



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes Planning Commission

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Wednesday, December 9, 2020

6:00 PM

Council Chambers

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, December 9, 2020 at 6:00 p.m.

Chair Colman called the meeting to order and said that there was a quorum with all members present. This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19. This meeting will be conducted by the following electronic communication means: electronically through GoToMeeting and Granicus. The public had the opportunity to provide comments in advance via email and will have the opportunity to provide comments by phone at designated times during this meeting. Because calls are taken in the order that they are received, we ask that the public not call the comment line until the item you are interested in is being presented or discussed.

**Present** 5 - Gil Colman, Brent Finnegan, Kathy Whitten, Jim Orndoff, and Adriel Byrd

### 2. Roll Call/Determination of Quorum

Members present by electronic, video communication: Gil Colman, Chair; Brent Finnegan, Vice-Chair; Jim Orndoff; Deb Fitzgerald; Adriel Byrd; and Kathy Whitten. Absent: Sal Romero

Also present: Thanh Dang, Assistant Director of Community Development; Alison Banks, Senior Planner; Adam Fletcher, Director of Community Development; Wesley Russ, Assistant City Attorney; Erin Yancey, Public Works Planning Manager; and Nyrma Soffel, Acting Office Manager/Secretary.

**Present** 5 - Gil Colman, Brent Finnegan, Kathy Whitten, Jim Orndoff, and Adriel Byrd

### 3. Approval of Minutes

Chair Colman asked if there were any corrections, comments or a motion regarding the November 11, 2020 Planning Commission minutes.

Commissioner Finnegan moved to approve the November 11, 2020 Planning Commission meeting minutes.

Commissioner Byrd seconded the motion.

However, no vote was held on the motion to approve the November 11, 2020 Planning

Commission minutes. The November 11, 2020 meeting minutes will be voted on at the January 13, 2021 meeting.

#### 4. New Business - Public Hearings

- 4.a. Consider a request from Christian Light Publications Inc. for a special use permit to allow manufacturing, processing, and assembly operations at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue

Chair Colman read the request and asked staff to review.

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

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

The following land uses are located on and adjacent to the property:

Site: Bookstore, offices, printing, production, and warehousing facilities associated with publishing of books and similar materials, and two nonconforming dwellings, zoned B-2

North: Across Mt. Clinton Pike, Eastern Mennonite University, zoned R-3/I-1, Institutional Overlay; and Eastern Mennonite School, zoned B-2/I-1, Institutional Overlay

East: Retail and commercial uses, zoned B-2

South: Single-family detached dwelling and undeveloped property, zoned R-3; and single-family detached dwellings, zoned R-1

West: Across Chicago Avenue, single-family and duplex dwellings, zoned R-7; and multi-family dwellings, zoned R-3

The applicant, Christian Light Publications, Inc., is requesting two special use permits (SUPs) for a +/- 7.2-acre site located in the Park View area of the City near the intersection of Mt. Clinton Pike and Chicago Avenue. The first SUP would allow manufacturing, processing, and assembly operations (“manufacturing”) when not employing more than 15 persons on the premises in a single shift and provided that all storage activities are conducted within buildings. The second SUP would allow warehousing and other storage facilities. If approved, the applicant seeks to expand and relocate existing, non-conforming manufacturing and warehousing uses on the site.

The applicant stated that book publishing has been taking place on this site before Christian Light Publications became incorporated in 1969. The site was annexed into the City in 1983, at which time the site was zoned B-2, General Business. Since 1983, the site has gone through two significant expansions: in 1991 when the 20,000 square foot building addressed as 1051 Mt. Clinton Pike was constructed and in 2014 when the 10,000 square foot building addressed as 1047 Mt. Clinton Pike was constructed.

Presently, there is 23,000 square feet of warehousing on the site and 7,000 square feet of manufacturing, which includes printing presses and related equipment. The site also contains a bookstore, offices, and two nonconforming residential dwellings. It appears that during expansions, enlargements and relocation of nonconforming manufacturing and warehousing uses were not done in conformance with the ZO. While manufacturing is allowed in the B-2 district, it is only allowed by SUP and no SUP approval was received for relocating the production area from 1062 Chicago Avenue to 1051 Mt. Clinton Pike in 1991. Additionally, while the ZO allows warehousing and other storage facilities as a by right use in the B-2 district, the use is limited to 20,000 square feet and must be contiguous to permitted uses. Warehousing and storage uses greater than 20,000 square feet or not contiguous to permitted uses require an approved SUP. It appears that in 2014, more than 20,000 square feet of warehousing was created on the site without an approved SUP. The City’s current Zoning Administrator has determined that erroneous City approvals of past engineered comprehensive site plans and building permits constituted a significant government action and that the existing 23,000 square feet of warehousing and 7,000 square feet of manufacturing uses are nonconforming. As nonconforming uses, the uses may continue in their current locations, but any expansion or relocation would require SUP approvals. Approval of the two requested SUPs would bring the current manufacturing and warehousing uses into conformance and allow for the expansion and relocation of those uses on the site.

The applicant’s letter describes that Christian Light Publications plans to construct a +/- 24,800 square foot warehouse addition behind 1051 Mt. Clinton Pike. Additionally, they plan to relocate existing manufacturing and warehousing uses within existing buildings. The attached conceptual site layout shows existing and proposed uses within each building on the site. A minor subdivision will be required to vacate the existing interior property line on the site between tax map parcel 47-P-9 and 14 prior to any building permits being approved for the new +/- 24,800 square foot warehouse.

This area is designated Mixed Use within the Comprehensive Plan's Land Use Guide. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated, and where scaling and massing of buildings is an important consideration when developing. While the proposed scale of manufacturing and warehousing is not typically what is envisioned for Mixed Use areas, staff recognizes that Christian Light Publications has existed at this location for decades with manufacturing and warehousing operations taking place on property. Additionally, the property is zoned B-2 and by right a new building of similar size and scale could be constructed in the same location and appear exactly as shown in the conceptual layout, but rather than warehousing books, could operate any number of other by right uses inside the building.

Staff believes that with appropriate conditions, the expansion and relocation of manufacturing and warehousing uses is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit with the conditions as specified in the following paragraphs.

With regard to the recommended conditions for the SUP per Section 10-3-91(1), "[m]anufacturing, processing, and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within a building," staff believes the following are appropriate:

1. The special use permit shall only be applicable for the current operation or a substantially similar operation.
2. An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees—parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.
3. Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
4. If in the opinion of Planning Commission or City Council, the use 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.

Condition #1 limits the SUP to the current operation or a substantially similar operation. If the applicant later wishes to have other manufacturing, processing, and assembly operations, they must return with a new SUP request to be vetted by Planning Commission (PC) and City Council

(CC). Condition #2 requires vegetation to remain in place or new trees to be planted within 20-feet from two parcels with existing single-family detached dwellings that front on Woodleigh Court. Condition #3 limits the total number of entrances on Mt. Clinton Pike serving the site to two entrances and prohibits placement close to the Mt. Clinton Pike and Chicago Avenue intersection. Finally, condition #4 allows PC and CC to recall the SUP for further review if the use becomes a nuisance.

Regarding the recommended conditions for the SUP per Section 10-3-91(2), “[w]arehousing and other storage facilities,” staff believes the following are appropriate:

1. Up to 60,000 square feet of warehousing and storage is permitted on the site.
2. All warehousing and storage and activities are conducted within buildings.
3. Self-storage facilities are prohibited.
4. An evergreen or deciduous tree buffer shall be created parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7, where such trees shall be planted at no more than 20-ft. on center and no less than 6-feet in height at the time of planting. Existing trees—parallel to and within 20-feet from the property boundary with tax map parcels 47-J-6 and 7 may be used to meet this requirement. The intent is to provide a vegetative buffer to reduce the visual impact of the subject site from the adjacent residential uses.
5. Along the Mt. Clinton Pike frontages of tax map parcels 47-P-14 and 47-M-1, there shall be no more than two entrances and no entrances shall be placed within 65-feet from where the property line of tax map parcel 47-P-14 and 16 meet.
6. If in the opinion of Planning Commission or City Council, the use 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.

The applicant requested within their letter the ability to have up to 60,000 square feet of warehousing and storage on the site to allow for future expansion in the long-term without having to come back to request a new SUP. Condition #1 would grant the applicant this ability. Condition #2 prohibits storage and warehousing activities from being conducted outside a building. Condition #3 prohibits self-storage facilities, which are buildings that contain separate, individual, and private storage spaces of varying sizes available for lease for varying periods of time. Condition #4 and #5 are the same as conditions #2 and #3 recommended for the manufacturing SUP. Should either SUP become void, staff wanted these two conditions to continue to be required for the remaining SUP. Condition #6 allows PC and CC to recall the SUP for further review if the use becomes a nuisance.

Staff recommends approval of the special use permit with the stated conditions.

Chair Colman asked if there any questions for staff.

Commissioner Finnegan asked if there was any follow up regarding the non-conforming use

following the expansion in 1991. How did that become non-conforming or outside of those non-conforming uses in 1991?

Ms. Dang said that she does not have all the changes that occurred in 1991 before her. The 20,000 square feet would be allowed in today's Zoning Ordinance as a use that is contiguous with a permitted use. The non-conforming use, at that time, was that their production was out of one of the other buildings that was facing Chicago Avenue and the manufacturing use did not have a SUP leading to the new 20,000 square foot building. In 2014, they went over the warehousing threshold of 20,000 square feet. Staff at that time did not catch all the changes that were being made.

Chair Colman asked if the applicant owned the property next to it, where they are expanding. When did they take ownership of that property to the south? Right now, it looks like there are some abandoned chicken houses to the south of the buildings. There is some property that has some type of empty barn to the south along Chicago Avenue, where the extension of the building will be.

Ms. Dang said that would be a question for applicant. They recently acquired this property with the intent to expand.

Chair Colman asked when there is a non-conforming use that is not aligned with the Comprehensive Plan, at what point do we determine that acquiring more property that could otherwise be used for the purposes of the Comprehensive Plan is not acceptable? How does staff gauge that extension to new property?

Ms. Dang said that the reason they have asked for the SUPs today is to allow for the planned expansion.

Chair Colman said that we have an industrial use there that we are expanding into a business district. What is the zoning district there?

Ms. Dang said that the property that Christian Light owns is in the B-2 General Business District.

Chair Colman said that they can have warehousing up to 20,000 square feet and now we are expanding that to 60,000 square feet. What is the threshold?

Ms. Dang said that the by-right threshold is 20,000 square feet. That is consistent with the permitted use within the B-2 district. The use includes offices and up to 20,000 square feet of warehousing would be allowed without a SUP approval. They are requesting an additional 40,000 square feet for a total of 60,000 square feet of warehousing.

Chair Colman asked how much warehousing they currently have.

Ms. Dang said that they have 23,000 square feet of warehousing. The applicant bought the property believing that they were in conformance and that their expansion would be allowed. When they came in to talk to staff about their site design, it triggered staff to investigate the conformance status.

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

Andrew Crider, 1056 Chicago Avenue, called on behalf of Christian Light Publications in support of the request. We have been in this location for over 50 years. We are a Christian non-profit organization. We develop and produce affordable education materials for kindergarten through grade 12. We also cover storybooks, study materials and other literature. God has blessed the work over the years, and we have been expanding, serving more people around the world. Over the last five years, we have learned that we will need more space. We have been maxing out our storage and fulfillment areas. The owners of the property that we are looking to expand onto, 1032 Chicago Avenue, wanted to sell in 2016. They contacted us and gave us first rights. We thought we might want to expand one day, so we bought the property while we had the opportunity. We are grateful that we had the property available. It was zoned B-2, giving us the ability to expand where we are instead of moving. We are grateful that City staff is working with us. We have our goals that we want to meet. You have your goals for the area. We are interested in maintaining and improving in our neighborhood, Park View. We want to be as workable as we can with you. If you have any questions, I will be happy to answer them.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Chair Colman asked if staff has received any questions from the public on this matter.

Ms. Dang said no.

Chair Colman noted that the Planning Commission will vote on each SUP separately by roll call vote.

Commissioner Finnegan said that he understands the concern about adding more property to this already non-conforming use. This is not a normal request in that regard. I agree with staff that the applicant bought the property thinking that they were in conformance, when they were not. It sounds like they are trying to do the right thing and get back into conformance. I support the request.

Commissioner Whitten said that she agrees. The buildings already exist. The use already exists. It is compatible in that area. They are, I would say, a very soft use. The screening will certainly alleviate any problems from the neighborhood. If there were problems, we probably would have

heard about them. I am pleased that this business is prospering. I am in favor. If it was a raw piece of land, we could be talking about mixed use. That would be different. We have what we have, and they are being good neighbors. The use will convey to the next owner, so that is something that we need to keep in mind.

