercial corridors but it also directly adjoins two established residential neighborhoods. The practical question before you is not really whether commercial or residential uses are generally appropriate in Harrisonburg, the question is what best fits this particular property at this particular time and in this particular location. We believe the answer is a thoughtfully designed, for sale townhome community otherwise we would not have designed it that way. We hopefully will retain a local builder to build that. Our intent is to partner with a local

builder to do the building. We would develop the land and work with a builder. This site is neither a simple residential partner nor a commercial pad site. It is a challenging parcel at the edge of a commercial corridor adjacent to two established neighborhoods with physical constraints, access limitations, and a commercial-residential interface consideration that call for a thoughtful transition in land use. I think it is also appropriate and important to speak plainly about the commercial alternative. In your packets, we submitted it this morning, a letter from the seller of the property. We are the contract purchaser. It is the one that is signed by Susan Hanson at the bottom. In that letter she will tell you that this property has been marketed and evaluated for commercial development for approximately ten years. There has been numerous potential...

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

Commissioner Jezior said it is on the website.

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

Also, in your packet we submitted some additional housing information for your consideration, but I would like to highlight three points. First, Harrisonburg's homeownership. The City of Harrisonburg's homeownership rate remains substantially lower than that in the Commonwealth of Virginia and surrounding Rockingham County. Second, the City has an acknowledged need for additional housing units. Some were in the neighborhood of 1,500 by the City's own housing

study. Third, the ownership inventory remains limited particularly for homes at more obtainable price points and we anticipate that these townhomes will come to market in the \$350,000 range. Behind those obtainable price points are teachers, nurses, young professionals, City employees, first time buyers, and local families who want an opportunity to put down roots in Harrisonburg. This project alone will not solve the City's housing challenges, but it can provide an ownership oriented missing middle housing that expands housing choice.

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

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

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

Mr. Sidell said yes.

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

Mike Martin, applicant's representative and commercial realtor for the project, came forward to read the letter from Ms. Hanson, the applicant and property owner. He read "My family owns the property listed above which is being considered for rezoning and special use permit during the June 10th Planning Commission meeting. This property has belonged to our family for over 50 years. When purchased it was a simple farm with a small farmhouse. Our family have been good stewards of the land and have kept it presentable for the community. In 2017, we decided it was time to list the property for sale. Over the past 9 years many developers have investigated the property for commercial use, including: Retail stores, Mixed use – upscale shops with café/restaurant, car wash – with landscaped garden, convenience store/gas station, and a furniture store. Most of the developers performed studies, spoke with city planners, and attempted to meet with neighbors beforehand. In each instance, negative feedback about commercial development caused the developers to cease their efforts. Many of these developers expressed deep disappointment that they would not be investing in the Harrisonburg area. During this time there has been no interest whatsoever from developers regarding building of single-family homes, most likely due to the close proximity to Market Street/Business 33. We believe the current proposal for townhomes is an excellent use of this parcel which will provide needed housing to the community."

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

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

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

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

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

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

Mr. Sidell said from the neighbors.

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

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

Mr. Sidell said we are not likely to be the builders so we would leave that decision up to the builder, but we would like to have some input in it. We have always pictured this not as an entry level facility where we are trying to sell houses at \$279,900 or \$299,000. We have always looked at this as a step up but still relatively speaking affordable so it is not a \$450,000 house. It is a \$350,000. It is a two-car driveway. There was a comment from staff about the driveways, and I think it is a fair comment, that this is a conceptual plan and it does show driveways on the conceptual plan. Until we get to site plan that is not guaranteed, but it is our intent in our site plan that every townhouse is going to have a driveway. I cannot tell you exactly what a \$350,000 townhouse looks like, but we all know what a \$299,000 townhouse looks like and it is not going to be that. There will be garages with at least one car garage should be... On one side of the road we should in ground basements with walkouts that look out over [Route] 33. On the right side of the road, we will have a buried garage and then the levels above will be at grade. On the right side it is going to look like a two-story building from the rear. On the left side it will be a three-story building.

