Consider a request from Janis Brown Enterprises LLC to rezone two parcels addressed as 1211 and 1231 Smithland Road

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said at the February 18, 2025, Planning Commission meeting, City staff presented a rezoning request from Janis Brown Enterprises LLC to rezone two parcels totaling +/- 10.14-acres from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The parcels are addressed as 1211 and 1231 Smithland Road and identified as tax map parcel numbers 71-A-3 and 4. The applicant intends to rezone the site to allow up to 70 dwellings. (Note: The Planning Commission public hearing for this item was originally scheduled for February 12th, but due to inclement weather, the regular meeting was held on February 18th.)

At the February regular meeting, staff recommended denial of the rezoning due to concerns with the design of the street network and with the overall feasibility of the layout of the neighborhood given that the conceptual development was relying on deviations from the Subdivision Ordinance that staff was not prepared to support. Planning Commission tabled the request and asked for the applicant and staff to continue working on the application. Since that meeting, the applicant has submitted revised proffers and new conceptual layouts.

The applicant revised a number of the proffers and has added two new proffers. A red-lined version of the edits to the proffers has been provided in the packet.

Proffers

The revised proffers are as follows (written verbatim):

1. The overall density of the development shall not exceed 70 units.
2. Only single-family detached and duplex dwellings are permitted as principal uses. The number of duplex dwelling units shall not exceed twenty-five percent (25%) of the total number of units in the development.
3. No more than one public street connection to Smithland Road shall be permitted. The public street shall end in a street stub to provide connectivity to the parcel identified as tax map number 71-A-13. No driveways will be located on this new public street. Location and alignment of the public street shall be as approved by the Department of Public Works.
4. Any street with on-street parking shall have curb extensions at intersections.
5. In addition to the public street stub described above, a minimum of one additional public street stub shall be constructed to the boundary of the development to provide additional connectivity to the parcel identified as tax map number 71-A-13. Location of the street stub shall be as approved by the Department of Public Works.
6. Upon request from the City, the Owner/Applicant will dedicate the necessary public street right-of-way along Smithland Road approaching the intersection into the development; up to twenty feet (20') in width to allow for a two-hundred-foot (200') right turn lane and a two-hundred-foot (200') right taper and to include curb and gutter and a five-foot (5)'

sidewalk with a two-foot (2') grass buffer . In addition, a ten foot (10') temporary construction easement shall be provided.

7. Upon request from the City, the Owner/Applicant shall dedicate land adjacent to tax map parcel 64-B-4-A for public street right-of-way as generally depicted in Exhibit A.
8. A shared-use path shall be constructed along one side of the new public street connection between Smithland Road and tax map parcel 71-A-13. A sidewalk will be constructed on the other side of the public street.
9. A ten foot (10') wide shared use path will be constructed between a public street and tax map parcel 71-A-13 in the location generally in Exhibit B. A twenty foot (20') wide public shared use path easement shall be conveyed to the City upon completion. The shared use path shall be constructed and dedicated to the City of Harrisonburg as a public shared use path easement prior to the completion of the Development. However, if a public street stub is provided in this general location, then the shared use path would not be required.
10. A recreational play area of no less than 500 square feet shall be provided. If provided adjacent to Smithland Road, then a privacy fence at least six feet (6') in height shall be constructed between the recreational play area and Smithland Road. Between the privacy fence and Smithland Road, a staggered double row of evergreen trees shall be planted and maintained by a Homeowner's Association, with the trees in each row planted not more than ten feet apart and a minimum of six feet (6') in height at the time of planting.
11. Screening in the form of a privacy fence at least six feet (6') in height shall be constructed along the boundaries of Parcels 71-A-5, 71-A-1, 64-B-4-A, 64-B-5, and the southwest boundary of 71-A-2 that is parallel to Smithland Rd, and shall be maintained by a Homeowner's Association.

