

MINUTES OF HARRISONBURG PLANNING COMMISSION

May 13, 2026

The Harrisonburg Planning Commission held its regular meeting on Wednesday May 13, 2026, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Chair; Shannon Porter, Vice Chair; Councilmember Laura Dent; KC Kettler; Rob Jezior; Heja Alsindi and Randy Seitz. Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Nyrma Soffel, Planner; Meg Rupkey, Planner; Wesley Russ, Deputy City Attorney; and Anastasia Montigney, Development Support Specialist/Secretary.

Chair Baugh asked if there were any corrections, comments or a motion regarding the April 8, 2026, Planning Commission meeting minutes.

Commissioner Seitz said I would like to request one correction on page five, fourth paragraph from the bottom, change the word “like” to “unlike.” It gives it a completely different meaning.

Commissioner Kettler said motion to approve minutes with the amendment indicated by Commissioner Seitz.

Vice Chair Porter seconded the motion.

The motion to approve the April 8, 2026, Planning Commission meeting minutes with the amendment passed by voice vote (7-0).

New Business – Public Hearings

Consider a request from Kevin T. and Denise F. Goertzen for a special use permit at 1315 Carrera Lane

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting a special use permit (SUP) per Section 10-3-34 (7) to allow a short-term rental (STR) in the R-1, Single-Family Residential District. The +/- 30,086-square foot property is addressed as 1315 Carrera Lane and is identified as tax map parcel 18-R-16. If approved, the applicant plans to operate a short-term rental on the property. The applicant is currently operating a homestay at this location.

In 2019, the City adopted regulations associated with short-term transient lodging, commonly referred to as Airbnbs. These regulations were amended in September 2020 to create the by right “homestay” use. To operate a homestay, the property must be the operator’s primary residence, may host up to four guests, and may operate up to 90 nights per calendar year. If the operator wants to operate outside of what is permitted through a homestay, they may apply for an SUP to operate an STR.

The applicants purchased the property in October 2025 and have been operating a registered homestay. The previous property owners had operated a registered homestay since 2021. The applicants want to operate the short-term transient lodging for more than 90 nights per calendar year, and thus need an SUP to operate an STR. The applicants have stated that they will have one accommodation space, and will limit the number of guests at one time to no more than four. There is one off-street parking space and a separate entrance to the STR.

In their letter, the applicants state that the space above the garage is a 438 square foot apartment including a kitchenette, eating area, couch, queen bed, and full bath. It was noted during staff’s review that the space above the garage contains a gas stove that was installed without a permit. The applicant has been informed of this and also informed that a second kitchen is not allowed in the space above the garage because the space is separated from and cannot be accessed from the dwelling. (Note that second kitchens are allowed in single-family detached dwellings in the R-1 district if there is “free flow” and full access throughout the unit and the living areas are not closed off to create a space that would function like a second dwelling.) A notice of violation for installing the gas stove without a permit and for having a second kitchen will be issued, and the property must be brought into compliance within the timeframe set forth in the notice of violation. While the applicant must remove the gas stove, they will be able to keep the sink, refrigerator, and have small cooking appliances in the space.

Land Use

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

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The proposed SUP does not add additional dwelling units or increase density.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested SUP regarding water and sewer matters.

Housing

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

The proposed STR is located in a finished spaced above the attached garage. The property is zoned R-1, where only one single-family detached dwelling is allowed. The request does not remove a dwelling unit from the long-term rental housing inventory.

Public Schools

If the special use permit is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

After review of this request, staff believes it shares similar characteristics to other applications for STRs that have received approval. Staff recommends approval of the SUP with the following conditions:

1. All STR accommodations shall be within the existing accessory dwelling above the detached garage described in the application.
2. There shall be no more than one (1) STR guest room or accommodation space.
3. The number of STR guests at one time shall be limited to four (4).
4. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the driveway or other areas on the property.
5. Prior to operation, the operator shall submit to City staff a completed Short-Term Rental Pre-Operation Form. Furthermore, the operator shall maintain compliance with the items identified in the Pre-Operation Form when short-term rental guests are present.
6. If in the opinion of Planning Commission or City Council, the short-term rental becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Ms. Soffel asked if there were any questions.

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

Kevin and Denise Goertzen, the applicants, came forward to speak to their request. Ms. Goertzen said we are open for any questions you might have. We are in the process of closing up the gas line and adding a two-burner electric stove.

Mr. Goertzen said not an installed stove but have a hot plate.

Councilmember Dent said Thanh, is that okay?

Ms. Dang indicated yes.

Vice Chair Porter said you have operated this as a homestay previous to this point?

Ms. Goertzen said since October.

Vice Chair Porter said and no problems or issues? Any concerns from your neighbors?

Ms. Goertzen said we have issued letters to all of our neighbors. We have talked to most of them in person, and they are very supportive.

Vice Chair Porter said thank you for being proactive.

Chair Baugh asked if there were any more questions for the applicants. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Councilmember Dent said this is the most detail I have seen about the stove regulations.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said Mister Chair, this is yet again a short-term rental which will almost surely be approved by City Council. Today, I would like to take the opportunity to look at the zoning that was described along with this short-term rental, R-1 residential, and to ask Planning Commission if we could start to rethink our zoning categories, what our zoning categories are for. Up to now, our zoning categories have focused on a desirable thing keeping harmful uses away from people, but it has also had a component of grouping certain types of living together which implicitly groups people together. What short-term rentals have tested in the several years that they have been brought one at a time before City Council... this zoning can also be used to keep people separated by their occupation and historically it has been by race. We need to have a thorough reconsideration of what our zoning is for. Our proposed zoning foundation for the Zoning [Ordinance] rewrite does not do that. It does

not ask, “what is the goal of zoning?” I would hope that Planning Commission would initiate a thorough review of what the goals of our zoning are driven by a public input process. You are the body that initiates motions. Staff cannot do so. Please follow the spirit and the letter of that law to initiate a thorough review of our zoning so that issues like short-term rentals will not have to have us continually reinventing the wheel and saying Harrisonburg does not want to segregate people. It does not want to treat equally situated neighborhoods the same. It wants to recognize that there have been historic harms. Repair the historic harms and realize that we go into a new future of climate crisis and that takes stock of those resources and zones around sustainable and resilient life instead of continuing to carry forward the separating people from uses and separating people from each other. Thank you, Mister Chair.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Jezior said the land is already being used. The house is already being used for this use, so it is just adding some more days. I do not think it is going to have any effect on the neighborhood or surrounding area.

Councilmember Dent said I have one question. I heard “registered homestay.” I did not realize homestays had to be registered. What does that mean?

Ms. Soffel said it requires an annual registration with Community Development as well as the business license.

Councilmember Dent said I thought homestay was by right that you could do. You charge for it?

Ms. Soffel said it is by right, however, they have to register so that we know where it is occurring. They pay a \$25 fee to register it and that way they also ensure that they get their proper business license and taxes and so forth.

Commissioner Seitz said I move that we approve the request for special use permit at 1315 Carrera Lane with the stated conditions.

Commissioner Jezior seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Commissioner Jezior	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye

Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit request passed (7-0). The recommendation will move forward to City Council on June 9, 2026.

Consider a request from Robin L. Lake to rezone 850 Canterbury Court

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 12,692-square foot property from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 850 Canterbury Court and is identified as tax map parcel 23-V-14. If approved, the applicant intends to replace the existing covered front porch with a larger covered front porch that would encroach into the current R-1 district's minimum front yard setbacks. The applicant states in their letter that the new porch would be expanded from six feet to no further than 12 feet from the home to avoid the unstable, rocky ground affecting the footers of the existing porch.

Proffers

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

The property shall be limited to one (1) single-family detached dwelling and customary accessory uses.

In the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit within the R-8-zoned area.

While the R-8 district was created in 2019 to provide additional flexibility for housing opportunities by establishing smaller lots, the City has reviewed requests to rezone properties to R-8 in established neighborhoods on a case-by-case basis. Planning Commission and City Council have previously approved requests to rezone properties from R-1 and R-2 to R-8 for the purpose of reducing minimum setbacks. In reviewing those requests, staff noted that, in addition to proffering a maximum number of dwellings, applicants often also proffered minimum front yard setbacks to ensure that any construction or modifications on the property would remain generally consistent with the established surrounding properties.

Staff suggested for the applicant to consider proffering a minimum front yard setback of 20 feet. The applicant expressed concern that the covered front porch has not yet been designed and was reluctant to proffer a specific minimum setback at this time. Staff would have preferred such a proffer to provide greater certainty regarding the uniformity of the property frontage relative to the neighboring properties.

Land Use

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

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The rezoning request, with the submitted proffer, retains the target density for the Low Density Residential designation, and the R-8 district's occupancy regulations are the same as the R-1 district's regulations. With the stated proffer to allow only one dwelling, rezoning to R-8 should not have major adverse effects on the surrounding properties.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sanitary sewer matters.

Housing

Rezoning this property to R-8 will not impact housing. The property currently has one single-family detached dwelling, and the proposed proffer would continue to restrict the property to having only one dwelling unit.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

While staff would have preferred a proffer establishing a minimum front yard setback in order to ensure consistency with the neighboring properties, the request retains both the occupancy and density of the R-1, Single-Family Residential District, and is consistent with the Comprehensive Plan. Staff recommends approval of the rezoning.

Ms. Soffel asked if there were any questions for staff.

Commissioner Seitz said I just want to make sure I understand, and I apologize I was not able to be on the tour yesterday. The address of this is Canterbury Court. It shows a covered porch facing Canterbury Court and a deck facing the Maryland Avenue right-of-way in the back. We are talking about the porch that faces towards Canterbury Court, correct?

Ms. Soffel said correct.

Commissioner Seitz said what I wonder about that is this issue of proffering the 20-foot... I mean that is 31 feet... It would seem like some degree of proffering a setback, that still will allow flexibility for whatever design is made.

Ms. Soffel said that is why staff had suggested a voluntary proffer.

Vice Chair Porter said Ms. Soffel, do we know whether the rock that they are concerned about is in a place that might require them to possibly either amend or change that design?

Ms. Soffel said can you repeat that?

Vice Chair Porter said I understand that the rationale for changing the porch or building an extended porch because of where the footers are falling in relation to rock on the property, maybe this is for the applicant I should ask. The reality is it seems like having a little bit of latitude, especially when you are dealing with something like rock, it might be something you might want a little bit of room to work with.

Ms. Soffel said which is what the applicant had expressed to me.

Councilmember Dent said the fact that they said the porch should be no deeper than 12 feet, what would that make the setback be?

Ms. Soffel said the current porch is 6 feet deep and from the porch to their property line is approximately 31 feet. If the front porch were 12 feet deep that would be about a 25-foot setback.

Councilmember Dent said that is about what they will land with anyway since they have put a maximum on the size of the porch.

Mr. Fletcher said it did not put a maximum on the size.

Ms. Soffel said the size of the porch is not proffered.

Councilmember Dent said if it is as planned it is still a sufficient setback in any case.

Commissioner Seitz said in theory, when this gets submitted for building permit with that 10-foot yard setback they can come back with a porch that is 20 feet deep and still be in compliance with this.

Ms. Soffel said theoretically.

Commissioner Seitz said I guess I would ask this of the applicant when they speak is, why not design the porch to figure out what it needs to be and then come in and specify that setback so that there is not a misunderstanding when it comes through for permitting.

Chair Baugh said I have my educated guess, but let's see if we can do better than that, what would staff say was its rationale for saying well we would like to see it but we are not sufficiently concerned about that issue to insist on it?

Ms. Soffel said it is located on a cul-de-sac and even though all of the neighboring properties do have at least a 30-foot setback, the positioning, the curvature does not necessarily give a sense of uniformity. Whether something is a little bit closer or not, I at least do not predict that would have a visual difference as it would if it was a straight street. In addition, the property has quite an incline in the front yard. The further they would bring a front porch towards the street, the taller it would have to be. That could limit their ability to expand the porch beyond a certain amount. It looks like it would be limiting.

Commissioner Kettler said my sense of expanding a porch like this and the front setback is, allowing a larger porch simply means that the applicant can make better use of their property in terms of being connected to the neighborhood and connected to the street. This is the definition of eyes on the street. That it has a marginally different appearance from adjacent homes in terms of the distance from the curb, it is just not a factor that is that significant for me.

Commissioner Seitz said this is the third R-8C special use permit (sic) I have seen recently. It was designed to utilize smaller lots, but I am seeing it used as a way to find work arounds for restrictions that are given by R-1. Is that a feature or a bug?

Ms. Soffel said it is a result.

Commissioner Seitz said in part of what I am saying is if there is an attitude that okay this is a loophole, but we are going to let it be used as a loophole, then I want to see a stipulated setback.

If this is seen to be in alignment with the spirit of having a [R-]8C, then I am less concerned about that. Does that distinction make any sense?

Commissioner Kettler said I think what we are seeing, both in this request and in a previous request, is the unintended consequences of R-1 as it relates to what you can have there. Them not being able to have a stove in the upstairs room, is that really that significant to us? My suggestion is that it is... I do not know by the definition whether it is a bug or a feature, but that the more flexible residential option is a better one.

Ms. Soffel said I would say that what the request demonstrates to me is that there is a desire for those smaller setbacks.

Councilmember Dent said we can address that in the zoning update.

Chair Baugh said I guess to me it is still about where you draw the line. I am comfortable with the notion that while what we primarily thought of with R-8 was the small houses... But why did we like the small houses? Because it was reflective of giving people greater flexibility and getting more efficient use of the space. In that sense, it is consistent. Although the point is well-taken that we are on a run here where we are seeing more R-8s that are about these setback challenges than actually trying to get the additional unit on the property or those types of things.

Commissioner Seitz said I agree in spirit with Commissioner Kettler. I do not mind seeing this being used as a way to fine tune the irregularities that come up when you have a strict applying of R-1. I think that when you do that you have to be very precise about it. To me the difference between having a six-foot-deep deck that might be 10 to 12 or it might be 20 feet is imprecise. I get that we do not know where the rock is, we do not know what we are going to encounter and so on but design it, dig test holes and then come back and ask for exactly what you want.

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

Robin Lake, the applicant, came forward to speak to her request. She said ready for questions.

Commissioner Seitz said I guess I would be more comfortable having assurances. I get maybe +/- 1 foot because you are trying to navigate around rock. We are providing you the opportunity to build anywhere up to a deck that is 20 feet deep with only a written non-binding assurance that it is going to be more or less 12 feet. Is there any way we can get more specificity about that?

Ms. Lake said what would please the Commission for a setback? What we are dealing with is an ongoing issue that we have had with this porch to the point that we actually tried to have helical

piers installed under it and they could not get under it. I do not know what it is going to look like in that space because not only are we on a slope we are also on a slope like this to the street.

Commissioner Seitz said again I would recommend designing the solution and find out exactly what you need. I understand that this is driven more by the technical issues of the rock and the failure. Putting those helical piers in I get is expensive, but all the more reason to figure out what works there because you have the flexibility. I think if we are using the [R-]8C rezoning as a way to deal with very particular and unique issues, then let's bring particular and unique solutions to it. What burden do we put on you by asking you to design it, test it, specify what you want prior to coming for the rezoning?

Ms. Lake said hiring a structural engineer to do the testing and design before I know that something is going to be approved.

Commissioner Seitz said you said "you think it is 12 feet."

Ms. Lake said right now we are at six feet if we go no more than 12 because then we start to really slope off. If we go no more than twelve, which is what was requested, we should be able to get somewhere between ten and twelve feet and find a spot that we should be able to do something. That is what I was looking for. I was also considering needing to move the stairs from the left of the house where it is at the end of the porch where it is settling over to need to move the stairs somewhere in the front. The consideration is if we were to decide to cover, which we are not, but I did not want to limit somebody else to have to come back and proffer that we want to cover the stairs if need be.

Commissioner Seitz said I think agreeing to a minimum twenty-foot setback gives you five-feet of latitude beyond the six feet that you say that you need.

Ms. Lake said the issue is actually the covered porch. I could bring the porch out now into the setback and it would be fine. It would be within the third of the setback that there is now. I cannot cover the entire porch. It would have to stay partially covered where it is. That is the issue that I am having is the enclosure of the porch. As it is I could just extend the porch with no cover but that does not make for a very useful or aesthetic front porch.

Vice Chair Porter said you stated in your letter that you probably needed no deeper than 12 feet, is that pretty much where you feel like you are at this point?

Ms. Lake agreed. She said if we try to go a foot we are probably going to hit some of the same thing. We may hit it at ten it may be 12 or 13. That is where I am shooting for is 12, so that we have that latitude to play with whatever might be under the ground.

Councilmember Dent said this is the first I have heard about a stair; meaning the stair might come out of the front of the porch. If that were at some point to be covered that would be even further into the setback?

Ms. Lake said that would be a new proffer. It is my understanding that the stairs themselves can egress into the setback. It would only be if they are covered, that would be the issue. Because that whole left side of the porch... we have structural supports in the crawlspace under that side of the house because of the issues. The stairs are there. When we originally replaced the railing, it was full of carpenter bees. When they took the support out on the short end, the whole corner, all the brick, just fell out. The only thing that was holding it there was the post that was on top of it. We replaced it with vinyl, no more carpenter bees, but now as the porch continues to settle my guess is that in the wintertime the vinyl gets very stiff and as the torque from the settling hits it in the cold it is cracking the railings. It is also causing more settling. We have a few cracks on top of the porch as well. We tried to do it mechanically and leave what is there and they withdrew their request for the permit because they could not do it.

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

Ms. Lake said when I originally brought in this request, this was the suggested route to go because you guys do not give variances.

Vice Chair Porter said I would say in this particular set of circumstances that based on some of the structural issues you are facing, this could almost rise to the level of something that could be considered for that just based on the fact that we would be giving you relief in this set of circumstances based on the topography of your property. Am I correct in that?

Mr. Fletcher said that can be a situation.

Vice Chair Porter said it is not unprecedented particularly the fact that you are dealing with these issues. I would be inclined, particularly because this is on a cul-de-sac, to give you a little more leeway than maybe some other circumstances and that is kind of where I sit on it. I do feel a little uncomfortable with giving you a complete hunting license just to be able to go out as far as you need to. Is there an amount at maybe 14 feet deep? Is there something in that area where you would be willing to say we are not going to go any further?

Chair Baugh said Mr. Russ, I hope you would caution us if we think we are getting too close to what sounds like directly negotiating proffers.

Ms. Lake said I am willing to proffer 15 feet which kind of cuts what we have in half.

Vice Chair Porter said to keep it from getting further into negotiation I will not respond to it. It does get to the heart of the issue here.

Commissioner Seitz said I agree, this would be a lot easier.

Commissioner Kettler said I think that this discussion gets to the question of, what is a front yard for? To me, if a front yard is good for something, it is good for a space to interact outside near where other people could be and activate a neighborhood. What is a larger front porch if not that?

Vice Chair Porter said it is also an existing part of her structure that is now failing. Again, I go back to the possibility that could almost put her in a position to be able to ask for a variance, but I think that in this particular case it is probably we deal with it while we are here.

Councilmember Dent said I think here is easier.

