



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, October 9, 2024

6:00 PM

Council Chambers

1. Roll Call/Determination of Quorum

The Harrisonburg Planning Commission held its regular meeting on Wednesday, October 9, 2024, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Brent Finnegan, Chair; Adriel Byrd, Vice Chair; Vice Mayor Laura Dent; Richard Baugh; Heja Alsindi; Valerie Washington; and Kate Nardi.

Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Meg Rupkey, Planner; Wesley Russ, Deputy City Attorney and Anastasia Montigney, Administrative Specialist/Secretary.

Chair Finnegan called the meeting to order.

Present 7 - Brent Finnegan, Adriel Byrd, Valerie Washington, Richard Baugh, Vice-Mayor Laura Dent, Heja Alsindi, and Kate Nardi

2. Approval of Minutes

2.a. Minutes from the September 11, 2024 Planning Commission meeting

Chair Finnegan asked if there were any corrections, comments or a motion regarding the September 11, 2024 Planning Commission minutes.

Vice Chair Byrd moved to approve the September 11, 2024, Planning Commission meeting minutes.

Commissioner Baugh seconded the motion.

The motion to approve the September 11, 2024, Planning Commission meeting minutes passed (7-0)

A motion was made by Byrd, seconded by Baugh, that this Minutes be approved. The motion carried by a voice vote.

3. New Business - Public Hearings

3.a. Consider a request from Josue Elidio Pereira Coreas to rezone 731 Jefferson Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the existing structure addressed as 731 Jefferson Street is believed to have been built before the property was annexed into the City in 1870. When the property was annexed, the City of Harrisonburg had not yet adopted a Zoning Ordinance. In 1939 when the City's Zoning Ordinance (ZO) was adopted, the property was zoned B-2, which at the time was the Business, Manufacturing, and Industrial District. At that time, a residential use would have been allowed in the B-2 district. In 1963, when the City adopted a new Zoning Ordinance, the property was zoned M-1, Light Industrial and became a nonconforming residential use.

In April 2024 the property suffered a fire. While City staff were inspecting the property, staff began investigating whether nonconformity was lost as staff had reason to believe a second unit was added to the property making the structure an illegal duplex. The applicant has been unable to prove that a duplex was legally established and for it to be considered a nonconforming use.

The ZO states that “[w]henver a nonconforming use is enlarged or extended beyond the size, character, or intensity of the use as it existed at the time that it became nonconforming, the nonconforming status of such use shall terminate and become unlawful.” Additionally, the purpose of the nonconforming principle is to preserve rights in existing lawful buildings and uses of land, subject to the rule that public policy opposes the extension and favors the elimination of nonconforming uses. Nonconforming uses are disfavored because they detract from the effectiveness of a comprehensive zoning plan.

After discussing options with staff, the applicant is requesting to rezone the property to allow for at least one dwelling to continue operating on the property. The applicant would like to have the ability to convert the dwelling into a legal duplex in the future. If the rezoning is approved, staff will continue to work with the applicant to get the correct building permits.

The applicant is requesting to rezone a +/- 15,948-square foot property from M-1, General Industrial District to R-3C, Medium Density Residential District Conditional. The property is located at 731 Jefferson Street and is identified as TM 40-O-7 and 8.

Proffers

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

1. A variable width public sidewalk easement along Jefferson Street will be provided for the City to construct a sidewalk in the future. The easement will extend 7.5 ft from the existing back of curb into the property and will be dedicated at minor subdivision. In addition, a 5 ft temporary grading easement beyond the 7.5 ft sidewalk easement will be provided for the City to have sufficient space to install the proposed sidewalk.

With this proffer the applicant would dedicate public sidewalk and temporary construction easements to allow the City to construct sidewalk along the streets at some point in the future if they were to submit a subdivision application.

Land Use

The Comprehensive Plan designates this parcel as Neighborhood Residential and states that:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

While the applicant's short-term plans are to bring the property into compliance for a single-family detached dwelling, the applicant has expressed interest in the possibility of converting the structure into duplex or a multi-family building with three dwelling units. The R-3 district would allow the applicant to have the flexibility to pursue these options in the future. The R-3 district allows duplexes by right and allows multi-family buildings with an approved special use permit.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

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

Public Schools

Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, the proposed single-family detached dwelling would result in a student generation of zero. Based on the School Board's current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property. HCPS staff noted that four of the six elementary schools are over capacity. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at:

<https://www.coopercenter.org/virginia-school-data>.

Recommendation

Staff believes that this request does not have any major adverse effects to the surrounding properties and is consistent with the Comprehensive Plan and recommends approval of the request.

Chair Finnegan asked if there any questions for staff.

Vice Chair Byrd said the last three lots that are M-1 along the same street touching R-2, in our Comprehensive Plan this is still left as M-1, correct?

Ms. Rupkey said if I am standing and looking is it the house on the left or the right? Page top or page bottom.

Vice Chair Byrd said page top.

Ms. Rupkey said they are nonconforming residential uses in the M-1 district now. This rezoning they would remain M-1 and then however the Comprehensive Plan does designate them as well as the Neighborhood Residential similarly as this property. They are also a part of the Neighborhood Residential designation.

Vice Mayor Dent said this is different from that other one that was a nonconforming in an industrial zone.

Ms. Rupkey said the Liberty Street one? This is different. The Land Use Guide was the industrial [designation] for that one.

Chair Finnegan asked if there were any more questions for staff. Hearing none invited the applicant or applicant’s representative to speak to their request.

Josue Elidio Pereira Coreas, the applicant, via an interpreter came forward to speak to the request.