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

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

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

Melissa Louis, a resident of 245 Fairway Drive, came forward to speak to the request. She said as a resident there I am formerly opposing this rezoning and this development project. While I support responsible community growth as we have all heard before. The density of this development is going to overwhelm our neighborhoods. During our meetings with the development team, we have raised numerous concerns. The biggest concern that we have heard already is the traffic impact and a project like this is going to bring 100 to 150 more vehicles. Which will cause severe bottlenecks, gridlock, emergency evacuation hazards given that there is a sole entry point on Betts Road to get in and out in addition to Chatham Square and Fairway Hills to get out onto [Route] 33. The lack of adequate guest parking, which was at 23 spaces, which has now suddenly dropped to 10 is going to force an overflow onto Betts Road, onto our neighborhood streets. Without sidewalks within Fairway [Drive] the volume of traffic creates unacceptable safety risks for our neighborhoods, our children and the families that are very active walking all day everyday throughout the neighborhood. All those extra cars because of inadequate parking are going to cause

a lot of problems. It is going to spill over into our neighborhoods. When we suggested alternatives with the developers regarding the entry exit points there is an existing driveway on [Route] 33 onto that parcel that should be utilized to offset all that congestion on and off Betts [Road] onto [Route] 33. We have talked about adding at the light at Evelyn Byrd Avenue the developer said that is not possible. It is possible they do not want to pay to do it. We were met with scare tactics. Some outright lies. Do you want a bowl of noodles going in? Do you want rats? It is going to bring rats. This was something that was said multiple times at multiple meetings which is wholly inappropriate response for any professional to say in a meeting such as this. It is a big development coming into our community. They also claim that they can create the entry and exit points onto [Route] 33 or use the existing driveway that is there. The density, the proximity to our backyards, the traffic impact, the insufficient parking, it is not going to preserve the integrity of Chatham Square and Fairway Hills. This project is entirely inconsistent and negatively impact the future goals of the City. I want to ask you to consider yourselves a neighbor in our neighborhood just for a moment and consider you have one way to get out onto [Route] 33 and you can only turn right. Would you accept 100 more vehicles all vying to make that turn? With having to make the U-turn you are going to have wait a little bit longer to cross three lanes to safely to get into that far turn lane to make that U-turn at Evelyn Byrd [Avenue]. Even without this project it is getting increasingly more difficult to exit onto [Route] 33 from Fairway Drive. To have this development come in and adding that volume of cars it is going to devastate our neighborhood in getting in and out and living our daily lives. That is what the biggest problem is. We want growth. We want a development. I would actually be totally fine with commercial. I would love a coffee shop. Any excuse to get a golf cart. This just does not make sense with the one sole entry and exit point when there is the ability to have an entrance and or an exit directly on [Route] 33 is offset the impact that it is going to have on all of us. The City of Harrisonburg is growing, I have seen that in just the last three years. We need to plan for that continued growth now when we need to set a precedent that protects our long-established neighborhoods and the current infrastructure and lets not overwhelm our side streets and create major safety hazards with the increased traffic which we cannot withstand. Some of the people on this development team are not residents of Harrisonburg and they will not be impacted by the daily traffic chaos that they want to create and it shows. I am asking you to protect the actual residents who live here, work and pay taxes and not out of town developers that want to come in to make a quick profit. Again, I would respectfully ask you to reject this rezoning and development as it stands.

Brien Anders, a resident of 455 Eagle Lane, came forward to speak to the request. He said thank you for allowing me to come forward and talk. My career is in aviation. It is about risk assessment. I would like to propose a moratorium.. Right now the east side of Harrisonburg is exploding. When you look down by the hospital you look at all of those apartments. [Route] 33 right now is like a speedway. We have lived in the neighborhood now for 14 years and I have never seen so much traffic that is coming through. Plus, our neighborhood is cycling. We are having younger families coming in and more bicycles and kids. Because of the cluster that they have at County Club Road and Keezletown Road people are cutting through like crazy. Now I would like to talk to you to try to use the reasonable man theory. No question we want to have more residents in Harrisonburg. We would love to see that parcel be used for something residential. However, six and a half acres and putting 49 homes in there believing that there is only going to be 49 residents in there... Just in our neighborhood alone there is a minimum of two to three drivers. 10 parking places. Where are these people going to park? The answer to that is it is probably going to be right there on Betts