Chair Baugh asked if there were any more questions for the applicant. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said I urge the applicant to ask for what they need. It will be approved at City Council especially if it appears before the primary election on August 4 when Nicki Gross and Kat Hendley are running to take two of the seats. Regarding R-8, it has shown up a compelling reason why we need to start from whole cloth in our Zoning [Ordinance] rewrite. The bug in R-8 is that it was a developer and realtor driven process that gave us lots that are too small for what people want. Again, door knocking with Nicki and Kat, I have heard this from realtors that people do not want the small lots. Developers do because they can sell more pieces. The side effect of R-8 is that it has shown what people actually do want. When we get homeowners, people who live in the homes coming forward they use this side effect of R-8 which is a feature that should be codified in our Zoning [Ordinance] rewrite. Which is, to make their lot usable. I find myself agreeing with Commission Kettler here. The purpose for a front yard setback is so that it can be landscaped as a lawn which can be used to harass people out of the neighborhood. If you do not think that happens, come to Sunset Heights where the Ku Klux Klan is circulating an anonymous letter targeting people who have been repeatedly targeted by the same organization under their brand name. Now they are not harassing under their brand name, they are harassing under a homeowner's association that does not exist to drive people out of the neighborhood. We need to do a whole cloth rewrite of the zoning. I am really unhappy that I am hearing nobody but Commissioner Kettler calling this out. In Old Town recently, City Council approved a large house with large porches with very different kinds of setback in those lots which were created before segregation through zoning in a neighborhood that people would generally agree is a very functional neighborhood. We need to remove the

exclusionary wasteful features. Now if we wanted to have a big setback because it is going to be landscaped in a way that is going to create a wildlife corridor, a stormwater resilience feature, that is great but that is not what we have right now. Again, I urge the applicant to ask for what they want, ignore Planning Commission. This is not a decision-making body, it is an advisory body. City Council will be with you because they face a contested primary. Thank you, Mister Chair.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Seitz said I would simply say, Commissioner Kettler, the other role in something like this is front yards also connect you to a neighborhood. There is always a part of the discussion of how does it affect the relationship both physically and otherwise in a neighborhood. I am inclined to vote in approval of this. At the end of the day, Ms. Lake, I trust you to do the right thing. But I would ask please when we use R-8 as a work around, please ask for as much specificity about what we are approving as possible. I feel like the way that this structured, there is leeway here that in some circumstances could come back and bite the City. We are an advisory body. My advice is to be as specific as possible with these R-8 rezonings in the future.

Vice Chair Porter said I would only state that just like your situation and the situation that others have brought forward, it is not your fault that the situation is set up the way it is. I feel for your circumstance and again I would put myself in your place as having a property that is having structural and topographical issues that are threatening your home. I would want to give you as much latitude as possible to be able to correct that and get your life back the way you want it. That is how I view it, but it is a bit of a technical issue because this is really not how this should work. In terms of coming and having to ask for basically something that should be addressed probably as a variance, and we are having to go through a process of doing a rezoning. It defeats the purpose of what R-8 was designed to do. I do agree very much with Commissioner Seitz about that. At the end of the day I think it is about giving you the latitude that you need to be able to do what you need to do for your property. I would definitely support this.

Commissioner Jezior made a motion to approve the request as presented by staff.

Vice Chair Porter seconded the motion.

Chair Baugh said I understand the concept. It is hard for me to imagine something there that would bother me. The law on variances, if applied properly, is to be extremely conservative and restrictive. It is a high bar, What jurisdictions in the state tend to do is drift over time to be more practical than setting a high bar, and then the Virginia Supreme Court will issue that same opinion that they have issued before and everybody cuts back on it. I also understand not going down that path.

Vice Chair Porter said I am sitting up here with two attorneys who probably appreciate a good loophole when they see it. Until we get a better system its kind of is what it is.

Chair Baugh said I would call it being reasonably flexible to work with folks in town.

Councilmember Dent said I have just been pretty baffled to amused at the R-8 loophole for just these kinds of setback issues. Again, it just prompts for more rigorous update of our Zoning [Ordinance] so that we can allow for these things by right and do not have to keep seeing them.

Commissioner Kettler said I think this is more onerous on the small homeowner who just wants to make a change to their porch and not go before Planning Commission to do it. Having some clear already established by right rules that already address the other concerns mentioned is helpful for that.

Chair Baugh said again, this one is not driven by aesthetics, this is my porch is falling into the ground and I would like to keep it.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on June 9, 2026.

Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc to rezone 1351 & 1361 Peach Grove Avenue

Consider a request from Skylar & Talli LLC and James Madison University Real Estate Foundation Inc for a special use permit at 1351 & 1361 Peach Grove Avenue

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a rezoning and a special use permit (SUP) for a +/- 15.35-acre property addressed as 1351 and 1361 Peach Grove Avenue and identified as tax map

parcel 92-F-10 and 6. The property is zoned R-5C, High-Density Residential District Conditional and B-2, General Business District. The applicant is requesting a SUP per Zoning Ordinance (ZO) Section 10-3-55.4 (1) to allow multiple-family dwellings of more than twelve (12) units per building in the R-5 district. The development would consist of 207 multifamily units with a mix of one-, two-, three-, and four- bedroom units within a mix of multifamily row apartments, quadplexes, and garden apartments.

1351 Peach Grove Avenue: Prior Rezoning, SUPs, and Development Plans

In June 2019, City Council approved a request to rezone 1351 Peach Grove Avenue (addressed as 1051 Peach Grove Avenue in 2019) from B-2, General Business District to R-5C, High Density Residential District Conditional, along with three SUPs to allow multi-family development, increased building height, and non-residential uses. At that time, the applicant proposed a six-story mixed-use building with approximately 16,000 square feet of commercial space on the first floor and 120 multi-family units above, consisting of one-, two-, three-, and four-bedroom units. Staff and Planning Commission recommended denial of the rezoning due to concerns that the design was vehicle-centric and did not provide a safe, walkable pedestrian-friendly environment, and did not support a cohesive mixed-use environment. City Council approved the rezoning and associated SUPs.

In 2021, the applicant revised proffers to remove the requirement for non-residential uses, including the previously mandated minimum commercial square footage, and to increase the maximum number of bedrooms from 400 to 460. The revised proffers added new commitments, including construction of a bus pull-off and shelter easement and a requirement that total traffic generation not exceed levels established in the previously accepted traffic impact analysis (TIA). Overall, the changes transitioned the project away from a mixed-use concept toward a higher-density residential-only development while incorporating additional transportation-related improvements and traffic controls. Staff and Planning Commission recommended denial of the request. Staff noted the loss of the mixed-use component, the unit mix of predominantly four-bedroom units indicating that the development was geared toward student housing, and the design continuing to be vehicle-centric and not supporting a pedestrian-friendly environment. Staff suggested the applicant consider proffering a multi-family building that would have one-, two-, and three-bedroom units and a proffer that provided a breakdown of the number of each style of the units. Ultimately, City Council voted to approve the amendment to the proffers.

An engineered comprehensive site plan (ECSP) for the residential-only project was approved on March 13, 2024, and will remain valid from that date for five years. The SUPs to allow for more than 12 units in a building and increased height are valid as long as the approved ECSP remains active. If someone does not pursue developing the approved ECSP, then it and the two SUPs would expire on March 13, 2029. The SUP for non-residential uses has expired.

1361 Peach Grove Avenue: Prior SUP and Development Plans

In February 2023, 1361 Peach Grove Avenue received approval of an SUP to allow for multiple-family dwellings in the B-2 district. As required by Section 10-3-93 (d) of the ZO, the applicant submitted a development plan to be in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” In addition to the required development plan, the applicant proposed conditions further limiting the development. The applicant conditioned a mix of one-, two- and three-bedroom units, pedestrian connectivity and transportation improvements, 1.3 parking spaces per dwelling unit, and environmental features such as solar panels and electrical vehicle charging stations. The SUP was approved to allow no more than 376 units with a minimum of 30% of the units required to be one bedroom and a maximum of 20% of the units able to be three-bedroom units. The development plan demonstrated one entrance along Peach Grove Avenue, three residential buildings, and a two-level parking deck. Staff and Planning Commission recommended approval of the request, which City Council approved. However, the SUP has since expired due to the lack of diligent pursuit of the SUP within 24 months of City Council’s approval.

Proffers for the Current Request

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

1. The Project shall contain no more than 739 bedrooms.
2. The Applicant shall construct a westbound right turn lane with a minimum length of 50 feet and a taper with minimum taper length of 100 feet on Peach Grove Avenue into the main entrance of the Project no later than issuance of a certificate of occupancy for the Project. Public Works may, in its sole discretion, waive, in whole or in part, construction of the turn lane and taper.
3. The Applicant shall grant a bus shelter easement to the City, in a location on Peach Grove Avenue acceptable to the Harrisonburg Department of Public Transportation (HDPT) and shall construct a concrete pad and bus shelter to HDPT’s specifications no later than issuance of a certificate of occupancy for the Project or such later date as HDPT may request. HDPT may, in its sole discretion, waive, in whole or in part, the completion of this proffer.
4. The Project shall be developed in substantial conformance to the Conceptual Site Plan, entitled, Peach Grove-Harrisonburg, VA Rezoning & SUP Submittal” dated March 6, 2026, last revised May 1, 2026, prepared by Niles Bolton Associates (the “Conceptual Site Plan”). Substantial conformance to the Conceptual Site Plan refers to:
 - (c) the general location of building envelopes, travelways, parking structures (including any slip deck), green spaces, clubhouse and amenity courtyard as shown on the Conceptual Site Plan;
 - (c) the general location of perimeter sidewalks along the “Shared Access Drive” (the private drive bordering the northeast Project boundary

where the secondary access is located, as shown on the Conceptual Site Plan), and a pedestrian connection to commercial property to the north shown on the Conceptual Site Plan; and

- (c) the general location of primary and secondary entrance locations as shown on the Conceptual Site Plan. The Department of Public Works, in their sole discretion, may waive the requirements of this proffer if other acceptable entrance location(s) can be provided.

The Conceptual Site Plan may be modified during site plan review as needed to meet applicable local, state, and federal requirements and otherwise deemed necessary/beneficial during the Comprehensive Engineered Site Plan (“Site Plan”) approval process with approval by the Department of Community Development.

5. The public sidewalk along the Property’s frontage on Peach Grove Avenue, in the area shown on the Concept Plan, shall be reconstructed to be a minimum of five (5) feet in width and shall include a minimum two (2) foot wide grass strip buffer between the back of curb and the sidewalk. The Applicant shall dedicate land for public-street right of way along the Property’s Peach Grove Avenue frontage at a minimum of 7.5-foot width from back of curb to encompass the public sidewalk plus the maintenance area. This proffer shall be satisfied no later than issuance of a certificate of occupancy for the Project.
6. No later than issuance of a certificate of occupancy for the Project, a minimum of fifty (50) exterior bicycle parking spaces shall be installed and maintained on the Property compliant with location and spatial requirements of Zoning Ordinance Section 10-3-25.1.
7. Upon request by the City, but no sooner than after issuance of a certificate of occupancy for the Project, the Applicant shall dedicate a ten (10) foot wide shared non-vehicular, pedestrian and bicycle path easement from the Property to Tax Map Parcel 92-F-7 for a possible future bicycle and pedestrian connection. The location for the potential easement would be determined during site planning for the Project or, if the request is made after Project site plan approval, at the time of such request. In addition, no later than issuance of a certificate of occupancy for the Project, the Applicant shall provide a five (5) foot wide pedestrian connection between the Property and Tax Map Parcel 92-F-11 (currently the Food Lion shopping center) in the location shown on the Conceptual Site Plan.
8. No later than issuance of a certificate of occupancy for the Project, the Applicant shall plant street trees along the Shared Access Drive and Peach Grove Avenue as follows: a minimum of twenty-six (26) large deciduous trees (at least two (2) inches in caliper and a minimum of ten (10) feet in height at planting and to exceed four (4) inches in caliper at maturity), spaced

- approximately every forty (40) feet. Tree locations along the street frontage are at the discretion of the Applicant / property owner.
9. Buildings along the Shared Access Drive shall have front facades facing the Shared Access Drive.
 10. Patios on Peach Grove Avenue shall be enclosed with opaque six (6) foot tall wood or fiber composite fencing with perimeter plantings around the fencing consisting of the following minimum plantings or comparable, as determined by the Applicant / property owner in consultation with City Staff during site planning: evergreen shrub foundation planting at least three (3) feet in height at maturity with an additional row of at least one of the following: shrubs (18" – 24"), ground cover (6" – 18"), or ornamental grass (24" – 36") layered in front.
 11. Siding on all multi-family buildings and clubhouse will be Hardie Board or similar quality siding and shall not be vinyl siding or aluminum siding.

Proffer 1 limits the development to no more than 739 bedrooms. While the application does not establish a maximum number of dwelling units in the proffer, the bedroom proffer limits the overall occupancy of the development. Proffer 4 requires the development to be in substantial conformance with the submitted Conceptual Plan. The proffer establishes the general layout of buildings, access, circulation, parking, open space, and amenities, while allowing limited adjustments during site plan review.

Proffer 6 requires a minimum of 50 bicycle parking spaces to be installed and maintained on the property. Per the ZO's Article G Off-Street Vehicle and Bicycle Parking Regulation Section 10-3-25.1 (3), multifamily dwellings are required to provide one bicycle space per six units that are constructed. In the applicant's concept plan they reference that they plan to construct 207 units. Based on this calculation the project would be required to provide 35 bicycle spaces. With this proffer the applicant would be required to provide more than the minimum amount that would be needed to meet the ordinance.

The applicant has also proffered landscaping features and screening within the development in response to staff concerns about screening the decks and patios from the public street right-of-way. Proffer 10 requires screening by providing an opaque fence with landscaping for patios along Peach Grove Avenue.

Proffer 8 requires that at least 26 large deciduous trees be planted along the shared access drive and Peach Grove Avenue prior to issuance of a certificate of occupancy. This would require trees where they would not typically be required. The ZO requires trees when a parking lot is adjacent to a public street. The applicant has designed the site to have the building between the parking lot and the public street and would not be required to plant trees along the public street right-of-way.

Land Use

The Comprehensive Plan designates this site as Mixed Use and Governmental/Quasi-Governmental and states:

Mixed Use

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

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

Governmental/Quasi-Governmental

These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental /quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are

not subject to some of the City's land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of this document, is every zoning district in the City.

The property addressed as 1361 Peach Grove Avenue is designated by the Comprehensive Plan's Land Use Guide (LUG) as Governmental/Quasi-Governmental because it is owned by the James Madison University (JMU) Real Estate Foundation. The Comprehensive Plan states that Mixed Use areas outside of the downtown area should be around 24 units per acre. The proposed 207 units is about 13 dwelling units per acre.

Transportation and Traffic

A TIA was accepted by the Department of Public Works on February 20, 2026. Under the studied 2025 conditions, the TIA demonstrated that the surrounding roadway network is already beginning to experience operational delays, and those delays are expected to continue and incrementally increase through 2030. These impacts are primarily focused at the signalized intersection of Peach Grove Avenue and Port Republic Road and are anticipated with normal background traffic growth as well as with the addition of the proposed development. The intersection is operating at generally acceptable levels of service under existing conditions although approaches to Port Republic Road, including Devon Lane, Peach Grove Avenue, and Neff Avenue, experience noticeable congestion during the PM peak hour. While the TIA acknowledges that intersection delays will increase in the future, it states that “[a]ll queuing and storing issues at the Port Republic Road/Peach Grove Avenue intersection present under 2030 build conditions are extant without the proposed development.” The TIA also notes that, without improvements, the surrounding roadway network is expected to experience increased delays and queuing, including significant increases at existing commercial entrances.

The TIA identifies the need for turn lane improvements at the primary site access on Peach Grove Avenue to accommodate anticipated site-generated traffic and maintain acceptable roadway conditions. The turn lane warrant analysis results indicate that improvements are needed on Peach Grove Avenue at the main site entrance to install a minimum 100' right turn taper on the westbound approach. The applicant is proffering a westbound right turn storage of 50' and a taper of 100' in length to provide additional space for right-turning vehicles to leave the through lane on Peach Grove Avenue.

Proffer 3 requires the installation of a concrete pad and bus shelter that would be built to HDPT specifications. The shelter and concrete pad would be placed in a public easement and would be maintained by HDPT. Proffer 4 establishes the general layout of internal travelways and the perimeter sidewalk along the private shared access drive. Proffer 5 requires reconstruction of the

existing public sidewalk along Peach Grove Avenue to a minimum width of five feet and includes dedication of 7.5 feet of public right-of-way from the back of curb to accommodate the sidewalk and associated maintenance area. The existing sidewalk along Peach Grove Avenue does not meet the standards for new sidewalk that would be constructed today. The existing sidewalk is four feet in width and does not have a minimum two-foot-wide grass buffer between the sidewalk and the public street.

Proffer 7 provides for a potential future pedestrian and bicycle connection to the adjacent property to the northwest (tax map parcel 92-F-7). The final location of the easement would be identified during the site planning phase for the development or at the time of the City's request for the easement. Know that while the applicant has proffered a 10-foot-wide easement for the future connection, the City's standard for a shared use path is a 20-foot-wide easement to accommodate construction of a 10-foot-wide path and 2-foot-wide graded shoulders on each side. This proffer would allow for interconnectivity between parcels to be explored in the future. Additionally, Proffer 7 requires the applicant to provide a five-foot-wide pedestrian connection between the development and Tax Map Parcel 92-F-11 (Port Crossing Shopping Center), as shown on the conceptual plan. Staff has emphasized to the applicant that interconnectivity between adjacent parcels is encouraged in all developments.

The applicant's letter states that they are proposing to install an eastbound left-turn lane on Peach Grove Avenue at the main site entrance by converting the existing two-way left-turn lane. In the letter they identify that the turn lane would have 100' of storage with a 100' taper. At this time this turn lane is not proffered and would not be required as part of the rezoning if approved as presented. If the applicant chooses to proffer the eastbound turn lane prior to the May 13, 2026 Planning Commission meeting, and update will be provided at the meeting.

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 ECSP 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 C. Along with other details of this market type, it is the smallest but fastest growing market type in the City. Among other characterizations, Market Type C has a large number of university students. The Housing Study states "[l]ike Market Type A, Market Type C has above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." It goes on to say that "Market Type C has above median access to amenities yet is the most affordable market type in the City. The creation and preservation of affordable housing and construction of middle income

housing would be appropriate here as there are already amenities in place that would make these areas attractive locations for housing...” The Housing Study also notes that “[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit.”

The proposed development is intended to target “young professionals and/or graduate or undergraduate students” and offers a unit type of predominantly four-bedroom/four-bathroom units. While the applicant has stated that the four-bedroom units could be converted to serve the needs of families in the future, such a conversion would require considerable additional investment; therefore, staff does not consider this proposed project to provide affordable and middle-income housing suggested by the Housing Study.

Building purpose-built student housing can still be appropriate in the City in locations that support pedestrian access to academic buildings and other university amenities. While the applicant states that the project is approximately 2/10th of mile to Sentara Park (located at the corner of Neff Avenue and Peach Grove Avenue) and approximately 9/10th mile from JMU's Port Republic campus entrance, the proposed development is over one mile from academic buildings when following public streets and existing shared use paths or trails.