Chair Finnegan said in the application you talked about the possibility of wanting to add more residential structure onto that property, which you could do under the new rezoning. Is that something that you are planning to do soon or is that something in the future?

Mr. Pereira Coreas via an interpreter, said no maybe in the future but not soon.

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

Commissioner Baugh said it is a little unconventional in some respects but as we saw in the visit yesterday it actually a request to bring it in line with what is actually in that neighborhood. I have no issue to support it. I will go ahead and move that we approve the proposed rezoning at 731 Jefferson Street as proposed by staff.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye

Vice Chair Byrd Aye
 Vice Mayor Dent Aye
 Commissioner Alsindi Aye
 Commissioner Washington Aye
 Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on November 26, 2024.

A motion was made by Baugh, seconded by Byrd, that this PH-Rezoning be recommended for approval to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

3.b. Consider a request from Lonnie and Linda Suter to rezone 1158 Rockingham Drive

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 8,505-square foot portion of a property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the corner of Rockingham Drive and Taliaferro Drive, is addressed as 1158 Rockingham Drive, and is identified as tax map parcel 47-E-76.

The applicant would like to relocate the dividing property line between two lots they own so their driveway is located entirely on the lot on which their dwelling is located. The proposed subdivision would make the dwelling lot (identified as “Lot B”) +/- 13,375 square feet and would make the second lot (identified as “Lot A”) +/- 8,505 square feet. In the R-1 district, new parcels must contain a minimum of 10,000 square feet of lot area. Because the new parcel cannot be subdivided within the R-1 district, the applicant is requesting to rezone the area that would become proposed Lot A to the R-8 district, which allows parcels to have a minimum lot area of 2,800 square feet.

Proffers

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

1. More than one dwelling is prohibited.
2. The minimum setback for principal structures along Rockingham Drive shall be 30-feet.
3. A variable width public sidewalk easement along Rockingham Drive will be provided for the City to construct a sidewalk in the future. The easement will extend 7.5 ft from the existing back of curb into the property and will be dedicated at minor subdivision. In addition, a 5 ft temporary grading easement beyond the 7.5 ft sidewalk easement will be provided for the City to have sufficient space to install the proposed sidewalk.

Regarding proffer #1, in the R-8 district, single-family detached homes and duplexes are allowed

by right if the lot area and dimensions of the property are met and so long as each unit is on its own parcel. If the rezoning is approved, although the R-8 district dimensional regulations allow proposed Lot A to be further subdivided into additional parcels, the submitted proffers prohibit more than one dwelling on the R-8C portion of the subject property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffer #2 is further restricting front yard setbacks for principal structures to 30-feet off Rockingham Drive, which is the same setback regulation for R-1 zoned properties.

As noted in proffer #3, the applicant would dedicate a public sidewalk and temporary construction easement to allow the City to construct a sidewalk along the street at some point in the future.

Land Use

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

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

With the submitted proffers, the proposed use and density conforms with the Low Density Residential designation. Know also that the R-8 district's occupancy regulations are the same as the existing R-1 district's occupancy regulations, which allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals while nonowner-occupied dwellings may be occupied by a family plus one individual or a maximum of two individuals.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

Public Schools

The proposed rezoning and planned subdivision do not change the existing buildable potential of the subject property and thus does not impact the calculated student generation. Based on the School Board's current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

Recommendation

Staff does not believe rezoning the area to allow for the creation of a smaller parcel in this area of the City would be inconsistent with the Comprehensive Plan's Land Use Guide and recommends approval of the application.

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

Lonnie Suter, applicant, came forward to speak to the request. He said we are just trying to get the lot ready for whatever happens in the future. We do not know if we are going to build on it or if we might sell the lot and someone else build on it or our sons handle it down the road in some manner. We are just trying to get it set up so that it is ready to go. We do not want a shared driveway. I have been in that situation before and that is not good. I want the responsibility of that access driveway that enters the back of Lot B that we live on to be the maintenance responsibility of that lot be us or whoever lives there. Lot A would be totally free of that responsibility.

Vice Mayor Dent said does that mean that the Lot A house, if built, would be just strictly on street parking since they would not have the driveway?

Mr. Suter said there is an access already at the end of the property. [referring to the image on the screen] see the circle down at the property? That is where there is a curved entrance coming in right now that would send the entrance into the house very well. Parking could be there.

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

Kent May, a resident of 1164 Rockingham Drive, came forward to speak to the request. Everything sounds good, it is his lot and, in my mind, he should be able to do exactly what he wants to, do but I do have some concerns. [Referring to the image on the screen] See there, where the green dot is, that is 1164 [Rockingham Drive] so that turn comes down and feeds the next two houses down at the end of the cul-de-sac, which you said was that parking area, that is a deeded [private] right-of-way across myself and the neighbors there too. I am sure that would have to be addressed. If [unintelligible], that would mean the access would be off of Rockingham Drive. Well, Rockingham Drive from Mr. Suter's down to the mailbox is 15 foot or so, so that is

limited there. I know we all have, in my mind should have places to park at the residence, but it is crowded. That is the way things were then and so we are at today. Everyone is trying to be friends and family and park wherever they can there. We have run into a bit of staring and some things like that, but we just want to be sure that some of those things are addressed. If you do parking for the residential, let's say it is a two bedroom that means it is a 20-foot entrance or 20 feet wide so that takes up that much more. I think those things need to be looked at or at least addressed along the timeframe for that. You guys are in charge I am just trying to figure out where we stand with all that. If he wants to sell it or give it to Troy or the boys I do not care, that is up to him. I am just trying to make sure that some of those things are looked at. Those other two houses already turn and come back that street, so there are three houses on there that is making that turn and this would be another residence if we did use Rockingham [Drive]. You are kind of caught between a 20/20. I understand he wants to get there but at the same time we are trying to figure out what to do [unintelligible].