Commissioner Fitzgerald said that she agrees and is ready to vote on these proposals.

Commissioner Whitten moved to recommend approval of the SUP to allow manufacturing, processing, and assembly operations at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue, with conditions as presented.

Commissioner Fitzgerald seconded the motion.

Chair Colman called for a roll call vote.

- Commissioner Finnegan     Aye
- Commissioner Whitten    Aye
- Commissioner Orndoff    Aye
- Commissioner Fitzgerald   Aye
- Commissioner Byrd        Aye
- Chair Colman             Aye

The motion to recommend approval of the SUP to allow manufacturing, processing, and assembly operations at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue, with conditions as presented passed (6-0). The recommendation will move forward to City Council on January 12, 2021.

**A motion was made by Whitten, seconded by Fitzgerald, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 1/12/2021. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Colman, Finnegan, Whitten, Orndoff, Byrd and Fitzgerald

**No:** 0

**Absent:** 1 - Romero

**4.b.** Consider a request from Christian Light Publications Inc. for a special use permit to allow warehousing at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue.

Commissioner Finnegan moved to recommend approval of special use permit to allow warehousing at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue, with conditions as presented.

Commissioner Fitzgerald seconded the motion.



Chair Colman called for a roll call vote.

Commissioner Orndoff Aye  
 Commissioner Byrd Aye  
 Commissioner Fitzgerald Aye  
 Commissioner Finnegan Aye  
 Commission Whitten Aye  
 Chair Colman Aye

The motion to recommend approval of the SUP to allow warehousing at 931, 1047, and 1051 Mt. Clinton Pike and 1032, 1062, 1064, and 1066 Chicago Avenue, with conditions as presented passed (6-0). The recommendation will move forward to City Council on January 12, 2021.

**This PH-Special Use Permit was recommended to full council.to the City Council due back on 1/12/2021**

**Yes:** 6 - Colman, Finnegan, Whitten, Orndoff, Byrd and Fitzgerald

**No:** 0

**Absent:** 1 - Romero

**4.c.** Consider a request from David E. Berry, Jr. and Sharon Berry for a special use permit for short-term rental at 817 Honeysuckle Lane

Chair Colman read the request and asked staff to review.

Ms. Banks said that the Comprehensive Plan designates this site as Low Density Residential. 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 following land uses are located on and adjacent to the property:

- Site: Single-family detached dwellings, zoned R-1
- North: Across Honeysuckle Lane, single-family detached dwellings, zoned R-1
- East: Single-family detached dwellings, zoned R-1
- South: Single-family detached dwellings fronting Country Club Road, zoned R-1
- West: Single-family detached dwellings, zoned R-1

The applicant is requesting approval of a short-term rental (STR) operation at 817 Honeysuckle Lane, which is located approximately 275-feet east of the intersection of Vine Street and Honeysuckle Lane. The single-family detached dwelling is a three-bedroom home and the applicant desires to offer each bedroom as STR accommodation spaces. (“Accommodation

spaces” means any room offered for sleeping. This would not include living spaces or rooms where guests would not be sleeping.) The applicant desires to rent for STR to a maximum of six STR guests during the lodging period.

The applicant has stated that this is their primary residence and because they are often out of town visiting their son, they would like the ability to rent out the home for short-term rental when they are away. Staff discussed with the applicants the option to operate a by right homestay. However, homestay uses are limited to four guests during a lodging period and are limited to operating for only 90 nights during a calendar year. The applicant desires to rent to six guests during a lodging period and for more than 90 nights during a calendar year.

Section 10-3-25(28) of the Zoning Ordinance (ZO) requires STRs to “provide one parking space for each guest room or accommodation space, or as may be more or less restrictive as conditioned by a special use permit.” With a request to rent for STR three accommodation spaces, the property should provide three off-street parking spaces. In addition to the off-street parking spaces required for the STR, the ZO requires one off-street parking space for the non-transient dwelling unit. There is a two car garage, that the applicants state is available for parking, and a driveway that can accommodate two vehicles, for a total of four off-street parking spaces. Staff believes the applicants should be provided the flexibility to meet the off-street parking requirements by allowing customers to park on the existing driveway, or within the garage, without delineating parking spaces.

If the request is approved, staff recommends the following conditions:

1. All STR accommodations shall be within the principal structure.
2. There shall be no more than three STR guest rooms or accommodation spaces.
3. The number of STR guests at one time shall be limited to six.
4. 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.
5. Minimum off-street parking spaces do not need to be delineated and can be accommodated utilizing the garage or driveway.
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.

Condition #1 prevents the ability for the STR operator to convert or construct an accessory building into space for a STR that was not previously vetted for impacts to the surrounding properties. If the applicant later wishes to create living spaces within an accessory building for a STR, they must return to Planning Commission (PC) and City Council (CC) with a new SUP request. Condition #2 limits the total number of guest rooms and accommodation spaces on the entire property to three. Condition #3 limits the total number of STR guests to not more than six. Condition #4 requires that prior to beginning operations that the operator shall submit to City staff

a completed Short-Term Rental Pre-Operation Form and shall maintain compliance with the items identified in the form when STR guests are present. Condition #5 provides flexibility for the property owner to maintain the residential appearance of their property by not requiring them to delineate off-street parking spaces. Condition #6 allows PC and CC to recall the SUP for further review if the STR becomes a nuisance.

It should be acknowledged that while the applicants have explained their plans for using this property, the SUP is not restricted to the applicants or operator, and transfers to future property owners. If the applicants were to sell the property, then future property owners could operate a STR so long as they meet the conditions for the SUP as approved. How the property could be used by any future property owner should be considered when deciding on SUP conditions.

Because the City has approved multiple STR SUP applications in similar locations throughout the City and with comparable operating situations, staff recommends approval of the request with the suggested conditions. Staff believes that the proposed use is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district.

Chair Colman asked if there any questions for staff.

Chair Colman asked if staff received any concerns from the public regarding this request.

Ms. Banks said that staff received phone calls. Today, I spoke with a Cindy Buker, 932 Morning Glory Court, which is part of that neighborhood. She had concerns regarding noise and strangers coming and going from the home compared to knowing who your neighbors are. I have had two other anonymous phone calls from people residing in that area. Their concerns were that it is a quiet neighborhood with elderly residents. They have concerns regarding additional traffic and not knowing who is coming and going.

Commissioner Whitten asked if the applicants were clear about the 90 day opportunity, as well as the STR opportunity, and they chose to take the one with unlimited overnight stays.

Ms. Banks said correct. I discussed the by-right homestay operation with the applicants. They were very clear that they want to apply for the short-term rental special use permit to rent to six individuals for more than the 90 days during the calendar year.

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

David Berry, 817 Honeysuckle Lane, called in support of his request. The reason that we are applying for this SUP is due to unforeseen, uncontrolled circumstances that arose in August of this year. My son, Dr. David Berry, who is music director at EMU lost his wife. She was 38 years old

and they have two year old and twelve year old sons. It really affected him, and he asked us to help him. When we purchased this home, God allowed us to purchase this home through the help of the VA. This is what we consider as our dream home. We planned to live there all of our days, enjoying every moment of this beautiful home and this beautiful neighborhood. We have observed the neighborhood. It is a quiet neighborhood. We are senior citizens and we do not believe in any nonsense occurring on the property. The people we rent to would be thoroughly screened and checked out to make sure that they adhere to the principles that we lay down regarding quietness and traffic. We expect our home to be treated as we would treat it.

We help our son raise his two year old and twelve year old as grandparents. We spend a lot of time with them, but this is our primary residence. We do not want to rent it out long term because we want to enjoy it for the rest of our days. That is why we submitted for a SUP. When we are absent from the house, we do not want to leave it vacant. We are concerned about vandalism or anything else that might occur on the property. We decided that it would be better to have someone there occasionally as opposed to having the house empty.

My daughter-in-law was a kindergarten teacher at Stone Spring Elementary School where she was getting started in her career. They were just getting settled down. This happened and we had to step in. Thank you and we appreciate your assistance tonight.

Chair Colman asked if there were any questions for the applicant. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten said that her heart goes out to this family. I am in the same situation minus the death of a loved one. We also are raising a grandchild. I do understand that situation. Strangely enough, I volunteered in the classroom next door to this lovely lady that we lost. She was a wonderful teacher and it was such a shock to the school and to the community. That being said, my sympathies are certainly with this family. From a neighborhood perspective, this is the wrong thing to do. It is another situation where you are turning a house into a small hotel without any limits as to how many nights, days, cars. We have off-street parking spaces, but there is also on-street parking. I can see a lot of ways that this could become a nuisance. Maybe not with this family who will do their due diligence to try to prevent any nuisances. We are considering a SUP that entitles the next owner to the same opportunity. The economic side of that is that for six people to stay in a home for a weekend is not inexpensive. When you think about the economic opportunity, the next person could have every intent of making this into a business that churns out dollars. I do not think that is what we have in mind for our neighborhoods in the City of Harrisonburg. At least, I hope that is not what we have in mind. It will drive up the cost of the real estate. I have no choice but to vote no on this. I probably would have been able to vote yes for a 90 day limit on rental. I can understand trying to realize some economic benefit from the property when you are not going to be there all the time. I cannot say yes to short-term rental.

Ms. Banks said that the Planning Commission can make more or different conditions if you feel

strongly that the number of occupants is fine, but you want to limit the number of days or nights. You have the ability.

Chair Colman said that the applicant could have a homestay where they could rent to four persons for a maximum of 90 nights. We could stipulate a limited number of days, as the Planning Commission deems appropriate.

Commissioner Whitten said that is why she asked if the applicant understood the difference between homestay and the SUP and whether they had been offered that opportunity.

Commissioner Finnegan said that he agrees with staff. We have approved some Airbnb type situations in neighborhoods in Harrisonburg. I intend to support this, but I am also open to a 90 day limit as a condition.

Chair Colman asked if it would be 90 days or 90 nights.

Ms. Banks said that it should be nights. If you recall, we had the conversation that it is easier to state "nights". The number you provide is up to you.

Chair Colman said that he is inclined to pursue a number of nights that we are all comfortable with and make that recommendation.

Commissioner Fitzgerald said that she agrees. The concern is not with this family and their particular circumstances, but the fact that it conveys to the next owner. Some kind of limitation would seem to be in order.

Commissioner Byrd asked how the Planning Commission arrived at the 90 nights for the homestay option.

Commissioner Finnegan said that it was a matter of setting a limit. Can someone turn their house into a full-time, 365 days a year, hotel in the middle of a neighborhood. Ninety may seem like an arbitrary number and maybe it is. That is what we settled on for people who want to rent out their home but want to make some additional income doing Airbnb. That is where 90 came from. We say 90 nights because when you stay for one day, it is really two days, one night.

Chair Colman said that we wanted to make sure that the operator to lives there. Someone can say they live there, but only stay there a limited number of days of the year. We wanted to make sure that the ratio of the person living there was longer than the time of the short term rental. The rental should not be longer than the time the person actually resides at the location. We have had some requests, where the applicant lives there perhaps two months out of the year. It was a little bit sketchy.

Commissioner Whitten said that they are calling it their primary residence. Residence has a

specific meaning to me.

Chair Colman asked what number of nights would the Commission want to propose as a condition: 90, 120? The SUP helps the applicant because they would be able to rent to six people. Ninety nights potentially means 180 days, which is six months that they could rent it.

Commissioner Finnegan said that he would be amenable to limiting the number of persons to six, but for no more than 90 nights during the calendar year.

Ms. Dang clarified that not every night comes with two days. Two consecutive nights is three days.

Commissioner Whitten asked staff regarding who keeps up with the number of nights.

Ms. Banks said no one. We do not have a method to keep track of it.

Chair Colman asked if there was reporting at the end of the year. It is a business, so there has to be something recording how many nights. Those records could be audited.

Ms. Banks said that staff could look into how that is handled by the office of the Commissioner of the Revenue. We could look into how they audit that.

Commissioner Finnegan said that the Commissioner of Revenue is only interested in how much money the operation made in the calendar year.

Chair Colman said that we did have some conversations along those lines. That information can be requested, and they would have to present it. That is something to consider as we move forward.

Commissioner Finnegan moved to recommend approval of the SUP request with the conditions presented by staff and including a condition to not exceed a lodging period of more than 90 nights during a calendar year.

Commissioner Fitzgerald seconded the motion.

Chair Colman asked for a roll call vote.