While James Madison University (JMU) has made it known through their strategic plan (The Madison Promise, <https://www.jmu.edu/madison-promise/index.shtml>) that they plan to grow overall enrollment, they also have plans to build more on campus housing. The strategic plan states that the university would like to house approximately 60% of the students on campus by 2040. As JMU increases its supply of university-managed housing, demand for some forms of off-campus student housing may shift over time. Staff has concerns about how this site could be used in the future if students were no longer the ones living in the units. The proposed amenities and overall site design, such as a clubhouse instead of more family-oriented features like a playground, suggest the development is more narrowly tailored and may have limited adaptability for a broader range of the population. While the applicant has provided an example of how a unit could be converted to serve a non-student household, staff believes it would be better for the community to not have to rely on someone being willing to make the financial investment to physically convert the units at some point in the future. Instead, it would be better for the community to provide the appropriate style of units at the initial time of construction.

Public Schools

The City contracted with the University of Virginia’s Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projections for the City of Harrisonburg" (April 2025). The report can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. 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 207 residential units are estimated to generate 25 to 116 K-12 students at full build-out. While the project may be intended for student housing, areas vacated by students may then create the availability of 207 apartments elsewhere in the community. According to the School Board's current attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development.

Conclusion

Staff does not believe that more student-oriented housing is needed at this time. Staff recognizes that someone can already build units that are marketed to students with the existing zoning and approved ECSP on a portion of the site addressed as 1351 Peach Grove Avenue. However, staff believes there is an opportunity here to provide for other housing that is greatly needed for our community and to encourage off-campus student housing to be located closer to JMU's academic buildings. Staff has consistently encouraged the applicant to consider a greater proportion of one-, two-, and three-bedroom units to better align with community housing needs and to reconsider the general design of the buildings and layout of the site.

Staff recommends denial of the rezoning and SUP request.

Chair Baugh asked if there were any questions for staff.

Councilmember Dent said I was looking for a proffer I thought we had before... maybe this was in the history of a certain minimum of one, two and three bedrooms as opposed to the four-bedroom.

Ms. Rupkey said that was on one of their previous requests.

Councilmember Dent said that is in the previous request but not in the current one?

Ms. Rupkey said correct.

Vice Chair Porter said I am not sure you can speak to the intent, but the parcel that is 1361 Peach Grove that is the JMU owned portion of the property that is currently zoned B-2. [To Chair Baugh] You have been around long enough; was the intent because it simply was owned by JMU to make it B-2 or was there an intent to actually have potentially that be a business district? Or was it the City's plan... hoping that would be more use for commerce than housing?

Mr. Fletcher said is your question why is it zoned B-2?

Vice Chair Porter said more of whether it was the fact that JMU owned it that it became B-2.

Mr. Fletcher said the 9 acres that the foundation owns has been B-2 likely since it has been annexed into the City in 1983.

Vice Chair Porter said the intent there was that commerce would be there in that spot as opposed to housing.

Mr. Fletcher said I presume so. I was not here in 1983 but that is what it was zoned.

Chair Baugh said I am having a little bit of trouble getting my brain around the question, but I think the answer to your question is, if you go back the zoning for that entire area... essentially you have the existing commercial development there. I think it all had a B-2 zone because for no other reason it was anticipated since you had a commercial area there, if there would ever be commercial expansion that would be where it would go. Instead, the owner of the main parcel asked it to get rezoned to the mixed use and now residential which got approved. That was, as I recall, not a unanimous vote. Staff had recommended against that, I believe. It did end up getting approved. The JMU piece was a later special use [permit] request. I said, somewhat flippantly at one point, it has settled out somewhat now, but there really was a stretch where, for the undeveloped property out there, it seemed like everybody who owned a property with a residential zoning wanted a commercial zoning and everybody who owned a property with a commercial zoning wanted a residential zoning for whatever reason.

Councilmember Dent said what I remember was when this came back, in 2021, I was very bummed to lose the mixed use commercial portion of it. I imagine now I would have voted against it, but I do not know for sure if I did then. I would definitely prefer a mixed use and not the four-bedroom four-bath .

Commissioner Jezior said how many units are going to be one, two, three or four-bedroom or is it just open?

Ms. Rupkey said the applicant would be able to speak more to that, but it is not proffered that it would be in a certain occupancy for each of them.

Councilmember Dent said the one, two, and three was in the 2021 proposal, but not proffered now in this current one.

Ms. Rupkey said there is a breakdown in the packet.

Vice Chair Porter said in the conceptual site plan they do have a breakdown, and it is almost 80% four bedroom.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Jim Buchanan, the applicant from Landmark Properties, came forward to speak to the request. He said Landmark Properties is a vertically integrated development company which means that, not only do we develop these properties, we construct them, and we manage them. At this time in our life-cycle we also hold these projects into the long term. We work closely with our management team and all of these properties. We develop multiple types of housing. We develop multifamily housing, [unintelligible] housing. We also develop university-oriented housing that we are talking about. [Referring to the slideshow on the screen] This is the project location. You might be familiar with it. It is adjacent to the University Park. Like staff brought up, which we have had a great time working with staff and we really appreciated their feedback throughout this process, we have been talking to them closely. It is adjacent to University Park, a short walk from our location to the campus. It is also adjacent to pure commercial around us, in the front portion of the site, and pure residential behind us in multi-family high density residential. One of the reasons why we are so excited to bring this project before you today is to revisit what the original site plans were. We do build nationally but over time we look at one of these projects, we look at it at a local level. We try to let the underlying Comprehensive Plan and zoning drive which sites we select. When we go out and develop housing and we come up with these site plans, it is much easier for us to work where the demand is, the underlying demand will be located adjacent to campus, then to try to go out further away and try to draw people in. We always try to pay attention to the Comprehensive Plan, the underlying zoning, what has been approved previously, and the location, particularly. These are the existing sites. The B-2 JMU Foundation parcel, the B-2 with the SUP allowing multifamily and the R-5C parcel is the same zoning we are applying for today. That is why we are here today because we want to combine these lots and, as part of that, we need to rezone. What it did open up is a new chance for us to look at the existing site plans and improve them. and We worked really closely with staff on that and are very proud of where we are today.

As you can see, this residential use is going to support the Comprehensive Plan by introducing residential into a purely commercial district. Thus, creating a sort of mixing of uses. We are going to have multiple modalities of transportation here, including direct pedestrian connections on multiple sides. Both on the inside of our site into the commercial through a pedestrian connection, but also there are sidewalks that we are going to wrap all the way around the site that were not there before. We are also going to be putting in street trees we are going to be proffering that. We are going to be showing you some renderings, but standing behind those renderings, offering to you that this is really the property that we are going to build, is very important to us. We wanted you guys to do that, so that is why we have included so many proffers.

This is the exiting conditions; it is vacant land. It currently contributes about \$17,000 in property taxes to the City. Since the large parcel in the back is owned by the [JMU] Foundation, it is tax

exempt, and the vacant parcel in the front is owned privately. These are the existing site plans that we have put in that were on the books. In total those site plans had about 1,200 beds with about 536 units, 850 paid parking stalls. There were six stories. The applicants of those had maxed out the units per acre on both, ending up with about 35 units per acre. The other thing I wanted to point you to here, because this came up in the last rezoning and this is something that we wanted to respond and fix as we came forward to you today, is [referring to the image on the screen] number three represents the existing shared access drive, if you are going into Food Lion cutting behind McDonald's, that is there. Two and one (as numbered on the image), since these sites were separated in their original rezonings and they were not working together, they basically ended up with entirely surface parking lots with large, tall buildings on them of about six stories and two additional curb cuts that conflicted with each other which and did not allow adequate turning lanes. I am going to show you now the site plan you might have seen before. We are able to push that turn lane all the way back to create a 100-foot taper, where that did not exist before, all the way back in the site. That was actually something that staff recommended to us and really pushed for. We are happy to accommodate that. We thought it was a great comment. The second entrance is on the shared access drive. That will be our secondary access point with the primary all the way back on Peach Grove Avenue as far as we can put it.

There is a multitude of different unit types here. I want to show you how we broke up the housing types. We also have a slip deck here that is two stories, that is in the back portion of the site. What that allowed us to do was create a lot more greenspace. Open it up for more trees, more plantings throughout the site. Centralized courtyards and allowing there to be a much greater deal of greenspace all throughout the site and lower the overall intensity of this site to create a much more efficient unit plan that really works together and really creates something that we are proud of, versus that surface parking. This will show you we have garden apartments. We have these rowhouse townhome-style apartments. [Referring to the conceptual layout image on the screen] In the light yellow are those rowhouse townhomes. In the green are townhomes with basement units with front doors on them. If you are in the shopping mall, you will actually see front doors. We are going to put the masonry feature around those front doors to differentiate that. You will see them on the shared access drive to create activity around this commercial use. We have also pushed those garden style apartments, which are more similar to the building behind us that is already high intensity residential, we have pushed them back on the site, so that we can put them adjacent to those and then lower the density and taper it out as we get to Peach Grove [Avenue] and Port Republic [Road]. It was really important to us, as we heard from staff at a local level, that they wanted to see, when you drove by this, to not just be a big building with a surface lot. We wanted to see greenspace, we wanted to see trees, we wanted to see sidewalks, we wanted to have different modalities encouraged. We actually lowered our parking to the minimum. We are at like 90% per bed, which is the code minimum that we could do in this case. Again, we really wanted to encourage different modalities and we are going to be including that bus stop.

This is a rendering of the site looking west. you can see The Hills Southview apartments that currently exist behind us in our new site. [Referring to the 3D rendering] This is looking at University Park and JMU's campus. This is looking straight up the middle of the site on the secondary entrance from the shared access road. You can see the courtyards and street trees. This is looking east from the back of the Food Lion. Again, those taller multifamily units all the way in the back of the site closest to The Hill Southview, and then we move to these townhome-style rowhouse units, and then on to these quadplexes and try to break it up.

This is how we responded to staff comments, push that curb cut all the way back to the access road like I said, the public sidewalk street trees. The enclosed patios on those quadplexes have front doors that face each other in these courtyards, so we wanted to make sure that we created privacy there. That was something that we got from staff that we thought was really helpful feedback. Additionally, there is that bus shelter there. The masonry and stone, you can see some on the lower level where the front doors are because we want to break up the differentiation. Those centralized courtyards, if people are walking around, we really wanted them to walk on this center part of the site. The direct pedestrian connection into the shopping center, there is a cut through, walk right down get onto the sidewalk get over and get your groceries and walk back home. No need to get in your car, it is totally integrated into the surrounding commercial around us, and it is really going to help draw traffic for them. We have also proffered high quality materials. One of the things that we heard from staff was that there is concern about building something that is aluminum siding at the end of the day. Absolutely not. We proffered that right into our proffers. We are going to be using Hardie Board. we are also going to be using that masonry and stone in different areas of the site. We are also going to be extending the curb and the sidewalk all the way around. That was not proffered before. We felt like it was a great point to add all the way around the site will not only replace what exists on Peach Grove Avenue. There is no sidewalk, there are no street trees currently on that access road on that side. We are going to put all of that in and then cut all of the way back into the shopping center. If you are over at Vito's, you walk over you look around you will see front doors, trees and curbs, you will see total integration of a commercial area. There are a couple of things that I wanted to point out in this since we did have a chance to relook at this holistically. Even though there was already R-5, on the books here and that multifamily in the B-2, how do we reduce this density because that was something that came up before there were traffic concerns? We took down the parking to a 90 percent minimum. We have reduced the overall bed count by about 40%. Parking spaces are down 22 percent. We have reduced the overall height from six stories down to two. It is almost a 60 percent reduction in units per acre, and we have eliminated that curb cut that was conflicting. Now we are only adding one more curb cut that is pushed as far back as we could.

The other point I wanted to make was, if you looked down at the bottom, what this shows is a traffic comparison. Those are the two prior traffic analysis on the two previously approved site plans. This is our traffic analysis. We actually ran this at 800 beds. We are all the way down to

736 beds, so there will actually be further gains from this. Overall traffic reduction is 18.5 percent from that, compared to what it was before. In those morning hours and rush hour, you are looking at about a 47 percent reduction compared to what was approved previously. It was something we really wanted to be thoughtful about. If we are going to open back up and try to look at it, how do we reduce that intensity. Not just eliminating that curb cut, not just having that bus stop, not just doing additional bikes, but actually lowering that overall traffic.

[Referring to the Powerpoint slide] This is a comparison of some of the proffers and previous proffers that were there, into what we are doing now. Again, we really want to stand behind what we are showing you in these renderings. High quality materials in terms of those Hardie Boards. Absolutely no aluminum or vinyl siding on this. Future pedestrian connection to Deer Run [Apartments]. We are going to find that during our site planning process. That was something that staff would look for in case Deer Run [Apartments] gets redeveloped. They wanted to find a way to align an easement there. The privacy fencing, the street trees, above minimum bike parking proffered. We thought that was something that was important that we wanted to do. Direct pedestrian connection to Peach Grove Avenue. They followed each other and went around the access road before, but it did not have the cut through that was something that staff brought up. We thought it was a great idea, and we were able to accommodate that. Additionally, the turn lane proffer was there before, but again they conflicted with each other and now we are in a much better position through this combined site plan. Finally, the sidewalks proffer. It really was not proffered in the same way previously, and we are going to wrap it all the way around the site which was not there before on the existing site plans that have been proposed previously.

Overall, we are talking about a site that currently generates \$17,000 of property taxes a year. We had heard previously, “hey we are approving housing but how do we get this out of the ground?” This new site plan reduces the intensity and gets us into a place where we can really take what two separate developers had created, this inefficient mix, and create a much more efficient mix that can get out of the ground. We are going to reduce that traffic by 18.5 percent. We are going to reduce the conflicts of the entrances. Again, we are going to support that Comprehensive Plan by introducing residential into commercial and tying directly into it. We are going to also be contributing meaningfully because there is tremendous demand for this type of housing in Harrisonburg. We have tracked these properties all around the country, and Harrisonburg outpaces most of the country in how quickly it leases up. Across all of these properties that we track in a market, almost all of them are at 99 to 100 percent occupancy, right now. They are getting close to 10 percent rent growth in some of these properties across unit types. Additionally, we are going to enhance pedestrian connectivity, but we are not going to just be doing that we are going to be encouraging multiple modalities. Not just in terms of cars, but there are bus, bike, and pedestrian connections all around. You can walk right across the street and get into campus. I will conclude my presentation there. We can get through a few questions. We also brought in members of our traffic team, site planning team, architecture, and legal teams, if you have any questions, they

might be better suited than me to answer some of them. We are happy to answer any of your questions.

Councilmember Dent said could you go back to the chart with the x's and checks. What is missing is the previous two iterations had a mix of one, two, three and four bedrooms with minimums and maximums of one, two and three. Why did you omit that?

Mr. Buchanan said in the R-5C parcel, I do not believe there was any maximum of fours, was there? We are going to be having ones, twos, threes, and fours on this site. I believe that the limitation that you are talking about was on the B-2 parcel, since that was going to for a SUP [Special Use Permit] to allow multifamily. I could be wrong on that.

Councilmember Dent said I also see the conclusion staff has consistently encouraged the applicant to consider a greater proportion of one, two and three-bedroom units to better align with the community's needs.

Mr. Buchanan said I certainly respect staff's position on that. I do not want to sit here and disagree with them. We do see tremendous demand for these. The parcels behind us include those types of units and surrounding us include those types of units. Across all of those comparables that we look at the existing multifamily all around us, they are at 99 or 100 percent occupancy. There is a huge demand. One thing that we did do, and we are going to file, is since staff did mention this concept, what happens if 10 or 20 years down the road there is not as much demand for four-bedroom units, which is a very fair question to ask. We have actually filed a plan in here on how a future developer can come in and eliminate a bedroom and turn those down to three [bedrooms]. It is very simple to do. We will file it in, so they know exactly how to do it within the units and turn them into a lower intensity use if that demand that is there today fails to exist in the future.

Commissioner Seitz said how long has Landmark [Properties] been developing student housing in various communities across the county?

Mr. Buchanan said we have been doing it since 2004. We started in Athens, Georgia where our headquarters still are today. At this point in time, we manage about 70,000 beds of student housing across the country. We are very experienced in managing these properties and try to hold them in the long run.

Commissioner Seitz said once a property is no longer in fashion or what students are looking for, how often have you seen other developers go back in and make the very changes that you described are possible here?

Mr. Buchanan said I do not know if I would be able to tell you off the top of my head how many times it has happened on the properties that we have developed, or that other developers have developed, but it is something that we have filed with other cities as well in our plans on how you do this. All it means is we have designed buildings in such a way that to do that is accommodated. You are not going to run into a structural constraint with a building that does not allow you to change that. I do not know how many times somebody has done it previously, but typically from what we have seen in the markets we have developed, there is a tremendous demand for these types of units. We do not usually come into markets where we feel like the demand would not be met.

Commissioner Seitz said Harrisonburg is full of things that were originally built primarily with students as their focus that are now occupied because students have moved on from that product. If this greenfield site was not available, would Landmark [Properties] have proforma that would make it worth investing and rehabbing housing that is 20, 30, 40 years old?

Mr. Buchanan said we have an acquisitions element as well. We do acquire and rehab other sites. I do not know how many times a unit has been converted between those, but we do also acquire existing student housing and rehab it.

Commissioner Seitz said my observation, having grown up in this area, is that I get that the amenities that you are baking into this site plan and these unit designs and so on are in demand. I think there is a dynamic here. In the letter that accompanied this, it began with kind of an open case that there is a demand for student housing. The rental market here is tight, so the solution is let's build more student housing and it is good overall because it frees up other types of housing. Well, the challenge is that other types of housing does not always line up with what the housing needs are. Part of the reason that dynamic happens is because there are greenfield sites where it is cheaper to go out and build and develop from the get go. I understand why this makes sense relative to a short-term demand, but we have no guarantee that the economics will make it viable to renovate this project 15 years in the future when it is not what students are looking for.

Mr. Buchanan said I appreciate that comment. The only thing I can say is we looked at the existing site plans that were approved previously, and we underwrote those separately as well. They were not viable to get out of the ground today.

Commissioner Seitz said viable in what way?

Mr. Buchanan said financially viable.

Commissioner Seitz said there was not the ability to absorb that many units in the market?

Mr. Buchanan said this is where it gets a little complicated, but effectively the materials for buildings over certain types of heights, they start to change, and where you have seen the largest run up in material price as well as overall costs in the efficiency of developing those has been significantly higher in taller buildings. We looked at those first because it would be much easier for me to come in and just develop what is on the books. What we found was that we could not. We priced it and looked at the plans. We had to move to a more efficient plan. What that opened up was the ability to reduce the intensity and the density and that is why we are in a more four-story modality here. At this point we have reduced the overall height and that has allowed to move to a construction type that is primarily timber. Which is a more efficient construction material. I cannot say within all of these, but we did underwrite those sites. It was thoughtful how we came about this.

Commissioner Kettler said do you intend to separate the cost of parking from the cost of rent?

Mr. Buchanan said I do not know if we have made that full determination today, but we would end up being very similar to whatever the other comparables are in the market.

Commissioner Jezior said for the Traffic Impact Analysis, Neff [Avenue] and Peach Grove [Avenue] and Port Republic [Road] were studied because that intersection already now has a lot of issues. To add another 600 and something cars going through there, mainly students, how is that going to impact that?

Councilmember Dent said I would like to chime in on that we had through the HRMPO, that I am on, an area study of that whole ginormous intersection with some of the projected development considered. They were proposing a need for a really elaborate Michigan left turn, or close off right in right out into the Food Lion, all sorts of things to try to contain the mess and the danger that whole area is. That is beyond the TIA for a particular site. It is, what do we do about this whole area?

