



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final Planning Commission

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Wednesday, May 14, 2025

6:00 PM

Council Chambers

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 09, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

### 2. Roll Call/Determination of Quorum

Members present: Richard Baugh, Chair; Brent Finnegan, Vice Chair; Heja Alsindi; Shannon Porter; and Valerie Washington. Councilmember Laura Dent arrived late. Kate Nardi was absent.

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

Chair Baugh called the meeting to order.

**Present** 6 - Brent Finnegan, Valerie Washington, Richard Baugh, City Council Representative  
Laura Dent, Heja Alsindi, and Shannon Porter

**Absent** 1 - Kate Nardi

### 3. Approval of Minutes

#### 3.a. Minutes from the April 9, 2025 Planning Commission Meeting

Chair Baugh asked if there were any corrections, comments or a motion regarding the April 9, 2025, Planning Commission minutes.

Vice Chair Finnegan moved to approve the April 9, 2025, Planning Commission minutes.

Commissioner Porter seconded the motion.

The motion to approve the April 9, 2025, Planning Commission meeting minutes passed by voice vote (5-0).

### New Business - Other Items

Chair Baugh said before we move onto new business, the applicant for item 5.b. (request to close an undeveloped alley between 291 and 295 Franklin Street) had contacted us and indicated that they had some other things come up this evening and wanted to know if we could take them out of order and let them be the first thing on the agenda. That request has been made, are we okay with that?

The commission agreed.

Chair Baugh said it is item 5.b. under new business will be taken up as our first item this evening.

Councilmember Dent arrived at this time.

**5.b. Consider approving a request from John S. McGehee and Sandra L. Quigg to close an undeveloped public alley between 291 and 295 Franklin Street**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said in 1901, a subdivision was recorded that created lots within the City along Franklin Street. In 1907, an existing 10-foot alley that was a part of the 1901 subdivision was closed by the existing property owner (K. Lineweaver). That property owner and an adjacent owner (J.W. Lovegrove) each dedicated an easement for five feet of width as a public alley on their property. Since then, the alley's access has continued to be maintained by the property owners of 291 and 295 Franklin Street. While on GIS it appears that the existing property lines end where the alley begins, the property line extends to the center of the alley and the underlying land belongs to the property owners of 291 and 295 Franklin Street.

The applicant is requesting to close +/-2,500 sq. ft. of undeveloped public alley located between properties addressed as 291 and 295 Franklin Street and identified as tax map parcels 26-L-11 and 12, respectively. The applicant owns 295 Franklin Street. In the applicant's letter, they describe that they wish to limit the ability of people to cut through the property. The alley serves as the driveway for 295 Franklin Street and provides access to the rear yard of 291 Franklin Street and 294 Campbell Street. The applicant is in discussion with their neighbors to continue providing access to their properties.

The City has no plans to construct this alley nor maintain it. Additionally, there are no utilities in the alley. Staff supports the alley closing request with the following condition:

A private shared access agreement shall be established among the owners of 291 Franklin Street (TM 26-L-11), 295 Franklin Street (TM 26-L-12), and 294 Campbell Street (TM 26-N-11) to maintain the ability to access the rear yard of each of the three properties from Franklin Street.

*Recommendation*

Staff Recommend approval of the alley closing request.

Chair Baugh asked if there any questions for staff.

Vice Chair Finnegan said can you go back to the image with the alley outlined. Ash Tree [Lane] in the lower left corner kind of takes a hook there off to the left. Did Ash Tree [Lane] originally go up to Ott [Street]?

Ms. Rupkey said yes, in 1990 that portion of Ash Tree [Lane] was closed.

Mr. Fletcher said which, then, this alley would have connected. This alley dead ends.

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

John McGehee, the applicant, came forward to speak to the request. He said I did not have prepared remarks, but I do appreciate you all considering this. I think there is really no public interest in the alleyway. The alley dead ends at the [294] Campbell Street property. It is really shared by my neighbor, John Little, at 291 Franklin Street. I think it makes a lot of sense to close off any potential access to people who would want to walk down the alleyway or something. There is no endpoint to it. It would dead end at somebody else's property where they would have to trespass to be able to get anywhere on it. That is really the reason we are asking to close it. I appreciate your consideration.

Chair Baugh said are there any questions for the applicant.

Chair Baugh said anyone in the room wishing to speak to the request. Hearing none he opened up the item for discussion.

Councilmember Dent said I guess alleys are all over the place and are often up for contention or what to do with them. This is a fairly unusual case in that it is an alley to nowhere. Apparently, it used to connect to the alley that became Ash Tree Lane but no longer does. As they say, it really only abuts three properties. I am gathering that is the reason that this time staff unusually recommends approval.

Vice Chair Finnegan said I understand the arguments for closing it. It seems like a reasonable request but what is unreasonable to me is that 1990 this other alley was closed. Part of my concern is we just keep saying "yes" to these alley closures. The more alley closures we say yes to, we are shutting off pathways for people to walk. I do understand that this particular alley does not connect into what used to be an alley in 1990. It feels like doubling down on the mistakes of the 90s. I do not know that I will be supporting this.