Mr. Suter said it is true that the access is right off of Rockingham Drive when you come into that property. There are a lot of cars out there. A lot of cars park on the street. Some places have too many cars, they do not have room to park them on their property. The gentleman behind me has seven vehicles so he parks one on the street all the time and the rest he does fortunately park on the property. There are others that do not use the facilities that they have available because they are using their garages to house other things so then the vehicle ends up on Rockingham Drive or whatever. If everybody is courteous with one another and parks their vehicles on their property and does not have too many vehicles, that would really help the issue. I will say I would not think it is necessary, but if we have to move that curb entrance somewhat to get in over we would have to cut a notch in the curb to do it because that was established years ago as an access into that property. I would not think we would have to do that, but we will do whatever we have to do, we want everybody happy. The house across the street from us does not have any onsite parking. There are three vehicles parked along the curb all the time. There are just some issues in general with the parking. I do not think that this is going to add any additional problem. I will say that all the neighbors have the same rights so if we provide parking on our property but there is a situation with company or somebody comes to that residence to whoever lives there, then they should have the same right as any of the neighbors to park on Rockingham Drive.

Chair Finnegan said there is a process for neighborhoods getting on street residential parking permits from the City that...I do not know the best place to direct folks to.

Ms. Dang said the Police Department would be where you would initiate that request, with the Chief of Police, that would survey the...it is really meant for prohibiting people who do not live in the neighborhood from parking on the streets. This sounds more of an issue of people in the neighborhood parking on the street. My assumption is that this neighborhood would not qualify for the permit parking.

Chair Finnegan said that is potentially an option for the neighbors. It might be worth following up the on street parking if that becomes an ongoing issue. I just want to acknowledge that these are public streets and anyone can park there but if it becomes an issue maybe that could be escalated. By right, right now, let us just say this gets denied by City Council, what could be built on that

segment with no rezoning?

Ms. Rupkey said a single family home.

Chair Finnegan said a single family home could go there right now if this gets denied by City Council?

Ms. Rupkey said correct. I would also like to add on the parking. With it being a residence, it would be required to have one off street parking space minimum for the home. There will be an onsite parking space, a driveway or something that would be provided on the property.

Commissioner Baugh said that would be the same whether it was an outright development...

Ms. Rupkey said correct.

Vice Mayor Dent said the key factor here is to get the driveway entirely on the current resident's property which makes the new lot smaller and therefore R-8.

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

Vice Chair Byrd said now that the driveway issue has been addressed because that was how I was remembering it that within the ordinance a newly constructed R-1 property would have to have one parking space. If you are concerned about certain neighbors who may not have a driveway, I do not know the path to address with that. Remember when we were at the site, only that curve onto Taliaferro [Drive] is the City's, so if people started thinking they can go down in front of those other houses back there that is not public property. That is something that those residents in that area and the owner of this particular corner would have to keep people in line to make sure that all the neighbors get along. I see no issue with reducing the lot size and it being R-8 because that is what the R-8 is for to change some of these footprints to smaller than 10,000 [square feet] I would also be in favor of this.

Vice Mayor Dent said just to clarify, does that mean that this driveway that the gentleman was mentioning is behind Rockingham [Drive] is that a private street?

Chair Finnegan said yes because you can see it on the map it just shows up as the yellow, R-1, private property. Anything under the white is a public street.

Vice Chair Byrd said I make a motion to approve this request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on November 26, 2024.

A motion was made by Byrd, seconded by Vice-Mayor Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

3.c. Consider a request from the City of Harrisonburg to amend the Zoning Ordinance to allow the acceptance of cash proffers

Chair Finnegan read the request and asked staff to review.

Ms. Dang said on August 27, 2024, at the request of City Council members, City Attorney Chris Brown presented draft amendments to the Zoning Ordinance Section 10-3-123 to allow the acceptance of cash proffers. City Council referred the Zoning Ordinance amendment to Planning Commission. The memorandum and minutes from the August 27, 2024 City Council meeting are available at: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=6841924&GUID=BC0537E3-BBF6-46F8-8787-19A3AA13A092&Options=&Search=>> and <https://www.harrisonburgva.gov/agendas>.

At City Council's request, staff has drafted an amendment to the Zoning Ordinance (ZO) to allow the acceptance of cash proffers. While the City has enacted an ordinance permitting conditional zoning, cash proffers are currently prohibited by the ordinance within Section 10-3-123 of the ZO. Attached herein is the entirety of the proposed ZO amendments that if approved would allow the City to accept cash proffers.

As noted in the Albemarle County Land Use Law Handbook, a respected resource guide for land use matters in Virginia,

A proffer is a condition offered by the owners of property subject to a rezoning, which may be accepted by the locality's governing body in conjunction with its approval of the rezoning. Rezonings with proffers are referred to in Virginia Code §15.2-2296 as *conditional zoning*... The typical proffer addresses an impact of the development resulting from the rezoning, e.g. a road improvement to address a traffic impact, or a cash proffer to address the impacts of more students attending a public school beyond the school's existing capacity.

In addition to transportation and schools, cash proffers can also address the impact of a development's rezoning on public safety facilities and public parks.