Commissioner Jezior said yeah, with your analysis did that take into account any of the other things that the City is looking at doing in that intersection?

Evan Robohm, traffic engineer with Timmons Group representing the applicant, came forward and spoke to the request. He said all of you are exactly right. There are existing constraints out there today. Before you add in background rows, before you add in other apartments that are approved in the area and before you add in this proposed apartment complex. The challenge with this site, particularly, is that the travel patterns that we are anticipating people to take are not the critical movements at Neff [Avenue] and Port Republic [Road]. Commissioner Dent, you are exactly right. We looked at the [HR]MPO [study], the proposed improvements for this corridor and ultimately it is a little bit beyond the scope for this analysis because those improvements are

outside of the City right of way. The Department of Public Works staff did ask us to provide additional analysis in our study saying what happens if we change certain things. They were asking the same question that you are, and we did find that the MPO's project would improve the conditions significantly. We also analyzed potentially changing the access around a little bit. All in all, it is a bit challenging for me to say, and I am sure you do not want me to say that there are no impacts, but the site does contribute traffic. It does make an existing situation a little bit worse, but this traffic is not the critical movements that are causing the most delay right now.

Councilmember Dent said you mean because it was off of Peach Grove [Avenue] not directly onto Neff [Avenue] and Port [Republic Road] and such?

Mr. Robohm said great question what I am specifically mentioning is that if you look at the turning movements at Neff [Avenue] and Port Republic [Road] the travel pattern in the evening, which is the most challenging time period, is people leaving the City and going southbound straight through the intersection or they are making a southbound left and those are the main challenging movements.

Councilmember Dent said I see the Peach Grove [Avenue] corner is not the worst one, at least at that time of day. That is a part of this whole area study, so I am glad you are looking at that.

Commissioner Jezior said who would be the property manager? Would you be the property manager, as well as the developer?

Mr. Buchanan said we are going to be the developer, the construction company and the property manager. If I design it wrong, believe me, I will be talking to the same person that will be managing it every day. That is why we start this from out of the gate. We have internal architects who help us design these sites. We talk to our property managers out of the gate and say, "What do you need? How do we accommodate this and that? What do you not want to see? What is not working?" We always adjust based off of our experience across the country. Eliminate certain things, add certain things, basically whatever we think serves the tenants best.

Vice Chair Porter said what sort of onsite staffing pattern do you generally have for a development of this size?

Mr. Buchanan said we are going to have not only full-time leasing but a full-time property manager. I do not know that we have determined the exact number of heads that is on a site this size, but it could be three people, it could be four people, something like that. It just depends, and then you will have a maintenance person as well. We also furnish our units, so it cuts down on the in and out movement that you see when other people do not furnish their units. You will see it in graduation right now and all of the couches will be in the dumpster. We have fully furnished units

in ours to try to prevent that. We will also have things like valet trash. Residents can put it out, pick it up and put it right in our dumpster that is off-loaded that has already been coordinated in our site plan.

Councilmember Dent said furnished? I had not thought about that. How many units around here are furnished? Is that standard or not?

Vice Chair Porter said I could not answer your question. I know that, for example, The Hills, Sunchase, and a few others have furnished units to the best of my understanding.

Commissioner Seitz said do you have any way to quantify... you talk about this supporting multimodal modes of transportation. You have a bus stop. You have accommodation of bikes. Do you have any way to quantify how those accommodations of bikes and bus riders might take the pressure off of vehicular traffic to and from the development?

Mr. Robohm said in the traffic study the land use that we used to analyze the vehicle trips was specific to off-campus student apartments. The institute of transportation engineers surveys similar land uses that are close to campus that is only being used for student housing. Those kinds of travel patterns are already baked into the data that we are using, so we are not using a typical apartment complex land use. We do anticipate the vehicle trips are fairly accurate. In the MPO study that Commissioner Dent mentioned, they mentioned the ridership of this particular area and it is very high student ridership. I would anticipate that the new vehicle trips would be even less. As you mentioned earlier, the unit count has also dropped from what was analyzed in our traffic study.

Mr. Buchanan said from 800 down to 736 is where we are currently at.

Commissioner Kettler said the design of this is basically, in terms of the parking and relationship to where the buildings are, very much gives the impression that everyone is going to drive right up to where their apartment is. There are other ways to design a property so that is not necessarily the case. I am wondering how or if that factors into the TIA and how trips are likely. Commissioner Seitz talked about the bikeability, that side of things, but there is a flip side making it easier to drive then it is less likely to do that. I do not know how or if that is accounted for.

Mr. Robohm said if I am hearing your question, you are talking about the internal site circulation. We did take into account generally where units are on this site and how people are entering into each entrance. That is accounted for at the point that you turn into the development. After that, because it would be internal to the site, and there are no public road intersections in the site, we did not go more granular than that to route someone to their front door.

Mr. Buchanan said we have a slip deck in the back. We did try to align that so that since there is topography on the site it is a little bit easier for folks who are living in those larger buildings in the back. They will probably end up parking there and walking out that way just to try to avoid walking up hills if we can. It is not all front door. We do have a two-level slip deck and the benefit of that is we got more greenspace out of it.

Chair Baugh asked if there were any questions for the applicant. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Randy Hoffman, a Harrisonburg resident, came forward to speak to the request. He said I really did not intend to have any questions about this, but sitting and listening made me wonder, does the Planning Commission and or zoning, when you are considering these large projects with a tremendous amount of roof space, are you considering any requirements or proffers related to solar energy gains? With this many vehicles as we are moving more and more away from traditional cars, are you looking to require any charging stations in a project of this size? That is just food for thought. Thank you.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said this project offers the opportunity for two comparisons. The first one is historical. In 2019, the councilmember who strongly advocated mixed use and high density on this site was Councilmember Chris Jones. He was supported by Madame Mayor. They subsequently went on to oppose the Bluestone Town Center, underscoring just what a bad idea that was. Not only was that a greenfield development, it also slated a large patch of some of the oldest forest in the City to be taken out. Forest that had just become accessible to the community and that could have benefited from incentives for preservation from a Biden administration and that in the future when the current administration leaves, will urgently be a potential site for that kind of protection. That was forced through by, a then new City Council majority, two of whom are up for reelection right now challenged by Nicki Gross and Kat Hendley. The second comparison that this project offers is the present proposal. The present proposal can be weighed against The Link's proposal. The best place I think for that weighing to be done would be by the public in the Comprehensive Plan. The developers did cite the Comprehensive Plan. The current Comprehensive Plan is stale and very outdated. In that Comprehensive Plan not only is it stale and past its use date, it was not an adequate public input process. There is a myth that there is urgency around projects like this. Yes, time is money for the developer, but for the community please let us consider this after the Comprehensive Plan alongside The Link. That would be an ideal way to comprehensively plan for our City. Thank you so much Mister Chair.

Warren Coleman, a representative from the JMU Foundation, came forward to speak to the request. He said we have been working with developers, and as you know we have gone through a few

developers on this property who presented to you, and you approved their plans. I just want to let you know that Landmark [Properties] is a top-notch company that will produce and erect. I think some of the questions that we have heard before is that the board approves things and the developers never deliver. This group will deliver. As they have gone through, they have made it not look like six-story buildings they have made it look like a community that you could see in any type of town. It is going to be a very aesthetic nice-looking place that is going to meet the needs of students and the people. Whether it is one, two, and three bedrooms, anybody can live there. It does not mean it is a student. It will be something that is nice to look at as you go down the road versus something that you are saying why did we ever let that happen. On that point this developer has the Foundation's support, the University's support, because they want to see nice places for the people that are in this community to have to live. That is a great spot for that to be taken care of. Thank you.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Jezior said I think my concern with the location here is, if anyone has ever tried to bike or walk from this site, it is uphill both ways and it is every road you want to go to get to campus. I know students will ride the bus when they need to. The amount of students that are going to bike up Port Republic [Road] or Neff [Avenue] in the bike lane that have cars whipping by at 40 to 45 miles an hour are very few and far between. I think if JMU wanted to make this area more bikeable, they have a lot of the property between here and the main part of campus. They could definitely pave parts of the arboretum trail make it accessible by things other than a car. That is definitely my biggest concern. I think it is great. It is next to Food Lion, it is next to restaurants, it is good in that sense. But 80% four-bedroom is going to all students, and they are all going to drive without another alternative other than the bus to get there. That is definitely my biggest concern.

Commissioner Seitz said I looked up what bus routes serve that, and they are all JMU loops. None of the bus routes connect to larger Harrisonburg. You can via a JMU loop get to a transfer point and then transfer to another bus.

Chair Baugh said that reflects the fact that is really how the system is designed.

Commissioner Seitz said I guess I come at this from two things. One, I think about what is the end of life of this? Again, to date, we have plenty of proof that there is never an economic model that has us go back and rehab things. Yes, the general principle, if we build more student housing it takes pressure off the other rental markets, that is fine. Those things are seldom ideal for workforce housing. I would rather see us design workforce housing and let JMU students compete to live in it too. The other thing is that, in general, we actually need density, we do not need 12 units per acre. I get that the economics of building six stories... Believe me, I professionally understand that, but this is a low-density residential development. I kind of chuckled reading through this at the

constant reference to how great it is as a multiuse. There is not anything commercial on the property itself. It claims multiuse by being adjacent to a shopping center that largely caters to student lifestyles or the needs of commuters coming and going at JMU. I think one of the things I look forward to, in further discussions about zoning and perhaps next year about the Comprehensive Plan, is that staff hopefully puts the mixed use definition here every time. It has “quality architectural design and features, and strategic placement of green spaces,” now you guys have done that. But they are “prime candidates for ‘live-work’ and traditional neighborhood developments.” Yeah, not so much. At the very end, it cites our downtown as kind of the model for what mixed use should be. This is a residential project next to a commercial center. It is not mixed use.

Commissioner Kettler said I think staff’s analysis here is excellent. I think it successfully highlights a few things that I am thinking. One, JMU’s strategic plan which calls for more students on campus. Two, opportunity with zoning reform to encourage high density student housing even closer to the actual academic buildings here. I am looking at parts of Reservoir Street in terms of being particularly close or adjacent to those academic buildings and adjacent to JMU property itself. I am also looking at bike-ped improvements and changes on the University Boulevard realignment. That is going to be a road that leads straight into JMU and has improvements with a shared use path. Between that and the study on the Port Republic [Road] and the I-81 corridor there, I think the writing is on the wall in terms of Port Republic [Road] in this area that there is going to need to be more bike-ped access to make it easier to do that. Yet, the design for this, even apart from the four-bedroom versus two or three-bedroom, which I think is very significant and I agree with everything that has been said, but even aside from that when there is that much parking right up in front, that is a signal that people living there should drive places and should drive really everywhere if they can. This is an area next to a commercial center that is surrounded by effectively medium density on a couple of sides and then to the south there is an approved mixed townhouse and single-family home development, if I recall correctly.

Ms. Rupkey said Weston Park, that is a mix of single-family, duplex, and townhomes.

Commissioner Kettler said what I am looking at here in this particular property is a potential neighborhood center. I agree with Commissioner Seitz that higher density on this, especially since we are talking right next to a commercial center and right next to a couple of bus routes, that is important. Just because there is more likely to be more on-campus housing does not mean that there should not be more housing here. Even if everything that JMU is saying is true and that there will be more student housing on campus, 6,000 more students would generate a significant amount of more staff and other university folks. Just because there is more housing that might be on university does not mean that there not more housing that is going to be required, but not four-bedroom.

Vice Chair Porter said I think for the record it is important to include that Peach Grove [Avenue] and Port Republic [Road], at least in the Metropolitan Planning Organization's regional study, was the most impacted and most dangerous intersection in that region and this is only going to make it worse. I think there was a good effort made to try to look at the traffic study, and I think that some of the things that you did with the access off of Peach Grove [Avenue] makes a lot of sense to me. It is not really your fault, as a developer, that this is an impacted stretch of road that is really becoming the bane of a lot of people's in the community's existence, that the fact that the primary route to our hospital is one of the most congested roads in our community. We are seeing significant backups at the I-81 interchange to be able to exit off this road that are getting worse and worse by the day. I think that a large portion of the community would say just for that reason alone, it would be irresponsible for us to support this kind of development. With that being said, I do think that the design of the property is thoughtful. I think there are a lot of things here that it is clear that there has been a lot of thought put into this. This is not a bad development. I personally take great issue with the four-bedroom model and that any developer that comes in here and says 80 percent of their property is going to be a four-bedroom set up, I am going to have opposition to it. Simply because I do not think it is a good model in terms of how it is going to serve our community in the long-term. To Commissioner Seitz' point, I do not see this being economically viable to be able to go in and retroactively change these units back to something more serviceable for our community. I bring this issue up every time that four bedrooms come up is the fact that it has a detrimental impact on the poorest people in our community that are needing to access a Section 8 voucher. The one-bedroom units, when HUD does its study of what a fair market rent for the area is, most developers and most property managers will report those as one-bedroom units. The fact is that they actually suppress the amount that can be paid for through a voucher. You are effectively harming people in this community that are bidding to be able to get a one-bedroom unit with a voucher. Again, that is a structural issue that is not your fault as a developer, but it is an issue and effectively what you have here are three large dormitory buildings surrounded by a pretty decent apartment complex. The fact is that 80 percent of the concentration is going to be in three buildings. That design I do not think serves our community very well.

Chair Baugh said I am definitely not saying I am looking to support this, but I want to throw in something on the traffic that I think we know this, but it is not being mentioned much is... one thing that has caught my attention about this, and I am sure as time goes on we will see more of the applicant actually answer the question as to why they are doing this place, but this is the first time we have had a site that is already approved for something like a six-story building where the applicant is coming in and said, "I would like to do something less dense." I just want to point out to you that while pretty much if anything has been said about traffic that is untrue, I do not know what it was but the two things that could be developed there right now is they would generate more traffic. I know this is often something that we deal with but there is a tendency, certainly from the general public, to look at almost any development and say, I am comparing what has been proposed to what I have now, which is often an undeveloped lot that often everybody either prefers because

they like living in a developed lot or they prefer because of the next point I am going to get to. Which is, at least it keeps our options open, we live to fight for another day. I guess that the thing that keeps gnawing at me about this one, because I was around when the R-5 piece first became R-5, and staff recommended against that as well, and if I recall correctly it was in line with some of these things that are being talked about here as what we would see as preferable if not ideal. Did not like the six-story building because it took that mixed use neighborhood feel off of the table. Is this exactly that? It is not. I certainly agree with Councilmember Dent that why again did we let them take the commercial out of that because I certainly like the mixed-use aspect of that. I do believe I voted for that change, and I think what stuck with me then was almost this feel of we want to preserve this for something better and then you ask what is something better in terms of something that you might actually expect to see there. Now, I am having trouble figuring out what that is. Especially since let's look where this sits on the map. It is bounded by established commercial. That is presumably not going anywhere. There is nothing in the planning that says anything on the other side of Peach Grove [Avenue] should look like this. I have talked to a couple of people about this. While it is not part of what is already planned as our high-density area, it is right next to it. The Lois Lane property behind it actually is. Some of these things are sort of like perception, what have we thought about this space. How has it looked to us in the past? At least up until now, I think for the people who have been paying attention to this R-5 high density area, would most people have looked at it and have thought that at least conceptually it would be okay for it to go all the way to Peach Grove [Avenue]? That there would be this corner of the property that we would be fighting to preserve for some sort of mixed-use development that might come down and, in the meantime, we have allowed a rezoning and a special use permit on it that already pushed it away from that. I guess part of what I find challenging about this is on the one hand there is very little that has been said in this debate that I disagree with or that I think is not a good point. On the other hand, if you do the analysis between what is there and what is likely to happen there now if you do not do anything, is this an improvement on it? I kind of think it is. It is from a certain perspective. Right, you have eliminated the six-story building. You have made it more in keeping with the residential that abuts it over on the Lois Lane property. It is not like there are four adjoining undeveloped properties where this sort of sets a precedent for what goes there. It is kind of boxed in. I do find myself wrestling with this maybe a little more than some of us. I made a point of talking to a few folks and to the extent that we have said there is an area that we want student housing, it has kind of been this area. Again, unless you attach a lot of importance to that difference between the old commercial and the R-5 that is all around it. It does not necessarily mean that this is the thing to do right now, but I am mindful of that. Again, when it went to R-5 I was having trouble seeing how we could preserve it for a mixed-use property that might be ideal. That seems even more of a distant thing now. I will try to summarize this and stop talking. Conceptually, I am all for voting against things in order to preserve something better in the future. If I was clear about what the positive vision is for these parcels, particularly if they stayed separate, would be. How are we going to get there?

Commissioner Seitz said it has been nine years since we have a public conversation about what we could do there. I hear what you are saying. How does this relate to all other outcomes given the current Comp Plan instead of assumptions. I would put to this group to consider have we passed a tipping point where other types of housing are more important to us than student housing in the eight to ten years that we have looked at the Comprehensive Plan. I think that in what other conditions have evolved such that we might rethink how this green field site, how the property to the south of it on the other side of Peach Grove Avenue might need opportunities that the City currently has. If we are committed to facilitating student housing that is in demand, this is a good project.

Vice Chair Porter said that is the conflict I have as well. Chair Baugh you are nothing but consistent. This is the argument that you have pretty much made last year when we voted for a property that is about a half mile closer where the gas station is now being converted. I was convinced to vote on that primarily based on your argument but also the fact that it was closer to campus and there were a lot of options for students to be able to access campus through bikeable and walkable means. I do not know that is exactly what we have here. I think we are arguing two issues here and what you bring up is an extremely important issue. I am kind of the mind of Commissioner Seitz which is the fact that if I could go back in time and talk about how we have kind of painted ourselves into a corner on Port Republic Road. It makes sense to want to concentrate your student population. Proximity to campus makes sense but the reality is we have a road now that, in my opinion, is dangerous and overtaxed. I think a large portion of the community has a real problem with the fact that this continues to be a problem and it continues to grow. This would be well we are going to put one more pebble on the scale because this is where we put these types.

Commissioner Seitz said because we do not have a better idea.

Vice Chair Porter said I am of the opinion that we do at some point I hate the fact that this particular project and these developers are caught up in this discussion because I do not think it is so much about their plan or even what they are trying to do here. It is the fact that we have continued to allow this to go on over a period of time in a specific part of town and we have reached a point where I think we are reaching a limit to what is feasible, reasonable, and sustainable. If there were no parking spaces on here and these students had to ride the bus I might be back on board, but we all know that is not possible. The fact is that we do need more workforce housing in this community. We need more affordable housing in this community and yet we continue to get primarily folks coming in here because it is economically viable to build for students. These four-bedroom units tells us exactly where they are headed with this and what type of housing it is going to be. To Commissioner Seitz's point in 20 years this may not be the flavor of the month anymore and now we have a bunch of four-bedroom units that someone is going to renovate. I just do not think that is a wise plan for us to be able to move forward and say this is what our community needs. We

have enough of this, we need something else. Maybe we wait for that developer that is willing to take a chance on this but right now that is not coming to us unfortunately.

Councilmember Dent said what I am hearing is the distinction between demand and need. Demand as in the developers would build for market demand. There is always a market demand for student housing versus need. We know we need workforce housing. We are the advisory committee to the deciding body. My pledge is to put need over market demand.

