



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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August 3, 2026

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

SUBJECT: *Consider a request to rezone and a special use permit at 704 North Liberty Street*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON:** July 8, 2026

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 13,495-square-foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional and is simultaneously applying for a special use permit (SUP) per Section 10-3-59.4(11) to allow a reduction in required side yard setbacks in the R-8 district. The property is addressed as 704 North Liberty Street and is identified as tax map parcel 40-N-1 and 2. If approved, the applicant plans to subdivide the property into four lots with the plan to retain the existing single-family dwelling, build a duplex along the North Liberty Street frontage, and to construct a new single-family detached dwelling along the West Washington Street frontage.

Rezoning & Proffers

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

1. We proffer a right-of-way along the front of the three properties facing North Liberty Street, for the City to construct a sidewalk in the future. The right-of-way will extend 7.5 ft from the existing back of curb into the properties, as shown on the Rezoning Exhibit, and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the proposed right-of-way will be provided for the City to have sufficient space to install the proposed sidewalk.
2. We proffer a portion of the property to be dedicated as right-of-way along West Washington Street to accommodate the existing City-built sidewalk, as shown on the Rezoning Exhibit.
3. We proffer to provide one shared entrance with a maximum total width of 24 feet to serve the duplex along North Liberty Street.

The conceptual site layout is not proffered.

In Proffer #1, the applicant proposes to dedicate right-of-way and a temporary grading easement along the North Liberty Street frontage to allow for the future construction of a sidewalk by the City. Staff supports the dedication of right-of-way and the temporary grading easement; however, staff recommends rejection of the statement “for the City to construct a sidewalk in the future.” The statement implies that the City, rather than the applicant, would construct the sidewalk and creates ambiguity regarding the Subdivision Ordinance (SO) requirements. If the property is subdivided as the applicant proposes, the SO would require sidewalk construction along North Liberty Street unless a variance is granted by City Council. Removing the statement would preserve the intended right-of-way dedication while avoiding conflict with the SO.

If the applicant does not want to construct the sidewalk, they may request a variance from the requirements of the SO. To this end, the applicant has already submitted a request for a Subdivision Ordinance (SO) variance to not construct the sidewalk, which at this time is anticipated to be presented for review during the August Planning Commission meeting.

Proffer #2 dedicates public right-of-way for the existing sidewalk along West Washington Street.

Proffer #3 requires that the duplex share one entrance, thereby reducing the number of potential entrances on North Liberty Street.

Special Use Permit

The applicant is requesting a SUP to allow reduced side yard setbacks. In the R-8 district, single-family detached and duplex dwellings that are two-stories require a minimum side yard setback of 7-feet and three-story structures require a minimum side yard setback of 10-feet. With an approved SUP, required minimum side yard setbacks can be reduced provided that the buildings are either sprinklered or that any exterior walls facing the property line with a reduced side yard setback are constructed with a minimum 1-hour fire-resistant assembly. If the exterior walls facing the property line with the reduced setback are constructed with a minimum 1-hour fire-resistant assembly, then any openings in those walls must be located only on the first floor, must have a minimum 1-hour fire rating, and must be fixed and inoperable. The applicant is proposing 5-foot side yard setbacks for all four proposed future parcels.

If the applicant were to subdivide in a different way or construct single-family detached or duplex dwellings in a different layout or combination, then, if approved, the SUP to allow reduced side yard setbacks would also apply.

Land Use

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful

consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The surrounding properties include a mix of housing types. Staff believes the proposed infill development, consisting of one duplex and one single-family detached dwelling, conforms with the Land Use Guide designation and is compatible with the existing neighborhood.

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 indicates 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.

Public Water and Sanitary Sewer

Staff does not anticipate issues regarding water service for the proposed development. The applicant has been advised that they will be responsible for completing a study to confirm water 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.