Virginia Code Section 15.2-2298 authorizes the City to adopt an ordinance permitting *reasonable conditions*, including cash proffers, if the rezoning itself gives rise to the need for the conditions, if the conditions have a reasonable relation to the rezoning, and if the conditions are in conformity to the Comprehensive Plan. A 2023 report by the Virginia Commission on Local Government describes that:

In 2016, the Virginia General Assembly passed new legislation addressing residential developments and cash proffers; stipulating that onsite or offsite proffers must be specifically attributable to a proposed new residential development and must directly address an impact to an offsite facility. A voluntary cash proffer is considered unreasonable unless the residential development created a need for one or more public facility improvements and the new development would receive a direct benefit from those improvements. Localities are only allowed to accept cash proffers for roads, schools, public safety or parks and recreation that would need improvements or a brand new facility as a direct impact of a new residential development.

In other words, localities cannot accept cash proffers to support operational costs for roads, schools, public safety, or parks and recreation. The 2016 legislation refers to Virginia Code Section 15.2-2303.4.

While calculating transportation improvement costs for a cash proffer may be relatively straightforward, there may be situations in which City staff would recommend that City Council not accept a cash proffer for a transportation improvement because the development is by itself giving full rise to the need(s), and where the City should not take on responsibility in managing a project to design and construct such a transportation improvement. Today, a developer would proffer that they would complete the transportation improvements as part of their development project.

At this time, staff is researching how other Virginia localities have demonstrated that a cash proffer amount proposed by a developer reasonably addresses the impact of the development's rezoning. Generally, staff believes that calculating the cost of needed transportation improvements could be relatively easy; however, the City does not yet have an established methodology to calculate cash proffers for things such as, but not limited to, impacts to schools, public safety, and public parks. Some Virginia localities have hired consultants to evaluate needs and develop methodology to calculate cash proffers, and to create a cash proffer policy.

If the City accepts cash proffers, then Virginia Code Section 15.2-2303.2 will, among other things, require the City to:

- Within 12 years of receiving full payment of all cash proffered begin or cause to begin, (i)

construction, (ii) site work, (iii) engineering, (iv) right-of-way acquisition, (v) surveying, or (vi) utility relocation on the improvements for which the cash payments were proffered.

- Include within the Capital Improvement Program (CIP) the amount of all proffered cash payments received during the most recent fiscal year, and to include in the annual capital budget, the amount of proffered cash payments projected to be used or expenditures or appropriated for capital improvements in the ensuing year.
- Annually report to the Commission on Local Government the amount of proffered cash payments collected; amount of proffered cash payments expended; and related information.

Staff is actively contacting Virginia localities to ask questions such as:

- How long has your locality accepted cash proffers?
- Has the adoption of Virginia Code Section 15.2-2203.4 in 2016 and amendments in 2019 changed how your locality has accepted cash proffers?
- How do developers and/or the locality demonstrate that accepted cash proffers are used to address impacts caused by a specific development?
- Does your locality have a cash proffer policy? And how does the developer and/or your locality demonstrate reasonableness of the dollar amount of cash proffer offered?
- What staff member/s (position/s) manage the cash proffer system?
- What internal documentation, recording, and reporting practices and procedures are used?
- Have you had any problems or delays in using the proffered funds? Has the 12-year timeline to begin construction been consistently met? Have there been concerns about meeting the timeline requirements?
- How as accepting cash proffers benefited your community?
- How has accepting cash proffers harmed, complicated, or in any way damaged the community?

Staff believes that more time is needed to thoroughly evaluate the practice of accepting cash proffers in order to be able to offer a reasonable recommendation as to whether the City should amend this section of the ZO. Therefore, at this time, staff recommends tabling of this request until staff can fully vet and understand the implications of such an impactful program.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan said recall that there was a cash proffer that was offered for Bluestone Town Center that we just could not [accept]. Has that ever come up in other applications?

Ms. Dang said I am looking at Mr. Fletcher and he does not recall.

Vice Mayor Dent said I wanted to comment on that as I did last meeting. That was the first I ever

heard of a cash proffer and it was highly frustrating that they were offering us money and we could not accept it. First of all because our ordinance does not allow it, but in more detail some of the ways that they were offering it would not be acceptable even if we did allow it because it was not strictly documented and directly related to costs that the City would incur. That is kind of the guideline.

Ms. Dang said I will add to that and say it did not meet the reasonableness. That evaluation is it directly connected to and reasonable with the rezoning.

Vice Mayor Dent said can you go back to the slide with the list of four things that are accepted because as I understand it there is more than that. There are localities that have cash proffers for affordable housing and that is what I am most interested in.

Ms. Dang said I will be completely honest and say those are details we need to better understand. I am admittedly somewhat confused about were localities accepting certain cash proffers prior to 2016 when this section of the code was adopted and/or are there other authorizing codes that I am not familiar yet with that we need to review and learn about and work with the City's Attorney's Office to try and get our heads around this? Yes, in the Virginia Commission on Local Governments' they report that there were localities that expended funds for affordable housing and things. What we need to get our heads around is where is that code that authorizes that and maybe others in staff are aware but that is why we need more time. I did not have the time to ask the questions that were necessary.

Vice Mayor Dent said as I recall there was a list of more like a dozen things that you can use it for not just these four.