Chair Baugh said this may be the time to do it. We arguably have need in every category. If you were to say there was one we do not need it would be this and then we have all the reasons that we have talked about. Which is well it does help with the supply. You know 99 percent we keep hearing numbers like that. While at the same time we might have consensus on boy it would be nice if we were building more of other stuff. I guess I keep coming back to this is not the one that is on the other side of town. It is right over here with the area that we kind of planned for this type of development. The proposal actually puts fewer people on the property than what they can build right now.

Vice Chair Porter said it does sound like their design is not economically viable based on the testimony we heard.

Chair Baugh said that has been something people have done before. It has never been something I have particularly found persuasive. There are certainly people who disagree with me on that. That certainly comes up, which is just because you do not like what could be built there by right maybe we do not like it enough and we just say no and we kind of dare them to do it is a bit strong. We are willing to take that risk. That is a legitimate point of view.

Commissioner Alsindi said I think when these parcels were planned B-2, the intention was that people who live there, at that time and in the foreseeable future, will need these functions to be here. It is B-2, so it is a general business district. What we are doing now is we are bringing more people here, with less functionality. You are bringing more people with the existing Food Lion, for example. We are reducing functionality and increasing inhabitants in that place, while we have as discussed place, we cannot create this location again in the middle of the City. Is that what we are doing?

Chair Baugh said we have already rezoned it away from commercial.

Commissioner Alsindi said I would have rezoned the R-5C into a B-2, in fact. I need to increase functionality in a place where there are more inhabitants now, but I am bringing more housing because under the title named, "I need more housing" but is the housing that I need? With less functionality, reach out and access. I am in favor of having people eventually in need to go to

downtown. I am also considering emerging needs. This is a bazaar with the supermarket here or a store market, and you might have more over there. While we have residents there. Not just students, but families and so on. We are eliminating a major function here.

Councilmember Dent said by functionality do you mean the actual mixed-use commercial?

Commissioner Alsindi said yes, that is why I said I would use a planning terminology. This is a function, and we are removing the function and bringing people there because we think that housing is important. but, is this the housing that is important in this location? Does it become important?

Commissioner Kettler said I have a hard time seeing a version of events where Port Republic [Road] between here and I-81 does not have a lot of bike-ped improvements because it is really the only way to handle the traffic. I definitely recognize the need for a variety of housing and more workforce housing. I think even if it retained mostly student housing, I would be more on board with it if the layout was more amenable to walk and bike access orientation in the future. I would be more on board if I saw that, this is really not that.

Councilmember Dent said The Walk name is rather ironic.

Ms. Dang said you may already understand this, and I may have misunderstood something that was said previously. I just wanted to remind you that the special use permit for the JMU Foundation has expired. There is the hypothetical ability that somebody could build by-right B-2 uses. Whether the feasibility of that with the topography and everything that is there would need to be evaluated.

Councilmember Dent said the special use permit that is expired, what would that have permitted that it no longer does?

Ms. Dang said the multifamily housing.

Chair Baugh said it was going to be a residential property with a B-2 zoning.

Vice Chair Porter said which if I was trying to house people that work and live near the University or are currently employees of the University, that might be a good use of that property. Would the tax implications of the JMU Foundation retaining the ownership of that property, how would that impact? Would that still be tax exempt even though it is very different than their core mission? One of the points that was brought up was that this was going to bring greater tax revenue to the community but if JMU retains ownership of that portion of the land...

Mr. Russ said I do not think that the intention is for JMU to retain ownership of the land. It is a contract purchase.

Commissioner Kettler said I would like to recommend denial of the rezoning and special use permits.

Commissioner Jezior seconded the motion.

Commissioner Alsindi said if I would be voting in favor of the denial I would not be voting for merely the reasons in addition to what I mentioned that this is just increasing inhabitants there while there is a potential for a mixed business or as I call functionality. That is the reason I would vote for the denial in addition to what Adam mentioned.

Councilmember Dent said I would be potentially more amenable to supporting it, if it had proffered percentages of one, two and three-bedroom, as opposed to what you saw on the chart you mentioned. 79 percent four-bedroom.

Chair Baugh said it is interesting to me. I am not saying this is bad or wrong. Just as I said we have never had somebody that had a six-story building approved say please rezone this so I can do something less dense.

Councilmember Dent said I would be vaguely more likely to not...

Chair Baugh said if it was a distribution away from those four-bedroom units. The other thing that I think is interesting about this, the history on these types of developments has been the developer frequently comes in and does everything possible to talk as little as they can about it being targeted for student market. When you are looking at the proposal and going I did not live here I know who is going to move into these units whether it is because of location or whatever factors are going in. At least they own it. It kind of owns that idea of we are marketing to students we just kind of want to build it out as take a list of forward looking things that it does not include but what it does include is this well if staff did not like before that it did not seem to integrate with the stuff around it, it kind of would. I am not saying that you need to vote for it in fact I will say because this is something that has come up a time or two before with people, I have had it attributed to me that I think things because of a statement that I make. I do like to sort of say things and just because I say something does not mean it is what I am ultimately going to vote on. Sometimes I just think it ought to be out there and make sure we have discussed it. I guess that is a part of the attorney-public servant hybrid. Attorneys would say to get it into the record. Normal people would say something that made more sense. The idea that at least it was out there as food for thought and if nobody wanted to go for it that is fine. Maybe I do not want to go with it either but at least we talked about it.

Commissioner Kettler said the reason why I am not so upset about a six-story building is the six stories are not what I am upset about, the parking is the part that I really do not like and that is the part that is easily redeveloped.

Vice Chair Porter said I would just reiterate I do not think that this is a bad development. I have seen worse in our area. I think the issue is just that it is coming at a place and time where our community needs to really think about what we have done in this part of town. It is not the developer's fault that it is the way it is. The fact is that I think that I could not in good conscience sit here and say I am going to go ahead and say that we need to add 739 more bedrooms and probably 500 to 600 more cars to an area that is featuring the most dangerous intersection in our community because of the way that this is configured. The reality is that we have got a mess on Port Republic [Road] and we have got to figure out a way to fix it and I think the City has a lot of responsibility. My primary issue here is the fact that this would exacerbate it. It is not because this is a bad development. In fact, it is probably a better development than the one that they can do by right. Signing off on this is simply something that I cannot support on that basis alone.

Chair Baugh said as you look at the general issue of the housing shortage and you look at reasons that people bring up as to why you have a housing shortage. One of the things that I think historically has burdened a lot of communities and really has not with us is the...you look at a community and say, why have you not approved a lot of housing, and you find that there have been any number of proposals that were all voted down. Suddenly, you wake up one day and you realize, oh we have not approved any new residential in the last ten years. That has not been us, but I sort of feel like some of this is starting to creep into our domain. That we are starting to maybe say no. At some point, the perfect does become the enemy of the good, which is really what has happened in other communities. I say that not because I am pounding my fist into the table and saying to vote against this is to vote the perfect building. We are not saying that. I am mindful as somebody who has heard a lot of these debates over the years that I am hearing more and more of these ones that I say that is a direction we probably do not want to go into. We do have a housing shortage and ways to deal with it. You can almost always find a way to vote against something because it could have been better.

Commissioner Seitz said I know there is a motion on the table. In the facilitation that I have done of strategic planning with clients and other people, I have learned that purpose built decision making is usually more about what you say no to than what you say yes to. While I do not have an alternative and a higher best use for this site, as a resident of Harrisonburg and as someone who grew up commuting in and out of Port Republic Road and watch the houses spread up and over the hill and down, I am a little chagrined that as a community we have not tackled this project sooner. All of that is not persuading me to exacerbate the problem just because we do not have a better solution.

Vice Chair Porter said it is a bit of an ancillary issue but also in the context of this we are talking about an announcement from the University that they are looking to increase on campus housing, which I absolutely applaud and have thrown a lot of rocks at them throughout the years because of the fact that we need more on campus housing. That also comes with a stated goal of increasing enrollment to 30,000 students. For the record, I do believe it is incumbent upon the University to work with us as a partner to be able to solve some of these issues in our community. JMU is the economic engine of our community. It is a source of pride for our community. It is not about saying that JMU is bad for our community, the reality is that it is the lifeblood of our community. With that being said, we are badly out of balance in our housing market. We have one of the lowest home ownership rates in the Commonwealth right now, which is a problem. We have a university where a lot of people who work there in entry-level jobs that cannot afford to live in this community to be able to work there and we are not doing anything to actually address those issues. The market is not correcting this problem for us, the market continues to bring us four-bedroom developments that are going to house students. If the University is going to expand and become an R-1 university and realize its vision of becoming a 30,000-student institution, we as a community have to be much more direct and demand engagement on this issue. Maybe to the point that the caller made earlier about the fact that it is time for us to look not only at a comprehensive zoning rewrite but also our comprehensive plan it is time for us to get that going and we have already had this discussion. I think this is part of a much larger discussion about how our community grows over the next 20 years and that includes incorporating JMU.

Commissioner Kettler said as I continue to look at the internal design of this, when we talk about walkability it can hinge on some really fine details. One thing I am looking at is on the internal layout of the property, the bottom of it there does not appear to be plans to connect with adjacent properties and when it is looking north there is one pedestrian connection that is farther north and there is not one that is from the larger part of the property heading into the commercial area. These are places where people are absolutely going to walk anyway. There will just be lots of grass paths that are so well worn that they should have really had that there in the first place. There is a lot of fine details when you are trying to increase walkability that you really have to be mindful of. We are so focused on making sure cars can go places that we often forget those fine details. Although internally in the property I think there has been a good job of that with the green and the walkways internally.

Chair Baugh said I think some of it is you cannot do anything about how the existing commercial is laid out. The connection that you would put on the map puts you behind buildings and it still raises challenges about what real people will do.

Chair Baugh called for a roll call vote.

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

The motion to recommend denial of the rezoning request was approved (7-0). The recommendation will move forward to City Council on June 9, 2026.

Commissioner Kettler made a motion to recommend denial of the special use permit.

Vice Chair Porter seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend denial of the special use permit was approved (7-0). The recommendation will move forward to City Council on June 9, 2026.

Consider a request from Marilyn S. Pendlebury to rezone 1340 South Main Street

Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow multifamily buildings with more than 12 units)

Consider a request from Marilyn S. Pendlebury for a special use permit at 1340 South Main Street (to allow retail, offices, restaurants, etc.)

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a proffer amendment and two special use permits (SUPs) for a +/- 1.23-acre property addressed as 1340 South Main Street and identified as tax map

parcel 18-R-22. The property is zoned R-5C, High-Density Residential District Conditional. Regarding the requested SUPs, the first is per Section 10-3-55.4 (1) to allow multiple-family dwellings of more than twelve (12) units per building. The second is per Section 10-3-55.4 (4) to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), medical clinics, and business and professional offices.

History

In August 2017, City Council approved four requests from Marusstodd Properties, LLC, for the subject site, which at the time consisted of five parcels. The four requests included:

- An amendment to the Comprehensive Plan's Land Use Guide map from Professional and Low Density Residential to Mixed Use;
- A rezoning from R-1, Single-Family Residential and R-3, Medium-Density Residential to R-5C, High-Density Residential District Conditional;
- An SUP pursuant to Section 10-3-55.4(1) to allow multi-family dwellings with more than twelve (12) units per building; and
- An SUP pursuant to Section 10-3-55.4(4) to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants (excluding drive-through facilities).

In November 2018, City Council approved a preliminary plat that vacated internal property lines reducing the number of lots from five to two and approved the following Subdivision Ordinance variances:

- To not dedicate the standard public street right-of-way for Edgelawn Drive (Sections 10-2-41(a) and 10-2-66);
- To not dedicate the full 25 feet of public street right-of-way along the Edgelawn Drive frontage (Section 10-2-45); and
- To not construct or provide surety for frontage improvements along Edgelawn Drive and East Weaver Avenue at the time of subdivision (Sections 10-2-62 and 10-2-67).

The above noted Subdivision Ordinance variances were approved with the following condition:

- When frontage improvements along Edgelawn Drive are required as part of development or redevelopment of any property associated with the preliminary plat, the developer shall be responsible for constructing frontage improvements along Edgelawn Drive for all properties associated with the request. The frontage along Edgelawn Drive is shown as 210.63 linear feet on the approved preliminary plat.

In August 2019, the applicant recorded the final subdivision plat that vacated the internal property lines and created the subject site (1340 South Main Street), tax map parcel 18-R-22-A (1341 Edgelawn Drive) and dedicated 527 square feet of public street right-of-way along Edgelawn Drive.

The SUPs approved in 2017 have since expired because the uses were not established nor diligently pursued within the timeframe required by the Zoning Ordinance Section 10-3-130(c). Without a proffer amendment, the 2017 proffers would continue to require both residential and non-residential uses. Since the applicant still proposes commercial uses, a new SUP is required.

Proffers

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

1. Any building constructed on site (excluding accessory buildings) shall contain residential and non-residential uses. Commercial uses shall only be permitted on the first floor and shall not exceed 5,000 square feet throughout all buildings. Residential units may be located on the first floor.
2. The total number of dwelling units on the property shall not exceed twenty-six (26) units. One-bedroom and two-bedroom units shall be permitted with no more than six (6) of the units being two-bedroom units.
3. No parking lot (including travel lanes and drive aisles) shall be located between any buildings and the following streets: South Main Street and East Weaver Avenue.
4. No vehicular access shall be permitted from the site to Edgelawn Drive.
5. A 6-foot tall opaque fence shall be installed and maintained along the frontage of Edgelawn Drive.
6. A 6-foot tall opaque fence shall be installed and maintained along the property lines adjoining tax map parcel #18-R-20, 18-R-21, & 18-R-22-A.
7. No structure, excluding a dumpster containment, shall be constructed within 150 ft. of the shared property line with Edgelawn Dr.
8. A minimum of six (6) small/ornamental deciduous or evergreen trees shall be planted along the street frontage of Edgelawn Drive. Tree locations along the street frontage are at the discretion of the property owner/developer.
9. At the time of construction the applicant shall reconstruct the curb ramp at the northeast corner of the intersection of South Main Street and East Weaver Avenue to meet the Public Right-of-Way Accessibility Guidelines standards.

The conceptual site layout is not proffered.

Proffers 3, 4 (formerly Proffer 5), and 7 (formerly proffer 8) remain unchanged from the existing regulating proffers. A copy of the 2017-approved existing proffers have been included by the applicant in their supporting documents.

Proffer 1 has been amended to identify a maximum of 5,000 square feet of non-residential space and to allow residential uses on all floors of the development. Proffer 2 has been amended to allow a maximum of 26 multi-family dwelling units, compared to the previously proffered maximum of 22 one-bedroom units. The updated proffer allows a mix of one- and two-bedroom units, with no more than six (6) units being two-bedroom units. If approved, and if they provide the maximum

allowed six units with two bedrooms, then 10 additional bedrooms would be provided compared to the existing, approved proffers.

Proffers 5 and 6 (formerly Proffers 6 and 7 respectively) have been updated to provide clarity regarding the location of fencing along property lines and Edgelawn Drive. Proffer 8 (formerly Proffer 9) has also been updated to provide additional guidance for the required amount and type of landscaping along Edgelawn Drive. The original proffer language was unclear and could have been interpreted in a way that if there was no parking lot along Edgelawn Drive, then no trees would have been required.

Proffer 9 is a new proffer that will require the reconstruction of the sidewalk ramp at the intersection of South Main Street and East Weaver Avenue to meet Public Right-of-Way Accessibility Guidelines (PROWAG) standards. In addition, although not included as a proffer, the applicant will be required to construct sidewalks along East Weaver Avenue and Edgelawn Drive as part of site development. While a Subdivision Ordinance variance granted in 2018 allowed the deferral of sidewalk construction along Edgelawn Drive at the time of subdivision, that approval included a condition that requires frontage improvements to be constructed during development or redevelopment of the property. If the applicant does not want to construct the sidewalk, a new variance to the Subdivision Ordinance is required.

The applicant has removed old Proffer 4, which allowed for an entrance on South Main Street. Since the 2017 approval, the City has updated its access management standards. The previously proposed right-in/right-out entrance does not meet current requirements, which requires a minimum spacing of 250 feet between access points on minor arterial streets. Since the distance between East Weaver Avenue and Edgelawn Drive along South Main Street is less than 450 feet, there is no appropriate location for a new access point. As a result, the applicant has removed this proffer.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity

equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

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

The applicant has proffered that there would be a maximum of 26 units on the site, which makes the site density 21 units per acre. Without proffers and if there are no commercial uses on the site, the applicant would be able to construct up to 30 units. However, Proffer 1 requires non-residential uses on the site and given the size of the lot and the R-5 district regulations, the maximum number of multifamily units allowed on the site is 26, the same number as proffered.

Staff believes that the proposed uses, with the submitted proffers, generally conform with the Mixed Use area designation.

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.

The applicant has proposed the following two traffic-related conditions in relation to their SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants. Staff supports the submitted two conditions with the additional text underlined below:

1. All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer’s Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
2. No drive-throughs will be permitted.

The additional text within condition #1 clarifies that all uses on the site will be included in the calculation of traffic generation, not just uses associated with the SUP. Staff appreciates the submission of condition #2 as it would prohibit any use from having a drive-through as current regulations only prohibit restaurants from having a drive-through.

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 site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

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 26 residential units are estimated to generate nine K-12 students at full build-out. According to the School Board's current attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

Staff believes that the amendments to the proffers do not change the intent of the of the 2017 rezoning and does not increase the intensity of the use of the site. Staff recommends approval of the rezoning and the two SUPs with the following conditions for the SUP to allow retail stores, convenience shops, personal service establishments, business and professional offices, and restaurants:

All traffic generating uses on the site, including uses not associated with the special use permit, shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis accepted by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

No drive-throughs will be permitted.

Ms. Rupkey asked if there were any questions for staff.

Commissioner Seitz said I noted that the site plan that was submitted as an example is not a proffered site plan, I get that. And I noticed that the date of it was about a year ago, 2025. I know we can ask the applicant this, do they have the capacity to make the building bigger or what is going to happen to this area where we are not going to have access to South Main Street?

Ms. Rupkey said that would be a question for the applicant, but they are not proffering the exact location of that building.

Commissioner Seitz said that was the other question...but it does say the building does need to be against [South] Main Street and against Weaver [Street] on the corner.

Ms. Rupkey said correct, but they could theoretically change the shape.

Commissioner Seitz said whatever the footprint it is pushed west and pushed south.