Commissioner Porter said I would only speak to it saying that when I approach these matters, I think about the folks that are most directly affected; which are the three property owners. I know that if I put myself in their place, I would be making the same request. I would also be of the mind of possibly agreeing with the opinion that these alleyways are important pathways, but this goes nowhere. I would be more inclined to accept this as an option than I would normally. If this was a pathway that was being used, and it had a clear direction to some destination other than the property line of another property that is closed off to it, I would be more inclined to have a different feeling about it. But I think in this particular case it seems reasonable.

Councilmember Dent said here is an off the wall question, would it be possible to reopen the alley that was closed that connects to Ash Tree [Lane]?

Mr. Fletcher said you would have to buy property from property owners.

Vice Chair Finnegan said once it is closed, it is closed. It does not come back.

Councilmember Dent said that is a hesitation.

Chair Baugh said of course because these are older ones, I assume, that was probably the same nature. That we did not own that any way, we owned the right to go over it. We would not be able to acquire that now. Now you could not just buy an easement, you would have to buy the property.

Mr. Fletcher said I suppose you could technically request to buy an easement from those private property owners to allow for public passage.

Chair Baugh said you could, but I do not think that is something that we do. I am not even entirely sure you could.

Vice Chair Finnegan said if property A and C agree and property B does not then...

Chair Baugh said I think what is getting me is... I think the answer is you could, but if you ever wanted to turn it into a street then you might have an issue. The rules have changed about how we go about acquiring property to make a public street. Mr. Russ is nodding his head like that sounds like that is probably right. That is where I was getting hung up. We could get an easement if we had some reason to use it other than bringing it into the street system. I hope that answers your question Councilmember Dent.

Commissioner Porter said based on where it is oriented and its location on this block, I cannot see a feasible reason why it would be in the public interest to have a passage way or reopening based on the fact that it is not even squared up in a manner that would be logical would be to have an access there.

Commissioner Porter continued I would like to make a motion to accept the recommendation of staff and approve the request for the closing of the alley with the condition of the agreement among the property owners.

That motion failed due to a lack of a second.

Vice Chair Finnegan said since that motion died, I will make a motion to deny the request.

That motion failed due to a lack of a second.

Chair Baugh said I am more with [unintelligible] than I with [Commissioner] Finnegan on

this one. I think [the alley] does not go anywhere and I wish that street was still there but there is nothing for it to connect to. If a motion is appropriately made and seconded unless somebody changes my mind I am going to vote...

Commissioner Porter said I would just like to hear a further articulation of...and again I understand the initial point that you made Brent, but I would just like to understand the opposing argument a bit better.

Vice Chair Finnegan said I generally do not support alley closures. We are using them. I understand that this one does not connect and that if City Council had not made the decision that they made in 1990, then the existing alley would connect in. I do not like the idea of doubling down on mistakes of that past. We are such a private property centric society. I am not objecting to this specific request; I am objecting to the idea that all land is private and cannot be walked on. I have a sidewalk in the side yard of my house; I live on a corner lot and people walk in front of my house all the time. There was a sidewalk that was added. Obviously, sidewalks are different than alleys; but I believe that public use makes my neighborhood better. On principle, I do not support alley closures.

Councilmember Dent said which part was closed in 1990?

Mr. Fletcher said the whole length.

Commissioner Alsindi said we have the chance to ask the applicant but if there is more explanation for the reasons for closing it. Is it noise or what? I am generally in support of what Commissioner Finnegan is saying here. Closing a place that is accessible for people to walk generally or to have any space. The reasons behind closing it, again, are they compelling enough?

Chair Baugh said their statement was it does not connect to anything and there are three property owners. So, at least I think for the person that is here and representing for, at least one of the neighbors that they would prefer it not to be public right of way.

Commissioner Alsindi said what are the negative implications of having this...

Chair Baugh said if somebody chooses to walk up in there and I guess we could go out there right now and just pace back and forth and as long as we are not doing anything to bother anybody by making too much noise or otherwise creating a nuisance; we are free to do that. It was certainly like that when they bought the property. It has been like that for over 100 years, but it is also atypical for residential areas. Particularly ones like this where you are talking about it in the middle of the residential area; and not something that is, maybe, on the edge and abutting other uses.

Commissioner Alsindi said if I am a resident and I feel safe to walk in such a space rather than somewhere else you are now prohibiting me from having another option or choice rather than walking somewhere else that might be riskier. I would also want to hear from Commissioner Finnegan more on when he said, "once it is closed, it is closed."

Vice Chair Finnegan said once it is closed it is closed. Any of these alley closures... they do not come back. It is not like the City says actually that thing we said yes to a couple of years ago, we would like it back. Mr. Russ could probably speak to the process. Eminent domain would not be a viable option to take it back, would it?

Chair Baugh said it would be. Typically, we do not do that in situations like that where the property owner is not in favor of it - unless it is for like a major road project.

Mr. Russ said yes, a major road project. Or it it is the only viable way of getting a water line or something through somewhere.

Chair Baugh said Council could, but the long-standing practice would have been if confronted with something like this and the property owners would not agree to it voluntarily. Everybody would just look at the other stuff that they have to work on and decide to work on that. Especially since there is no money budgeted to go acquire property like that, unless you put some in there.