The edits to the proffers include:

- To Proffer #2, added the ability to allow for duplexes,
- From old Proffer #4 (new Proffer #5), removed the provision for the applicant to petition to waive the requirements of the additional proffered street stub to TM 71-A-13,
- To Proffer #4, added that curb extensions would be required at intersections if parking is provided on streets,
- From old Proffers #6 and #8, removed reference to the concept plan,
- Removed the proffer that would have required tree planting throughout, and
- Added new Proffer #11 that requires the developer to provide screening in the form of a privacy fence along the identified boundaries of three neighboring properties.

The conceptual site layouts are not proffered.

Land Use

Staff believes a predominantly single-family detached home neighborhood at around seven units per acre is in line with the Land Use Guide's Low Density Mixed Residential Designation.

However, it is important to note that the conceptual layouts demonstrate 47 units, which is about 4.5 units per acre and would necessitate design variances. As noted above, the layout of the development is not proffered. Thus, the applicant would have the ability to design the site in a different way as long as the proffers, Zoning and Subdivision Ordinance requirements, and other design standards are met. A development proposal that meets the submitted proffers and all design criteria could still be less dense than the conceptual layouts that have been submitted by the applicant.

Transportation and Traffic
Proffers #3 and #5 address the construction of new public streets and requires a minimum of two public street stubs to provide connection to adjacent parcels. As described in Proffer #3, no more than one public street connection would be made to Smithland Road. This proposed street is also required to stub to the adjoining parcel to the southwest identified as 71-A-13.

If the request is approved, the developer must complete a preliminary subdivision plat, where, among other things, they could request variances from the Subdivision Ordinance and the Design and Construction Standards Manual (DCSM). When staff is able to comfortably support a rezoning request for a residential development that would include constructing public or private street networks, often a proffer or a required master plan layout can give a bit of certainty to the final layout of the street network. At times, specific details of street designs (i.e., cross sections, grades, curves, lengths of tangents, etc.) are known ahead of time to not meet minimum design standards and the developer is able to learn what staff finds to be an acceptable deviation and demonstrates them in a submitted layout. This in turn allows staff to support the rezoning ahead of the subdivision platting process acknowledging what we find to be reasonable deviations. While staff anticipates that the applicant would request variances to deviate from location requirements for public general utility easements and to deviate from minimum public street right-of-way and street width requirements, which staff is generally comfortable with, staff believes there is still too much uncertainty regarding other variances the applicant might request at preliminary platting. Projects like Quarry Heights, Weston Park, and Tuscan Village proffered a general street layout that staff found acceptable and there was general agreement between staff and the developer regarding anticipated variances from the Subdivision Ordinance and DCSM.

Recommendation
Staff continues to recommend denial of the request.

However, if the rezoning request is approved, staff hopes that Planning Commission and City Council would agree that an approved rezoning is not an offering of support for known or unknown Subdivision Ordinance or Design and Construction Standards Manual variances. These details will need more thorough evaluation leading up to preliminary platting and the applicant is encouraged to continue working with staff prior to submitting a preliminary plat application.
Chair Baugh asked if there any questions for staff.

Vice Chair Finnegan said I am seeing in the proffers the language about duplexes being added. I thought that the massing of the buildings was one of the challenges and maybe I can address this to the applicant. Would duplexes change the layout of the street? Would that allow them flexibility to cluster? Is that the same drawing that we saw last month?

Ms. Rupkey said no, this is a new drawing. [Referring to the image on the screen] this one is closer to what you saw last time. Closer but still different.

Vice Chair Finnegan said on the new one are there indications of…

Mr. Fletcher said well, they are both new drawings.

Ms. Rupkey said they are not showing duplexes on either drawing at this time.

Vice Chair Finnegan said I was just wondering if that proffer would make the arrangement and shape of it anymore flexible.

Commissioner Nardi said it is not clustered. Is this considered cluster development as you see it in terms of continuity with the Comprehensive Plan?

Ms. Rupkey said I would not call it cluster [development].

Commissioner Nardi said I would not either, but I wanted to confirm your interpretation.

Vice Chair Finnegan said my recollection of last months meeting was staff was surprised that these were all single family detached.