Chair Baugh asked if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Mike Hendricksen, the applicant's representative and contract purchaser, came forward to speak to the request. He said for the last many years we have watched this site sit; as we all have. This, I would say, is an infill site. There are some other terms used to describe some other things earlier and I think this is an infill site and a perfect candidate for this type of mixed use development. I am one of the contractor purchasers by the way and I have a partner on this and when we sit down and talk through: hey let's look at the previous plan, what we like about it, and what we might not like about it, and what do we think should be adjusted. Ten thousand square feet of commercial space on the previous plan there is a lot of commercial space for this site. It would generate a lot more traffic to this site than what we have proposed now at 5,000 square feet. On the residential side, I think it was 22 one-bedroom units, and if I am not mistaken, I think there was some shorter-

term type of idea with renting those. These would be longer term units. Twenty-six apartments. Twenty of them, potentially, one-bedroom up to six two-bedroom units, and I think we would be maxed out at that six two-bedroom units so we would have to have a minimum of 20 one-bedroom units the way that we have presented it. In terms of overall ideas with mixed use buildings, we do believe that these help the social interactions that I think we are all wanting to continue to see in sites like this where you have a mix of uses. You have some potentially service type things. You have some residential. You have some impromptu and then planned interactions between the two, these different groups of people that are in our community. So, while this is not a large site like some previous ones that have been discussed, we think that there can be some types of interactions between residents, professionals, people needing services, all of that type of thing on this site. One thing I will just go back to right quick that was mentioned about the placement of the building, we want the building up along South Main [Street]. We do not want to put that back and put a bunch of parking right there. We would like to see the parking behind the building, as we have it drawn there. That date may have been last year but there have been significant updates on this plan since our initial work on this last year. Where we are, we would love to see this new iteration of the mixed-use plan that we have put forward move forward to the stage. Like I have said, we have watched this site sit for a very long time as everyone has kind of wondering, there was something that was approved at one time and nothing happened. We would like to see something be approved and happen here and corresponds with our Comprehensive Plan as well. I will be glad to answer any questions you have.

Commissioner Seitz said what makes this viable now? How come the previous approvals and stuff did not move ahead? What has changed to make this viable now that did not come together previously?

Mr. Hendricksen said I think the main thing from the previous plan, everyone on Commission knew the late [Mr. Giles] Stone and so I think at that stage where he was in his career and life, this was a pretty big project. This is a pretty big step forward. At that point in time, I am just not sure he wanted to take the risks. At this point, we see that it is here. It is in a corridor that is growing and will continue to grow especially with the announcements and things that have been mentioned about JMU's growth. Some of that additional staffing potentially that was discussed with that growth, maybe they can find a home here as well as some services.

Vice Chair Porter said have you had much discussion with the neighborhood? The folks that live on Weaver [Street] and some of the residential that is close to the site.

Mr. Hendricksen said we have not.

Chair Baugh said this is a neighborhood that has historically gotten quite engaged. I know some folks that are here and suspect that they are attached to some other people who are watching this pretty intently.

Chair Baugh asked if there were any more questions for the applicant's representative. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Suzanne Fiederlein, a resident at 28 Edgelawn Drive, came forward to speak to the request. She said I were involved in the discussions back in 2017 as well. We have lived there 30 years and several of our neighbors have lived there even longer. Having read all of the documents related to this, I really appreciate the owner's attempt to be very honest and true to the agreements that were reached in 2017, adhering to the proffers that were presented then. What I would like to draw attention to is that there are other things that have changed around it since 2017. In particular, the traffic situation and what has happened elsewhere in the neighborhood. We have had major problems in the neighborhood with the apartments across [South] Main Street from us. This is right down from Port Republic Road and South Main Street, it is a horrible intersection. We cannot get in and out of our neighborhood easily at Edgelawn Drive or Weaver Avenue or Monument Avenue and that is only going to get worse when Kids Castle opens. There are times when I am trying to turn into my neighborhood going south toward South Main Street, I cannot get in at Edgelawn Drive, Weaver Avenue and Monument Avenue because it is all backed up. This one entrance now, no entrance off of Main Street, it is only going to be off of Weaver Avenue, and it is going to add a whole lot more traffic in and out of Weaver Avenue. With the fraternities having moved in at 17 and 21 Weaver Avenue there are excessive cars parked on the streets. The one good thing about having the open field is that the students have been parking in the old parking lot there and getting off the street. Students from across the street park there and on the street. We are only going to have more traffic in and out of Weaver Street as a result of this. It is a problem again of something much larger than this development itself. It would be really nice to use this land for a good residential purpose in our neighborhood. My concern is with the larger traffic problem in the area. The fact that we cannot get in and out of our neighborhood and coming from Port Republic Road which is horribly backed up as well and now you cannot turn left in various places at certain times into our neighborhood. We are really trapped in our neighborhood. Having more traffic and it will not just be coming from South Main Street they will be turning onto Crawford Avenue and coming down through South Main and Weaver Avenue. We have a wicked curve and wicked hill there. People walk in the street with their dogs and their kids. It is just a major problem. Since 2017, that aspect has become a lot worse. That is the main concern I want to draw your attention to about this. Not the development, per se, but the fact that it is really in a place that is going to have major traffic problems. Thank you.

Randy Hoffman, a resident at 25 Edgelawn Drive, came forward to speak to the request. He said my wife and I live at 25 Edgelawn Drive which is the one property on this block that is an owner residential property. There is the other residential spot behind our house that is the rental home right now. We clearly have a highly invested interest in this. It was interesting to me this evening hearing many of the presenters talk about approaching neighborhood before pitching their plans. I certainly wish that would have occurred and I wish I had a better understanding. As an example, the drawings that I saw showed an entry and an exit off South Main Street and unless I have misunderstood, I understand that is no longer going to be in the plan. There will be an entry and exit only off of Weaver Avenue. That is not what was shown on the information that we were sent. I think that this plan in general is probably the best of many bad alternatives for somebody who is living on the property. I will support your decision to approve it. I do think that there are still some concerns that I want to voice. When we acquired this property in 2004 from Pete Shank, who I think deserves to be better recognized as a community leader than he seems to have gotten. I know he was never really involved in government, but he was a great guy for the community. We bought the house from him. It was really apparent when we bought this house that we were acquiring property very close to commercial. We are in essence half a block from one of the busiest intersections in Harrisonburg, either way. We are about half a block off of Port Republic Road. We are half a block off of South Main Street. At the time that we acquired this property, there were all commercial properties on South Main Street. All of those commercial properties were professional businesses, and it was our understanding that was the zoning. I realize things change over time, and I do not think zoning can be carved in stone, but as a homeowner in this situation, I find it disconcerting that after buying property and looking into the zoning that surrounded me that it somehow got pulled out from under my feet. It is now not just for business professionals, but it is also for high density residential. Again, I am not opposed to this particular plan. I think it probably is one of the best alternatives that we can expect in the neighborhood. I have concerns that with the traffic as it is laying out and especially hearing that people cannot enter or exit directly from South Main Street, you are going to put a lot of people going out onto Weaver Avenue and many of them are likely to try and circumvent what is going to be a backup to South Main Street by cutting through Edgelawn Drive. I am not sure how familiar you are with Edgelawn Drive but while Edgelawn Drive, as it leaves South Main Street and goes back to where it turns, is two lanes. Once it turns and heads towards Weaver Avenue it is about 11 feet wide and two cars cannot pass. Right now, if somebody is coming out of Edgelawn Drive and I am going in off Weaver Avenue one of us has to stop and go well hey neighbor I will get out of your way I will back up. It has not been an issue but somehow I am very worried about this since the entrance and exit off of South Main Street has been eliminated. I do not know that this was actually in a proffer but I think this may have been something that may have been a discussion with Giles Stone, who I know very well. By the way I do not think Giles was ready to give up on business ideas at the time he took this project on. I think it is probably likely that what he found was he did not have investors interested in 10,000 square feet of retail space. I think that is probably a little bit too much for the area myself. He had indicated however that the businesses that would go in there would not be

around the clock and go until late at night. I am a little concerned that I do not see anything to that effect. I am not sure that I ever did in proffers, but I am concerned that those businesses that can go in there may be 24 hour and there is nothing that prevents the current or future owners from going ahead with that type of business. There are a couple of other things that I am sure that you can ask for in a proffer. Being the one residence there I would feel a whole lot more comfortable if the fence that separated this development from our property were taller than six foot. I would appreciate not having the people on the second floor of 22 apartments looking down into my backyard. I do not know what the height limits are. I think it would probably require a special use to go more than six feet. It seems like that would indicated in this case. I do not feel like I should have to pay for a 12-foot fence. I am also concerned that the current drawings reverted the dumpster location back to the corner right next to our home and not up against Weaver Avenue like it had been represented in the last set of drawings that Giles had submitted.

Tom Templeton, a resident of 131 East Weaver Avenue, came forward to speak to the request. He said we have been at our residence since August of 1992. We have been loyal members of that neighborhood. We have had a lot of good times in that neighborhood and we miss the people that are no longer there. Each day I get up early in the morning and see a lot of traffic. If the City wants to make a lot of money they need to put a police officer up at the end of Weaver Avenue right where it meets Crawford Avenue. That is a dangerous intersection. I stand there in my yard and I watch. As far as this apartment building, I think it is hard on the integrity of the neighborhood. I do not know that it is necessary. If you go down to the bottom of Weaver Avenue where they want to build this thing there are two rentals on the south side of Weaver Avenue that Suzanne mentioned and those kids park in different directions all the time. It is a bottleneck right there. I leave for work anywhere from six o'clock to seven o'clock in the morning and a lot of times it is hard to get out onto Weaver Avenue especially coming back in the evenings. If you come up Port Republic Road and your blinking lights are running where you cannot turn left onto Crawford Avenue. You cannot turn left into the little alley of Hillcrest Drive so you have to come down to Route 11, turn left into Edgelawn Drive or turn left onto Weaver Avenue it is tough. It is a dangerous situation. I appreciate what you guys do here. My dad back in the 70s and 80s where I grew up in Western Pennsylvania he was President of Town Council and County Commissioner and he would appreciate what you girls and guys do here this evening and we appreciate what you do also.

Dave Pruett, a resident of 28 Edgelawn Drive, came forward to speak to the request. He said we are very concerned about several things. We have been in our house going on 31 years. We love the Purcell Park neighborhood. It is vibrant. The neighbors are great. We constantly feel under threat. JMU is buying us out through piecemeal. Frats have moved across South Main Street from us and we get parties three nights a week. It is supposed to end at 10 o'clock and it can go to 1 or so sometimes. It seems to me that one of your jobs is to at minimum preserve the integrity of neighborhoods. With that said, I recognize something has to be done with that property. Like

Randy, I do not quite feel like it is the least bad alternatives I think there are a couple of alternatives. You may not remember but the very first proposal for that property was townhomes. I think even better than townhomes would be duplexes and triplexes. I am not a developer and I realize that the horse is out of the barn. I always find that the devil is in the details. Everything looks good on paper but how it is processed it can turn out very good or very bad. I am thankful that Giles worked with us before he passed away. That developer seems to be taking some of the concerns of the neighborhood into consideration which it would have certainly been nice if they had talked to us directly, which has not happened. My wife mentioned the traffic issue and it is not manufactured, it is a real problem. There are times when we absolutely cannot get out of our neighborhood and it is only going to get worse. As much as we love having the new kids' playground at Purcell Park that is going to attract a lot of traffic. I guess you know your business better than I do. Try not to do anything that is going to damage this wonderful neighborhood. It is hard to keep the integrity, it is real easy to break it.

Chair Baugh closed the public hearing and opened the matter for discussion.

Commissioner Jezior said I am not sure who this question is for but why was the entrance and exit onto South Main Street taken away?

Ms. Rupkey said it is still shown on the concept plan, the Engineer did not remove it from the concept plan but it is physically no longer allowed due to our access management standards. We would not allow them to build that entrance based on what we allow for distances between entrances.

Commissioner Jezior said so it is too close to it?

Ms. Rupkey said yes it needs to be 250 feet away and to move it 250 feet away from Edgelawn Drive puts it too close to East Weaver Avenue. Moving it 200 feet from East Weaver Avenue is too close to Edgelawn Drive.

Vice Chair Porter said I have a question related to Edgelawn Drive because I lived on Bluestone Street for a period of time and I know that is a strange little road there that is effectively a one lane alley. I guess I am looking at City staff here, how do we view that road? Is it just a navigable normal City maintained road?

Ms. Rupkey said it is a public street. It is substandard and does not meet the requirements for width, curb and gutter, and sidewalks. It does not have any of that but it is a public street.

Vice Chair Porter said I am not sure that it would make the neighbors any happier to close it but I will tell you this would be a concern to me. I have taken that road a few times and I have been in

that same situation the gentleman had brought up where someone is coming around the other way, and I have to back up and allow them to go past. I would think that putting 22 apartments and some commercial property next to this will definitely exacerbate the situation. I would be concerned about that condition regardless of where this goes.

Commissioner Kettler said I would wonder why someone would be going down Edgelawn Drive.

Commissioner Seitz said traffic just backs up and blocks Weaver Avenue and Edgelawn Drive. Then the minute that happens people that are in the neighborhood are taking whatever route they can to try to get to a point of access to these streets. I lived at 1210 South Main Street before it got torn down and turned into a parking lot. I understand the traffic situation in this neighborhood.

Commissioner Kettler said I look at the placement for this within the larger context and it is clearly an area that is increasing slowly in intensity but it is definitely car-centric now and so threading that needle of trying to improve it and increase housing and to do that in the context of what is actually economically possible conflicts with my general preference towards less parking and fewer trips. I think overall it is a good plan. I also think with Edgelawn Drive it just shows some of the limitations of not being a true alley or a full street.

Commissioner Seitz said I am constantly amazed how often individual developments bump up against systemic problems that are beyond the purview of the particular developer. I think that as the City that is where we need to step in and identify solutions that serve the needs of the residents and addresses the concerns of the folks that live in that neighborhood but also set the table for needed development. I am just saying that time and time again I hear legitimate concerns about the impact of projects and struggle to balance the legitimacy of the project candidly. Outside of the context of this particular neighborhood and the traffic problems and stuff like that I think it is a good project. How do you reconcile that with bigger neighborhood wide issues? Going through the 2018 Comp Plan and there was a call in there for development of neighborhood area plans which are great. One got done for the Northeast Neighborhood and it was fantastic, much needed for the Northeast Neighborhood. To my knowledge that is the only one that got done. This is the perfect example of where you need a small neighborhood plan so that developers have guidance when they look at properties.

Vice Chair Porter said I think that is a very salient point. As someone who did live in this neighborhood for a period of time, I would agree with that. I think the City is failing this community a little bit by what is being allowed to happen on Weaver Avenue. There should be some enforcement related to these students that are parking in multiple different directions. I have seen that. As someone that used to live on Bluestone Street, I know what the party culture is like on that particular block and the kinds of conditions that you have coming through your neighborhood in the middle of the evening particularly on a Friday or Saturday night. This will

probably exacerbate that. I do understand your concerns in that area, and I would have the same concerns. There are a lot of issues with entry and egress into this neighborhood. Going all the way up to Monument Avenue and then getting onto Port Republic Road that is an issue as well. The fact is if you have students that are jamming up that area and a lot of these fraternity houses are overpopulated and need to be addressed from a code enforcement perspective. This has been something I have been crusading on for a little while and I do think that this is a factor in this particular issue is that you do have the student population that is parking multiple different directions, parking in areas that are probably not permissible, and the fact that they are also illegally parking on this site. Which if I owned this property I would be concerned about it. Even though it probably gives you guys some relief the reality is that should not be happening. I feel like at some point the City, it is incumbent on them to look at the situation and whether that is code enforcement or police action to address it. I also know there is a lot speeding in that neighborhood as well. Those concerns are all really valid. I am not sure how germane it is to this actual development other than the fact that this development would certainly make it worse.

Commissioner Alsindi said I kind of disagree with you Commissioner Porter in a positive sense. I know this sounds more subjective but this is just my view, that having the area here generally with nothing and having just houses here I think it increases the possibility of people having those fraternity houses over there. The boredom and nothing to do of students probably is another factor that increases this kind of pattern. While I consider what I heard from people in the neighborhood, looking at it from a strategic and more futuristic perspective, having such kind of apartments there I think affects the behavior of civility and the practice of people how they live including students. The fact that there is nothing there I notice there is more calmness as a living neighborhood. There are also students here who are bothering people but generally speaking I think this pattern of development there I would assume they would behave in a different way when you have stores and businesses over there that are more developed. You can go to a restaurant and sit down rather than hanging in dark streets over there doing nothing and bothering people. I am just looking at it from that point of view that strategically having such developments would change the overall pattern of people living in urbanized neighborhoods.

Vice Chair Porter said as a former fraternity member in my youth I can tell you right now I have zero faith in our ability to be able to adjust our behavior based upon what is around us. I do think that neighborhood has been suffering from that issue for a while. There is commerce down the street and there are other things in the neighborhood and it does not change how those students behave in those areas. I think the only thing that would change that behavior is proper enforcement and making sure the right number of students are living in those homes and if they are parking in the wrong direction that they are being ticketed. If they are parking in areas that are not appropriate that they are being ticketed. Eventually they will get tired of paying those fines or having to call mom and dad to pay those fines. I think the bigger issue here is the fact that, I think it is probably where we are going to be headed here pretty quickly, is that this is not a bad development at all

and I hope that there is a way that this can be discussed with the neighbors to try to be able to address some of these concerns before it comes to Council. I see this type of development as being in the right place and I do understand the concerns of the neighborhood certainly and I am arguing both sides of the issue here. I do see this as the type of place that we are looking for density and more units in our community, that if I was going to walk or bike to JMU I would be more likely to do it from this location than the place we just had a large issue about. I also think if it is managed properly and managed well it could actually be an asset to that neighborhood. Again, I think a lot of these concerns about dumpster placement and fence height are legitimate concerns that need to be worked on but at the end of the day we are not going to be able to make a lot of determination based on those details. I think what it comes down to is this a permissible use of this area and does it serve the public interest. I am of the belief that it does. I think a commercial space is something that would add something depending on what type of commercial space it is in that community. I think it is more are we doing a good enough job of managing this neighborhood and supporting the residents of this neighborhood to make this viable and so it is not a nuisance for the neighbors? I think that is my take on it.

Commissioner Kettler said in terms of getting to JMU from this general area, I went on the site visit but I did not go to JMU from there. I am not as familiar with this neighborhood. In order to do that they would basically have to go east and then north and go across Port Republic Road or they have to go right up South Main Street. Is that right?

Chair Baugh said pretty much. The foot traffic there as a point of reference, talking about things have changed, there was a time when the apartments on South Avenue was primarily student housing. Which is actually a little further away. There was time when there was even more foot traffic sort of from that area. That is right, that traffic funnels onto South Main Street for the most part. I think one of the concerns of the neighborhood over the years has been various little things that might pull people wander through the neighborhood but that is not really what this is I do not think. Really what has been the idea...there has been a lot of history with this neighborhood. I could vouch for some of the comments that were made. This has always been a neighborhood that has been concerned about what is going on around them and there have been some spots that if you actually know properties that have been purchased in the hope that one day the climate would change and that maybe to knock a house down and go to more intense development. That has never really happened. To be brutally frank the development now where the Starbucks is right off of the interchange that got approved by Council over the vehement objection of the neighborhood when it happened. I mean the neighborhood did not even like that going in there. Then the concern to a modestly lesser extent of those sort of commercial, and I get it they were kind of quasi-professional office building spaces, that get you all the way up to the Port Republic Road corridor. Of course, it used to be a bank on the corner and now I guess it is a law firm in there. That has kind of been the history of that. I think maybe [unintelligible] recognition that well for the part that is on US

Route 11 probably makes a little sense for that to have a little commercial or dense orientation. We are not too crazy about that. We are certainly not interested in seeing more.

Councilmember Dent said come to think of it, that former bank that is now law offices, there was a proposal there to put one of those drive- through coffee places.

Chair Baugh said yeah we shot that down.

Councilmember Dent said we shot it down because that would have been massively disruptive.

Chair Baugh said which is now down South Main Street on the other side and it is a much better location for it.