Vice Chair Finnegan said to answer Commissioner Alsindi's question, I think, on principle, I am opposed to this idea that the City has interest here. I know it only leads to one other property on the back on Campbell Street. Again, nothing against the applicant or the request. On principle I do not tend to support these.

Commissioner Washington said it says here that the City has no plans to construct this alley nor maintain it, so who is maintaining it as of now?

Chair Baugh said that was actually said in the report, I believe.

Vice Chair Finnegan said all alleys in Harrisonburg are not maintained by the City.

Commissioner Washington said so if the City vacates rights to this, how would they divvy up who is responsible for what?

Vice Chair Finnegan said it just becomes a yard.

Chair Baugh said which is really what it is now because the City does not own it.

Commissioner Porter said they are using it as a driveway.

Ms. Rupkey said the land underneath the alley... there are a couple of different types of situations that occur, this one is a relatively easier one. The land underneath the alley is in the name of the property owners that adjoin on the other side, it is split down the middle. Five feet on each side would go back to the property owner. There is also a process that involves having to buy back a portion of the alley, named for the easement, through the real estate office as well.

Councilmember Dent said if we close it as a City alley, does it revert to a line down the middle to each property owner and then it is up to them to create that agreement?

Chair Baugh said I think that is the piece where we are getting confused. I am not sure why it matters that much, but we will go with this. For some of these streets and alleys that were dedicated long enough ago, the City only required an easement. When you acquire an easement, the City does not own the property. What we own is a right to relatively, unfettered use of that property for public purposes. I want to be clear of this because there seems to be some confusion as what we are or are not doing or what the City does not have. I think it was some time in the 1920s that process sort of stopped. The only time you run into this is with some of these older dedicated streets; forward to now if you are developing the property and putting in the streets or alleys, it is actually dedicated as a public street and the property belongs to the City. So when you abandon those, then you do have an element of okay the City now sells the property back to adjoining landowners or works out something that we see on those. You do not do that here because we do not own it. It is giving up a right to go over it. Does that help clear it up for you? Most of the time when we abandon interest in an alley that property goes up for sale because we owned it and we are now giving up the right to actual ownership to the land but that was not the case here.

Vice Chair Finnegan said you can actually see an alley on the lower right side, is that correct? That little section between those two properties that is a more modern alley?

Ms. Dang said I do not know. We would have to do some deed research to verify that.

Vice Chair Finnegan said there is a gap between those two properties.

Ms. Dang said I understand but without doing some research...

Mr. Fletcher said the alley we are speaking of would look the exact same as the other. Our map is inaccurate in the way that we represent alleys in these particular cases.

Ms. Dang said alleys are represented as the same shape as the public right of way regardless of ownership. Every time somebody comes to us with a request like this, we have to do research to figure that out.

Councilmember Dent said you find these 1907 things.

Mr. Fletcher said if I could maybe ask a clarifying question or confirmation to Ms. Dang, I thought I heard a comment said that the City does not maintain any alleys and I do not know if that is 100% true because there are a few alleys probably in the Downtown that are paved that the City might be maintaining.

Ms. Dang said I believe you are correct about that statement but speaking just about this property you are correct. If the statement was implied for just this one then generally speaking the City does not maintain alleys, there are exceptions. In this case, the City does not maintain this one.

Vice Chair Finnegan said I do feel like this comes up every time the alley closure comes up. It is always like well why does the City not maintain the alleys? Well that is just not what alleys are here. What is the plan for the alleys? We do not have a plan, but I do think when I look at lack of safe routes to school these are pathways that could be utilized and activated in the future for either paved, gravel, or dirt paths to get around. They are all over the place in my neighborhood.

Commissioner Porter said I think we are back at a place of principle versus practicality. If I thought there was any possible reason why it would be in the public interest to maintain this space as an alley and it would eventually be reconnected to something, I would feel very differently about this. The reality is that it is likely not. It dead ends at a private property. I have heard that it does not seem like there is going to be much interest in going through the process of trying to acquire that land to be able to reopen an alleyway, or an easement, that would get us to this particular strip of land. I have a hard time restricting and impacting three households for a principle that may not even be in play in this particular case. I think this is one of those odd things that happens over time when properties get placed and we have these little lines that just do not quite line up and this is one of those times. If I was parking my vehicle on this piece of property, I would want to know that I could limit people from passing through that area. If I was the Campbell Street owner and this was coming directly into my backyard, I would feel better knowing that this was not a public access. If there is anything in the public interest that this closure would impact I would be more inclined to say no. But in this circumstance, it just seems like a commonsense issue related to what is really an anomaly in our City planning.

Councilmember Dent said I guess I am not an enthusiastic yes, but as you say not a real reason to say no. Which inclines towards yes.

Chair Baugh said I am not taking issue with any of the general statements about liking and to preserve these things and wanting to air on the side of preserving them and seeing some of the decisions of the past as being not what we should have done. A lot of things in my life it is hard to get me to use words like “always and never”. I personally would not phrase it as I see no public interest in maintaining this. I would say that I see whatever public interest there would be in maintaining this to be small enough that I am not inclined to see us going the effort to insist on keeping this open.