With regard to sanitary sewer infrastructure, there is currently no public sanitary sewer main available along North Liberty Street. For this project, the applicant will be responsible for constructing an extension of the sanitary sewer main to serve this development. At this time, the applicant plans to extend sanitary sewer from West Washington Street to serve the duplex units.

Housing

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that “[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.”

Although the site has limited access to amenities and green space for future residents, the addition of three new dwelling units supports the findings of the Housing Study by contributing to the housing supply.

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](https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment%2025-04-30%20Final.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 calculations, this development's proposed three new dwelling units are estimated to generate one K-12 student at full build-out. According to the School Board's current attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Conclusion

The applicant's request is compatible with the Neighborhood Residential land use designation, and the addition of three new dwelling units supports the recommendations of the Housing Study for infill development. Staff recommends approval of the rezoning request; however, staff also recommends that Planning Commission reject the statement "for the City to construct a sidewalk in the future" in Proffer #1.

Staff also recommends approval of the SUP, but only with the following condition:

- The side yard setbacks may be reduced to not less than five feet.

Commissioner Seitz said on the site visit yesterday you said they are going to have a curb cut entry. Is that for both of the duplexes and the house or is that for the two duplexes and the existing one for the house remains?

Ms. Soffel said the existing one for the house remains.

Commissioner Seitz said but the site plan shows a new widened pull off and parking in front of the duplexes.

Ms. Soffel said yes, it is recommended that it be 24 feet wide for that entrance. So they would have to widen the entrance, but only have one.

Commissioner Seitz said okay, so ultimately across the three lots that front the road there will be two entries that serve three properties?

Ms. Soffel said correct. To clarify, one entrance for the single-family dwelling and one entrance for the duplex.

Commission Kettler said I want to state for the record that Councilmember Dent has joined us.

Ms. Dang said she joined at 6:06pm.

Chair Baugh said I just want to be clear because I did not see it up there, that staff's favorable recommendation for the rezoning includes deletion of the language in the proffer.

Ms. Soffel said correct.

Commissioner Seitz said what does that do to their ability to apply for a variance?

Ms. Soffel said if the clause was still in the proffer, it would conflict with the Zoning Ordinance [*sic*] because the Zoning Ordinance [*sic*] requires the applicant to build the sidewalk unless they get the variance.

Chair Baugh asked if there were any more questions for staff.

There was a brief exchange between Chair Baugh and a member of the public in the audience. Chair Baugh explained that the public would have an opportunity to speak during the public hearing.

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

Gil Colman of Colman Engineering, applicant's representative, came forward to speak to the request. Good evening. I am here for any questions you may have and also the applicant is here as well. Any questions regarding the applications?

Commissioner Kettler said I have one question. The context of this question is, at our last work session for zoning reform and part of that is touching on alleys and alley access as one way to achieve certain policy ends. I was wondering if that was something you explored in this project or if you had thoughts about that.

Mr. Colman said in terms of the alley is there and its being used for some to access the site. As a matter of fact, one of the lots, the entrance is shared with the alley which is something that has to be worked out with Public Works at the time, whether they can use that entrance or not, or to be separate. And at this point, I do not know the answer to that. The access would be mainly, I think if you looked at the grades, there is maybe this house and some other houses beyond that... at some point there was an interest from the Minick School that used to own the property there to close the alley. And I do not think that was successful at the time. So I do not know how far if the alley goes all the way to, I forget the name of the road, where SVO [Shenandoah Valley Organics] owns, but that was an alley that was considered for closure... And I think at the time, it was denied. So that is a possibility that it could be used that way.

Commissioner Kettler said is there a particular reason why that would or would not be desirable in this case?

Mr. Colman said the main reason is whether the City will install it or whether the applicant would install. In this case, the City is not asking for the alley to be installed. Certainly, it could be used as a driveway. And the maintenance of that will depend also on how it is installed and how it is used, whether Public Works will take it or not. But it could be an opportunity.