Councilmember Dent said clearly disruptive to the neighborhood. There are not any proffers or any such about the kinds of commercial that would go in there. It is also sort of up against South Main Street a drive through or any such.

Commissioner Kettler said I think something else that is important that I heard is there are concerns with something like this going in and students being nearby and density being part of that. The most consistent thing that I heard was traffic. I think that is something important to keep in mind as we head into the item three away from where we are at.

Councilmember Dent said come to think of it the large parking area is that because it is a multistory...how many stories is this? Commercial on the bottom even some apartments on the bottom with so many stories of apartments, 26 units. How many stories does that make it?

Chair Baugh said three stories.

Commissioner Seitz said it is 26 units, 6 of them are two-bedroom units so that is 12 plus 20 that is 32 units. Is it a [parking] space and a half per bedroom?

Ms. Dang said it depends on the breakdown.

Councilmember Dent said I suppose there is also allowance for the parking for the commercial.

Ms. Rupkey said they would be required for the one-bedroom to do one and a half spaces and for two-bedroom, two and a half spaces.

Councilmember Dent said how about for the commercial?

Ms. Rupkey said that would depend on what the final use ends up being.

Councilmember Dent said for example, correct me if I am wrong, it is conceivable if all of it got approved that the property owner could find a tenant but it would be a particular use that there are not enough parking spaces to accommodate that use. It would not be allowed even though that commercial use would otherwise generally be allowed. You still have to meet the parking requirements.

Commissioner Seitz said it just seems like if there was ever a case for parking reduction in parking requirements, this site is it.

Commissioner Jezior said it was 90 percent parking for the amount of bedrooms. They were not doing one and a half per.

Mr. Russ said for four bedrooms you need three and a half. Three bedroom you also need two and a half. Three and four bedrooms need fewer parking spaces per bedroom.

Commissioner Jezior said I think in talking about the traffic as well coming out, I like that the building is situated on South Main Street for the pedestrians especially with the commercial space. Sight lines though for traffic coming out from Weaver Avenue are probably going to be a problem as people are coming out and taking a left there and people cutting through. If you have the building set all the way forward you are not going to be able to see traffic going down South Main Street as well.

Ms. Dang said that is a good point and it will be evaluated during the site plan review.

Councilmember Dent said this possible underground stormwater retention might create an effective bit of setback off of Weaver Avenue. Is that right?

Mr. Fletcher said they will not be able to prohibit sight lines they have to meet sight distance requirements.

Commissioner Kettler said I do agree with what what you are generally saying of it being oriented toward the street and not back like right up against the existing residential property.

Chair Baugh said if I recall correctly whether you like it or not that was one of the things that as this thing was negotiated with folks in the neighborhood it was one of the results from that was to get the building placed in that spot. I think the original proposal was more of that sort of tradition kind of building in the middle or maybe skewed a little towards the front parking all around it.

Commissioner Kettler said I think this is a lot better then.

Councilmember Dent said that is one thing staff consistently recommends no parking in front of the building so that it is tucked behind and you are not looking at cars going down the street. More neighborhood walkability.

Ms. Dang said I just want to acknowledge that for all the traffic concerns that have been discussed and the parking issues on the street know that when you all have these discussions right here and from these community members at public hearings, when the minutes are drafted we send a copy or send that excerpt to the other departments, Police and Public Works to make them aware so that it is going to somebody who can evaluate it.

Councilmember Dent said that is a good point because when they say they cannot get in and out of the neighborhood I wonder if the City needs to make some kind of adjustment like a traffic light at Monument Avenue. This could be a candidate for some of the traffic calming if people are speeding down some of the streets.

Chair Baugh said I know a lot of people do not like to do it, but the most effective thing you can do, and it really only has two layers to it... if its a traffic parking issue, call the Police Department. If it is too many people in a space, these folks [Community Development]. Certainly, on that civil side I can tell you for a fact because it is a complaint driven system. If somebody comes in and talks to Community Development somebody will go out there and take a look at it. You may not like the answer and a lot of times you find things like everybody is in the same family and that is why there is 15 people there. I can tell you from real world experience, particularly on the traffic stuff and again, I do not want to be that guy calling the cops, okay. When a City Council member goes to say I am hearing from constituents about all of these problems in this area the first thing you get is they look at their data and they see how many complaints they have had. If the answer is not a whole lot, people have been toughing it out they are going to say this is the first we have heard of it or we heard one time and it went away. I have known of instances where people sort of bought into okay I guess we are going to have to be the squeaky wheel for a while and it was sort of effective. It is kind of not the fun option on trying to deal with this challenge in my neighborhood. I have definitely found situations where you know darn well because you live close to it or got through there that there are issues in the neighborhood and HPD database does not have any data that supports it so that just tells you are starting at ground zero to get their attention.

Commissioner Kettler said I was just going to say however we feel about these, do we feel comfortable about doing them as one motion?

Chair Baugh said I will throw it out, if anybody does not feel comfortable voting on these in one motion whether because they want to vote for one and not for the other. Any other reason, speak up now or forever hold your peace. Are we okay with taking it up as one motion?

Vice Chair Porter said I wanted to point out as I am sitting here looking at the changes being made to the proffers, most of the issues we have discussed are not going to be impacted by these changes. There is a by-right use currently on the property, and it is an expired special use permit for sure, but the reality is the circumstances that neighbors are most concerned about, the material changes that are going to be made by us passing this or not are not going to be necessarily addressed by this. It might stop the development for a period of time. but the reality is this is going to move forward in some fashion by-right pretty much today. I go back to the applicant and say it would be well worth your time to talk to these folks and have a sit down. I think I even heard the one gentleman say he would probably support this if some of his concerns were addressed. I think that is a worthwhile process to engage in before it goes to Council regardless of how we vote, The reality is I feel like a lot of these circumstances which are unfortunate are not going to be impacted by this decision or the other.

Chair Baugh said I was tempted to do it earlier, just to be clear, what we are actually voting on here, slightly oversimplified, is we are okay with reducing the amount of commercial. They want to tweak the fencing. They are going to enhance some of the stuff at the intersection of South Main Street and East Weaver Avenue and the entrance on South Main Street is gone due to the reasons we went into. You could in theory vote against approving the special use permit to allow them to have more units in it or to do the commercial. But now if you do, you have got a property that is zoned R-5 for high density and it is in the Land Use Guide for Mixed Use and you are sort of saying you cannot have high density or mixed use.

Commissioner Kettler said I move to approve the rezoning and two special use permit requests with conditions submitted by the applicant with additional language recommended by staff.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request and two special use permit requests passed (7-0). The recommendation will move forward to City Council on June 9, 2026.

New Business – Other Items

At this time the Commission took a 10-minute recess.

Presentation on Zoning Ordinance Update project

Chair Baugh read the request and asked staff to review.

Mr. Russ said I am happy to present some information on the progress that we have made so far with the Zoning Ordinance rewrite. I will start with some of the projects, context and history. Then I will discuss some of the different options staff explored and researched before moving on to the scope of the project today which is split into this current phase that is focused on addressing more general reorganization and modernization as well as substantive changes. Staff believes once this phase is complete the city will have a solid base zoning ordinance and map that can serve as a launching pad for some more specific and potentially impactful amendments in a subsequent phase. The groundwork began in November of 2018 with the adoption of the current Comprehensive Plan. The actual rewrite kicked off with consultants in July of 2020 right as Covid really made in person difficult for a lengthy period of time. Around that time the City began a housing study as well and received the results in 2021. The study provided some general guidance on zoning changes to explore but there has not been formal public engagement and input on how aggressively or modestly to implement those suggestions yet or where in the City they should be implemented. Staff view public input is really a key component of the next phase. The summer of 2021 we had a partial ordinance draft that consultants put together that was released and there was a handful of meetings and virtual open houses. Since then, staff have done leg work on researching a wide range of potential zoning changes looking at how other communities have implemented other policies with a particular eye toward particular by right housing options so things like allowing accessory dwelling units and duplexes on every residential lot. Significant changes or even eliminating parking requirements allowing multi story apartments and mixed use along major corridors and various other topics. Once we have compiled all of those aggressive options in one place staff took a step back and weighed a number of critical considerations that ultimately resulted in the refocused phased project that we are presenting today.

First and foremost, staff want to make sure the zoning ordinance does not get ahead of infrastructure. We want to make sure that growth is not outpacing water supply or school capacity and that we are looking at what areas the City can absorb growth without new infrastructure like road improvements or sewer ability compared to other areas that might require significant upgrades and investment. Second, we considered the value of the rezoning process itself. Currently, rezonings offer a crucial opportunity for public feedback. They also provide significant

opportunity to identify impacts and receive proffers that addresses impacts. If the City expands by-right development aggressively, some of those public hearings would be lost and that is an important trade off to be considered throughout the process. Third, there were concerns about how to avoid unintentionally triggering a tipping point for excessive redevelopment in existing neighborhoods. There are a lot of portions of the City that have modestly priced homes or a range of home sizes and home prices and those all represent important housing options. We want to make sure that we do not unintentionally turn portions of the City into attractive redevelopment sites where an investor could potentially purchase an entire block, demolish everything and construct new expensive housing that takes the place of those modestly priced homes.

After exploring those maximum options staff narrowed in to focus what we can successfully achieve right now. By breaking the rewrite up into phases, we can focus on fixing the foundation of the zoning ordinance and carving areas where there is alignment between the Comprehensive Plan and other studies the City has performed, infrastructure needs and feedback that staff have received. Some of these changes fall into different buckets. Like a lot of communities with older zoning ordinances, Harrisonburg's rules and regulations have been tweaked and modified many times over the years and not every amendment has an obvious place in that structure. Over time, the zoning ordinance can become increasingly difficult for the typical user to navigate. An important part of the process is improving that user experience. Providing more procedural details on how the development process works in general. Clarifying submission requirements, reducing what triggers different requirements in writing and organizing them all in a single streamlined location to hopefully assist users in navigating the development process. We are modernizing the language. The consultants that we worked with gave us a great set of new definitions. We have modified them a bit based on similar projects other Virginia cities and counties have undertaken over the last few years. The aim is more straightforward language over bureaucratic jargon and improving consistency and language use throughout the ordinance. Generally attempting to rely less on staff interpretations.

Finally, we are looking to realign the zoning map by restructuring all of the districts in the map it provides an opportunity to start fresh and really think about everything more holistically rather than being wedded to the history of the current zoning districts. Once that base work is complete, staff believe public outreach, education and input sessions related to more substantial changes to the ordinance will be ultimately more effective. That is something that we intend to tackle during the next phase. Really figuring out what policies have community support and buy in. That may be generated through the Comprehensive Plan update. It is also something that can be addressed separately or done in tandem with that Comprehensive Plan update.

As is common in older zoning ordinances the City's current zoning ordinance each district today has these rather long descriptive lists of uses. That list often contains additional regulatory information, so it has things like occupancy standards, special setbacks for places of worship. That

can work well initially but over time as regulations have become more complex it starts to present issues. It is really difficult to keep your terminology consistent between districts with this sort of formatting. Almost any community's zoning ordinance if it is older like ours you will find a handful of terms that are used interchangeably. Multi-family housing, multiple family dwellings, apartments, there are an infinite number of ways that you can describe the same thing and that creates challenges both for the user and staff. Traditionally if you are using a different term in an ordinance, it should have a different meaning and so it can create confusion there. The more modern approach is to just use tables with these. When the City wants to add a new zoning district it is just a new column in a preexisting table and then you select the appropriate uses. It also addresses the lengthiness and the repetitiveness of lists. Finding the information you are looking for can be significantly easier when it is in the matrix. It also helps keep the focus on one thing at a time. If you just want to know what you can do with your property, you go to the column for its district and look up and down. If you know you want to build an apartment and need to know where you can do that, you just go to the appropriate row and look across. Then if you want the rules for apartments or whatever use, you go to the last column which will direct you to the standards section that is relevant for the use.

How the districts are changing. I will start with industrial, which is where things change the least. Some language surrounding uses will change to reflect the state of industry today. Clarifying some distinctions between uses but by and large what is allowed today would be allowed under the proposal. The more substantive change here is really here with the map itself. Until the late 1970s Harrisonburg, like many other communities, allowed single family homes basically anywhere. Today we have a number of homes that are on industrially zoned land that are not designated for industrial in the Comprehensive Plan. One thing staff has done is make an intentional effort to identify those homes and look for where there is alignment between the actual current use and what we are planning for and just assign them a district that represents that. It has been handled one at a time as problems have arisen over the years and this will hopefully address that for a number of properties. For commercial, the current ordinance has three commercial districts; B-2, general business, B-1, Central business and then B-1A, a local business that is not mapped. The new districts do not necessarily line up one-to-one exactly, but in terms of function and purpose, staff recommends breaking up the B-2 general business district in two. First, we are calling it Auto Urban Commercial and this would cover areas like East Market Street. It is really designed for your large shopping centers that are key regional retail centers that drawing significant traffic from well outside of City limits as well as, some of the more intense commercial uses like an automobile repair shop. The second is Neighborhood Commercial. This district codifies a lot of the limits that are typically proffered during a B-2 rezoning, especially if it borders a residential area. Things like the auto repair shop and other potentially disruptive uses. The goal here is to allow neighborhood compatible commercial uses but not open the door to a massive sea of parking or noisy operations in that area immediately adjacent to those homes. For downtown today, it is zoned B-1 and it has that B for business or commercial, but since it is really the heart of the city's mixed-use

environment, we are categorizing it as a mixed-use district. Most of the existing B-1 will be carried over. We are moving a few uses that are not appropriate for the scale or intensity of development that is intended downtown, things like single-family detached homes. We are also proposing some restrictions on parking locations that come up as conditions when people rezone today to B-1, essentially looking to ensure this space between a sidewalk and a building remains active and pedestrian friendly. We are introducing a Mixed Use Neighborhood district which will replace the existing M-XU, Mixed Use Planned Community. This will not necessarily be on the map to start. The goal is to create a framework to guide future new mixed use development outside of Downtown. This might be used for something like redeveloping aging commercial centers, a way of incorporating a residential component into that older commercial center and transitioning the overall development of the site towards something more like a town center style development.

The biggest changes really occur with the residential districts. Today, we have a significant number of districts and we are shrinking them. We have a number of conventional residential districts. We have three of our Master Plan districts, two districts for manufactured housing and then there is an overlay district. We are proposing to replace those with four new residential districts that are intended to represent actual common types of development that we see across the City. Today a neighborhood zoning district is often as much a history lesson as anything else. That can create unusual situations where very similarly situated neighborhoods have very different zoning regulations. By realigning the map to match what has been built on the ground, grouping neighborhoods based on what is there rather than just the district that they happen to be in when it was constructed we can put these neighborhoods on more a level playing field and more importantly it give the community a more clear starting point to discuss how these different residential types should adapt and grow in the future. The first two residential districts cover developments that are exclusively garden apartments, those apartments that have the staircase in the center usually open to the air, twelve or so units off of the staircase then a bunch of those buildings laid out on a single lot. The other covers developments that are exclusively townhomes.

There are two apartment communities on the screen. With these apartment and townhome communities, they typically have private streets and drives, shared parking areas, some sort of shared amenities. There might be a clubhouse, pool or playground and they are also essentially self-contained. They generally function as their own communities. They are not integrated into the surrounding neighborhoods. Right now, both of these development types are largely in one of the R-3 zoning districts. There is a number in R-4, R-5 and R-8 as well. We are proposing that these instead be in districts that are specific for each of these types of communities. One for townhomes and one for apartments.

With townhomes, the rewrite will address the administrative headache where someone comes in, they apply to rezone for townhomes and then a few months later they return to get a subdivision variance once they have completed a little bit more engineering or consolidating it into a single

step to eliminate the need for that additional trip to Planning Commission and City Council. With the garden apartments, staff are very aware of a lot of the community's concerns regarding off campus student housing. Because of this we are not proposing major regulatory changes at this change or density increases for these properties. Instead, we really view that as a prime topic for the phase two public discussions. There are a number of potential directions that the community might go from there. For some of these existing areas it might be worthwhile to consider incentivizing some thoughtful, phased redevelopment over time of aging student housing that might transition them away from the four-bedroom four-bathroom layouts to something more suitable for a typical non-student household there being some additional density. Those are things that we can talk through in greater detail with the community during that second phase.

For the remaining residential areas of the City, we are proposing dividing these areas up into two buckets based on the neighborhood's development type. Harrisonburg has a lot of residential neighborhoods usually in older parts of the City that feature a mixture of single-family homes, duplexes, and sometimes townhomes and small-scale apartments. These are usually in areas that are on grided streets and they frequently have alleys. On the screen is a portion of West Water Street and many of these neighborhoods today are zoned R-2 but some are zoned other districts. Under the current rules in R-2, townhome and apartments they are considered nonconforming. We are proposing to place these areas in a new district that we tentatively named traditional residential. In this district, single-family homes and duplexes would be by right and we are proposing a special exception for townhomes and apartments which would do two things. First, it would allow new townhomes and apartments to be proposed in these areas of the City and it would also create a clear path for existing nonconforming townhomes and apartments to come into full compliance. The special exception process would ensure Planning Commission and City Council have an opportunity to evaluate proposals considering the context and hearing from the public before decisions are made. Finally, we have the areas of the City that are almost exclusively single-family homes. These are the areas that have your curbed streets and your cul-de-sacs. The homes all have individual driveways in the front. They are not alleys that you are accessing off of the rear. More generally these areas do not yet have a mix of housing types. These neighborhoods today are split across a number of different zoning districts which can create some strange results. A lot of them are zoned R-1 which requires a fairly substantial 10,000 square foot lot although in reality many of these homes are on lots that predate that minimum requirement and are quite a bit smaller. Many similar neighborhoods, usually a bit newer, are zoned R-3 which has a more realistic minimum lot size but the neighborhoods are still almost exclusively single-family homes. They are lumped into the same zoning district as most of today's student housing as well as medical clinics and professional offices. The goal is to put these very similarly situated neighborhoods on more equal footing by grouping them into one district. We are proposing some modest reductions in lot sizes and setbacks which will address the rezoning to R-8 so that you can have a front porch. For the time being, staff's proposal would require a special exception from Planning Commission and City Council for a duplex in this district. Although I will note, the General Assembly passed and the

Governor signed an amendment to the Virginia Code that would require allowing accessory dwelling units in some capacity by July first of 2027. Unless something unusual happens and that is repealed in the meantime not long after staff hoped to have this project complete state law would insert into this district an option in between a full duplex and the more limited single-family detached home.

I do want to be clear that staff really do view this as a first phase, kind of a necessary technical upgrade. This does include a few practical tweaks. The main focus is on building a clean and functional foundation and once that structural work is complete we can launch into much more robust community engagement to tackle some bigger picture policy questions and really the meat of what the zoning ordinance should achieve. There are countless great examples of different policy options communities have adopted in recent years. Some of them modest and some grand rethinking of what a zoning ordinance should and should not regulate. As staff our role is to bring the community's vision for zoning to life but ultimately it is City Council and the public who get to decide what that vision is. We look forward to hearing from the community about what that is over the coming months and years before we complete these phases. Once this phase is complete I think the City really will be well positioned to have some robust conversations with the public about those different policy options. Then ultimately this body and City Council will decide how to proceed on those. If there is anything that City Council or this body identifies as something that is 100 percent a priority you want to rip off the band aid instead of dragging out the process you can find ways to accommodate things sooner rather than later. We are not wedded to anything in particular. With that, Ms. Dang will go over some next steps and process.