Councilmember Dent said small enough probability that it could ever be really used for what it is intended for is the easement.

Chair Baugh said if you are going to go there, you are actually in a part of the City that is, for a lot of these issues, about connectivity that you cannot make now without a lot of difficulty because you did not do it in the first place. I think that is right. We should be slow to give that up, but this is not really an area where I see is suffering from connectivity. I think if you never expanded alleys or anything in this part of the City...it is hard to see anything that would do that. There are times when it is a whole lot harder to get from point A to point B than it should be because the planning was not done initially. This is a pretty



older, dense residential area. I am just not seeing this situation where this keeps somebody from having to go eight blocks out of their way to get from point A to point B. It is just not something you are going to see there.

Commissioner Porter said I would like to renew the motion to approve the request with the condition that has been set forth by staff that there is an agreement among the affected property owners.

Councilmember Dent said fine point, our motions are to recommend approval.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

Vice Chair Finnegan	No
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the alley closing passed (5-1). The recommendation will move forward to City Council on June 10, 2025.

**A motion was made by Porter, seconded by City Council Representative Dent, that this PH-Action Item be recommended for approval to the City Council, due back on 6/10/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Washington, Baugh, City Council Representative Dent, Alsindi and Porter

**No:** 1 - Finnegan

**Absent:** 1 - Nardi

#### **4. New Business - Public Hearings**

- 4.a.** Consider approving a request from Winchester Equipment Co for a special use permit to reduce required parking areas at 160 Carpenter Lane

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the property is addressed as 160 Carpenter Lane and is located at the end of Carpenter Lane adjacent to Interstate 81. Winchester Equipment Company, doing business as Valley Equipment Company, sells, rents, and services compact construction and agricultural equipment. On January 28, 2025, City Council approved a rezoning of this property from B-2, General Business District, to M-1, General Industrial District. The applicant is requesting a special use permit (SUP) per section 10-3-97(8) to reduce the required number of parking spaces from 51 spaces to 28 spaces.

Section 10-3-97(8) of the Zoning Ordinance (ZO) allows for a property owner to request a SUP for a reduction of the required parking areas provided an equivalent amount of open space remains available for future parking if deemed necessary by City Council. A deed delineating this open space must be recorded before the issuance of a new Certificate of Occupancy.

The applicant has provided a layout indicating that 28 parking spaces are to be delineated, including accessible parking. The submitted layout shows the open space would be equal to the required number of off-street parking spaces that would be required if the SUP were denied or if City Council were to require them in the future. If parking spaces are constructed in the reserved open space, landscaping islands and street trees will be required per Section 10-3-30.1(16) of the ZO.

The existing parking lot is nonconforming to the parking lot landscaping requirements in Section 10-3-30.1 of the ZO. The ZO requires that trees be planted when a nonconforming parking lot is expanded. The applicant's layout shows a planned expansion of the parking lot travelways in the rear of the property, which would give rise to the requirement to install trees along the public street. However, if the applicant later chooses to not expand the travelway, then trees would not be required. It should be noted that the layout provided does not reflect the total number of trees that would be required. The applicant will be expected to work with staff to verify the number of trees to be planted.

Since the approval of the SUP allowing reduced parking would otherwise relieve the applicant from meeting parking lot landscaping requirements, staff recommends that the installation of trees along the public street right-of-way be a condition of the SUP. Therefore, staff proposes the following condition:

Trees shall be planted and maintained within the landscape borders adjacent to the public street right-of-way in accordance with Section 10-3-30.1(4) of the Zoning Ordinance.

#### *Land Use*

The Comprehensive Plan designates this site as Industrial and states:

These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

#### *Recommendation*

Staff recommends approval of the special use permit request with the suggested condition.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said I see there is a mature walnut to remain a street tree. I like that, keeping existing trees where possible. There are dots out in the diagram, are those existing trees or what?

Ms. Soffel said some of them are. The dots that exist there represent some evergreen bushes that were previously existing on that location. Maybe about half or more of those remain, some of them do not. There have been other trees or bushes. I am not sure if they are ornamentals or if they will grow big, but there are some small trees planted intermixed among where those dots are. They do not necessarily represent everything that is there.

Councilmember Dent said what is that red outline part?

Ms. Soffel said that is the expanded parking lot. They are proposing to expand that area so that they can reach the bays in the back.

Councilmember Dent said that would be accessed through the parking lot and around?

Ms. Soffel said the driveway is there towards the left side of the image and the parking area is shown in the dotted spaces.

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

Jonathan Garber, applicant's representative with Lineage Architects, came forward to speak to the request. He said I have really nothing to what Ms. Soffel and staff have given to you except for two small things. First, in the spirit of complete transparency my narrative indicates that there will not be a need for any utility work. I found out today that is not the case. We are going to have to upsize the meter so there will be some linear utility work associated with this project that has no impact whatsoever on the parking request per se. The second item and ma'am [referring to Councilmember Dent] you had noticed the existing walnut; we will absolutely defend that. From an owner's perspective something like this is primarily a financial consideration. They do not want to spend the money if they do not have to and I respect that. From the get-go we have been making them aware of the proximity to Blacks Run, the concerns associated with that waterway, and the fact that reducing the amount of soil we are going to disturb and hardscape that we would introduce is going to go toward what they are able to do in this case to provide further protection for Blacks Run. I am happy to answer any questions that you may have. Thank you.