Mr. Fletcher said that statement was that we had seen so many iterations of different designs that when they submitted an actual application, it was only single-family detached which we had never seen. We were just taken aback by the fact that we had not yet seen that layout. To speak to the cluster development, on a shape of a parcel like this with the elevational challenges and size, to do a cluster development you would probably have to do all townhomes in one section and leave it open in the other section to do true clustering. A lot of the statements in the Comprehensive Plan are still carried over from a long time ago. They are coming from ideas from the early 2000s when there were different ideas about how this can be constructed. What you are looking at from a single-family detached and a density perspective is inline with the Comprehensive Plan's Land Use Guide, but the street network is not. That is where Meg got to the point of saying that we are seeing a responsibility here that we can not just turn our eyes away from. Recognizing that we are trying to create a street network that is going to be longstanding for decades. Not just designed in a vacuum on a ten-acre site. I know it hurts, even for us to say that we recommend denial knowing we need more single-family detached homes. We can not just say yes just because of it; we need to have a good design with it as well.

Vice Chair Finnegan said just to clarify, is it fair to say the number one reason that staff is recommending denial is not necessarily the density, it is about where those streets kind of end up and not knowing what might happen on those adjacent properties?

Ms. Rupkey said I would believe that the overall design and layout there are just too many unknowns at this time. Say we like the location of these stub outs on here now, those locations are not proffered so the developer could come in and change that location in the future and have a different street layout that we are forced to then follow.

Ms. Dang said I will add that it is also that the intersection spacing details. This a new design here. I recognize that these are just conceptual, but they suddenly showed a really wide street. There is still a lot of uncertainty and things changing that we are not comfortable with what has been presented. As Meg said when she was presenting her final statements there, if you recall with Tuscan Village and Weston Park, there were proffers that were made that the street network would conform or be similar to generally conform with the layout that was shown on the concept plan. We are expecting it could be adjusted and moved it does not have to be exact locations but there was some comfort that staff had because we have had those discussions with the applicant and got to that point where we knew what they were anticipating; what variances they planned to request when they went to preliminary plat for the property later. We had anticipated those things at rezoning.

Vice Chair Finnegan said I guess what I am trying to get at is this is a layout with a bunch of single-family detached houses on it. What I am trying to ask is does it matter the configuration of this? Is it really primarily a concern about street network? Could there be another configuration of houses that are either same density or less density that you would support if the street layout was different.

Mr. Fletcher said let me see if I can rephrase what you are asking. Are you saying why are we not supporting the rezoning to allow for the density that we find to be likely acceptable with types of homes that we find to be acceptable and just rely on the platting process to create the street network? That is a possibility, however, I think there is a responsibility here that when we start showing these graphics and we start showing these street alignments that we know we are not comfortable with and that are not possible without variances and then they are showing the community these layouts and then we are like but it may look nothing like this. Then it comes back in a platting phase and looks entirely different. They might say "we still cannot do it exactly without variance." It gets a little awkward, odd for us, from a bigger picture perspective to start going "well they showed this, it cannot be done, but they still have to meet our minimum design criteria." Well then let's pause and allow somebody to come in with something that would able to do both meet the design criteria and the rezoning density.

Chair Baugh said one of the things that we talked about at the last meeting was the fact that we spent some time just on the issue of variances and we did clarify that it is not like we routinely make all the applicants have all of the answers to the variance in advance. We do that all the time. I guess what I think I hear staff saying is that yeah that is true as a general proposition, but in this one it is just too much. It feels like wherever the line is between yeah we know there are going to be some variances in a particular development and we can see that coming but everything looks like it will be fairly routine. On that one, on paper, you can say they are the same thing, but we would say they are not. Sometimes the variances there are a handful of these things that are straight forward and we often approve a rezoning knowing that those things are to be determined. This one

staff is just saying wherever the line is we are still on the wrong side of the line of things that are just too much up in the air. Throwing in, particularly, the odd size of the parcel and how it ends up with whatever development that is out there you are just not prepared to support it. I think part of what I am hearing is something that I think is one thing the public struggles with in listening to us talk about things like this is if you are against a proposal you can reason and say why you are against it and then you get into this overlay with us of I will pick on stormwater. You may not agree with it, but we do not take that up at this stage. It is going to sound to you like we are kicking the can down the road, and you are going to draw inferences from it. The fact is mechanically there is a whole process for dealing with that and it is not here right now while we are talking about the rezoning. By contrast, this is one where we are saying there is enough about this street layout that you feel like you just can sort of approve this. Further details of the street network to be determined later just seems like it is opening the door too wide. Is that a fair statement?