Mr. Russ said these are the limits for residential rezonings. Whoever was in Fairfax that just built a massive 20, 25 story tall buildings, they, as part of relocating their headquarters there, acknowledged that we are going to bring in a lot of people who are going to be making a lot of money. We will be displacing a lot of your lower income residents so we are going to make this contribution to your affordable housing trust fund in Fairfax. The rules are a little bit different with cash proffers for commercial properties or industrial properties. Then there are localities where someone will develop or proffer a certain number of affordable housing units and then ultimately winds up just paying the City an in-lieu fee where the City will take the cash and develop an equivalent number of units themselves and work with their housing authority to develop them. There are ways you can wind up getting cash for other types of projects, but we need to look into exactly how we would want to structure that.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued saying it sounds like this is not something staff is not comfortable

pushing through tonight. I would be interested to see that list because I think an affordable housing trust fund would be a really good use for this.

Vice Chair Byrd said I would feel more comfortable knowing that staff knows exactly how they are going to handle this so that we are discussing it properly. I would be in favor of tabling this and therefore I will make a motion to table.

Commissioner Nardi seconded the motion.

Vice Mayor Dent said the thing that bothers me about this is the general perception that tabling in Planning Commission is a fate worse than denial. Meaning it gets stuck here. That really may apply more to a specific development where the developer needs to know whether to go ahead or not, whereas this is a more internal matter of staff wanting to know how it is going to work for staff. Even given that, I would like to know what the timeframe is so it does not get stuck in limbo.

Ms. Dang said I am hesitant to commit to a timeframe other than we will do our best to research this. I know this is important to Council members and we will work on it as quickly as we can.

Mr. Fletcher said I was just sitting here thinking about all of the things that we are working on that are not brought to you all, the obvious one being the Zoning and Subdivision Ordinance rewrite. This is not something that we would put on the back burner. It is finding the time to fill the need of doing the research and write up the understanding for administrative processes. It is not just for our staff, it is for the City to be able to fully implement the program because it just does not affect the Community Development Department it affects the Finance Department. We would have to understand for how improvements can be made with roads. In conversation with the Department of Public Works maybe even the Department of Public Utilities, Harrisonburg Department of Public Transportation to get them in an understanding of how to react to opportunities when cash proffers might be offered. There is a lot to it; documentation, understanding what other localities do, and is there a staff person that only monitors the program that is keeping tabs on things that are occurring. There is much to learn.

Ms. Dang said what I think I am comfortable offering however is it will not be in November because we need time to work through November to gather the information here and we are already in the review cycle for the items coming to you all in November. If it does not come to you all in December, we will offer at least an update on where we are.

Vice Mayor Dent said the other point about it is whether we want to do it is not a question, yes we do. The question is how and does the recommendation of whether or not to do it depend on how we do it. That seems kind of backwards to me.

Ms. Dang said for staff, speaking for myself and what I gather from the other staff also is that we are not sure that we would recommend to do it or not. I mean maybe after we make all the phone calls and do all the research that yes, this is doable, and we would recommend in favor. At this

point in time...for example after hearing Mr. Russ talk, I have more questions about the non-residential cash proffers and wanting to know what are those things that we can engage with a developer on. I just have too many questions. I do not know how that would work.

Commissioner Baugh said I just spent some time looking up, there are separate code sections that talk about the issue with affordable housing. I think among other things that has already come up here is that what we have in front of us does not really address that. I think that some of us are saying that we would like for if we are going to table it then one of the things we definitely want to look at is ways to fold that in.

Vice Chair Byrd said I feel that we should know exactly what we are talking about and I have a lot of these I do not know statements. That is why I am in favor of tabling for now.

Chair Finnegan called for a roll call vote.

- Commissioner Nardi Aye
- Commissioner Baugh Aye
- Vice Chair Byrd Aye
- Vice Mayor Dent No
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Chair Finnegan Aye

The motion to recommend tabling of the Zoning Ordinance amendment request passed (6-1).

A motion was made by Byrd, seconded by Nardi, that this PH-Zoning Ordinance be tabled. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 1 - Vice-Mayor Dent

3.d. Consider a request from Waterman Investments, LLC to amend Zoning Ordinance to modify regulations associated with minimum principal building setbacks for townhomes within the R-8 district

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the proposed Zoning Ordinance (ZO) amendments are associated with a special use permit application for the development known as Quarry Heights. The information contained in this report is only related to the ZO amendments. All information regarding the rezoning for Quarry Heights is addressed in a separate staff report.

On June 25, 2019, City Council approved the creation of the R-8, Small Lot Residential District. In this district the by right residential uses include single-family detached dwellings and duplex dwellings. Townhomes of not more than eight units are allowed with an approved special use

permit (SUP). The R-8 district also includes the ability for property owners to request a SUP to allow single-family detached and duplex dwellings to have a reduced side yard setback to zero feet when sprinklers or fire rated walls are installed. The staff memorandum and details for when the R-8 district was created in 2019 are available at the following link:

<https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=3974286&GUID=4119C092-94F2-4162-95A5-8040DC7898EE&Options=&Search=>>.

The applicant is requesting to amend sections of the Zoning Ordinance (ZO) to allow townhomes in the R-8 district to have reduced side yard setbacks with an approved special use permit (SUP). The applicant proposes the following amendment to Section 10-3-59.4 (11):

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached, or duplex dwellings, or townhomes when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

While finalizing the staff report, staff believed additional amendments should be made to the text. Staff recommends the following amendments, which do not cause substantive change to what the applicant is requesting:

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached dwellings, ~~or~~ duplex dwellings, or townhomes when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

Staff has discussed this with the applicant, and the applicant agrees with staff's recommended changes.

This amendment would allow property owners and developers to request approval of a SUP to allow townhomes to have reduced side yard setbacks up to zero feet by agreeing to install sprinkler systems within each dwelling, or to install 1-hour fire resistance rated exterior walls with no openings (including, but not limited to windows) adjacent to the side yard setback that is less than the by right minimum requirements.