Road which again increases the risk for further accidents. I just would like to request that as fast as Harrisonburg is growing, which I totally support, let us put a moratorium in place. Let us look at the infrastructure and the impact. I think they have come up with a creative way to shove 49 homes into a very small area. I applaud them for that. but I do not think it is in the interest of safety. Please put safety first. That is the industry where I come from because we can all come up with creative ideas of how to generate tax revenue and everything else. One life is too much. I just please with you to take that into consideration.

John Serrell, a resident of 109 Fairway Drive, came forward to speak to the request. He said we have got NIMBY here. We have cars on [East] Market Street that is unbelievable. We have the development just above us. You have a turn lane from them, and people now are already using their turn lane because they have to turn around. I went to a meeting this morning that the City had about the traffic problem in the City of Harrisonburg. One of the worst problems is Betts Road and Country Club Road and the whole area. There is one thing we have got to remember I bought my property over 35 years ago because I had R-1 behind me, I did not expect development. I thought it would be gone by now. The development is going to continue...if you think it is bad now you put the right development on that parcel that already has a turn lane off of Aldi's you wait until they open up Betts Road and there are farms back there, hundreds of acres, and wait until they start building back in there and the traffic is going to come in and guess where it is one entrance and one exit. I think more studies need to be made and put on the developers the way to get in and get out. If its commercial, residential, I do not care what it is. Another thing is if they are going to lower the thing 50 feet, you better protect your basement. They are going to blow a lot of rock, and we are going to have this mess up there and that is a personal level thing. The traffic potential when they develop back behind Betts Road and Aldi and it is all going to come Country Club Road right at one place. When they go through the private development and use their roads to avoid the turn arounds it is dangerous for everybody.

Jodi Mills, a resident of 525 Fairway Drive, came forward to speak to the request. She said I first want to say thank you to all of you because I know this takes a lot of time for you all to sit and listen and do this. Thank you to you. I just want to point out one thing that I think is a really important factor. We talked about the missing middle, and that was something that the developer and the engineer talked about, and our missing middle is really important. I will tell you I work in the building industry, and I know the building industry well. I have been in it since 1997. Our missing middle right now is being completely absorbed by the investor. When you talk about investors buying that \$350,000 townhome you are not talking about two residents per household you are talking about multiple residents in a household. You are also in a prime location for students are the university. When you are talking about students at the university you are talking about all of them coming into that residential location that we are discussing tonight. My biggest fear is that entrance only on Betts Road. Most everybody today has talked about the right turn going out to [Route] 33. I live at the back end of Fairway Drive and I am completely impacted by the fact that there is not very many calming studies that have been done on Fairway Drive. We have one way in and one way out. We have no stop signs, no speed bumps, nothing on Fairway Drive and it is sometimes a speedway. In the letter that I wrote to this group I said if you are going to consider this, and consider the extra traffic coming just on Betts Road, please do not look at it just as making a right and going out to [Route] 33 but what the impact does on Fairway Drive. Please do not do a calming study when it is not in school because that is when we see the biggest

impact. These folks that are cutting through our neighborhood and moving through the neighborhood are going to the schools that are back off of Keezletown Road and Smithland Road. I just want to appeal to you that we are an established neighborhood. We take a lot of pride in our neighborhood, and we are not against development. I think we are for development but smart development. This is not that great development with an exit just on Betts Road. That exit onto [Route] 33 can be done. We talk about elevation. We talk about entrance. You have a Ryan Homes community that was built just up the road with a very strong incline and that was accomplished and done very successfully. That same thing can be done at this [Route] 33 exit for this development. If you do decide to pass it I hope that you will look at relocating that entrance and not doing this. That is all I have to say. Thank you.