Ms. Rupkey said I would say yes.

Commissioner Porter said the applicant's not present?

Chair Baugh said the applicant is present. There were some inquiries about this ahead of time so I will just sort of throw this out to the group. We do not have to reopen [the public hearing] to let anybody speak. There was some talk about the applicant speaking to it a little bit. I think that is ultimately up to us. I think if we let the applicant speak we want to try to encourage him to speak to the changes that we have here and not the merits and the pros and cons of it because as we have already seen we have some folks here on the other side of this who would like to speak. I guess it is sort of our pleasure and maybe we ought to have talked about this before we do this. Do we want to hear from the applicant again? And if we want to hear from the applicant again, do we want to give other folks in the audience an opportunity to speak

Vice Chair Finnegan said my opinion is if we are letting the applicant speak again, we should let other folks speak again. I do think it is also fair to say only on changes.

Commissioner Porter said I was not present at the last meeting but I think I would like to understand why things are the way they are. Why the plan changed radically from what is being looked at and what staff had seen and also to address these concerns. I think it is a fair thing to ask the applicant to address.

Chair Baugh said Mr. Russ, we had not advertised this as a public hearing. Are we authorized to reopen the public hearing?

Mr. Russ agreed.

Chair Baugh said we will reopen the public hearing on this matter and invite the applicant to come forward. Again, we encourage folks to really talk about the changes. Use this as an opportunity to tell us what we do not know and not to reiterate what your positions are.

David Gast, the applicant came forward to speak to the request. He said can I just really quickly address Mr. Porter's question which I know is rewinding just a hair. We are seeking to rezone this

from R-1 to R-8. The specific reason for that is so then we can deliver, what we feel are, moderately priced homes as part of our mission as a company. It is what we understand what the City is desiring. The R-8 zoning specifically allows for these smaller lots. Which means we can then actually build a smaller, less expensive home that appeals to first time homebuyers and renters who are now moving into their own housing for the first time.

Ms. Dang said do you want your land planner on the line right now with you or do you want him to follow you. I think he was trying to call in. If you could pause a moment then they can transfer it.

Connor O'Donnell, a representative and land use planner from Gentry Locke Attorneys, called in to support Mr. Gast as he spoke about the request.

Mr. Gast said to continue this is a very challenging site, it is really narrow, it has odd borders, there is topography. So laying out the street network is difficult to do. Like a lot of developers, the situation is we can fund concept planning through a rezoning but the investment of capital that is needed to do a full engineering of a site to get all the exact details down is a pretty massive investment and we are just not able to do that without removing the rezoning uncertainty off the table. I have a contract with D.R. Horton who will also be doing the engineering design, the construction of the site and the development and building of the homes. That contract says as soon as we get the rezoning, they are going to invest the dollars into all that and get that ironed out through the site plan approval process. What we try to do by providing two concept plans was to address some of the critiques and criticism we heard last month. By providing two plans the intent was to try to demonstrate that there are a variety of ways in developing the site. Each of which conform to the proffers. We believe each of which can be built in accordance with the code in the City of Harrisonburg. Some of the specific changes is that the street width was increased. Our neighborhood streets went from 24-feet to 35-feet wide. That is specifically to address the criticism we heard about parking. With the 24-foot streets the complaint was if we had on street parking, there is not enough room for traffic or fire trucks to move around. At 35-feet we believe that there is. The main entry road off of Smithland [Road] was widened from 30 feet to 49-feet. That was in response to a suggestion that the entry road could kind of have a grand entrance off of Smithland [Road]. The extra width allows us to do that. As result of all of this the overall density decreased. You can see we are right around 45 lots in one plan, 47 in another. Both plans offer a lot more greenspace than the original design you saw last month. Again, that was something that we heard and we were trying to address. My engineer has assured me that all the street radii conform to code. He has taken the fire truck and driven them around the plan. A minor detail but we relocated the playground from a lot near Smithland [Road] to an interior section of the site. Again, that can be placed anywhere. In the revisions, plan number one that you see is a revision to the plan that we showed last month that kind of has the circular loop road going around it. That has the two intersections in the site. Part of widening the main entry road here was that it allows for a wider median. We heard a suggestion that a wider median can be landscaped, that is a part of the grand entrance design. We heard you with that suggestion. This maintains that right-in/right-out for the first intersection and on the west side of the plan, we are showing t-intersections. Which our understanding is this all conforms to code, but we understand that it is not the preference of staff. That is why we specifically explored an alternate design which is plan number two.