Councilmember said for example I see that this new turn in for the bays is gravel instead of asphalt paved so it is pervious in that sense, right?

Mr. Garber said we do anticipate gravel. There will be concrete pads right at the very entrance to the door to keep from tearing things to pieces.

Councilmember Dent said I am a little confused where the entrance to the driveway is. Is that on the property?

Mr. Garber said it is to the west, to the left side of the diagram you can see the existing walnut and three new street trees down along the bottom along the cul-de-sac and then there is a gap between with one new street tree at the top. We are not making any changes to the existing access to Carpenter Lane. It is more than sufficient. The idea here is to touch as little as possible.

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

Vice Chair Finnegan said when did this come up for rezoning it was less than a year ago right?

Ms. Dang said I think you all had it in December.

Councilmember Dent said is this the one that is moving from Charles Street to here?

Staff responded yes.

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

Vice Chair Finnegan said Mr. Chair I am never going to miss an opportunity to support less parking and I also appreciate staff's recommended condition. We do need more trees and less parking.

Councilmember Dent said I agree. I will make a motion to recommend approval of the special use permit with the suggested condition.

Vice Chair Finnegan seconded the motion.

Chair Baugh called for a roll call vote.

Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye

Chair Baugh

Aye

The motion to recommend approval of the special use permit with the suggested conditions passed (6-0). The recommendation will move forward to City Council on June 10, 2025.

**A motion was made by City Council Representative Dent, seconded by Finnegan, that this PH-Special Use Permit be recommended for approval to the City Council, due back on 6/10/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Alsindi and Porter

**No:** 0

**Absent:** 1 - Nardi

**4.b. Consider a request from Paul C. Riner to rezone 302 West Bruce Street**

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 5,397-square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional. The property is addressed as 302 West Bruce Street and is identified as tax map parcels 25-A-1. The applicant's letter states that the existing unit is unoccupied and has received building permits for internal renovations to include an additional bedroom and bathroom. The applicant is unsure if they would like to sell or rent the home in the future.

The applicant's letter also explains that they would like to rezone the property to conform to zoning lot size regulations. Under the R-2 district regulations, a single-family detached dwelling is required to have a minimum of 7,000 square feet of lot area. In the R-8 district, the lot area requirement for a single family detached dwelling is a minimum of 2,800 square feet per unit. If rezoned, the property would become conforming to lot size requirements.

*Proffers*

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

1. Upon request and upon the completion of necessary plats and deeds by the City, the property owner will dedicate a variable width public sidewalk easement along Academy Street for future sidewalk construction by the City. The easement will extend 7.5 feet from the existing back of curb into the property. The property owner has the option to dedicate public right-of-way in lieu of the public sidewalk easement. In addition, a variable width temporary grading easement up to 5 feet beyond the 7.5 feet public sidewalk easement will be provided to the City for sidewalk installation.
2. Upon request and upon the completion of necessary plats and deeds by the City, the property owner will dedicate a variable width public sidewalk easement along West Bruce Street for future sidewalk

construction by the City. The easement will extend 5.5 feet from the existing back of curb into the property. The property owner has the option to dedicate public right-of-way in lieu of the public sidewalk easement. In addition, a variable width temporary grading easement up to 3 feet beyond the public sidewalk easement will be provided to the City for sidewalk installation.

3. Permanent structures, landscaping features, fences, and walls are prohibited in the areas proffered for public sidewalk easement (or public right-of-way).
4. If the property is subdivided by the property owner before the City completes the necessary plats and deeds, then the property owner will be responsible for completing the necessary plats and deeds to dedicate public sidewalk easements (or public right-of-way) and temporary grading easements described above.

Along with proffer #4, which requires the property owner to dedicate the easement or right-of-way if they subdivide the property, the property owner/applicant has been made aware that future subdivision would require them to construct sidewalk along Academy Street in accordance with Subdivision Ordinance Section 10-2-61(c) because sidewalk already extends along West Bruce Street to its intersection with Academy Street.

#### *Land Use*

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

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

Considering the size of the existing parcel and the alignment with R-8 district regulations, staff finds no significant adverse effects on surrounding properties and believes the request is consistent with the Comprehensive Plan's Land Use Guide. The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings, and, in special circumstances, townhouse units by special use permit. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can work well within areas designated as Neighborhood Residential.

If the rezoning is approved, it appears that the parcel could contain a subdivided duplex structure if the existing single family detached dwelling was removed. The existing single family detached dwelling could not be converted to a duplex because the R-8 district requires all units to be positioned on their own lot.

#### *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*

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

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 recommends approval of the rezoning request.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said this final statement before the Transportation and Traffic portion of the report, "the R-8 district requires all units to be positioned on their own lot." That is weird I thought R-8 meant to include duplexes, which would be on the same lot.