The ZO has additional setback requirements associated with townhomes that is regulated within Article T. Modifications and Adjustments, thus, to allow for proper implementation of the side yard setback flexibility in the R-8 district, additional amendments are needed within Article T. The

applicant is proposing to modify Sections 10-3-113 (1) and (2) as shown below:

- (1) Each townhouse group of more than four (4) attached units shall have a minimum side yard setback of fifteen (15) feet for each end unit. Groups of four (4) or less attached units shall comply with minimum side yard setback regulations for end units as otherwise required for the zoning district in which they are built; except in the R-8, Small Lot Residential District the minimum side yard setback may be reduced when there is an approved special use permit per Section 10-3-59.4 (11).
- (2) End lots ~~created by the planning of end units~~ for a group of more than four (4) attached units, ~~but end lots~~ that are not considered corner lots, shall be planned to ensure a minimum separation of thirty (30) feet between the townhouse group and all other buildings on adjoining lots; except in the R-8, Small Lot Residential District the minimum separation between the townhouse group and other buildings on adjoining lots may be reduced when there is an approved special use permit per Section 10-3-59.4 (11).

Staff does not have concerns with allowing townhomes in the R-8 district to have reduced setbacks when sprinkler systems or fire rated walls are installed to the parameters described in Section 10-3-59.4 (11). Staff recommends approval of the ZO amendments.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said not exactly a question, just a better understanding. At first, I saw this and thought what a bummer not to be able to have windows on the end lots; but you said they can either do the sprinklers or a wall without windows and fire rating and such. It is up to the developer which they want to do.

Ms. Dang said that is right.

Chair Finnegan said if you look at a lot of the duplexes and townhomes actually do not have any side windows.

Vice Mayor Dent said I think that would be one of the appeals of an end lot, but I do not know.

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

Todd Rhea, applicant's representative, came forward to speak to the request. He said this is one of those quirks in the Zoning Ordinance that had some inconsistencies as we were studying the Quarry Heights project. It allows some benefits in order to cluster townhomes to create more open space and there really was not much objective reason to treat a townhome differently than a duplex or a single family home. It is still walls between two structures. We consulted with the public safety officials just to make sure they did not have concerns, they were comfortable with

the fire rating and sprinkler language. Again, this just brings townhomes into line with other types of structures and it still required a special use permit and City control over those requests.

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

Panayotis Giannakouros, a city resident, called in to speak to the request. He said this applicant should not be allowed to jump the queue in our Zoning [Ordinance] rewrite process. This should be subjected to full public input that will be hopefully conducted for the Zoning [Ordinance] rewrite. This application is to facilitate a very large project coming up and we should keep that in mind that project is going to be a problem. Before hearing the presentation, potentially a bigger ecological hit to the City...

Chair Finnegan said if you have questions or comments about specifically the Zoning Ordinance [amendment], we will get to items 3.e. through 3.i.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said in concern to this Zoning Ordinance amendment, it is simply adding townhouses and then because their presence the special use permit request which means any time there are going to be townhouses we are going to have to see it again. Announce to the public to put their input in anytime anywhere in the City that the R-8 has... just like we had earlier it was a corner lot so it was like oh I am going to do a townhouse there, no. Not only because they specifically stated it will [unintelligible] one unit because they did not have that and we had approved it for some strange reason and we changed it to this. To enable them to have townhouses, they would still have to come back and go I want to have a townhouse publicly I have an opportunity to comment on that. Therefore, because of that addition I find it acceptable, and I would be favor of it.

Chair Finnegan said Zoning Ordinance amendments come up on this body all the time frequently requested by staff, requested by applicants, that is not uncommon.

Vice Chair Byrd said I would like to make a motion to approve the [Zoning] Ordinance amendment request.

Vice Mayor Dent seconded the motion.

Chair Finnegan said I am in favor of reducing setbacks whenever possible to make better use of the land. Particularly for residential buildings like townhomes when you are trying to make use of limited land we know that we need...so much of the Zoning Ordinance has setback requirements that push houses further apart and make sure the lot sizes are bigger. I would generally in favor of reducing lot size requirements and setbacks. Particularly when the concerns of the Fire Department were addressed through fire walls and sprinklers.

Commissioner Baugh said my support for that maybe is not as absolute as yours, I think it is an important factor. This is really more of a tweak to deal with a real world circumstance which is something we do all the time.

Chair Finnegan called for a roll call vote.

Commissioner Nardi Aye
 Commissioner Baugh Aye
 Vice Chair Byrd Aye
 Vice Mayor Dent Aye
 Commissioner Alsindi Aye
 Commissioner Washington Aye
 Chair Finnegan Aye

The motion to recommend approval of the Zoning Ordinance amendment request passed (7-0). The recommendation will move forward to City Council on November 26, 2024.