Commissioner Porter said is that a correct statement that it does conform to code and that it is more about preference.

Mr. Fletcher said what I believe David might be referring to is the code for a fire truck to be able to maneuver through a space. When you are looking at public street design standards there are specific design criteria that you have to meet. If you picture a private street network or even an internal parking lot facility where specific turning radiuses that are needed for a fire truck. What the land planner, or whoever did this, is they probably took this and said "can a fire truck actually make these turning radiuses? Is it physically possible." The answer to that might have been yes but it does not mean that it meets the design criteria of a public street.

Mr. O'Donnell said we are talking a lot about of these two plans, road widening, and etcetera; but I want to highlight that those details are a little bit distracting. What both of these plans are intended to do is inform us as the developer and you all as the Planning Commission about what options are available here. These two layouts show that in reality, whatever the road network will be, you are going to have about 40 to 50 homes. One thing I really want to hone in on is the main road coming in. Both of these layouts entirely surround and are dependent on whether there is one intersection or two. These are VDOT and City standards that we would have to meet. You need a minimum of 330 feet before your first intersection. We have developed these proffers. Staff has mentioned their comfortability with variances. That has been difficult because every proffer that we have written has been worked with staff or staff suggested. There is no question about whether the one road that is proffered is workable or not. That is why you have two layouts here. I just want to focus on that because the conversation here about road widths or medians is less relevant. It is more of conversation of: is the future vision for this site R-8? This site in whatever layout moves forward will have between 40 and 50 homes, that is the site limitation. It will have a main road from Smithland [Road] and it will have one additional street stub connection. Those are the restraints that the applicant and developer are working within. It really just comes down to trusting the site process and the subdivision process of do we feel that rezoning this to R-8, given the restrictions and the proffers that commit to two street stubs, do we want to keep 40 to 50 homes here That is what the developer has shown the applicant has shown that is likely possible in whatever street network ends up being approved. That street network will need to be approved to City standards. There is no prior commitment to the necessities for certain variances. There is no proffered concept plan that upfront is saying we cannot commit to a street network without variances. That is not true. The site plan process will move forward. The developer will be required to meet the standards in the City's design manual. Again, I come back to the larger conversation being R-8 on this site and whether that is the future vision for this area. The road network is something that will come in the future and will be required to meet City standards.

Dan Rublee, a resident of 1251 Smithland Road, came forward to speak to the request. He said I am not going to go into a lot of detail on how I am representing the neighborhood but I still continue to do that. We have reached out to more people, we have more signatures on the petition that was presented to you last month. We now have 29 signatures on that, all but two of which are property owners along the street. I want to just touch base back on something that we pointed out in that petition which is whether or not the R-8 is truly representative of what the Comprehensive Plan calls for in regard to this property which looks for the vision to be this Low Density Mixed Residential. It just seems like all the discussion here is about density and street layout. There are a