Ms. Rupkey said with a duplex they would have to be on their own subdivided, individual lots so the property line would go through the building.

Mr. Fletcher said side-by-side duplexes rather than up and down duplexes.

Vice Chair Finnegan said townhouses have property lines running through the building.

Councilmember Dent said all of this is just easements in case we ever build a sidewalk.

Ms. Rupkey said at this time there would not be any plats or easements dedicated, but upon request and completion of the necessary plats by the City those easements, or rights-of-way, would be required..

Chair Baugh said going back to some of the stuff we had on the prior matter, what it amounts to is that it is very unlikely the City would ever put sidewalks there unless everybody in the affected area agreed to do it. They are giving their permission now. That is binding and it runs with the property. If we get enough requests at some point, and can fill it in because everybody on that part of the street wants it, it is already banked basically.

Ms. Rupkey said we would have the ability to request that the necessary space to do the easement as well as temporary construction [easements].

Chair Baugh said it has never come up, that I know of, but conceivably you could have a

point where the neighborhood wanted to do it and you had one hold out and that might be that rare circumstance that we talked about earlier where maybe City Council would think about doing eminent domain if 95% of the neighborhood wants it and there is just one person doing it. For these purposes it just means they have already said yep, if it ever comes up, we are good. Just give us notice and we understand you are going to put a sidewalk in.

Councilmember Dent said or if they ever do a subdivision front to back then they would have construct it right?

Ms. Rupkey said correct, the Subdivision Ordinance would require that.

Chair Baugh asked if there were any questions for the applicant or the applicant's representative.

Paul Riner, the applicant, came forward to speak to the request. He said we have undertaken the renovation of the current dwelling unit there with the proper permits from the City and are essentially just requesting the change to the R-8 zoning [district] so that we come within conformity. We are essentially a nonconforming use in the current R-2 district.

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

Vice Chair Finnegan said how long has that building been unoccupied?

Mr. Riner said as far as we can tell the previous owner purchased it with plans to renovate and we purchased it from them when they did not proceed with the plans. I am not sure how long it has been vacant. I know at least the preceding six months to our purchase and that is a guess just based upon conversation with the previous owner.

Councilmember Dent said you are expanding it from a two to a three bedroom?

Mr. Riner said correct. Actually, a three bedroom and two bathroom. There will be a full bedroom and bathroom on the first level of the home just to make it more accessible.

Councilmember Dent said are you planning to sell it or rent it?

Mr. Riner said sell it is the plan now after the renovations are complete. Honestly, that is why, as far as the proffers for the sidewalks, we would love to see that neighborhood more walkable. We think it would add to this subject property in a single-family use.

Councilmember Dent said staff is not requiring the building of the sidewalk at this point. Just to leave the easement open.

Mr. Riner said yes.

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



request.

Todd Rhea, a resident at 2322 Alston Circle, came forward to speak to the request. He said since we are killing a little time here as it is germane to Mr. Riner's request and he probably does not need me to speak. As an example of the utility of the R-8 zoning district versus some of your legacy R-1, R-2, and R-3 zoning districts, this, and many other examples coming before Planning Commission, should be a good example for you all and food for thought as staff and Planning Commission continue to evaluate Zoning and Subdivision Ordinance matters within the City. These modernized ordinances, R-7 and R-8 districts, are really much easier to work with and provide a lot of public benefit.

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

Councilmember Dent said I have become a fan of R-8. For awhile I was perplexed by why do we keep doing R-8 for porches. It has to do with the setbacks and so on. I think it fits well through older neighborhoods that do not have the more modern, expansive yard setbacks. It is more of an adaptation to the reality of how houses have been built to be on smaller lots and smaller setbacks, it works.

Chair Baugh said I am even going to take that a step further. Some people might think this is an overstatement, but my view has been for a good while that if you look at a residential zoning ordinance... When I first came on it went up to R-4 and that was it. We still have a handful of R-4 but it never became a functional category. We even talked about getting rid of it at one point and decided since you have already have some zoned that way, that would not be as easy of a lift as you would think. Basically, you had R-1 which was the modern residential from a 20th century perspective. R-3 which we called Medium Density because we did not have anything called high density. Anything with any density was in R-3. R-2 was sort of what was left over. What R-2 became was the older, developed residential areas that usually, because of lot size and setback, would not fit into that then kind of classic R-1 description. Which, to me, translated to it has never really been a meaningful planning category. It was when they zoned residential that just where they put the older residential neighborhoods that were fully developed because they did not meet R-1 standards. This idea of these R-2 properties that are nonconforming is quite common, it may be the majority of them. In many respects it is interesting how the R-8 has become...we have added these various zoning categories over the years, starting with R-4, where you sort of are hoping that it would sort of catch on and spur some things and they kind of never really have except for this. This is the one that we found where suddenly not only does it allow people to do the things that you explicitly said you want to do with smaller lot sizes, but it is where you go the flexibility for the sidewalks. It is where we can take R-2 properties and make them conforming; pending the ultimate ordinance revision that we are going to get to. R-2 is just sort where...somebody who was around then might throw something at me for saying it but... I have seen some nodding heads from staff.. that it is kind of where they threw the old residential property.