Commissioner Byrd           Aye  
Commissioner Finnegan    Aye  
Commissioner Whitten    Aye  
Commissioner Fitzgerald   Aye  
Commissioner Orndoff    Aye  
Chair Colman               Aye

The motion to recommend approval of the SUP request with the conditions presented by staff and including a condition to not exceed a lodging period of more than 90 nights during a calendar year passed (6-0). The recommendation will move forward to City Council on January 12, 2021.

**This PH-Special Use Permit was recommended to full council.to the City Council due back on 1/12/2021**

**Yes:** 6 - Colman, Finnegan, Whitten, Orndoff, Byrd and Fitzgerald

**No:** 0

**Absent:** 1 - Romero

Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC to rezone two parcels at 161 and 241 Blue Ridge Drive.

Chair Colman read the request and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Medium Density Mixed Residential. These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. 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.

The following land uses are located on and adjacent to the property:

- Site: A nonconforming, nonoperating commercial truck terminal and undeveloped land, zoned R-1
- North: Across Blue Ridge Drive, single-family detached dwellings, zoned R-1
- East: Across Country Club Road, single-family detached dwellings, zoned R-1
- South: Across Country Club Court, vacant parcel, zoned R-3; and across Chesapeake Western Railroad tracks and Country Club Court, townhomes, zoned R-3
- West: Across East Market Street, commercial properties, zoned B-2

The applicant has submitted two separate applications. The first is to rezone two parcels from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional. Because the applicant would like to construct buildings with more than 12 multi-family units per building, the second request is for a special use permit (SUP) per Section 10-3-55.4 (1) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. (Note: Constructing multi-family dwellings of not more than 12 units per building is a by right ability in the R-5 district.) If both requests are approved, Bluestone Land LLC plans to construct 142 multi-family dwelling units within four, 3 and 4-story multi-family buildings as illustrated in the attached conceptual site layout (Exhibit A).

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

1. Occupancy Restrictions and Parking: Dwelling units may be occupied by a single family or no more than three (3) unrelated persons. A minimum of 1.5 parking spaces per dwelling unit shall be provided.
2. Bicycle and Pedestrian Connection: The owner will design and construct a 10-ft wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street (Tax Map Parcel # 028 F 1) as general shown on Exhibit A. In the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street. The final alignment of the connection will be determined and eventually agreed to at the site plan review stage of the project.
3. Road and Sidewalk Improvements: The following improvements will be constructed as part of this development:
  - a. Blue Ridge Drive shall be improved to include 2.5' curb and gutter, 6' planting strip, and 5' sidewalk along the project frontage. The face of the proposed curb shall be located 13' from the centerline of Blue Ridge Drive.
  - b. Country Club Road shall be improved to include 2.5' curb and gutter, 6' planting strip, 10' shared use path, and 2' path shoulder. The face of the proposed curb shall be located 6' from the existing edge of pavement.
  - c. A 5' wide sidewalk with a 2' planting strip shall be installed along the project frontage of Country Club Court.
4. Donation of Right-of-Way: For the purpose of road improvements to the intersection of Blue Ridge Drive and Country Club Road, the Owners shall provide a right-of-way to the City across 028 G 1 and 028 G 2 as generally shown on the Concept Plan dated 11-25-20, attached as Exhibit A, within 90 days of the issuance of building permits.
5. Donation of Additional Parcels: For the purpose of future improvements to Blue Ridge Drive, MG Harrisonburg LLC has entered into a Development Agreement with the City of Harrisonburg regarding donation of Tax Map Parcels 028 F 1 and 028 F 2 to the City. Those parcels are not included in this Rezoning Application.
6. Density and Unit Mix: The development shall contain a maximum of 142 units. Units shall be limited to 1, 2, and 3 bedroom units, of which a minimum of 75% shall be 2 bedroom



units or less.

7. Parking Lot Placement- Parking shall not be located between the proposed apartment buildings and Blue Ridge Drive or Country Club Road. This proffer does not apply to amenity structures, maintenance facilities, and/or other accessory structures.
8. Bus Shelter- The Owner will coordinate with the City to identify and provide a location for a bus shelter if requested during the site plan review phase of the project. Owner shall provide a concrete pad for City-provided shelter at a mutually agreeable location.
9. Playground-A playground will be provided within the development.
10. Street Trees- Street Trees will be provided along Blue Ridge Drive and Country Club Road frontages. Tree spacing will average 60 ft on center for medium or large maturing trees and 30 ft on center for small maturing trees. Location of street trees to be in the proposed planting strip or behind the sidewalk, depending on the location of above or below grade utilities.

While the proffers refer to elements within Exhibit A, the conceptual site layout is not specifically proffered.

The R-5 district allows by right dwellings to be occupied by a family or not more than four unrelated persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three unrelated persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allow for reduced parking when occupancy is restricted, the development does not require as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they proffered that they will provide a minimum of 1.5 parking spaces per unit. If the maximum number of 142 dwelling units (Proffer #6) were constructed, then 213 off-street parking spaces would be required. In the conceptual site layout, the applicant has shown a scenario in how they might organize off-street parking spaces. The applicant understands that parking requirements, among other details, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

With Proffer #2, the applicant has proffered design and construction of a 10-foot wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street. Because the full connection to the intersection of East Market Street and Martin Luther King, Jr. Way will require that the City obtain easements or right-of-way from tax map parcel 28-G-11, which is parallel to East Market Street and not owned by the applicant, the applicant has described in the proffer that “[i]n the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street.” It is unknown at this time whether easements or right-of-way will be needed from 28-F-1 (919 Oakland Street) or if the shared use path can be constructed entirely on public right-of-way and 28-G-11. It is understood that if the full connection is not made by the owner, then the City will later complete the connection. Right-of-way acquisition and new crosswalks at the intersection of East Market Street and Martin Luther King Jr. Way will be included with the Virginia Department of Transportation’s (VDOT)

Exit 247 project, which is scheduled for construction advertisement in November 2022.

Proffer #3 addresses frontage improvements along Blue Ridge Drive, Country Club Road, and Country Club Court. Staff requested the applicant's consideration to construct a 10-foot wide shared use path along the Blue Ridge Drive frontage to connect the future shared use path connection to East Market Street and the future shared use path on Country Club Road that would be constructed with the development. At this time, the applicant explained that they are not comfortable committing to a shared use path along Blue Ridge Drive because there are many unknowns still to coordinate with utilities, greenspace, and building setbacks.

Proffers #4 and #5 address dedication of land to the City for right-of-way associated with the Martin Luther King Jr. Way Extension to Country Club Road identified in the 2018 Comprehensive Plan's Street Improvement Plan as project NE-17. The description within the Street Improvement Plan includes:

“... [c]onstruct new three lane road extension of Martin Luther King Jr Way from East Market Street to Country Club Road, with sidewalk on one side and a shared use path on the other side. Construct transit transfer center and park and ride lot near to East Market Street and the I-81 interchange, accessed by Martin Luther King Jr Way extension...”

While the Martin Luther King, Jr. Way extension project has been in the Comprehensive Plan's Street Improvement Plan since 2011, when the most recent Comprehensive Plan was adopted in 2018, the addition of a planned transit transfer center on the subject property was added. Included in the packet is an excerpt from the March 2018 “Harrisonburg Downtown Transit Center Conceptual Design Report” that describes and illustrates the proposed Martin Luther King Jr. Way extension. It should be noted that while the City still has interest in the road extension project to improve connectivity, the transit transfer center project is no longer being pursued by the City at this location.

With Proffer #4, the applicant would donate right-of-way for future road improvements by the City at the intersection of Blue Ridge Drive and Country Club Road as conceptually illustrated in Exhibit A within 90 days of building permit issuance. If the rezoning request is approved, but the proposed, conceptual development does not come to fruition, a building permit for any new construction, addition, or renovation on the site would trigger the requirement to dedicate land for public street right-of-way.

Proffer #5 includes donation of properties identified as tax map parcels 28-F-1 and 2 located between Oakland Street and tax map parcel 28-G-11 (which is the parcel that is parallel to East Market Street and stretches the entire block length from Blue Ridge Drive to North Carlton Street) for the future connection between Martin Luther King Jr. Way and Blue Ridge Drive. The two parcels are not part of the proposed development and are not included as part of the rezoning request, but they are owned by the same property owner at this time. Those parcels would remain

zoned R-1. Details for the land donation are described in the attached Development Agreement entered between the applicant and the City. The Development Agreement describes that if the City has funding in place to advertise for construction of the connection between Martin Luther King Jr. Way and Blue Ridge Drive within 15 years of rezoning approval, then the owner of 28-F-1 and 2 would donate those parcels to the City.

Proffer #6 restricts the development to a maximum of 142 dwelling units that are limited to 1, 2, and 3-bedroom units, and of the 142 units, a minimum of 75 percent of them shall be 2-bedroom units or less. This means that at least 107 units will be either one or two bedroom units.

Proffer #7 is intended to promote pedestrian friendly design by placing buildings close to the street by prohibiting parking between the multi-family buildings and Blue Ridge Drive and Country Club Road. Concentrating people and places along the public street creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes.

Proffer #8 would require a bus shelter be installed if requested by the City during the engineered comprehensive site plan phase of the project, while Proffer #9 would require a playground within the development.

If the conceptual layout shown was developed, the City's Parking Lot Landscaping regulations would require street trees along Country Club Court because there is a parking lot adjacent to the public street. However, along Blue Ridge Drive and Country Club Road there is no parking lot adjacent to the public street so no street trees would be required. Proffer #10 would require street trees along the Blue Ridge Drive and Country Club Road frontages. The specific location of the trees and whether they would be within the 6-foot planting strip within public street right-of-way or on private property behind the sidewalk will be determined during the engineered comprehensive site plan phase.

As part of the requirements for obtaining a SUP to allow multi-family dwellings of more than 12 units, City Council is to determine whether certain conditions are met, and therefore, it is in the best interest of the applicant to substantiate that they have met the conditions to justify the development. Those conditions outlined in Section 10-3-55.6(e) of the ZO consist of the following:

- 1) Existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide in the Comprehensive Plan, is located adjacent to, across the street from, or in close proximity to the proposed multiple-family development.
- 2) The applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities:
  - Currently serve the site; or
  - Are planned to serve the site according to a city or state plan with

- reasonable expectation of construction within the timeframe of the need created by the development; or
- Will be provided by the applicant at the time of development; or
  - Are not needed because of the circumstances of the proposal.
- 3) The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.
- 4) The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

The applicant has addressed each condition within the letter attached herein.

Staff believes that the applicant has adequately addressed Conditions #2 and #4.

Condition #1 states that there should be existing or planned multi-family development located in close proximity to the proposed multi-family development. The subject site is surrounded by developed areas designated Low Density Residential and Medium Density Residential that contain single-family detached dwellings and townhomes, respectively. There are no existing multi-family developments near the site. However, as indicated by the Medium Density Mixed Residential designation, multi-family development can be appropriate in special circumstances. Therefore, one must decide what special circumstances might exist to substantiate this condition.

Condition #3 is likely the most difficult condition for the applicant to prove; arguably, unachievable with the parcel's shape and having three, directly accessible, public street frontages. This condition requires that the applicant demonstrate that the proposed multi-family development's design is compatible with adjacent existing and planned single-family, duplex, and townhouse development and that views from those units and the public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages. The views from adjacent residential uses and from the public street will have views to large buildings (including a 66-unit building, two 24-unit buildings, and a 28-unit building) all of which are taller than the minimum height regulations of the adjacent R-1 zoning district along Blue Ridge Drive and Country Club Road. The project would also create views of a large parking lot from Country Club Court and portions of Country Club Road.

From a design and site layout perspective, staff likes the applicant's proposal to mass buildings close to the public street with off-street parking relegated behind buildings and to create

multi-family structures with more than 12-dwelling units. Staff believes that massing buildings close to the public street with parking behind the buildings is more compatible with existing single-family detached development along Blue Ridge Drive than smaller multi-family buildings with parking lots surrounding the buildings and adjacent to public streets.

Staff also agrees with the applicant that a multi-family residential development on this site is more compatible with surrounding land uses than a nonconforming truck terminal. The applicant also makes a compelling argument that several existing conditions, including overhead electric transmission lines and easements, proximity of the Chesapeake Western Railway, and the floodplain present obstacles for development of small lot single-family detached and attached homes, and could be reason for considering this site and proposal as the “special circumstances” referred to in the Comprehensive Plan’s Land Use Guide description for Medium Density Mixed Residential, as to where multi-family dwellings could be appropriate. Additionally, with the proposed layout for the development, the multi-family structures are located mostly outside of the floodplain and away from the railway. It should also be understood that the Medium Density Residential designation that is identified for the Country Club Court townhome community, which is adjacent to the subject site, also specifies that multi-family development could also be appropriate in special circumstances-not a designation that outright promotes multi-family development.