lot of provisions and goals and strategies in the Comprehensive Plan. If you had the chance to read the commentary that I sent in today, I listed a lot of these in there. A lot of these are similar; encourage or provide incentives for new development to preserve existing trees in vegetative areas and or add new trees and plantings; to require or provide incentives for open space or cluster development to preserve greenspace within new residential subdivisions; adapt to new trends and demands while ensuring that new development will be compatible with adjacent existing uses. Those are the concerns that I think were laid out strongly in the petition which the neighborhood does not feel like those provisions that are in the Comprehensive Plan, which is supposed to be the guiding document for the consideration of rezonings and such. We do not feel that those provisions in the Comprehensive Plan, as described also in the Low Density Mixed Residential definitions, are being met here. I just wanted to reiterate that. I appreciate staff discussions. This idea about is it 45, is it 55, is it 65, is it 70? I think the concern that I have, personally, and I think it is shared by the neighbors is that each time this plan has been sort of revised/resubmitted since the application was formally made. There are fewer and fewer units being shown and still there are variances that have been identified as being needed in order to even support that. Once we get to this point, and I appreciate the land planner saying we are going to figure that out later. What is it going to be then? Is it going 40 units? 50? Is it only going to be 30? What is it going to be? My concern is similar to what was expressed there. Right now, the proffer still says up to 70 units. There is no commitment to any layout. Could they come back in and say "oh, we want private streets, we are going to make them narrower the City does not have to worry about it because they are not going to maintain it" and now we squeeze in 70 units into one space that is really not appropriate to accommodate that. My thinking and my question that I wrote into this is similar to what staff is saying, why are we not working towards a plan that can actually work and that people can accept and then set a limit on the density based upon that and not upon some maximum based on a density number that is only one factor that should be considered here.

Lee and Lana Gascho, residents of 1270 Smithland Road, came forward to speak to the request. Mr. Gascho said I think just to follow up on what Meghan had said the streets that are within that complex have some issues. I walk again on Smithland Road from the one entrance where these 40, 50 or 60 homes are going to come out of, and I walked that again yesterday. It is a two-lane road, there are no shoulders. There is a foot on each side of the line. No shoulders, no sidewalks, no bike path and just reading through the Comprehensive Plan again there is just an emphasis on safety of our streets. Bicycling and trying to get more pedestrian movement and way from auto movement. That section where they come out the sight lines are so bad and there is no way for the kids and everybody to get to Smithland Elementary to the Smithland Athletic Complex, they would have to walk on private property. I know future developments might come, but for that many cars and that many individuals trying to walk and ride bikes on there. It is a safety hazard for the City.

Anthony Tongen, a resident of 1145 Smithland Road, came forward to speak to the request. He said I would just like to emphasize that I agree with everything my other neighbors have said. I do think there is a way to do this and do it well in the sense of actually working with neighbors and there has been none of that on our end. Even as I look at the inclusion of a privacy fence in some places but not in all places that is concerning. I think there is a way to do this well and it has not actually been done by the developer at this point.

Chair Baugh 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.

Vice Chair Finnegan said this is a really tough one. I think one of the things that I hear from developers in these hearings and elsewhere is it is so damn hard to build housing. You have got this weird lot, we have this other lot it does not conform to this, we are trying to do this we are trying to make it pencil out. You have got that on one side and on the other side you have neighbors who do not want increased density in their neighborhood, which I understand. I do not think any of those people are wrong. The developers are not wrong, and the neighbors are not wrong. There are just conflicting concerns. I really struggle with this one. I want to be able to support housing in the City. I want to be able to say yes to infill development. I want to be able to say yes to R-8 small lot development, but I struggle with this for the reasons that staff has brought up. I want to be clear; it is not the density and it is not the increase in traffic, it is the street network.

Commissioner Nardi said can staff speak to the two-lane road and the increase in density and therefore traffic and those types of concerns?

Ms. Rupkey said as far as the future plans of widening I cannot speak to that.

Ms. Dang said I believe it is in our Capital Improvement Plan [CIP]. Even if it was in the CIP, I would guess that it is probably far in the future. If this rezoning got approved, and Mr. Gast and his team were successful in getting this developed, that it would be developed before the improvements on Smithland [Road].