Chair Baugh asked if there was anything else.

Mr. Colman said yes, I want to mention this is an opportunity also. As we've done in the past, I think I brought some other small projects like this where it is a great opportunity for affordable

housing where you have a property that is owned already by an owner that can be subdivided. And what comes with that are things that makes it uncomfortable sometimes [like] reducing setbacks and trying to accommodate all that. Trying to accommodate parking for two houses in this case, trying to fit in where we can to provide housing. One of the things that we were talking about was the fact that this is right next to the plant and some of the employees there were asking the applicant where there was any space for them to rent right there.

So, this actually provides workforce housing right where it is needed, in so many ways. That helps to keep some cars out of the street as well. So that is certainly, maybe not a lot, but at least it is right there next to the plant. Seeing the other houses that are next to you, it is an appropriate fit, it would fit well and it's a good opportunity to do some infill development that we want to do, that the City wants to do. I will speak also to the request we put in for a variance on the sidewalk. Like any development, if you are looking at housing, the cost of housing gets more and more and more, and a lot of it is obviously cost of materials, but also the more infrastructure that we have to install the more expensive it gets.

So, as we are looking at this, we are looking at the possibility... okay we can give the city space they need to build the sidewalk, but just putting a sidewalk there increases the cost of these houses. And that would be reflected on rent or whatever way to pay back for it. So that is something to keep in mind that there are reasons why some of those requests are there. So, I also understand safety issues and all that. But in this case, there is a sidewalk on the corner, which by the way, the City built that sidewalk without requesting an easement from the property owner as well. That is something that is not mentioned here, but I will mention it just to say that was done by the City, which in turn created this requirement now that he needs to put in a sidewalk because the sidewalk was put in there without his authorization. So that is something to consider. Also, the City needs to look at how can it be accommodating and not trying to increase requirements on things. Something to think about as we are reviewing the ordinance and all that is what, how are ways that the City can actually help in increasing affordable housing and not just creating more hardship. That is my take on it. Any more questions?

Commission Porter said I just wanted to confirm, the intention is for these to be rental units, correct?

Mr. Colman said correct.

Commissioner Porter said and I guess for the benefit of the question that was in the back of the room. Mr. Colman, when you were looking at your site plan design, why are you requesting the setback reductions?

Mr. Colman said setback reductions are really to make sure the houses that are built there are sizable enough for bedrooms and so on. If it gets too narrow, then it will be difficult to have a house rather than something that would be too narrow to build. It is doable, but it is difficult to do and have something that will be more usable. The ordinance allows us to ask for zero setback. We do not want to do that. As a matter of fact, my recommendation to my client is that even when he builds, to stay inside, not even reach the five feet, but to try to stay inside that. The footprint that we are showing there is just to say that is what could fit here. It is not necessarily what he is going

to do. As was presented by staff, there are also requirements when we are less than seven feet to have that fireproof and all that. So there are costs to that. So that may push us back. We might go narrow, as much as undesirable as it may be, as something that we might need to do. The applicant might need to be able to get that working and more affordable. So, there are some things that. Also, by adjusting the property lines we are providing a further setback to the existing house, which right now has a zero to maybe four feet on one side. So, we are providing more than five feet setback for that existing house as well.

Commissioner Porter said do they currently live in the house that is on the property?

Mr. Lopez Montiel said no. I rent the property.

Commissioner Porter said so that is a rental property currently. Thank you.

Chair Baugh asked if there were any additional 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. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Baugh said one of the things that jumped out at me is that we have commented on a number of times how among the things that hopefully we address in the Zoning Ordinance update is that having created R-8 we found it has been used more for people to do problematic setback issues than what it was intended to do. Which is to be able to take properties like this and legitimately get more residential units on it. So, I am open to comments from the group, but my inclination is when we created R-8, this was the very type of thing we expected to see. And maybe it has been a while since we have seen one of these. Any other thoughts?