Staff is very appreciative that the proposed development would consist of one, two, and three-bedroom units, where at least 75 percent of the units will be one and two-bedroom units (Proffer #6). The City’s Comprehensive Housing Assessment and Market Study (housing study) is under development and the consultants have stated in their preliminary findings that “[t]here is a shortage of [rental] housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% AMI [area median income])” and that “[s]ome households are cost burdened because they live in a unit that is more expensive and other households are living below their means. When higher income households live in units that are affordable to lower-income households due to limited housing supply, it increases competition for the limited units that are more affordable.” The consultants also found that “[t]here are relatively few efficiency one-bedroom units city wide” and that “[a] lack of smaller units within the rental market across the income spectrum makes it difficult for various populations to find suitable housing.” The proposed development could contribute to help to address the need for more one-bedroom units in the City. Even if there were more two-bedroom units rather than one-bedroom units constructed, overall this project could help the City with the current housing situation because it would add more units to the market. The preliminary findings of the housing study also demonstrated that the City’s rental unit vacancy rate is two percent, which creates high levels of competition for scarce units. For the “special circumstances” and reasons stated in this paragraph, multi-family development could be appropriate for this site.

As indicated above, staff believes that the applicant’s proposal for one, two, and three-bedroom unit multi-family buildings has merit. Unfortunately, staff finds it difficult to believe that the conditions within Section 10-3-55.6 (e) (1) and (3) of the ZO have been met, and therefore staff

cannot support the applicant's request for rezoning and SUP, and recommends denial of both requests. However, staff believes consideration should be given to whether or not the regulatory controls within Section 10-3-55.6 (e) should be alleviated or removed. These regulations were created in 2007 and could no longer be relevant or needed. Additionally, if Planning Commission desires, staff can also review the Land Use Guide and evaluate whether amendments should be made for this site. This may be appropriate to do after the housing study is completed in January 2021.

If the rezoning request is approved, staff recommends approving the SUP as requested and has no suggested conditions.

Lastly, as demonstrated in the Determination of Need for a Traffic Impact Analysis (attached), the development did not meet the 100-trip peak-hour threshold that gives City staff the ability to require a Traffic Impact Analysis. When a development reaches or exceeds 100-trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays. The development is estimated to generate only 51 additional trips in the PM peak hour. The development is estimated to generate approximately 760 trips per day, on both weekdays and weekends, according to the Institute of Transportation Engineers' Trip Generation Manual, 10th Edition. Distributing the traffic between two entrances, both located on side streets, and not on a primary thoroughfare, further reduces these concerns, as does the provision of multimodal options for the residents. Any increased traffic at the Blue Ridge Drive/Country Club Road and East Market Street/North Carlton Street intersections can be accommodated by signal timing modifications. The overall Level of Service (LOS) (a measure of delay) should not be significantly impacted. Spotswood Drive, Oakland Street, and Country Club Court can absorb additional traffic within an acceptable LOS at these unsignalized intersections. Staff acknowledges that the proposed development will cause an increase in traffic volume on surrounding streets, especially Oakland Street and Spotswood Drive, and that while small lot single-family detached, duplex, or townhome development on the subject site may not result in as many dwelling units, those types of developments would also cause an increase in traffic volume.

Chair Colman asked if there were any questions for staff.

Commissioner Finnegan asked why is the peak hour threshold 100 trips?

Ms. Dang said that the TIA looks at the number of the dwelling units or the square footage of the usage if it is a non-residential use. There is a trip generation manual that has studies from across the country and provides numbers for the average trip generation. The 100 trips during the peak hours, which is one hour during the morning and one hour during the evening for that particular street segment. If the development generated more than 100 trips during one of those peak hours, whether it is in the morning or in the evening, it triggers the requirement to do a traffic impact analysis which is a wider study of the surrounding traffic impact and proposes mitigations to those impacts. In this case and using those numbers, this development was calculated to generate only 61 additional trips in the peak hour on that street segment.

Commissioner Finnegan asked if the City has the ability to lower that threshold in general.

Erin Yancey, Department of Public Works Planning Manager, addressed the questions. The City's threshold is much lower than what the Virginia Department of Transportation (VDOT) uses. We are looking at traffic impact from a lot more developments than our surrounding county would. We could lower it, but we also do not want to increase the costs of development with an expensive study that is not really needed. We do not want to spend staff resources to review something that is not really needed. If you have 100 trips in the peak hour and the trips are distributed evenly throughout the 60 minutes, it is less than two vehicles per minute. That is something that most of our streets can handle. One hundred trips is where it starts to grab our attention and we start to wonder if we are going to need infrastructure improvements to accommodate that amount of traffic.

Commissioner Finnegan repeated that the 100 trips is a lower threshold than what is recommended and lower than what Rockingham County uses.

Ms. Yancey said correct.

Chair Colman asked if there is a timeframe for the improvements that the City and VDOT plan for the I-81 Exit 247 project.

Ms. Dang said that the I-81 Exit 247 project is anticipated to be advertised for construction in November 2022.

Commissioner Whitten said that our granddaughter used to attend Elon Rhodes prekindergarten. I have driven Blue Ridge Drive and Country Club Road, across Blue Ridge Drive down to Smithland Road in the morning and the afternoon. There is a lot of pressure on that street in the morning and afternoon at school time. I do not know what it is like at 5:00 pm, I am guessing that it is probably worse. If you add a train or you add more concrete trucks, it has a lot of pressures. I can only imagine what more trips generated through those intersections would do to that neighborhood. I know that what happens are cut-throughs. That will happen in this neighborhood because people do not like to wait in line. I agree with staff. This is a bad idea for that site. I do not like what is there now. It is not complimentary to the neighborhood either. That is non-conforming and will not continue. I think we can do a lot better for the neighborhood than this proposal.

Commissioner Byrd said that the NE-17 project, which is going to connect Martin Luther King, Jr. Way to Blue Ridge Drive, is being discussed as if it will happen at some point. That will change the nature of that neighborhood completely. When they were discussing the trips, was that referring to only Blue Ridge Drive or was it referring to the intersections at Carlton Street and Country Club Road? A lot of the proffers are related to a perceived new road being created.

Chair Colman asked when the Martin Luther King, Jr. Way extension is going to happen. If so, was the traffic generated by that intersection there considered? Is that where you were going, Commissioner Byrd?

Commissioner Byrd said that he is trying to figure out which project is being referred to. There was discussion of a VDOT project. I searched for the Martin Luther King Jr Way extension project within the Comprehensive Plan and when I found it, it was the second sentence in a plan of the project. Reading the first sentence, I thought that this was connected to a bigger idea. It sounds like this applicant is viewing their property in relation to that project. Viewing the property in isolation, without the Martin Luther King Jr. Way extension project happening, changes the discussion about what the nature of the neighborhood will be. That project was reported in the City's report and the applicant is referencing that project as occurring in the future. What bearing does that have on this subject as we are discussing it now?

Ms. Yancey said that she will talk about that project and its potential future schedule. We have tried to get it funded once or twice through a state and federal funding program and it was not successful. We have scaled back the design from what it was originally proposed, so it will get less expensive and have, hopefully, a better chance of getting funded in the future. We have the opportunity to apply for funding every two years for projects like this. I cannot say that we are going to apply for it in our next opportunity. We have to put it in perspective with other projects and what we think is going to score the best and have the best chance for getting funding. That one is one that will be considered for application. The development offered to donate parcels, which would give us some of the property needed to make the extension if we can get funding for it in the next fifteen years. That gives us five, six, or seven funding rounds to apply for funding. If we are unsuccessful in that funding program, we will probably have a discussion about pursuing a different kind of funding where it may have a better opportunity to be funded. I would put it in the next 15 years, potentially. It is all to be determined, but we would hope for the next fifteen years. In relation to this development, that connection to East Market Street will give a lot more access for these residents to a lot of stuff in the City. It would take pressure off from that development on Country Club Road or the cut-throughs that are perceived for Oakland Street and Spotswood Drive.

Ms. Dang said that the project that Ms. Yancey was describing is the Martin Luther King Jr. Way extension project. This the connection between MLK Jr. Way from East Market Street to Country Club Road. There is another project that we described earlier that is a VDOT Exit 247 project, which is scheduled for construction advertisement in November 2022. They are two different projects.

Chair Colman said that his understanding of the point Commissioner Byrd was trying to make is that the character of that development, the impact, would be very different if there is direct access onto East Market Street. Most of the traffic will go in that direction. The flow of that development would connect to other parts of the City going south instead of into Country Club Road or other streets in that neighborhood.



Commissioner Byrd said that he drives those roads often. As Commissioner Whitten mentioned, I am aware of the congestion in the morning and in the afternoons. I sometimes veer into those other roads to get around. The calculations may not reach the threshold, but I can understand the residents' concerns regarding the traffic. Having that many units, in a concentrated area, directly related to those particular roads that already see a lot of pass-through traffic. When I was taking those roads often because I lived in Liberty Square, which is up Blue Ridge Drive, it was faster to go that way than to take a round about direction to get to certain places like the supermarket. I was bringing to the public's attention that there is a project that may occur in the future. The residents in that neighborhood that may be concerned about this particular applicant might want to review the Comprehensive Plan and be aware of other things that may be occurring in that neighborhood in the future, as well.

Commissioner Fitzgerald said that as someone who lives in a neighborhood that gets a lot of cut-through traffic to avoid South Main Street, I certainly feel the pain of the neighbors there. I want to note that one of the comments we received from Mr. Benke who lives on Spotswood Drive noted the people who live there in the neighborhood have talked about the incentive that people have to cut through the neighborhood and how they note that where people are going matters a lot; whether you are trying to get somewhere faster or you are trying to get to the businesses on Carlton Street, it matters. I think that their intuition is correct, even if the threshold numbers on the TIA are what they are. All of our intuition is leading us in the same direction about the impact of traffic for a development like this on this neighborhood.

Chair Colman acknowledged the concerns that he read in the emails from the residents of the neighborhood. They talked about their concerns regarding traffic, safety, access and cutting through those streets. Has staff received additional comments from the neighbors?

Ms. Dang said that she forwarded to the Commission everything that she received.

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

Commissioner Finnegan disclosed that there was an online presentation from the developer that he viewed about two months ago. They requested that I look at their presentation. I am disclosing that into the public record.

Chair Colman said that they also talked to me and presented it to me, as well. I disclose that too. Their intent was to see what preliminary comments we may have. All of our comments were very similar to the things that are coming up right now.

William Park, representing Bluestone Land LLC and Pinnacle Construction Development Corporation, delivered a presentation in support of the request. Thank you for giving me the opportunity to present our proposal tonight. Craig George with Valley Engineering, the engineer working on the project, is also here to answer any questions regarding stormwater, floodplain or

traffic. The first few slides show the location. The terminal that we have, we named it 241 Central, the current address is 241. The reason the word Central came up is because we think that it is centrally located. It is the linchpin of the site between business, single-family, multi-family with townhouses, major roadways and thoroughfares. It is an important parcel that could tie everything together. Currently, there is a truck terminal. The two parcels that we control across from MLK Jr. Way no longer have houses. This is an aerial view looking towards the east showing the single-family homes with the townhouses in the background, East Market Street, MLK Jr. Way, and the commercial business that is across Route 33. In the event that this project does not go forward then it will revert back to a truck terminal. There is an opportunity right now. We began looking at this, and the owners came to us, because the lease had expired. Before they renewed the lease, they wanted to explore other opportunities. We have worked over the last four to six months with staff on this process. We looked at the Comprehensive Plan which designates the area as medium density mixed residential which will allow up to 20 dwelling units per acre. We felt like it would revitalize the area. It is a tired, old truck terminal that sits in a floodplain. We thought we could come back with a high quality rental housing project that would provide onsite professional property management.

We felt like it would revitalize the area. This is a tired, old truck terminal. It sits in a floodplain. We thought we could come back with a high-quality, rental housing project where we provide on-site professional property management.