Mr. Fletcher said the Smithland [Road] improvements are not this section that is shown in our Comprehensive Plan. Smithland Road from Old Furnace Road, northwest, to Linda Lane. It is that section that goes from Old Furnace across the soccer complex frontage to the roundabout. That is to widen the road to four lanes with a sidewalk on one side and shared use path on the other side. These are old numbers back in 2018. Smithland Road, Linda Lane, and Keezeltown Road connections and this is to construct a two-lane roadway with sidewalks on both sides.

Chair Baugh said Councilmember Dent if she was here might be able to speak to it. My senses are that the plan seems to be lined up right now. It would more likely that further development in that area spurs moving the [road improvement] project to the front of the line.

Commissioner Porter said I just want to speak briefly and somewhat echo the things that Brent just said about the fact that you have two competing interests here that are both viable. I have long spoken out about my support for increasing density in our community simply because we need it for affordability. However, with that being said I would be very sensitive to placing a R-8 in the middle of an existing R-1 that does not conform, even remotely close, with what exist around it. I know that there are some concerns specifically about this property. What I would say is for any future developer that would come to our community is that you have to be very mindful of where you are putting your development and what exist around it. When you are going to fundamentally change the character of the area it is incumbent upon you to be very forthright and out in front of trying to work with the community around you but also make sure that the site that you are putting forward is complete and as comprehensive as you can make it. I think that the staff concerns about

how this plan came to them and the changes that were made and the fact that the plan that was put forward would require variances is a concern. I think that is the question that is the most germane in terms of the vote that may be taking place. In terms of these neighbors and the people that are here that are concerned about their community, I think it is extremely important to make sure that all that communication is very forthright and very active. This is simply trying to make the best community that we can possibly make. The concerns that I am hearing from the neighbors are valid concerns. I know that road is a dangerous road and it difficult and there is not a lot of sidewalks or any sort of infrastructure to aid people to bike or walk safely on it. If development is going to continue to grow in this area, there has to be some thought about what that looks like going forward for the interests of the people who have lived there for many years.

Commissioner Nardi said I would echo that with process. I would think there needs to be more discussion to have between neighbors and developers. I think we have seen some good examples of that on some projects that have come before us that have really made things go that initially might not have been. I am leaning towards denial at this point.

Commissioner Washington said I have no issue with R-1 becoming R-8 in this area just because we do need housing. When we talk about what you are seeing, you are going from R-1 which is single family, to smaller lot sizes. When you think about affordability and keeping things affordable, if we try to stay R-1 then who is going to afford to live there? Especially with the cost of construction and the cost of housing. In terms of Harrisonburg being the Friendly City and making inclusive communities for everyone, I think this is a step forward for that. I think I am also a process person and I also think that there is some need for more discussion with the community. There needs to be some give and take into who needs to be able to…we can not continue to call this place the Friendly City if it is friendly over there where we are going to allow infill development in places that are already over crowded when there is space, there is 10 acres here, that can go towards housing. In terms of accommodations in what the infrastructure that needs to be improved to make this happen, should we make it happen? Absolutely. That is what improvement looks like. That is what development does. That is, when we look at people who need housing, hey do not want dangerous streets either. So what do we do? We improve the streets to accommodate the folks who live there. In terms of denial, I do not think, based off of what we heard last month and this month, I do not think I can say no to housing in this area.

Mr. Fletcher said I want to clarify some responses from earlier. When I was talking about the Smithland Road improvements, the section from the Linda Lane roundabout as then Smithland [Road] then circles back to Keezletown [Road] does not show up as transportation improvements on the Master Transportation Plan. The streets I was referring to where it says the Smithland Road, Linda Lane, Keezletown Road connections is referring to a desired street network where we need to connect those streets. We want to connect Linda Lane. We want to connect Smithland [Road]. We want to connect to Keezletown [Road]. They are just broad strokes on the map to show we want these connections. What we are talking about this evening is the beginning of those connections. That street that comes off of Smithland Road is the beginning of a street network that we want to create. We want to make sure we get it right because when these streets go in, they are going to be there for a very long time.