Vice Chair Finnegan said I will add to that. When you look at some of the streets that show up in these maps from the late 1800s like Academy [Street] and Bruce [Street], people were

not parking cars on the street because there were no cars. This idea that public streets are used for private property storage that is something that has come about since the 1950s and you look at lot of the neighborhoods that were built in the 1950s do have the wider roads. Academy [Street] does not have a lot of space there and Bruce [Street] frankly as well. When we talk about setbacks we should also keep in mind what is the street being used for. In a lot of cases the streets are wide so that people can store their private property on it.

Councilmember Dent said I noticed, driving there today, that it became a one lane street because of the cars parked on one side. I move that we recommend approval of the rezoning request with the proffers.

Vice Chair Finnegan seconded the motion.

Chair Baugh called for a roll call vote.

Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request with suggested proffers passed (6-0). The recommendation will move forward to City Council on June 10, 2025.

**A motion was made by City Council Representative Dent, seconded by Finnegan, that this PH-Rezoning be recommended for approval to the City Council, due back on 6/10/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Alsindi and Porter

**No:** 0

**Absent:** 1 - Nardi

**4.c.** Consider approving a request from 865 East LLC to rezone (proffer amendment) 865 Port Republic Road

*Please refer to attachment 9 in Legistar for full minutes extract*

**A motion was made by Finnegan, seconded by Porter, that this PH-Rezoning be recommended for approval to the City Council, due back on 6/10/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Washington, Baugh, City Council Representative Dent, Alsindi and Porter

**No:** 0

**Absent:** 1 - Nardi

- 4.d.** Consider approving a request from 865 East LLC for a special use permit to allow reduction in required side and/or rear yard setbacks at 865 Port Republic Road

*Please refer to attachment 9 in Legistar for full minutes extract*

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

- 5.a.** Consider approving a request from Newtown Cemetery to close an undeveloped public alley located between the Newtown Cemetery and parcels fronting along Hill Street and Gay Street

*Please refer to attachment 13 in Legistar for full minutes extract*

**A motion was made by Porter, seconded by Washington, that this Action Item be recommended for approval to the City Council, due back on 6/10/2025. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 4 - Washington, Baugh, City Council Representative Dent and Porter

**No:** 2 - Finnegan and Alsindi

**Absent:** 1 - Nardi

## **7. Public Comment**

At this time Mr. Fletcher let the Commissioners and public know that the City of Harrisonburg just issued a water conservation notice.

None.

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

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

Vice Chair Finnegan said the Rockingham Planning Commission met last week. There were four main items that needed action and they tabled three of the four. Townes at Congers Creek there is phase four of this Master Plan for an almost five-acre portion of a parcel zoned R-5 to include no more than 54 townhome units. They wanted to expand. Townes at Congers Creek has already gone through three phases and some of the folks from phase one, two, and three showed up in opposition to phase four. They tabled that. They tabled a request for rezoning a parcel zoned B-2 to add "animal hospital". They basically wanted to open a veterinary clinic. That was in district three. That also got tabled because the neighbor had concern about an animal hospital. Ordinance amendment to the Rockingham County code to allow residences on private well or septic systems in the R-1

and R-2 zoned districts by special use permit within the Urban Growth Area. That was approved. Another one that was tabled was short-term rentals. These are not actually land use restrictions that Rockingham County is currently looking at, these are just health and safety. You have to have an egress, you have to have fire extinguishers, you have to have smoke detectors. A lot of folks who are operators of short-term rentals showed up to oppose the safety and health regulations. They have a second wave of regulations coming down the pike, at some point, that are land use regulations. Rockingham County does not know how many short-term rentals they have. Mr. Getz said they have “somewhere between 425 and 1,000” Trying to get these safety regulations on the books is also an attempt to get the tax money. That was tabled 4-0.

Ms. Dang then ask for sign ups for the remaining Rockingham Planning Commission meetings this year. Commissioner Washington volunteered to attend the June meeting.

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

None.

#### **8.c. City Council Report**

Councilmember Dent said I was just looking back through the minutes. We had two meetings. April 22nd the only pertinent thing there was we approved the Smithland Road development with the new proffers. Not a proffered layout but the proffer that had to do with having only one intersection on the public road off of Smithland so that it could more easily...

Mr. Fletcher said it controlled the layout.

Councilmember Dent said it controlled the layout and more easily adhered to the distance requirements from the main street without having that awkward loop. Once they came back with that after many iterations, we approved it unanimously.

Chair Baugh said do I recall correctly that those changes earned staff's approval?

Councilmember Dent said yes. Last night we had various special proclamations and what not. The setback and the through lot on Franklin Street, the ordinance amendment for the UR district. We approved it with five feet. I was arguing for ten-feet, as we recommended here at Planning Commission, but there was enough argument for five-feet, and we went with that. Multifamily at Erickson Avenue... That was the one for permanent supportive housing on the road towards Walmart and there too City Council was more accepting of his approach that he should not have to build the sidewalk all the way towards the end toward the Walmart parking lot. The new information was that Mr. Gordon had been in negotiations with Walmart and asking them to build a sidewalk all the way up to the development. Which would be great if they could, but it is still an ongoing discussion. At the very least it was an ask to ask them to build to the boarder and maybe they would go beyond that even. If you appeal to their sensibilities for the need for these people, plus their accessibility, plus the whole Bluestone development across the street to have more access...