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

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

Mark Duda, a resident of 230 Divot Drive, came forward to speak to the request. He said there has been some great things said and I know you have some hard decisions to make. You have already

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

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

John Gira, a resident of 144 The Green, came forward to speak to the request. He said I built in Fairway Hills back in 1988, a longtime resident. I made my decisions, just as these people, large on the strength of the zoning regulations. We have made life decisions and built lives based on the strength of zoning regulations. We have a vested interest based on what these regulations say. I see the conflict that I am so impressed with the arguments on both sides. They have an interest.

There is an interest here. They both have credible cases. My question is if this was such a wonderful project for Harrisonburg and the community and what not, why are so many people opposed to it. People who have based invested their lives on the strength of these zoning regulations, what good are they? Please register that I am in opposition to this project and I do thank you for the chance to be heard. Thank you.

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

Commissioner Jezior said I think driving down Betts Road you can definitely see the challenges with the traffic there. It had been a long time issue and having this feed right off into Betts [Road] is definitely going to cause a problem. I think the location of this property has a good...it is so close to Martin's, it is so close to a lot of public amenities within 1,000 feet. If you could figure out some way to route the road down to Evelyn Byrd [Avenue], you can make it a walkable community to get to all of these. I think there is a much better layout that could be done here. More difficult, a lot more engineering involved in making that roadway connect but I think the way that it is shown right now is not the best. I am definitely not opposed to density. I think the density here could be used very well but again it needs to be laid out in a way that it is more easily accessible to you to all of the amenities that are around it. Especially if you are going to have a small parking lot if you are not going to have a good amount of parking. Every single person in this complex is going to have to drive to go across the street.

Commissioner Kettler said the most frequent comments that we received in the written and that I am hearing tonight is about traffic and I think that is a really important concern. The issues caused by car centric development everywhere is a concern that is very near and dear to my heart. Ultimately there is only one solution to traffic and that is viable alternatives to driving. As I look at the area I am so glad that these maps include not only the property itself, but the surrounding area. This area around [Route] 33 is sort of a case study of that. We have quite a lot of low-density single-family homes next to or relatively close to a large arterial road and then lots of car centric development. In terms of people walking or biking across [Route] 33 it might as well be a brick wall. You are not going to walk across [Route] 33. No one in their right mind is going to do that; unless you have no other choice and some folks are in that situation. I think that creates some problems here in how we view this part of town and getting to that space where more people can walk and bike to the things that they need. The choice here is ultimately commercial property or residential property. I am looking at staff's recommendation and I am looking at the Comprehensive Plan Land Use Guide... and I probably did not ask the question as clearly as I could have before, but my intent is thinking this, the Land Use Guide is only as strong as its logic is for a particular property. If staff's recommendation is largely based on the Comprehensive Land Use Guide and that is why then, I do not ultimately agree with the Comprehensive Land Use Guide as it pertains to this particular development, it does not carry as much weight with me. One of the purposes of the Limited Commercial to my mind is a bit of that transition space. I think that a townhome development can more effectively serve as a transition space better than any kind of gas station might or a drive through or other car-centric development. If we are trying to knit together this part of town and make it more walkable, then part of walkability means density. Part

of walkability means incrementally making it easier for people to get places they need to go. Setting aside the right of way helps set that up for the future. Having some more houses there sets that up for the future. The price point that I am seeing here is higher than I would like to see and lower than some folks here would like to see. The demand for housing is so high in the City and housing is so expensive. Just in the last five years I bought a house a year and a half ago and it has gone up 50 percent in price from the five years before I bought it to when I bought it; 50 percent in five years. I am definitely interested in seeing whatever options are available to lower the price and to adjust to the transition in this area to a place being more walkable.