Commissioner Porter said it seems to me that this potentially could be disallowed for where a few lines fall on the map here. You are hearing generally that there is not an opposition to density, at least the density proposed in the site plans we have seen here. The neighbors might feel differently, and I respect that. Nonetheless, this very well may fail just based on some streets and how they could be redesigned to conform with what is required by the City, or at least what is being requested by the staff. It seems to me that it would be a shame to let something that you have invested this much time to fall by the wayside based on that issue alone. I do not where this goes from here. I know where I am sitting on it. It seems to me that we are somewhat throwing the baby out with the bath water here if we would let this fall by the wayside for that reason and that reason alone.

Vice Chair Finnegan said we did table it last month because we are in a very similar place right now as we were last month.

Commissioner Nardi said I guess I have to agree. There is so much right with it in terms of housing, the need. There is a balance that I do not feel has tipped for me to be able to say yes without further work.

Commissioner Porter said there are a lot of unknowns here.

Commissioner Washington said do not get me wrong, I find that the site plan is ugly; and we have seen some ugly site plans that we have approved. The fact that it is ugly... I do not think is a reason to say no to it. In order to say no to housing just seems backwards. I am on the side of saying no to a denial.

Vice Chair Finnegan said in the interest of moving this along, I will make a motion to approve.

Commissioner Washington seconded the motion.

Chair Baugh said it is a close vote, but I am a no. Yes, we have a need for housing. We have also approved a whole lot of it that is not getting developed, which may be a whole other reason. It seems to me there needs to be room for saying that the proposal just is not quite there and the need is not just so great that we will not worry about these things. All we have before us is the proposal right now. At this point am going to be voting against the motion, but largely for the reasons that have been stated. I think, particularly, I agree with what Commissioner Porter was saying. It is not about the density; it is about the future mechanics. It is another side of the fact that, as we have said, there seems to be at least some general agreement that the infrastructure, as it is right now, really is not adequate to this type of development. I am probably more comfortable than a lot of members of the public will be with if that actually happens and that in and of itself is not a reason to vote against development. Sometimes one has to pull the other along. I think some of the last points made by Mr. Fletcher about how there really is a sense that, at some point, there is going to be a network there. There is a whole lot we do not know about it. This just feels like it goes to far setting the template for things that would have to come after it. At least based on what we have tonight.

Commissioner Porter said based on the character of the property, I agree with staff that I would like to have seen some delineating of green zones and trees and those sorts of things. I think that the nature of this development needs to be conforming with the community around; it which has a lot of greenspace. I think that is something that should have been addressed in the site plan that is not as well.

Vice Chair Finnegan said I agree, I think we need more greenspace. As the Zoning Ordinance currently stands there is a certain amount of land that needs to be dedicated to car storage; that is in the Zoning Ordinance that is required by the City. If the applicant wanted to say we would like a reduction in required parking... This is just something that ties that together with the concern about traffic on the road. If your number one concern is traffic and your number one request is more parking, those are working against each other. The last thing that I will say is there is a bill, as far as I know, that Governor Youngkin has not vetoed yet. The bill would allow local governments in Virginia, which we currently do not have the authority, to say we want more greenspace. There is no mechanism to enforce that in Virginia law. Assuming Governor Youngkin either does not sign it and it gets turned into law or he does not veto it and signs it into law. That is something that, I hope, that we can talk about in the future in the Subdivision Ordinance for these lots, we want to say a certain percentage of trees need to be planted. A certain percentage of greenspace. I think from the development standpoint the trade off would be removing the parking requirements so that they can add more trees and less parking. We do not have the authority to do that at this point in time.

Chair Baugh called for a roll call vote.

Commissioner Nardi	No
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	No
Chair Baugh	No

The motion to recommend approval of the rezoning request did not pass (3-2).

Commissioner Porter said I wish to make a motion to deny the application as currently presented.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	No
Commissioner Washington	No
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend denial of the rezoning request passed (3-2). The recommendation will move forward to City Council on April 8, 2025.