We have a mix of uses here, from single-family to multi-family to business to all the travel ways. We are going from R-1 to R-5. We talked about the number of units, which is 142 multi-family units. These are the types of units that you do not have in the City. We are doing a combination of one, two and three bedrooms. Some of the units have lofts. That is the area where we have the pitched roof that we will talk about in a little more detail. There are no one or two-bedroom loft units in the town like this. We have solariums in some units. We have decks in other units. It is a varied mix of types with some of the use being over 1,500 square feet, which are larger than some of the homes and townhouses in the area. We are providing all our own onsite recreational amenities. We have a community center, onsite leasing, fitness center, yoga room, heated swimming pool, our own maintenance building and a playground. As we do these, we are providing our own parking and the parking is relegated. We tried to hide that behind the streetscape. We are putting a number of sidewalks and street trees along there. It is pretty clear from the one, two and three bedroom units that we are promoting that we are looking to target graduate students, faculty staff, young professionals and other empty nesters or renters by choice.

We had a virtual meeting with the neighbors and worked closely with staff. We have been in business over thirty years and we focus primarily on multi-family. We are the owners. We are the developers. We are the general contractors. We are the property managers of the project. We have a fair amount of knowledge about your City. We currently own the Colonnade on Mason Street, which we developed about twelve or thirteen years ago. We took a redevelopment site and put high quality housing there. On Route 33 and Stone Spring Road we are building a 140 unit complex now. It is not the City, but Rockingham County. We are involved in the area and

have construction and management people nearby. We are bringing high quality housing to the area that is not there now. You have a deficit of housing. We have done our own market study. We presented that to the owner. They felt very confident. When you bring housing like this to the area, a rising lifts all boats. To the extent we are bringing this to the area, it is going to lift all the housing in the area. For those owners of property who might not maintain it the way they should, this competition may enable them to do so and encourage them to do so.

Early on, staff thought that community engagement would be appropriate, and we agreed. We voluntarily mailed out a virtual meeting invite to over 300 households using the addresses that staff provided. We had a meeting on August 17. There were questions raised and they were some of the same questions that we are talking about tonight. The slide shows the questions that we were able to get that night. Part of it was regarding traffic. Some people wanted us to connect to East Market Street. We have strived to address that with our development agreement. There was some question about the floodplain. A portion of the property is in the floodplain. We would develop it in accordance with City requirements. We have Valley Engineering on staff. People were concerned about who we are marketing to. I think that we have been clear about that and the design of our buildings and the proffer that we are showing saying that there would be no more than three unrelated people in an apartment, backs that up. There was concern about runoff in the culvert. Valley Engineering has been working closely with staff. There was concern regarding traffic. We are proffering improvements or land for future improvements that will help any issues that may be occurring or could occur in the future.

City staff at the Department of Public Works has determined that a Traffic Impact Analysis is not required. With 39 AM peak hour trips, and 59 PM Peak Hour trips, the anticipated traffic impacts are minimal, and well below the threshold of 100 Peak Hour Trips which would require further analysis. VDOTs threshold for a TIA is somewhere around 500 trips per day. The City has 20% of that at 100 and we are currently at half of that at 50.

Craig George, Director of Landscape Architecture and Planning, Valley Engineering, came forward at Mr. Parks request. The peak trips take into account that hour in the morning and evening, say 7:30 to 8:30 for example, of how many trips would be generated. The follow-up that has not been stated yet is that the trip generation module takes into account overall residential units. We are proffering one, two and three bedrooms, primarily one and two bedrooms, is even more conservative than what would be allowed in R-5 with a four bedroom unit which would be more conducive to four different unrelated renters that would be generating more trips. That is not the condition that we are proposing.

Mr. Parks continued. Even though we were at half the requirement for further analysis we put together a good menu of improvements and ideas that would help with the area. Although all parking is provided on-site, the project sponsor is proffering a pad for a City-provided bus shelter;

a pedestrian connection to the proposed VDOT improvements at MLK Jr. Way for not only the benefit of future tenants, but also the existing neighborhoods; donation of right of way for road

improvements to intersection of Blue Ridge Drive and Country Club Road; and the donation of land to incorporate a future vehicular connection between MLK Jr. Way and Blue Ridge Drive centered on funding obtained by the City.

I would like to address the SUP requirements. Until we got the staff report last Friday at the end of the day, we did not realize that staff was going to recommend denial, especially given the amount of effort, time and proffers that we had given. Specifically with conditions 1 and 3, I am not sure that I understand the comment. The R-5 zoning section 10-3-55.4(1), multi-family dwellings of more than 12 units are allowed with a special use permit if they meet the requirements set forth in section 10-3-55.6(e) (1-4). This project meets all requirements. The section requires that the proposed site is located near an existing development that may be developed as multi-family per the Comprehensive Plan. This requirement is met because the existing development directly adjacent to the site (to the south) is identified as "Medium Density Residential" in the Comprehensive plan, which allows for Multi-Family development of approximately 15 units per acre. It is currently developed with townhomes. Contrary to staff's recommendation, the ordinance does not require a decision regarding the special circumstance that might exist now or in the future to substantiate conditions for multifamily development on the adjacent site. Neither does it require that the zoning designation "outright promotes multi-family development." In addition, the Comprehensive Plan designates parcels 028-G-1 and 028-G-2 as Medium Density Mixed Residential. What we are asking for is consistent with the Comprehensive Plan.

The section requires that the applicant has demonstrated that adequate vehicular, transit, pedestrian, and bicycle facilities either currently serve the site, are planned by a City or State plan, are proposed by the applicant, or are not needed because of special circumstances of the proposal. This requirement is met. We have proposed road improvements to the adjacent streets (Blue Ridge Drive and Country Club Road) along with sidewalk and shared use trails along the project frontage. We have also proposed a 10' shared use path connection to the western boundary of the property which will allow for a connection to the proposed VDOT East Market Street Improvement project. The VDOT improvement project will include traffic light improvements and pedestrian and bicycle crossings that will allow for the safe crossing of East Market Street. This connection will be utilized by both the existing neighborhood and future residents of Two41 Central when walking to the businesses located on the west side of East Market Street.

Finally, the section requires that the proposed development's design is compatible with the area's adjacent uses. This requirement is met. The proposed development on this transitional parcel is compatible with the surrounding mix of residential and commercial/business uses. Unlike its current non-conforming use as a truck terminal, the development provides high quality residential one, two, and three-bedroom units in a mix of building types. The proposed buildings at the corner of Blue Ridge Drive and Country Club Road (Building Types 1 and 2) are designed with pitched roofs with three story elevations at the street frontage. The four-story building adjacent to East Market Street (Building Type 3) and served by an elevator is approximately 14 feet below

the road elevation of East Market Street. When taking into account that the 4 story building roof is flat and its lower elevation on the site, translates to a lower total height than three-story structures (Types 1 and 2). Although proposed building heights are marginally higher than the maximum building height allowed in the adjacent R-1 district (35'), the location of the site (at the bottom of the hill), coupled with proposed street trees along both road frontages will minimize the visual impact of the proposed buildings. In addition, all buildings are oriented to the street, thus relegating the on-site parking to the rear and mostly out of site to the neighborhood. The street-building-parking relationship has been proffered.

We would like to show you concept elevation and renderings. We are trying to show you the exact building we are proposing. We have built these same buildings on other projects. The streetscape shows the six foot planting area, the trees and the sidewalk as you look towards the southwest heading back toward East Market Street. In the opposite direction is the four story building. Finally, the pedestrian connection to get to the rest of the area and up the hill to Route 33.

Mr. George added that the current ordinance does not require street trees. It only requires trees when you have parking adjacent to streets. We thought that this street in particular needed trees to soften the transition to the larger buildings. That is why we put in the proffer about adding the street trees. There are utilities there from multiple different providers. We are starting the discussion with them about where we could relocate or put the utilities in order to give these trees room. There are so many different providers that it became a challenge at this point in the project. What we did is reserve the right to put them in the planting strip or behind the sidewalk based on how the utilities work out along that corridor.

Mr. Parks continued. I do not think that you can look at this seven acre parcel in a vacuum. The obstacles to development are site factors unfavorable to single-family small lot development. These include the proximity to train tracks, the existing flood plain, overhead power transmission lines and easements, and stormwater quantity and quality issues. The site factors unfavorable to commercial development are poor access and visibility and the pandemic effect on commercial development. The costs to address these issues are prohibitive for small-lot development and not conducive to homeownership but are addressed in the multifamily development concept.

The ordinance requires the applicant to show that the site is environmentally suitable for multifamily development. This condition is met. With approximately seven acres, the property has sufficient area for the proposed buildings, travel ways and relegated parking areas. All stormwater quantity and quality requirements will be managed on site. There are no steep slopes to contend with while any impacts to the floodplain will be conducted in accordance with the City's requirements. In addition, the applicant plans to have all buildings certified under the National Green Building Standard (NGBS) for energy efficiency, water efficiency, resource efficiency, lot development, operation and maintenance, and indoor air quality.

We worked closely with Brian Schull in Economic Development. Understanding that you are a

City, limited to annexation, and only have so many parcels that you can redevelop, you have to do the best you can with redevelopment. We provided the Economic Development office with a detailed Fiscal Impact Analysis for the project. The analysis demonstrates an annual fiscal benefit to the City of \$131,565. That does not include tap fees, recordation fees or sales and meal taxes generated by residents. The next slide is an economic model used by the National Multi-Family Housing Council showing the economic impact during construction and the secondary and tertiary impacts that you would see from having that development there. These are significant numbers that are positive to the City. These would have a more positive fiscal impact than if single-family would be put there. The next slide is the employment impact of the project. There would be three hundred jobs supported during construction and after it is up and running.

Bluestone Land and its affiliates (Pinnacle Construction & Development Corp. and Park Properties Management Co LLC) have extensive experience in development, construction, and property management of multi-family residential and commercial properties throughout the Commonwealth of Virginia, including the Colonnade in Harrisonburg (mixed-use commercial/residential) and Preston Lake Apartments currently under construction off Stone Spring Road in Rockingham County. We have constructed and are currently managing projects with the same building design proposed for Two41 Central. The following slides show examples of the buildings that we are proposing. They have three stories, combination brick siding, lots of windows and landscaping. There is a playground and pavilion coming off the community center. There is a community center with a heated pool. This structure has parking below the building. We are not proposing that for this project, but it shows another project in a lower area. It is similar to the four story building.

The proffers include:

1. Occupancy Restrictions and Parking: Dwelling units may be occupied by a single family or no more than three (3) unrelated persons. A minimum of 1.5 parking spaces per dwelling unit shall be provided.
2. Bicycle and Pedestrian Connection: The owner will design and construct a 10-ft wide shared use path connection from the western terminus of Blue Ridge Drive to the western boundary of 919 Oakland Street (Tax Map Parcel # 028 F 1) as general shown on Exhibit A. In the event the City obtains necessary easement or right-of-way prior to final paving of the development, then the owner will also construct the shared use path connection to East Market Street. The final alignment of the connection will be determined and eventually agreed to at the site plan review stage of the project.
3. Road and Sidewalk Improvements: The following improvements will be constructed as part of this development:
  - a. Blue Ridge Drive shall be improved to include 2.5' curb and gutter, 6' planting strip, and 5' sidewalk along the project frontage. The face of the proposed curb shall be located 13' from the centerline of Blue Ridge Drive.
  - b. Country Club Road shall be improved to include 2.5' curb and gutter, 6' planting strip, 10' shared use path, and 2' path shoulder. The face of the proposed curb

shall be located 6' from the existing edge of pavement.

- c. A 5' wide sidewalk with a 2' planting strip shall be installed along the project frontage of Country Club Court.
4. Donation of Right-of-Way: For the purpose of road improvements to the intersection of Blue Ridge Drive and Country Club Road, the Owners shall provide a right-of-way to the City across 028 G 1 and 028 G 2 as generally shown on the Concept Plan dated 11-25-20, attached as Exhibit A, within 90 days of the issuance of building permits.
5. Donation of Additional Parcels: For the purpose of future improvements to Blue Ridge Drive, MG Harrisonburg LLC has entered into a Development Agreement with the City of Harrisonburg regarding donation of Tax Map Parcels 028 F 1 and 028 F 2 to the City. Those parcels are not included in this Rezoning Application.
6. Density and Unit Mix: The development shall contain a maximum of 142 units. Units shall be limited to 1, 2, and 3 bedroom units, of which a minimum of 75% shall be 2 bedroom units or less.
7. Parking Lot Placement- Parking shall not be located between the proposed apartment buildings and Blue Ridge Drive or Country Club Road. This proffer does not apply to amenity structures, maintenance facilities, and/or other accessory structures.
8. Bus Shelter- The Owner will coordinate with the City to identify and provide a location for a bus shelter if requested during the site plan review phase of the project. Owner shall provide a concrete pad for City-provided shelter at a mutually agreeable location.
9. Playground-A playground will be provided within the development.
10. Street Trees- Street Trees will be provided along Blue Ridge Drive and Country Club Road frontages. Tree spacing will average 60 ft on center for medium or large maturing trees and 30 ft on center for small maturing trees. Location of street trees to be in the proposed planting strip or behind the sidewalk, depending on the location of above or below grade utilities.