Ms. Dang said I am going provide a little bit more detail about our plan next steps and your role in this process as we get through the rest of the year. Last evening, Mr. Russ and I presented a very similar presentation to City Council. Then City Council took some actions. City Council had endorsed staff's recommendation to approach this project with fixing the foundation; modernizing the language and improving the organization of the ordinance and replacing the current zoning districts with the new zoning district framework that was presented. Council also accepted staff's recommendation to disband the Ordinance Advisory Committee and then also to designate you all as the primary review body for the zoning ordinance update project.

I do want to make it known that this was not a unanimous decision amongst the City Council members. There were two council members, Councilmember Dent and Robinson, who did not support the decision to disband the Ordinance Advisory Committee as they expressed concerns about transparency and equity in the process. Which, I believe are al valid concerns and my hope is that once Mr. Russ and I work further with our Department of Communications and Public Engagement on developing the public engagement plan, then we can present that back to you all and City Council. I hope that it will alleviate or address the concerns that were expressed. There was a lot of good discussion yesterday that we will take to mind and consider those.

Vice Chair Porter said I did not catch the meeting last night. Can you just speak a bit to the rationale leading up the request? I think it would be very helpful for context.

Ms. Dang said why staff had recommended to disband the Ordinance Advisory Committee... There are a couple of reasons that the Planning Commission made sense to be the body through which this goes through. You all are residents in the community. The role of Planning Commission is to advise on land use and zoning; both short-term and long-term matters related to land use and zoning. I did not say this clearly yesterday and I wish I did earlier in the conversation. I feel that through a robust and good public engagement with the community that would be the way that the Ordinance Advisory Committee members would participate. Equally the same as other community members in that process.

Vice Chair Porter said I understand that you are sort of placing Planning Commission in this role as the review body but within that process I assume there would be the potential or opportunity for the community to have some input.

Ms. Dang said of course. That is the public engagement plan that we are working on to develop that will include a lot of public meetings and opportunities for the community to weigh in on. I want to be clear that all of the input and information that we have received over the years through this process, through discussions that this body has at their meetings, and through other work that we do, all of those things are coming into what is informing the work we are proposing now. I think the other piece I mentioned yesterday is a level of efficiency that we plan to use the work sessions that you all already have scheduled to work with you all through this process but also that if Council had wanted to keep the Ordinance Advisory Committee they would have needed to go through a process of evaluating the membership and either reappointing or appointing new individuals. I do not know if it would be an application process or something like that but we were just trying to quickly but thoughtfully get...being that we are not making major reforms with the ordinance we felt comfortable recommending what we did to get us through the year, build the foundation and then we will work on topical areas. Whether it is a university overlay idea that I had discussed with Commissioners on the site tour or reducing or eliminating off street parking requirements, those are going to be very challenging conversations I expect that really require dedication of time for a project and public engagement in and of themselves.

Vice Chair Porter said is the thinking that this would be the venue or would it be special meetings? Where does the rubber meet the road on that engagement?

Ms. Dang said if can I get through the presentation and then maybe you can ask those questions. I hope I will clarify some of those questions and then you can follow up with them. The four things that council did; endorse staff's recommended approach, disbanded the Ordinance Advisory Committee, designated Planning Commission as the primary review body, and they wanted us to

report back to them about our public engagement plan which we will do. With Planning Commission, what we are proposing is to use the third Tuesday of the month that is in our bylaws described as our second regular meeting. We usually do not have that meeting because we can fit all of the agenda items into one meeting. We would like to use these dates and I will email them to you so that you can put these on your calendars. I ask that you hold all of these dates. For the June 16 date, Mr. Russ and I will be recommending , when you see that list at the end of our agenda where I usually present what the expected items are next month, that we use June 16 as a work session to continue discussions with you about the zoning ordinance update. The remaining dates I ask that you pencil those in and hold them and then each month prior we will see what is coming up on the following month and we will go through those days. Our proposal is to use these dates for that and then separately from these work sessions will be planned public engagement which I do not have a full plan for that yet. Some ideas that we are talking about, there will be multiple opportunities and whether individual meetings will be focused on a particular topic or we do the same type of meeting three or four different times, but we have tables or stations that would be related to a topic so that an individual who is coming here might want to know about all four they might have something specific in mind they can go to that particular station and talk to staff about those changes and ask us questions. We are still working on those plans.

[Referring to the PowerPoint slide.] This is the project schedule generally moving forward. This week we have offered the updates to City Council and Planning Commission, received City Council's endorsement on the plan. Working through the summer on the Planning Commission work sessions and public engagement meetings. Our hope is that in the fall we would be at a point of public hearing. That might shift but that is our aim right now is to, in the fall, present to Planning Commission and City Council so that we would be implementing to the new Zoning Ordinance in 2027. Then in the future, in 2027, we would be considering further reforms.

I am sure a lot of ideas will be coming up through the discussion through 2026 that will make notes and continue to add to the list of what those further reform topics will be. We will also, pending budget approval, wanting to work on the Comprehensive Plan. The idea is that we would be a consultant to support our work with the Comprehensive Plan. We are looking at beginning of fall 2027 with something like that. The Comprehensive Plan work will also inform us further about what zoning and changes would be need. With that Mr. Russ and I are happy to answer any questions that you have.

Commissioner Kettler said the work sessions it sounds like that it could be some combination of work session or an open house or something.

Ms. Dang said I am thinking that the work sessions are just for you all. It would be open for the public to attend but they are really opportunities for you all to engage in discussions. Again, we have not worked out this detail but I have this thought is it a work session set up in this format

[referring to the set up of Council Chambers] or do we want to move to a room where we have a table and/or are sitting around in a circle? The dialogue in conversation feels a bit differently when you are sitting around a table in that way. Mr. Russ and I would have an agenda or topics that we would sharing with you all for the purposes of discussion and sharing with you materials in advanced to review before we get to that meeting.

Commissioner Kettler said if it was more of the second option, I am wondering how to best facilitate the public to at least witness that both in person and on video.

Ms. Dang said we are still working though those details and unless someone else on staff has something they want to share at this point in time. That is a consideration that we are thinking through.

Councilmember Dent said what I did not hear last night that I think I just heard you say, I had not realized “consider further reforms” could be either after or concurrent with the Comprehensive Plan update which makes an immense amount of sense to me. I had thought earlier we ought to be doing the Comprehensive Plan first but now I see that the first phase is really just to clarify what we have now and then the later more substantive reforms could be more based on the Comprehensive Plan.

Commissioner Kettler said I watched the City Council presentation last night too and initially I was disappointed in the fact that it would not have a more substantive things sooner and then the more I thought about it I thought in terms of effective communication and making sure the public is understanding what is going on, I think it does help to simplify this before those changes happen. You try to make a change without it being clear what the change is and folks will just say no, no matter what the change is because they just do not understand.

Ms. Dang said building on what you were saying, we had been challenged when we were trying to do all of the things at one time with how to engage with the public with 20 different topics and I am really comfortable with this approach we are going forward with.

Councilmember Dent said I also wanted to talk a little bit about the Ordinance Advisory Committee. I came on strong at first saying I do not support disbanding that because I saw the value of the expertise that was brought by that particular group but the more you talked about how you would have a robust public engagement process that the same people could participate in and you would have a more topic based set of meetings sure I can live with it. Likewise, Councilmember Robinson her main concern was the equity of who is showing up to the table. There was some discussion on that. Was the Ordinance Advisory Committee as constituted equity based, not necessarily. It is going to be more a matter of public outreach to make sure we hit that goal.

Mr. Russ said if members of the public are not able to attend these meetings, but they want to have a conversation with us or submit something in writing, I can make time on my schedule for anyone who wants to come sit down. We will chat about anything and we can figure out how to incorporate their input as well.

Councilmember Dent said one of the key purposes of the first phase is the efficiency. If we are already here and you are talking about mostly clean up and major simplification of the residential kind of zoning, then yeah I can see that we can get started June 16 if we decide to do that. We had a little bit of pushback on the idea of efficiency. Well, that is not important to kickstart it and keep going. It is not necessarily a goal in itself because we want to have the robust public engagement and knowing that will come in the next phase means that the efficiency for this first phase makes a lot more sense.

Ms. Dang said this first phase will also include public engagement.

Councilmember Dent said it is not just the major controversial topics we will have to hash through. Which there will be a better foundation of those if they are based on an updated Comprehensive Plan. I just wanted weigh in on it a bit more that I just did not want to let go of the expertise we had already gathered but I could see the point if we had to reconstitute the Ordinance Advisory Committee now.

Commissioner Kettler said by and large it is clarifying a lot of the things. It seems to me that there are three questions that you cannot get around in terms of them being substantive as part of the clarification of it. That is one minimum lot sizes, two accessory dwelling units and three how the districts are consolidated. Would you say that is a fair assessment in terms of the major substantive changes even if they are not large changes? There is going to be a change in minimum lot size as a result of this but it is an open question about how big it is.

Ms. Dang said we will also be exploring with you all the setbacks as well related to that.

Councilmember Dent said those are by definition substantive but it is more of a matter of the simplification we will bring up those topics and we will have some public comment on it I am sure.

Mr. Fletcher said at least one council member expressed interest in the height of buildings.

Councilmember Dent said I would agree with that. That was Councilmember Alsaadun that asked if we could remove those caps. I have said a couple of time some day we are going need ten or twenty story buildings.

Commissioner Seitz said I think this first phase makes a lot of sense. I do look forward to the public engagement even as we do this first step. Two questions I was going to ask; how can we function in a way that is more generative and less reactive? I just feel constantly we are being asked to consider complex things and I consider myself fairly literate in a lot of these issues but there always seems to be things that come out of these public hearings and discussions that in my mind would bear further discussion or would have benefitted from a previous broader discussion that was not about this topic in particular. Tonight, two great ones. Where do we as a commission feel the community is on student housing in the abstract, not in reaction to a particular proposal? How do we protect some of the wonderful neighborhoods that we have that is very unique and eclectic? The one we looked at tonight and some other ones. I feel like in my ten months on the Planning Commission we are in a reactive mode not a generative mode. I think what you are proposing here is a step in that direction so that makes me feel good. Related to that though in terms of prep for whatever comes after this let's say the Comprehensive Plan does land end of 2027, in that spirit of being generative and not reactive how do we as a commission prepare ourselves for the range of issues and things that are going to come up and begin to even find places to engage to take the pulse of the community even before going into the Planning Commission? One of the things that has triggered that question and those are rhetorical questions which given the late hour I do not think we are going to have a bunch of discussion.

Being in Charlottesville last night the meeting opened up with every single commissioner reporting on what committee board or regional agency they were a part of. They structurally have engagement with all of the other things. When I read the 2018 Comprehensive Plan again, there is a lot of things in there that got done that was great and I had to do a lot of digging to find them. I am thinking if you are an active citizen you will go seek those things out and pay attention to them. As a Planning Commissioner I feel like I should be in some kind of routine or some kind of process whereby as part of my responsibility as a Planning Commissioner I am part of those things as an observer and as a participant to a degree. Maybe it is a simple question is: Councilmember Dent, you talked about attending Metropolitan Planning Organization meetings and stuff. Parks and Recreation has a plan, [there's the] Bicycle-Pedestrian Plan. There are just all of these different groups that are going on that some are staff led and some are staff and public led and stuff like that. How do we intentionally connect with those things so that we are not playing catch up going into the Comprehensive Plan process?

Commissioner Kettler said just to add on that a little bit by sheer coincidence both me and Commissioner Seitz both went to Charlottesville Planning Commission meetings and my understanding based off of our code if that Planning Commissioners are actually specifically prohibited from serving on other City commissions. You can look into that and correct me if I am wrong about that but just reading it, that is what it looks like. As you said in that case, in Charlottesville are right at the beginning given absolutely no more than a minute or minute and a half update from their respective groups. They also have a non-voting representative from

University of Virginia which I thought was really interesting. We do not always have the strategic plan update from JMU. I think given just how big JMU is in relationship to the City I think that is an interesting aspect as well.

Commissioner Seitz said we have our other Tuesday nights booked for the foreseeable future I was hoping that we could maybe have one Tuesday night session to kick around some of these ideas because I have a whole lot of other questions that relate to them. I feel like we would do a better job if we were out in front of some of these things. I always enjoy the discussions that we have and the perspectives that are here but we go so far field because this is the only time we have to engage.

Commissioner Kettler said one benefit that we have over the zoning Ordinance Advisory Committee is we meet frequently and we have the capacity to meet more frequently and have these discussions. The ability of frequent meetings is not necessarily one of the great assets.

Consider initiating Zoning Ordinance amendments related to the Zoning Ordinance Update project and Subdivision Ordinance amendments to comply with the Code of Virginia

Chair Baugh read the request and asked staff to review.

Staff request Planning Commission initiate consideration for Zoning and Subdivision Ordinance amendments related to:

	Description
Zoning Ordinance Update Project	<p>The existing Zoning Ordinance (ZO) was last thoroughly evaluated and comprehensively re-written in 1997. In the ensuing time, many changes, both major and minor, have been made to the text of the ordinance, including the addition of districts and overlays. This has resulted in outdated requirements, internal inconsistencies, and an ordinance that can be difficult for community members to comprehend. Additionally, new ways of thinking about planning and zoning combined with new techniques and principles for implementing adopted plans offer ways to improve the efficiency and effectiveness of City planning and zoning.</p> <p>Work on the Zoning Ordinance Update Project began in July 2020 with the support of Planning Commission and City Council. However, Planning Commission has not previously taken formal action to initiate consideration of amendments associated with the project. This agenda item is intended to provide that formal initiation.</p>

	<p>A presentation on the Zoning Ordinance Update Project will be provided under the prior agenda item during this (May 13, 2026 Planning Commission) meeting.</p>
<p>Subdivision Ordinance</p>	<p>Last year, the Virginia General Assembly adopted amendments to Article 6, Land Subdivision and Development, which became effective on July 1, 2025. As a result, the Subdivision Ordinance (SO) must be updated to ensure compliance with these changes to state law. Know that although the City’s SO has not been updated, staff has been adhering to state law and following the updates to the Code of Virginia.</p> <p>In addition to the required updates, staff will take this opportunity to make several minor revisions throughout the ordinance. These changes generally include formatting, reorganization of sections, updates to and removal of select definitions, and revisions to improve clarity.</p>

If Planning Commission agrees to direct staff to initiate consideration of the zoning and subdivision ordinance amendments, then the following motion is recommended:

I move that the Planning Commission initiate consideration of zoning and subdivision ordinance amendments to (1) the City of Harrisonburg Zoning Ordinance related to the Zoning Ordinance Update Project and (2) the City of Harrisonburg Subdivision Ordinance to comply with the Code of Virginia and to include minor revisions.

The Planning Commission finds that such amendments are required by the public necessity, convenience, general welfare, good zoning practice, and orderly subdivision of land and its development, and hereby directs staff to prepare appropriate draft ordinances for public hearings and recommendations in accordance with § 15.2-2286 and §15.2-2253 of the Code of Virginia.

Commissioner Kettler said I have to admit I do not know enough about the Subdivision Ordinance to know if there is something to be changed there and if there is a plan for that.

Ms. Dang said there will need to be updates to the Subdivision Ordinance. I appreciate you bringing up that you recognize our presentation prior was just about the Zoning Ordinance. Once we get that foundational piece of the Zoning Ordinance we have plans to work on Subdivision Ordinance updates concurrently. It is all intertwined and related to each other. Effectively the Subdivision Ordinance is regulating the creation of new lots but is also related to our Design and Constructions Standards Manual also. Which is design standards for constructing entrances or when we talk about access management those things are embedded in the DCSM as well.

Chair Baugh said this came up earlier when we were starting out and trying to get things worked out that way. The Subdivision Ordinance right now makes a split based on large the property is. If it small enough, staff handles it administratively otherwise it comes to us for review and approval. One of the things we are looking at is does it even make sense to do that. We specifically talked about making sure we looked at that including the possibility of maybe Subdivision Ordinance would be something handled administratively.

Ms. Dang said the changes in 2025 are forcing our hand to do more administrative review up to a certain number of lots.

Commissioner Seitz said I move that the Planning Commission initiate consideration of zoning and subdivision ordinance amendments to (1) the City of Harrisonburg Zoning Ordinance related to the Zoning Ordinance Update Project and (2) the City of Harrisonburg Subdivision Ordinance to comply with the Code of Virginia and to include minor revisions. The Planning Commission finds that such amendments are required by the public necessity, convenience, general welfare, good zoning practice, and orderly subdivision of land and its development, and hereby directs staff to prepare appropriate draft ordinances for public hearings and recommendations in accordance with § 15.2-2286 and §15.2-2253 of the Code of Virginia.

Vice Chair Porter seconded the motion.

The motion to consider initiating the Zoning Ordinance amendments and Subdivision Ordinance amendments passed by voice vote (7-0).

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Alsindi reported on the May 5, 2026 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Public hearing request from Rockingham County to rezone 4.11 acres at Tax Map #62-A-65 and 62-A-65A from A-2 (General Agriculture) to RV (Rural Village)-Approve (4-0)
- Public hearing request from Village of the Valley LLC to amend the proffers on two parcels totaling 1.595 acres at Tax Map #129-6-2 and 129-6-3 - Approved (4-0)

- Ordinance amendment request generated by Rockingham County staff to Chapter 17 (Zoning Ordinance), section 17-702.03 and table 17-702.03, General Parking requirements and Section 17-702.04, Non-Standard Parking Requirements- Approved (4-0)

City Council Report

Councilmember Dent reported on items from Planning Commission that were presented to City Council.

At the April 14, 2026 City Council Meeting:

- Public hearing for a rezoning (proffer amendment) at 361 Franklin Street-Approved
- Public hearing for a special use permit and rezoning at 851 Madison Street-Approved

At the April 28, 2026 City Council Meeting:

- Public hearing to rezone 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294, & 298 South Liberty Street (The Link Apartments)-Tabled

At the May 12, 2026 City Council Meeting:

- Public hearing to for a special use permit at 140 East Wolfe Street-Approved
- Public hearing to for a special use permit at 165 South Main Street-Approved
- Public hearing to amend the approved master Development plan for various addresses on Collicello Street and Kates Lane-Approved

Other Matters

Ms. Dang said the Board of Zoning Appeals will be meeting next month. The Zoning Administrator sent out an email to the BZA members that they will meet June 1, 2026 at 4 PM here in Council Chambers. There are no variances or appeals on the agenda but they are going to use it as a business meeting to elect new officers, adopt the minutes from the last meeting they had and then review some of their bylaws, rules and procedures.

Review Summary of next month's applications

Ms. Dang reviewed the items anticipated for the April agenda:

- Special Use Permit – 453 West Water Street (To allow short-term rental in R-2)
- Special Use Permit – 256 Charles Street (To allow meat processing and storage facility in M-1)
- Rezoning – 2210 and 2230 East Market Street (R-1 to R-8C)
- Special Use Permit – 2210 and 2230 East Market Street (To allow attached townhomes of no more than eight units in R-8)

- Subdivision Ordinance Amendment
- Tuesday, June 16, 2026-Zoning Ordinance Update Work Session

Richard Baugh, Chair

Anastasia Montigney, Secretary