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

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

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

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

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

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

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

Mr. Fletcher said there is a lot to take into account with regard to if it is a private street or public street. There are public street design standards. There are what are called landing requirements when you come to an intersection so that you are not sitting at a hill at an intersection so there is a grade requirement. You have to take in the landing requirements, the grade going up, you are looking at significant retaining walls. In that particular case, we have to think about the radius of the street as it turns to make its way toward Betts Road. It would completely redesign this project. You are eliminating significant numbers of units there. I would also caution any type of comparison across the board when you are thinking about intersections off of [Route] 33. Number one, there are different criteria that is expected in the City than in the County. There are different criteria when you have a corner parcel with a two public street frontages. It is highly desirable [by City staff] to have access off of the side street rather than the main street because of the flow of traffic. Sometimes, but not in this particular case because there is another intersection, sometimes we are thinking about access management, how close are those public street connections. Then also thinking about the bigger picture for an entrance location. There are other things to think about that we know of when we look at this intersection with regard to the infrastructure that is out there so there is relatively large transmission lines from HEC that travel down that direction and it would likely require relocation of one of those transmission lines which also becomes very expensive. I cannot say for a fact that it would require it, but I am going to look at Bill [Moore] here for a second because he has probably looked at this and there is a high probability that you will have to relocate that transmission line. I do not want to sound cruel, but it is not really our responsibility to worry about that but the person who develops it has to think about those things. Just for us to also be aware of we did not talk about that at all tonight. We did not even bring it up in our staff

report because there is no entrance proposed at that intersection. East Market Street is not curbed on that side it is a ditch section so there is a lot of other things to take into consideration as well.

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

Commissioner Seitz said there is a theme in this discussion tonight. There is a theme from our last meeting which we considered South Main Street project that City Council tabled last night as well as the Peach Grove [Avenue] development. All of those had significant traffic concerns. Particularly the South Main [Street] was primarily existing long standing residents. I guess the thing that we have to consider as the Planning Commission, as we think about where the next iteration of the Comprehensive Plan does, we all understand the need for growth. We all understand that we need more housing, but it seems like on the short sample size I have been a part of, the limiting factor is traffic infrastructure. Obviously, water and sewer are one of those infrastructure pieces as well too. Now we have three developments that we have considered in two meetings where traffic is an overwhelming concern. That is just editorialization, think of it what you will.

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

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

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

Commissioner Seitz said traffic is only going to increase. People that have lived there for 20 years will have lived there for 30 years and be even more concerned about the development of it. We will only have greater housing pressures. I take your point, Commissioner Kettler, but it is a more complex solution that lets just get more people biking and using public transportation. Particularly given where this is geographically relevant to schools, places of worship, the various amenities

that people use throughout all of Harrisonburg not just on the East [Market Street] [Route] 33 corridor.

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

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

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

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

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

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

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

unbalanced market. Normally I would be in favor of supporting this type of density. I would be supporting this type of build, but there are some significant challenges related to this particular site that give me pause.

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

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

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

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

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

Councilmember Dent said they could get another rezoning.

Ms. Dang said yes.

Mary Anne Duda, a resident of 230 Divot Drive, was granted permission from Vice-Chair Porter to come forward to speak to the request. She said this site plan has all that traffic entering onto Betts Road. I have lived there for 33 years and apparently the intersection from Betts Road to

[Route] 33 is so dangerous that they had to reconfigure it for safety. It is so dangerous and unsafe. I cannot turn left out of my subdivision. I am totally boxed in because it is not safe. This development puts more cars going to that intersection that is so unsafe that this City is going to pour money into changing it. That is a problem with this site plan because it is so unsafe. They are going to construct it differently. We are all going to have to go down and make U-turns. We live there. You can look at maps but you cannot know that to go down Evelyn Byrd [Avenue] and make a U-turn while the people who are coming out of Evelyn Byrd [Avenue] are making right turns and you are meeting in the middle unless you are watching each other. It is so unsafe of a traffic pattern that they are having meetings about it. You want to put more traffic into a pattern that is so unsafe that they are doing construction on it. That is my problem with this site plan. It is putting more traffic into an unsafe intersection that we are all asking why did they do this? Why did you all have to change this? Why can I not turn left anymore? Because it is so unsafe and now we are going to add how many cars to an unsafe intersection.

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

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

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

Commissioner Jezior seconded the motion.

Vice Chair Porter called for a roll call vote.

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

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