A motion was made by Byrd, seconded by Vice-Mayor Dent, that this PH-Zoning Ordinance be recommended to full council to the City Council, due back on 11/26/2024. The motion failed with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

- 3.e.** Consider a request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a Comprehensive Plan Map amendment at properties addressed as 51, 75, 85 Waterman Drive, and West Market Street (Quarry Heights)

Please refer to attachment 5 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Alsindi, that this PH-Rezoning be recommended for approval to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

- 3.f.** Consider a request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC to rezone properties addressed as 51, 75, 85 Waterman Drive, West Market Street, and Brickstone Court (Quarry Heights)

Please refer to attachment 5 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Vice-Mayor Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

- 3.g.** Consider a request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a

special use permit to allow multiple-family dwellings of more than 12 units per building at 51, 75, 85 Waterman Drive, and parcels on West Market Street and Brickstone Court (Quarry Heights)

Please refer to attachment 5 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

- 3.h.** Consider a request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a special use permit to allow attached townhouses of no more than eight units at properties addressed as 51, 75, 85 Waterman Drive, and West Market Street (Quarry Heights)

Please refer to attachment 5 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

- 3.i.** Consider a request from Liberty Hall LC, Ordovician, L.C., and Aichus LLC for a special use to allow reduced side yard setbacks at properties addressed as 51, 75, 85 Waterman Drive, and West Market Street (Quarry Heights)

Please refer to attachment 5 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 11/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 7 - Finnegan, Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

4. Public Comment

Panayotis Giannakouros, a city resident, called in to speak. He said a topic frequently heard before this body is the topic of rezonings and the reasoning that is often brought forward is that if a rezoning is not granted that something worse will be done by right. I have not frequently seen this recognized. When we see rezonings followed by builders not doing anything, that should send us a message. That the things that are brought forward for rezoning are not brought forward out of charity. They are brought forward as a thing that crosses the threshold of being profitable on something that has not been developed. Being able to make such arguments depends on open

access to the public. If people on the dais have not made the argument, giving access makes it possible for these perspectives to be heard. Last night at City Council we learned that the Chair arbitrarily and capriciously changed the number of minutes for public comment to two minutes for Kathy Whitten. The Chair proceeded to cut off Ms. Whitten 20 seconds short of the three minutes that are posted at Planning Commission. This was a grievous act, potentially malefices and it had serious impact at City Council last night. It forced City Council to deliberate something that had not been processed through Planning Commission to the detriment of the time of Council, which depends on this body and advisory body, to the detriment of the applicant and to the detriment of Ms. Whitten and the vote against the applicant. The Chair did the same to me tonight. The body should consider seriously the gravity, and I would hope with a former university president on the dais you appreciate the gravity of the Mayor chief officer having to apologize twice to a constituent with regard to how this reflects on Planning Commission.

5. Report of Secretary & Committees

5.a. Rockingham County Planning Commission Liaison Report

Commissioner Baugh said they had a lengthy and very interesting meeting. There were two rezoning requests, an ordinance amendment, and a Comprehensive Plan amendment. The rezoning requests were interestingly quite similar. It was their way of having to deal with a situation we have where you have something somebody would like to do, it sort of seems like it might be kind of reasonable, but it does not fit their zoning categories. In both instances they had people who had a residential zoning that in order to do what they wanted to do when there were the garages, he needed to rezone them to A-2. They voted one down and one to approve even though they looked very similar. The one they voted down was on the edge of Singers Glen. The one they voted to approve was on the edge of Hinton. I think there was essentially a concern that the one closer to Singers Glen was a little less in character with the surrounding houses plus it was total agricultural on the other side of it and saw as the camel under the tent to get away from the quasi-residential nature of that little pocket, they voted against that one but they voted for the one in Hinton. One they spent a fair amount of time on. I think this is probably not that relevant to us because I think it is a unique Rockingham County challenge. In attempt to get some control on the speed of growth, particularly residential, particularly on this very question we are talking about, what is going to be the impact on the schools, how about we actually build into the process a schedule that says only so many building permits can be issued per year on a development to keep it from developing too fast They are taking another look at that. This is about their number of building permits they do not want to be exceeded by the special use permit and just trying to wrestle with that. There was a staff generated ordinance amendment that they voted to support.

Mr. Fletcher said during their collaboration discuss how they used to accept proffers that did just that in like the late 90s early 2000s.

Commissioner Baugh said it is coming back to me now about how...

Mr. Fletcher said what you are talking about is an ordinance amendment correct?

Commissioner Baugh said I think the answer was for stuff like that it does not really cover but they have some R-1 property that the ordinance applies to and for people who come in for an of right development in the R-1 are getting saddled by this because their market and other forces for how fast they want to develop a project, it does not just fit in a neat box of “X” number of months and we might sit on it for a year and a half and then suddenly you get some stuff going and you want to build more and they do not really have any flexibility built into it. Besides the fact that they said nobody has a similar ordinance.

Mr. Fletcher said I could be mistaken, but I was thinking that there were developments on the fringe of the City...if you go back in the early 2000’s I think there were proffers that actually do just that. They proffered the number of units that they would construct in any particular year.

Commissioner Baugh said they are wrestling with that. They had a Comprehensive Plan amendment that they approved 3-1. It was Comprehensive Plan Amendment, and it did sound like an odd place to put it in. I could not figure out why they were doing it in the Comprehensive Plan because that is what the one no vote was about. Saying that in the Comprehensive Plan that they will include guiding language when the County and the developer shall account for a developments impact on public services, facilities, and infrastructure including public schools to mitigate development impact. In other words, it seems like an expanded version of the thing we were talking about to sort of say “hey you have to address these things in your review with the developer”. I am not quite sure why you put that in your Comprehensive Plan. That was actually what the no vote was about because the no vote was essentially saying “we just rewrote our Comprehensive Plan, why are we putting something like this in an updated Comprehensive Plan when we had this big public vetting process?”

5.b. Board of Zoning Appeals Report

Vice Chair Byrd said the BZA did not meet.