Councilmember Dent said I have been amused at R-8 as a once size fits all tool, and I agree that it is nice to see it used for its intended purpose of increasing density.

Commissioner Porter said this is exactly the sort of things that I would like to see happening in the City where we are being able to create workforce housing in the right place that really serves the needs of the community and also puts us in a situation where we are able to make better use of the plot and be able to provide more housing. The matter of the ordinance is another matter for sure, but in terms of on its face, the way this is presented, I would have absolutely no problem supporting it.

Commissioner Kettler said I would also like to heap some praise on this. I think it is a great use of an underutilized lot to have some additional small dwellings on it. Got nothing but compliments for that. I am interested, as my question suggests, about how we might be able to incorporate alleys for this kind of thing, because we have one shared drive for the duplex and one of the stated goals of that is to reduce conflict points. And of course, if we have alley access then we have potentially no conflict points with folks walking along that way and potentially more parking access so other uses for the street at that point. And when you are talking about a busier street, that does make a difference. Rear end collisions are the most common kind of collisions. I am not particularly concerned about that in this case.

Commissioner Jezior said I agree with everyone here. I think it is a great use of the R-8 zoning and if it can be workforce housing, even better. You reduce the amount of cars that you will have to put on the property because you will be able to walk to work. I am in favor.

Commissioner Seitz said I move that we approve the rezoning and special use permit with staff's recommended change to the proffer.

There was a discussion amongst the Commissioners on whether the two items should be taken up together or separately.

Commissioner Seitz said I am going to amend my motion to recommend approving the rezoning.

Chair Baugh said would that be as presented by staff?

Commissioner Seitz said so, that proffers pertain to the SUP so we do not address the recommended language change until we address the SUP.

Commissioner Kettler said there is a recommendation to reject a portion of the proffer.

Mr. Fletcher said the proffers are not associated with the special use permit.

Commissioner Seitz said they are with the rezoning?

Mr. Fletcher said could somebody explain to me in what way that is?

Commissioner Seitz said the proffers go with one or the other. So, which one do they go with?

Ms. Soffel said the three proffers go with the rezoning request. And there is also a condition that we are recommending for the special use permit.

Commissioner Seitz said okay. Chair Baugh I understand. But I think it is probably good practice that if there are separate issues and we are going to act on them separately, then they should be listed separately on the docket.

Mr. Fletcher said I think that they are.

Commissioner Seitz said, I am looking at the cover sheet, which is the 45th sheet in the packet.

Mr. Fletcher said you are looking at the staff report. For efficiency purposes in the staff report, we combine them, so we are not repeating the same information in a separate staff report. But for official agenda purposes, they are listed a separate items, which has been staff's consistent approach for a number of years.

Commissioner Seitz said I apologize.

Chair Baugh said no problem. My sense of it, Mr. Russ is welcome to jump in on this too, is that City Attorney would probably take the position that it is cleaner to take it up as they are as agenda items. So, since we have an agenda item 4.a. and 4.b. that you would probably prefer that we vote on 4.a. and then vote on 4.b. And we have made exceptions for that over the years. Sometimes in the guise of efficiency because it is just appears so readily apparent that everybody is either for this or against it and we do not think anybody is going to split their vote so we take them together.

Mr. Russ said yes, I think that is right. And sometimes with a particularly complicated proposal they might be so tied together that it is hard to envision how you could do one without the other.

Commissioner Seitz made a motion to recommend approval of the rezoning with staff's recommended changes to the proffers.

Commissioner Jezior seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning with staff's recommended changes passed (6-0). The recommendation will move forward to City Council on August 11, 2026.

Commissioner Porter made a motion to recommend approval of the special use permit with the condition as presented by staff.

Commissioner Jezior seconded the motion.

Chair called for a roll call vote.

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

The motion to recommend approval of the special use permit with the condition as presented by staff (6-0). The recommendation will move forward to City Council on August 11, 2026.