At the request of the City of Harrisonburg and evidence that funding is in place, through means such as budgeted by the City or through the Virginia Department of Transportation's Six Year Improvement Program, to advertise for construction of a road connection from Martin Luther King, Jr. Way to Blue Ridge Drive within fifteen (15) years of the rezoning approval of Tax Map Parcels 028 G 1 and 028 G 2, the Owner shall donate and transfer title to Tax Map Parcels 028 F 1 and 028 F 2 to the City for purposes of road improvements. Current assessed value of the parcels totals \$96,000.

The proposed Two41 Central multifamily development provides needed, high quality housing with street and pedestrian improvements to benefit the area and is consistent with the Comprehensive Plan while removing a non-conforming commercial truck terminal from a very difficult to develop site and providing a positive fiscal impact to the City.

I appreciate your patience. I realize some of this was redundant, but I hoped it might answer some of the questions that you have. If you have any more questions we are here to answer them.

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

Commissioner Whitten said that Mr. Parks referenced the Colonnade as a building that he is associated with. What other buildings are there in our community, whether the City or the County?

Mr. Parks said that it is the Colonnade and another construction under construction on Route 33 and Stone Spring Road, near the Preston Lakes Subdivision.

Commissioner Whitten asked if Mr. Parks had a ballpark number of children that would live in this neighborhood.

Mr. Parks said eleven.

Commissioner Whitten questioned eleven. Eleven, and they need a playground and a heated pool? Eleven?

Mr. Parks said that other people like a heated pool besides children.

Commissioner Whitten asked if he meant eleven as in the next number after ten. That sounds like a low-ball. I am an old schoolteacher and that sounds low.

Mr. Parks said that we have taken that information from actual comparable projects that we have in similar towns such as Blacksburg, Staunton, Charlottesville, Waynesboro, Winchester. All of these areas have comparable projects with the same tenant profile that we are targeting here.

Chair Colman thanked Mr. Parks for the presentation and asked for the next caller.

Andy Jackson, 190 Blue Ridge Drive, called in opposition to the request. My house would be directly across the street on Blue Ridge Drive from the proposed development. Thank you for the opportunity to speak. I am in opposition to this rezoning. I did see the presentation on August 17. I listened to what was presented. In the report it was mentioned that it was well received. I think that it was politely received by the six who attended. I have many concerns, so I will try to sum up a few of them.

One hundred and forty-two units in this neighborhood would have a huge impact on the flow of people, the traffic, the feel of the neighborhood. I moved to this address 21 years ago, fully aware that Southeastern Trucking was across the street from me. I am sure that it has something to do with the affordability of the neighborhood. It is a mature neighborhood with all single level houses. It is a working neighborhood. It did not bother me in the least that we had a trucking enterprise across the street from us. In our neighborhood people walk the streets. Children ride their bikes, use their scooters and play. Even though it can be a cut-through, that would be nothing in comparison with what will happen if, and when, MLK Jr. Way is used to physically cut through the neighborhood and connect to Blue Ridge Drive. And, of course, nothing compared to having



142 units on that property as well. Right now, that property is only partially paved with the trucking enterprise. The rest of it is grassy and treed. The plans that we were shown, show that it would be a rather entirely impermeable surface that leads right to that stream, that then leads to Blacks Run. It will be leading to a decreased opportunity for tree cover. The trees planted along the roadside will not do much to change the view scape from our single level home to a three-story building that is only six to ten feet away from the street across from us. When we entered the neighborhood, knowing that the trucking enterprise was there, we also knew that it was zoning for R-1. It is the zoning laws that help a planned community. I would welcome neighbors building on that property. An R-5 with an accommodation for an increased number of apartments per building with proffers, those proffers are not accommodations when you consider it an R-1 property. To make those accommodations for an R-5 is not a reality or a truth in my mind. I appreciate the chance to speak my mind. I appreciate the comments that I have heard from the Planning Commission in questioning the plan. Thank you for your time.

Teresa Jackson, 190 Blue Ridge Drive, called in opposition to the request. I am not in favor of this development. On August 17, we attended the virtual meeting with the developer. I agree with my husband that it was politely received rather than well received. The first concern that I have with this project is the runoff. This property is at the bottom of a big hill. We live at the bottom of that big hill. When we have lots of rain, all that water has to drain down. On Spotswood Drive, there is one storm drain on the entire paved street. It is at the top of the street, almost touching Carlton Street. If you build all those apartments and cover the rest of the property in parking lots, you are going to have no place for that water to go. If that side of the street happens to be built higher than the opposite side of the street, then the water that already bubbles up from different spring openings in our front yard will increase. It is all single-family homes. In this area between Blue Ridge Drive and Country Club Road there are mostly single story homes. The applicant said it is a good transition. My idea of a good transition would be to go from single-family homes to townhouses to apartments. Their transition is to go from single-family homes to 142 units to townhouses. That is not a transition. I now understand why their playground is designed to be so small when in 142 units they think there will only be eleven children. If there are only eleven children, then what they are really marketing towards are JMU students. The trucking company across the street has been in this neighborhood longer than we have. The traffic that it has generated is much smaller than this apartment complex would do. Many years ago, after we moved here and something started being said about putting MLK Jr. Way, Cantrell Avenue at that time, connecting all the way over to Country Club Road, I called to ask and express my concern. I do not know who I spoke with. I never got anything in writing. They said, this is on the Comprehensive Plan, but we do not plan to ever have this street go through because it would change a quiet neighborhood and turn it into a major thoroughfare. I would like to reiterate from your studies that there are 39 vehicles trips in the morning and 59 in the evening. Then you used whatever multiplication factor that you do and said that it would end up 760 trips a day. That is a huge change.

Chair Colman thanked the caller and offered a clarification. When you are referring to the number of vehicles, that is the peak number of vehicles per hour. It is not that it would be only 39 or 59

for the day. That is for the peak hours. There are a lot of vehicles there. Some of the Commissioners have expressed the fact that there is a lot of traffic through that street. That does not mean that the peak is higher. It just means that there is a constant flow.

Marsha Chamberlain, 920 Oakland Street, called in opposition to the request. I live on the corner of Oakland Street and Blue Ridge Drive. I strongly oppose this complex that is being planned. I like the quiet neighborhood as it is. I like having the vacant lot across the street. You can hear birds. It is a little bit of country in the middle of the City. The idea of looking out my windows and seeing these three and four story building stressed me out. I do not want it. I realize that the City has to think about taxes and money and income, but people should also be important. This neighborhood has been around since the 1960s. It is a very friendly, peaceful community. I think that should have some value also. I agree with what the other two callers have said. Especially, regarding the rain runoff. Being at the corner, I am in a very low spot. I do know that all the runoff across the street and down to runoff into a tributary of Blacks Run. It looks like the buildings and the parking lot are going to block all that natural flow and make it end up with more flooding than we already have. I do not need a whole five minutes. I am just so against this. I hope it does not get built. Thank you.

Richard Benke, 910 Spotswood Drive, called in opposition to the request. There would be four houses between myself and this complex. Like one of my neighbors that called in, I moved here 21 years ago. I was 35 years old at the time. At that time, I was one of the youngest people in the neighborhood. This neighborhood was established by the post-World War II crowd. They stayed here, raised families and grew old. They have passed away in the past few decades, new families have moved in and revitalized the houses. They put money into the house and fix up the yard. They renovate. There was some talk from the developer about how this complex would revitalize the neighborhood, but it is already being revitalized. That is happening now. The people who live here are doing that. I am one of those people. I have put tens of thousands of dollars into my house since I have moved here. I had professional landscaping done last summer. To have this density in a neighborhood like this. Looking at the presentation, I thought, this place looks great. Maybe I will rent there. That density in this neighborhood just does not work. It is not the neighborhood for this kind of complex. I am aware of the proposed expansion of MLK Jr. Way. I am not wild about that, but if it happens, it happens. I can see the argument for it, and it makes sense. I cannot see how this complex makes sense for this neighborhood. I appreciate it.

Ms. Dang said that one of the emails that we received this afternoon specifically requested for their comments to be read into the minutes. The comments come from Kirk Elwood who lives at 811 Broadview Drive. He said:

Dear Harrisonburg City Planning Commission,

I was disturbed to learn that there was a possibility of a 142-unit apartment complex being constructed on the corner of Blue Ridge Drive and Country Club Rd. I am a resident of Reherd Acres and believe that such a concentration of housing units on that corner will dramatically affect our neighborhood. The proposed 142 units exceeds the

number of houses on Allegheny, Broadview, Blue Ridge, and Mockingbird Drives combined. The complex is proposed to have 213 parking spaces which is unrealistically few given the expected car/inhabitant ratio, yet even 213 more cars having to get channeled through Country Club road would be noticeable.

It would seem that before allowing that many more apartment units into that small area that Harrisonburg should take into account how it would affect the living conditions of the area. For one, park space is nonexistent in the Reherd acres neighborhood and nearby. There is the Eastover tennis courts over past Reservoir Drive (and Market St) and Ralph Sampson Park over the hill, but that is it. One would hope Harrisonburg would consider building a park at the intersection of Country Club and Blue Ridge rather than cramming in more places to live.

If Harrisonburg wants to allow the building of the large complex, it should at least recognize the problem of increased traffic by shouldering some of it by having the complex have a driveway directly onto Market St (turning the intersection of Market and MLK Drive into a 4-way intersection). To ask Country Club and Blue Ridge to absorb all the extra traffic would seem unfair. The current plan would also likely require a traffic light at the intersection of Country Club Drive and Country Club Court.

Also, if Harrisonburg wants to allow the building of a large complex, I would hope that Harrisonburg would negotiate with the developers to have them do something to improve the neighborhood. It is insulting that the people asking for not just a rezoning but a special use exemption so that they can make a large profit have not demonstrated an interest in the community they would change so dramatically. They could have figured out some small sized park or community swimming pool or something. To offer a 10 ft trail over to Market Street is meaningless given that a trail to Market already exists.

Thank you for taking the time to hear my concerns.

Kirk Elwood  
811 Broadview Drive (since 1993)

Carl Snyder, Valley Engineering, called representing the applicant. I wanted to clarify a few items that were brought up but not necessarily discussed. The improvements that we would end up making as part of this project along Blue Ridge Drive would include additional drainage inlets and structures added in an area that does not have it now. That part of the drainage would be addressed. In addition, because of the stormwater regulations in place, we would have to not only reduce the energy of the water, which is comprised of both flow and volume, but do a 20 percent reduction as part of the comprehensive site plan review. The stormwater would be addressed on Blue Ridge Drive and on the site as a whole.

There was a comment about marketing to JMU because of the number of children estimated. If

this was a typical student housing project, you would not see the mix of one or two bedroom units. You would see the conventional three and four bedroom units to get as many students in because those units are rented by the bed, not by the unit.

Finally, regarding the traffic study. There seem to be some comparisons made that are comparing apples and oranges. The traffic study that was done looks at traffic in the peak hour. The 760 vehicle traffic was for a day. There is a very different and clear distinction there. The question was asked previously about lowering the threshold for a TIA. The City's code requires the need for a TIA at 100 vehicles in the peak hour. By comparison, if you look at VDOT's regulation, they go by 5,000 vehicles per day. When we say that our site is generating 700 vehicles per day, that is considerably lower than what it would be if you go by VDOT per day TIA requirement. I understand that there are concerns about the traffic. I do not want the Commissioners to lose sight of the fact that in the City as a whole, there are improvements that the City has planned and that there are areas where they have applied for funding before and could not get it. This project would give a quicker avenue to that because there are two properties by way of agreement, plus additional right of way on Blue Ridge Drive, that my client has proffered to convey to the City. We hope, like Ms. Yancey mentioned earlier, that this brings the cost down to a more affordable project to help some of those overall traffic improvements that have already been outlined in the traffic study that was commissioned by City staff about a year ago. I just wanted to address some of the comments made by the callers. Thank you.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that he is impressed with the proffers and the amount of consideration that went into this. We have so many apartment buildings that have the parking right up front. The thing that I really like about this is that it reduces the cookie cutter apartment look that we have in a lot of Harrisonburg with the parking out front. I would not say that it integrates into the neighborhood. I am not going to make that claim. I do not know that I agree with that. I liked the proffers. What we cannot get around here are the traffic concerns. There are a lot of concerns about traffic. As much as I like this proposal, all of that traffic is going to through that neighborhood. There is one traffic light in all of Harrisonburg that I try to avoid. It is the one at the intersection of Vine Street, Country Club Road and Market Street, where that Sheetz is. I think that the traffic is my biggest issue. They have done the best job they can, given that plot of land. I appreciate the work and the thought that went into the proffers.