That all could be a very compelling argument. We went with the whole thing there. Those are a couple of cases where City Council was more accepting of what the developers themselves wanted. The Sunrise Avenue thing that was at Sunrise [Avenue] and Chestnut [Drive] rezoning and vacating the ghost property line down the middle of it. We did not even get into their potential reconstruction that was nonconforming because it was too high or whatever. Just the start of rezoning and vacating the property line we approved. We also more or less skipped the whole through lots in the UR we kind of skipped the 30 foot... Mr. Fletcher said it was not relevant.

Councilmember Dent said some of these were more streamlined than the discussion. The big deal was the budget public hearing. We had the presentation on it and a couple of people came for Sam Nichols and Nadia Dames to say where is the housing trust fund already putting it emphatically. Some discussion among us back and forth about we are doing housing stuff we just have not gotten to that yet unfortunately. We accepted the Planning Commission Annual Report that we did here last time. The Weldon Cooper Report on population and school enrollment projections for the City of Harrisonburg. This was a representative from Weldon Cooper giving the presentation. He might have been cautious to draw conclusions from it, but it was interesting how they did the study. There were three scenarios; first is their standard which we have been using by default because everybody in Virginia does, more or less, that had a gray line going up through the middle. Second case was if we took an optimistic estimate of how many housing units might be built, that bumped the line up slightly, as in a thousand a year when we have not even been doing fifty a year, a lot more than we have been. The line that made the biggest difference was when they took out in migration. There was discussion of do you mean from other countries or from other states or just other cities and it really is just any new people moving to Harrisonburg. That made by far the biggest difference. The upshot was that housing does not drive population growth, in migration and births do. The births are leveling off and even possibly declining. Vice Mayor Fleming asked the question "well what about the future of immigration" given that we are a refugee resettlement city and the politics are uneasy. The Weldon Cooper guy understandably said he cannot predict the politics but where we will measure it is next year looking back has the immigration fallen off because of some of those factors. The upshot to me at least is we can take with even more chunks of salt when the school staff says this new housing development is going to require a new school, I do not think so. Again, that is not the conclusion that the Weldon Cooper people can make, it is just what we can parse out from the data to help make those big decisions. Mr. Fletcher said another component to what was said last night was that the data reflected that older housing units currently generate more students. Some new housing units would generate students, but more students come out of older housing units. Then they even pointed out two very specific outlier data points from the City which was students coming out of units that were living in townhomes built in the 1980s was an extremely high amount of students and also out of mobile homes and manufactured homes was also very high.

Vice Chair Finnegan said when they say students in this report they are talking about K-12 not college students.

Mr. Fletcher said yes, K-12 and these are real students. They had their names and ID and connected them to actual addresses.

Councilmember Dent said he also said the student counts are hard data whereas the population projections are fuzzy and based on assumptions. As we track those, we can see the trends over time. The point about K-12 students living in older housing I raised the point that what we have is new housing that is designed for college students and when that gets old and beat up it gets passed to families which it is really not designed for. That is part of our struggle to find ways to have affordable housing for working families.

## **9. Other Matters**

Vice Chair Finnegan said this was something that has been bothering me for awhile. This one line in the Planning Commission bylaws. Ms. Dang sent out some links of the housing pipeline report presentation to City Council back in March. Staff shared that owners make up 40 percent and renters make up 60 percent of the City. We have this line in the Planning Commission bylaws 3-1 “at least half of the members shall own real property in Harrisonburg.” This line strikes me as antiquated and not appropriate in a City where renters outnumber owners. I just do not see a reason to keep it in there. I did talk to Mr. Russ about process if we were to amend this what would be the process for that.

Mr. Russ said generally amending you would have to give notice of what the amendment is and then there is a 30-day period and then at the next meeting you can vote. That particular vote comes from the City Code which may actually come from the State Code as well. That may be a little bit more complicated to amend.

Vice Chair Finnegan said that is required by the State?

Mr. Russ said I do not recall if that is something required by the State. It requires particularly a break down it just kind of give a description of what a Planning Commission is and complies. I would need to look into what the State Code says about Planning Commission composition. That particular portion is a bit more complicated to amend.

Vice Chair Finnegan said if it is able to be amended I would like to be able to address that maybe at next month’s meeting, or wherever it fits, just because it feels like there are so many rules that really privilege owners over renters in lots of different ways and this is just one thing that if it does not need to be in here by State Code I would to remove it.

Mr. Russ said it does come from the State Code. It says at least one half of the members shall be owners of real property.

### **9.a. Review Summary of next month's applications**

Ms. Dang said we have five items. There are two of them that are for the same site, which is the Forest Hills Towers site. Our recommendation is to have one meeting for these five items.

## 10. Adjournment

The meeting was adjourned at 9:06 PM.

### 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](http://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 and Channel 1084

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](http://www.harrisonburgva.gov/agenda-comments)