5.c. City Council Report

Vice Mayor Dent said we had two meetings, September 24 there were not any public hearings we had a presentation on the Build Our Park project that sparked robust discussion about the equity factor and some concern that this might be perceived as elitest in downtown. There was a 4-1 vote, Monica voting against for the equity concerns. Last night, we did have public hearings. The one from Ritchie Vaughan on Myrtle Street. Remember the two houses that they are carving out two more narrower lots in the backyard, that passed 4-1. Again, Monica raising the question of needing to hear the community’s voice for what we want the community to look like. Then rezoning on North Dogwood [Drive], we passed it unanimously. Then the Eastern Mennonite University Master Plan we passed 4-0 because Deanna had to recuse herself because she works

at EMU. Resolution for the Harrison House Project employee benefits. An HRHA [Harrisonburg Redevelopment & Housing Authority] bond that they do occasionally. As I mentioned before we voted to cancel the November 12 meeting because we are all going to be in Tampa Bay.

Commissioner Baugh regarding the Rockingham County Planning Commission Report, said they voted to sort of study and table it. They did not go forward with the staff recommendation to just up and change it.

6. Other Matters

6.a. Review Summary of next month's applications

Ms. Dang said can I get a volunteer for the December 3 meeting? Commissioner Nardi is up for November 6, and I need someone for December.

Commissioner Washington said I could do it.

Ms. Dang said for next month we have four items. One rezoning and three preliminary plats.

Vice Mayor Dent said preliminary plats are the things that are not on public hearing and they are final with Planning Commission.

Ms. Dang said except for these ones. All of these will include variances and so they will go on to City Council.

Commissioner Washington said I think the public comment that was made earlier about the timing of our comments that we receive in public comment, I think it should be consistent. Sometimes we say two minutes sometimes we say three minutes based on how many people are in here. I think we need to be more consistent. I have seen many things happen when people are cut off or they feel like they have not had enough time to voice their opinions. From an equity standpoint, everyone should have the same amount of time to voice their opinions as we want our community to participate in this process and we want all of them to feel like they can participate regardless of their opinions. I think we should figure something out so that we are more consistent.

Commissioner Nardi said what is there to figure out? That it is two minutes or three minutes, right?

Chair Finnegan said what happened last month there was some confusion. I was going by [what was called out]. If you go back and watch the video it was announced as two minutes.

Ms. Dang said if the Commission would like for there to be a more formalized procedure, I can remind you all that we do have a document, it is a rules of procedure that basically lays out how the procedure for public hearing should occur and giving the applicant the opportunity to speak first. If you all would like to, we could amend it and add a time.

Mr. Fletcher said we can get timers, there is so many different things. What I observed over the years here is that there is this more casual approach of timing. What I have observed is when you are letting people finish out. If you want to be rigid and be like times up and then you call the next person up, localities do that.

Vice Chair Byrd said this whole evening I was lying to Brent about the time to give to the people a couple extra second to let them finish their sentences. Half of the people were under three minutes or much less. I would give the other people more of their time if I noticed that they were still on a point. I think with phone calls it is harder to have a back and forth. Even if they are off subject let them waste their time. When their three minutes are up, inform them. I think any speaking during their time, since they are on the phone, may be get misinterpreted as you have stopped their time. I would not want someone who is not even in the room to have any reason to make assumptions about what something is. You might think you are in a normal phone call, but people you call in your daily life are not on a dais. I just think when it comes to the phone calls, we should be a bit more stringent on time but more accepting of whatever they might have to say.

Commissioner Washington said I am not saying that just because of what happened or did not happened. He brought up a point that I have noticed that we have not been consistent with the timing. Regardless on if we give them more or less time, I think we need a consistent time.

Chair Finnegan said my recollection was it was three minutes that is what we have used here in the past. If we want to make it five minutes and make it standard with City Council, whatever folks want to do.

Commissioner Washington said also let's get a timer so people can see it when they are speaking.

Ms. Dang said allow staff time and we will do some research on what clock options there are.

Chair Finnegan said I do want to apologize for the confusion that happened last month. I was not trying to rob anyone of a minute of talking. There was confusion about two minutes versus three minutes. I will also say, I do not have any controls up here. I cannot hang up on anyone up here.

Vice Mayor Dent said what happened tonight was not cutting off for time, you were commenting that the caller was veering into commenting on the next presentation.

Vice Chair Byrd said I would argue that all we can talk about is that. The public is not going to understand those types of things.

Chair Finnegan said that is why I say for public comment I say any item that was not on the agenda.

Vice Chair Byrd said when items are interrelated I might refer to a later item but then as the head

to circling back to a point I wanted to make because I am going to connect it in a way. Unless someone starts cussing or is just really off subject.

7. Adjournment

The meeting adjourned at 11:05pm.

NOTE TO THE PUBLIC

Staff will be available at 4:00 p.m. on the Tuesday before the next Planning Commission meeting for those interested in going on a field trip to view the sites on the next agenda.

INTERPRETATION SERVICES

Language interpretation service in Spanish, Arabic and Kurdish is available for Planning Commission meetings. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least four (4) calendar days in advance of the meeting by contacting the City Clerk at (540) 432-7701 or by submitting a request online at: www.harrisonburgva.gov/interpreter-request-form

El servicio de intérpretes inglés-español está disponible para las reuniones públicas de la Comisión de Planificación. Para asegurar la disponibilidad de intérpretes, cualquier interesado deberá solicitar la presencia de un intérprete al menos cuatro (4) días calendarios antes de la reunión comunicándose con la Secretaría Municipal al (540) 432-7701 o por medio de la página por internet al:

<https://www.harrisonburgva.gov/interpreter-request-form>

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

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

A phone line will also be live where residents 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 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

Residents also may provide comment prior to the meeting by visiting this page:
www.harrisonburgva.gov/agenda-comments