Chair Colman said that one thing to manage to here is that staff has been working with this applicant for months now, trying to work those things in. It is not like they are coming to this without any influence from staff.

Commissioner Fitzgerald said that it is clear that there has been a ton of work in this. I agree with Commissioner Finnegan regarding the list of proffers and the care that has been taken to anticipate

and deal with all of the things that this unconventional property has to offer and to try to do something with it is remarkable. I have seen a lot come past Planning Commission and have voted on a lot, and this is a huge attempt to try to get something to work in a piece of land that is not great. I agree with the excellent presentation provided by the applicant that there is a need for workforce housing that is separate from that which is aimed at students. This is for young professionals and people who might be coming into the City and will eventually buy somewhere but want that transitional apartment for that first year or two that they are there. That does not mean that it has to be here. That does not necessarily have to be the spot for it.

I think that compatibility with existing development is partially a matter of preference, aesthetic preference. I looked at the renderings that were shown on the screen and were produced by Valley Engineering. I liked the way the neighborhood would look if these were built. I thought it was attractive. Commissioner Finnegan pointed out, and both the staff and the applicant's application, show the parking behind the apartment. It is attractive. I could imagine living in one of these houses and looking out of them thinking, this is the kind of street scape that Harrisonburg could use. I do understand that it is a matter of aesthetic preference. If you are living in one of those single-family houses and looking at this four story building, you might not think that at all. Compatibility is not a black and white kind of choice.

I think that we are underestimating traffic impact. I think it will be a lot bigger, both in terms of the density of the traffic and the amount of cut-through. That bothers me greatly. I think it will cause me to line up with staff and not vote for it. I agree with one of the callers who said that the R-1 to R-5 transition is abrupt and does not feel like a smooth transition from the single family homes right across the street from this four story apartment building. I will also say that, thinking about the Ordinance Advisory Committee and thinking about the Comprehensive Plan, I feel exceptionally protective of conventional old neighborhoods in the City. A neighborhood that has been building up through the 50s and the 60s with people who wrote to us in email and then called in today had noted that they have been here for a long time and watched their City, their neighborhood change. They have gotten to know people. They have done a lot to their homes. I think that the neighborhood itself should be respected and we should take into consideration what this development does to them in their view. Unless someone says something remarkable to change my mind, I am probably going to align myself with staff on this one.

Commissioner Byrd said that the applicant has presented a very forward thinking proposal of something that will exist in the future. The issue is that the structure's transition from R-1 to R-5 would make more sense if there was already in existence an extension to Market Street because that community would have adjusted to the traffic that will no longer be going to Vine Street anymore because it would be cutting through there instead. They would learn how much traffic really does not want to go through that intersection at Vine Street and Route 33. I understand why the applicant hearing and viewing what the City has in mind in the future would see the value in presenting proffers to donate land that in the future have to be purchased through eminent domain or other such matters. In its current state, although the property in question is below most of the other properties, most of the people were talking about seeing the buildings as very high. When I

was there, that land starts below a lot of the surrounding property. They are seeing two stories above their sightline. I do not know if the City is ready, at this time, for such a drastic change in the nature of the neighborhood without directly committing to following through making that extension a reality relatively soon. I do not think that we should be approving projects that take into account the involvement of future projects without being sure that we are going to make those things also happen. If we allow this to be built, those fifteen years may go by and no extension is made. Then we deal with people complaining about all the traffic and having to expand roads into people's property or acquiring property to widen those roads, such as Country Club Road, more amenable. That is already in discussion in the Comprehensive Plan. I think I will agree with staff to recommend denial of this in light of those factors.

Commissioner Whitten said that she agrees with the points made. I was interested in the fiscal summary slide regarding \$130,000 in taxes that goes away when you add a few traffic signals and children in classrooms. That is not a lot of money. It is not a big enough carrot at the end of anybody's stick to make this look like a great deal to the City. The disruption that would occur to an established neighborhood is not worth it. This may be a great project. I am not sure that these buildings are proffered. Did I hear that they were? These pretty pictures that we are looking at, are they proffered?

Ms. Dang said that the buildings are not proffered. We are not able to accept proffers regarding building design.

Mr. Russ said that we can accept proffers regarding the layout and the height. We cannot accept proffers related to specific types of siding, for example. They can proffer a general layout and height and approximate aesthetics.

Chair Colman said that some localities do have an architectural review board, but we do not have that.

Commissioner Whitten said that they are pretty pictures, but the development may not end up looking like this. That we need to know. The tax base being improved by a facility like this does not impress me. I do not think that we should be making decisions based on numbers like those. My vote is going to be no.

Commissioner Orndoff said that he concurs with all the comments that have been made. It is an interesting looking project. It is a way to take a piece of property that is very difficult to do something with. I would prefer that it if going to be transitional, so to speak, maybe it should be looking at townhouses, not four story apartment buildings. I would go along with what has been said so far.

Chair Colman said that he agrees with a lot of the points here. Considering the developer's perspective, the work being done in terms of the site layout and building locations, is what we have been trying to achieve which is to push buildings to the front, put parking in the back, and

reclaim areas that you cannot use any other way. They have done a good job with that. Considering that area otherwise would flood. You cannot do single-family homes without significant improvements to that site which would not be feasible to recover the money. Any time you are talking about development, do not look at developers as the evil bad man. Developers are the ones that build our towns and our cities. We have to work with developers. Not that they have carte blanche to do whatever they want. There are regulations that they need to follow which is why they come to a planning commission like ours. They are dealing with a difficult lot. There is a lot that we have not seen very often being proffered to the City. The traffic and the impact to the neighborhood is certainly a concern. I avoid it as much as possible. It is not the best place to get caught in traffic. Some other things to take into account are the flooding will be addressed through the site design. Those things will be taken care of. It does not concern me because there are laws that require the developer to control the flooding. Most likely, they should improve the outgoing channels. The peak traffic numbers work out from the numbers perspective. The flow of traffic will increase through there. The biggest benefit of this project is providing all that housing. We are in the middle of a housing study. We have discussed this several times here. If we can put more housing so that people can move out to their next house and allow for the lower income people to take the more accessible housing, something like this would provide that. If there are a lot of young professionals and young couples that are the renting one and two bedroom apartments that they can afford, then there is nothing left for them to rent. It is a domino effect. If we can provide this housing, it will allow for other people to move into the housing that becomes available as a result. That is the biggest impact of this. Commissioner Whitten mentioned the point about how much taxes we get from this. Generally, there is a benefit to the City, but not as significant. Any improvements to the streets and traffic lights would consume that fairly quickly. In terms of housing, it is something that we are looking for. From what we are looking for in terms of site design and pushing the buildings to the front and moving the parking to the back, I like that. I like that they are addressing all the unusable property. I do not like the four story building because it does not go with the character of the neighborhood. I like the other buildings, the three story with the high pitched roof, they are more of a residential character in this neighborhood. Most of the houses in the neighborhood are not facing the development, maybe only one or two houses face the development. The rest, they are facing Spotswood Drive or Oakland Street. So they are not going to see it out of the front of their window, only if they are walking or driving down the street will they see it. If the buildings were more in line with the three story building, I would feel much more comfortable because it could blend the transition. These could be townhouses, instead of apartment buildings. Maybe that will be the next thing attempted. I would like to support this for those reasons; yet, for the same reasons that have been pointed out, I also do not want to support the project. I want to support the housing, but there are problems with the impact to the neighborhood and traffic that concern me. I agree with your points and think that City Council should look into that. I will support it on the basis of the need for housing.

Commissioner Finnegan said that Chair Colman makes a very good point. We live in a country and a society that has prioritized private property rights and off-street parking over the right to housing. There are countries that provide in their constitutions or in their laws the right to housing. We do not have that here. We are at the mercy of the market. The market decides what housing

can be built. I can guarantee, I am so confident about this, that there will be no single-family housing built on that lot. The market forces that built houses back in the 50s and 60s will not build houses that look like the rest of that neighborhood. The market has changed, and they do not build those anymore, particularly where there is flooding or there is a busy road, a railroad right next to it, and powerlines going over it. You will not get your return on the market for building a new single-family house there. I do not have a way to prove that, but I am certain of it. The group that did not call into this meeting and that never calls into our meetings are people looking for housing. The people who cannot find apartments. The people who end up moving out to Elkton or Broadway or wherever else they can manage to find housing. There is a shortage of housing that is referred to in this report. People look for a place to live in Harrisonburg and cannot find it. The regulations that we enforce are there to make sure that no more housing is built in Harrisonburg. I agree with staff's concern about traffic. I agree with the callers' concerns about traffic. I cannot counter that. I am inclined to support this because of the reasons that Chair Colman said. It is about housing. We are saying no to 142 units because we want to prioritize the existing structure of the neighborhood. The history of the R-1 zoning district is that it was designed to make housing hard for people of color and people who do not have money to buy them. That is the history of it. That is not casting aspersions on anyone in that neighborhood. Condition 1 and Condition 3 that staff objects to and says that are not met are centered around protecting the housing that is already there and saying that it does not match with that. I understand the argument. I do not agree with it. There are cities across this country, more and more of them, that have abolished R-1. That is not an argument that I am going to defend here. I will be either voting against a denial or voting in support of this for those reasons.

Commissioner Whitten said that it is very antagonist for Commissioner Finnegan to bring up R-1 zoning. This neighborhood is not by any stretch some exclusive neighborhood of one type of person. This is a very diverse neighborhood. I am very upset with you for bringing out your R-1, racist zoning speech yet again. It is over the top. This neighborhood is a solid neighborhood for working folks. I want to protect them. I also want to agree with the Comprehensive Plan. We have this Comprehensive Plan that you used to hold up as something to be proud of, that we should follow. Why are we not following it? We do not have to have four stories on that property or any property to make it a place that people can afford to live. There are other things that could be done with that lot. If not, I suppose people could go move out to the corner of Route 33 and Stone Spring Road. I am, like you, concerned about the people that already live there and I want them to be protected in their homes. I do not have a problem voting against this. I am disappointed that you once again bring up the R-1 zoning and how we need to abolish.

Commissioner Finnegan said that he will continue to bring it up and be a broken record about this. R-1 zoning should not exist. We do not have to have this argument about R-1 zoning. About this particular proposal, I will be either voting against the denial, if that motion is made, or I will be voting in support of this because we need more housing for the reasons that Chair Colman said.

Commissioner Whitten said that we do not have to have it there.

Chair Colman said that we as a Planning Commission are here to discuss these items, to present



our opposing visions and to let City Council decide on this. It is okay for us to present opposite positions. That is good. We need to have that. We do not have to agree on everything. It is nice to be on the same page, but we do not have to. Perhaps we should not because we would not be looking at things objectively from different angles. It is important that we have opposing views. We can still vote along the same lines, but we need to discuss, to bring things up, that have had or have an impact on our City.

I want to respond to Commissioner Whitten's comments. Perhaps we do not want to see a four story building. Perhaps we do not want to see an apartment building. One of the renderings that they showed in the presentation was something more integrative. It looks more like townhouses or more of a residential look. Something like that would be very appealing and perhaps more appealing than a four story apartment building that looks more like a hotel. I do agree with you on that. I do not like that either. We could reduce the density, but that means that you are going to lose money. For developers, it is an investment. You do not want to spend money for nothing. They are not non-profit. They are for profit and that is their business. We cannot stop them, to the contrary, we want businesses to flourish. That is one of the businesses that we need right now to develop housing. I agree with both of you in different ways, but I want to point out that housing is a significant need. That is why I am going to vote for it or against a motion for denial.

Commissioner Fitzgerald said that she looked up the most recent Comprehensive Plan to remind her what it said about neighborhoods. It is pointing me to notes that if the discussion about neighborhoods, especially R-1 housing, continues in this direction then one of the strategies in the Comprehensive Plan is to talk about encouraging to assist neighborhoods in setting up appropriate neighborhood representative organizations to assist the City and others in implementing neighborhood plans. I am thinking about this discussion and how useful it would be for this neighborhood to have an organization to advocate for it.

Commissioner Byrd said that the neighborhood should, if there is going to be an extension road being discussed from East Market Street to Country Club Road. Speaking as a young professional who works at a company that hires young professionals to transition through that company and off to somewhere else. Where I work, they hire a lot of college graduates to work a couple of years and then they go off somewhere else. A lot of them hunt down an apartment. If they cannot find one, they go live somewhere else. Some of them live with college students, if they moved here for a job and do not have any connections close by, they either move, or they do not work there. I understand the argument about housing. I also can understand the projection of so few children in such an apartment complex. We would then be suggesting that most people are coming with single parents or that are communities that are impoverished enough that everyone has to shove into apartments and bring multiple children into two-bedroom apartments. If that is the state, then we have more troubles, if we are looking at one facility that is projecting eleven children and questioning the validity of that number. The thing is that we are switching drastically from the Comprehensive Plan and it was all R-1 mixed-use. No one is going to build a house there, especially once I saw the floodplain data. If you physically stand on those roads and look at the property, everything goes downhill. Whoever is going to build something is going to do a lot of

work to manage water that they are going to have to foot the bill for. So, who is going to build there? I want to make sure that anyone who looks at the minutes, takes into account that whatever we want to be done at that property, the people developing there are going to have to put out some money, which means that they are going to have to build something that people are going to want to purchase or to occupy that will make them a return. As long as it stays R-1, I do not know what will be done in the future. I do not know that our current Planning Commission is ready to go from R-1 to R-5. That might be too big a step, but it is something we need to take into account. We cannot have so many locations that are R-1 simply because there surrounded by R-1 and not take into account that some areas will have to have something that is going to initially look out of place until people get used to it. I grew up in a city that could not expand at all because it was surrounded by other cities, therefore you would get a report- they rezoned this whole area, this is going to be changed to that, that is going to be changed to this. Then people had to make decisions. If we are going to only consider that the area is R-1, not taking into account that the area is at the bottom of the hill, by power cables, by a railroad, then we are going to be pretending that something is going to magically happen in that area. It makes it tough for this applicant. I do not know if there is enough energy present, but the things presented are very important for us to keep in mind. I am concerned with this idea of the road extension. If that is put in, that traffic at Vine Street changes. There will be more traffic through whatever you call that road. I know people that I have lived with and that were my neighbors and we all drive through Country Club Road. We all cut on North Carlton Street to avoid the Vine Street intersection. We all came from Route 33 to North Carlton Street back to Vine Street, just to avoid that light. There is a lot of getting around to get over to the apartment buildings further down on Vine Street. This application just brought to my attention something else that the neighborhood should take into account. I would advise any neighbors that might still be listening, that they might want to think about setting up one of those organizations that Commissioner Fitzgerald mentioned because there are things happening in our Comprehensive Plan that are already set. It is just a question about implementations. I do not know if I have been moved on my position of how I view this particular application, but I am keeping housing in mind. One bedroom and two bedroom apartments are very useful to young professionals in the City. We all need that space until we meet somebody. We have young professionals fighting with students for housing as it is currently.

Chair Colman said that some of the special circumstances that staff brought up to mitigate conditions 1 and 3, which were the floodplain, housing shortage, and the need to revise or amend the requirements for those with special conditions in subsequent submittals or for the review of the Zoning Ordinance to look into those conditions and whether they are warranted or they are outdated. It is something to consider.

Commissioner Whitten moved to recommend denial of the request to rezone two parcels addressed as 161 and 241 Blue Ridge Drive.

Commissioner Fitzgerald seconded the motion.

Chair Colman said that this is not an isolated event. We are talking two significant issues in the

City, traffic and housing. These are things we are very concerned with.

Chair Colman called for a roll call vote.

Commissioner Fitzgerald Aye  
 Commissioner Orndoff Aye  
 Commissioner Byrd Aye  
 Commissioner Whitten Aye  
 Commissioner Finnegan No  
 Chair Colman No

The motion to recommend denial of the request to rezone two parcels addressed as 161 and 241 Blue Ridge Drive passed (4-2). The recommendation will move forward to City Council on January 12, 2021.

**A motion was made by Whitten, seconded by Fitzgerald, that this PH-Rezoning be recommended for disapproval to the City Council, due back on 1/12/2021. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 4 - Whitten, Orndoff, Byrd and Fitzgerald

**No:** 2 - Colman and Finnegan

**Absent:** 1 - Romero

**4.e.** Consider a request from Martha E. Grover, Trustee and MG Harrisonburg LLC with representatives Bluestone Land LLC for a special use permit to allow multi-family dwellings of more than twelve units per building at 161 and 241 Blue Ridge Drive.

Commissioner Whitten moved to recommend denial of the request for a special use permit to allow multi-family dwellings of more than twelve units per building.

Commissioner Byrd seconded the request.

Chair Colman called for a roll call vote.

Commissioner Finnegan No  
 Commissioner Whitten Aye  
 Commissioner Byrd Aye  
 Commissioner Orndoff Aye  
 Commissioner Byrd Aye  
 Chair Colman No

The motion to recommend denial of for a special use permit to allow multi-family dwellings of more than twelve units per building passed (4-2). The recommendation will move forward to City Council on January 12, 2021

Chair Colman encouraged those who called and emailed to reach out to City Council for them to hear your requests, as well.

**A motion was made by Whitten, seconded by Byrd, that this PH-Special Use Permit be recommended for disapproval to full council to the City Council, due back on 1/12/2021. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 4 - Whitten, Orndoff, Byrd and Fitzgerald

**No:** 2 - Colman and Finnegan

**Absent:** 1 - Romero

## **5. New Business - Other Items**

None.

## **6. Unfinished Business**

None.

## **7. Public Comment**

None.

## **8. Report of Secretary & Committees**

### **8.a. Proactive Code Enforcement**

Ms. Dang said that proactive code enforcement resumed in November. Zoning inspectors went to the Chicago Avenue section of the City. They found four violations related to junk and inoperable vehicles. In the report that was included in your packet, they also stated that there were six STR violations found City-wide. I would like to correct that. There were only four violations found. The others were properties listed on Airbnb for longer than a month at a time, so they are not STRs. In December, proactive code enforcement will be in the Greystone section of the City.

### **8.c. Rockingham County Planning Commission Liaison Report**

Commissioner Whitten said that the first two items are related. The first an ordinance amendment that was initiated by staff in an effort to bring retail into alignment in their RV zone. The RV zone is Rural Village which would be Keezletown, Port Republic, Singers Glen, etc. The purpose of the RV zone is to bring support services to rural communities. In the current ordinance, it allowed only 1,500 square foot buildings for A-2 zone. They were discussing a business in the A-2 that could not grow because they were already 1,500 square feet. They decided they wanted to be rezoned. Staff thought it made sense to have “mom and pop shops” that are smaller to be able to compete and grow. The ordinance amendment was to allow 4,000 square feet for the footprint of a building. Some of these are going to be convenience stores. It only includes the footprint of the building, so if it is a store with gas pumps, those are not added to the square footage. The

amendment passed unanimously. They moved on to the rezoning request. That was a store in Hinton on Rawley Pike. It was an old building. There was no opportunity for a SUP. They were landlocked and wanting to sell their store and for someone to keep the store for that community. The rezoning request passed unanimously.

The third item was their ongoing CIP that they are working on. Last year was the review. In an annual update they added some projects. They were making the statement that the next CIP would be beginning July 2021 and ending 2026.

They took off the table the ordinance amendment regarding outdoor lighting. They have made revisions to that ordinance which restricts lighting on private property and requires lighting in public areas. They are reducing glare, limiting up-light, and limiting dispersion of light. They are going in the direction of becoming more in line with the dark sky rules. That is a positive. They are going to require photometric plans for commercial development. We will be hearing more about that. I am sure that we, in Harrisonburg, will be looking at the same kinds of ordinances.

The last item was a discussion of the solar farm study that we have heard about in the news. They have a study committee and have sent out information to the participants so that they can hit the ground running in January.

#### **8.b. Board of Zoning Appeals Report**

The previous month's applicant requested a rehearing. One of the board members was not present at the previous hearing, so there was a tie. Because there was a tie, they are able to request a rehearing.

#### **8.d. City Council Report**

Ms. Dang said that there were three items that the Planning Commission forwarded to City Council. They were the rezoning on South Main Street for Truck Enterprises, a SUP request for multi-family in R-3 that is located on Foley Road, and the alley closing request that Lindsey Funeral Home. All three were approved by City Council.

## **9. Other Matters**

### ***Update to the Zoning and Subdivision Update Project***

The Ordinance Advisory Committee (OAC) and the Staff Technical Team (STT) met separately on November 18 to receive the ordinance diagnostic from the consultant team. We received a lot of good feedback from the OAC and the STT which I have compiled and forwarded to the consultants as they continue working on the draft Zoning and Subdivision Ordinances.

The OAC and the STT will not be meeting again until April, but there will still be a lot of work taking place between now and then. There will be three parts to the ordinances. Module 1 will be shared with the OAC and the STT in March or April and will include general provisions, the zoning districts, use standards, area and dimensional standards. That will be one package to begin

review and comment on. Module 2 will be available around June. That will include development standards in the Subdivision Ordinance. Module 3 will be available around August and will include the administrative procedures and information about development review. After the OAC and STT have done their review, we will look at next steps.

### ***Housing Study Project Update***

The virtual public meeting took place on November 19. If you or the public listening tonight did not see the virtual public meeting, there is a recorded version of the video on the City's project website. There was a comment period that was open for a little more than two weeks following the public meeting. We anticipate that the final report will be presented to City Council on January 12. That will be the next big milestone.

### ***Capital Improvement Plan***

We anticipate that we will be able to deliver to you by email PDFs of the project sheets. These are the project summaries with some of the financial information so that you can begin review of the CIP. This will not include the summary tables at this time. In addition, the City school information is not available yet, so that will not be included. We do not have a schedule for when you would make a decision on a recommendation at this time. This is to comply with your request, last year, that we get you materials in advance so that you can begin reviewing it before we deliver the final package to you.

### ***Other Matters***

Last night, City Council reappointed Commissioner Whitten to the Planning Commission. Congratulations and thank you for serving. They also appointed Richard Baugh to fill the second vacancy. The third vacancy remains. They will make that appointment in January.

We have two commissioners that are with us this evening who will be stepping off the Planning Commission, Chair Colman and Commissioner Fitzgerald. I would like to thank you both for your service. Chair Colman was a commissioner for the last eight years. Commissioner Fitzgerald returned back to us this year to complete the term of a vacancy. You both have brought a wealth of knowledge and experience to the Planning Commission. Thank you both for serving.

Commissioner Fitzgerald said that she will be returning to the School Board.

Chair Colman said I want to thank everyone here and staff. I will continue to work with staff on all the things that I work on and perhaps come before the Planning Commission as well. It has been a wonderful experience. I will miss being part of the Planning Commission. It has been part of my life for the past eight years. Do not be surprised if I apply for it again. I appreciate everybody's input. Everybody's point of view is valuable. Do not forget to speak your mind.

Commissioner Finnegan said that Commissioner Whitten and I will take that very seriously. We never refrain from speaking our mind. I appreciate everything that you have brought to this commission and everything that I have learned from you. I will miss you.

Commissioner Whitten said that she agrees. Commissioner Finnegan and I share in common that our dads are and were civil engineers. We appreciate civil engineers and their knowledge base. It is invaluable in these situations. More than that, you are a great human being. We will miss you. Commissioner Fitzgerald, I think I wrote your first recommendation for the Planning Commission. I would write it again. Thank you for coming back and helping.

Ms. Dang said that when we come back in January, the Planning Commission will be nominating and voting on a new Chair and Vice Chair and selecting your BZA liaison.

We have seven items that are planned to be on the agenda in January. There are five unique sites and one Zoning Ordinance Amendment.

The Commissioners discussed the Rockingham County liaison assignments for the next few months.

Commissioner Byrd: January  
Commissioner Finnegan: February  
Commissioner Orndoff: March

Further assignments will be made when the new Planning Commissioners are present.

**9.a. Update on Zoning and Subdivision Ordinances Update Project**

**10. Adjournment**

The meeting adjourned at 10:00 p.m.

**NOTE TO THE PUBLIC**

In accordance with the Emergency Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with the pandemic disaster, adopted on April 6, 2020, the public will not be able to physically attend the Planning Commission meeting.

However, a phone line will be live where community members will be allowed to call in and speak with Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those items have been heard. This will avoid anyone calling on any other item from holding up the queue and then being asked to call back at a later time.

The telephone number to call in is: (540) 437-2687

Community members also may provide comment prior to the meeting by emailing: [Thanh.Dang@harrisonburgva.gov](mailto:Thanh.Dang@harrisonburgva.gov).

Community members will be able to watch the meeting live on:

- The City's website, <https://harrisonburg-va.legistar.com/Calendar.aspx>
- Public Education Government Channel 3