

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**July 14, 2021**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, July 14, 2021, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Jim Orndoff; Kathy Whitten; Laura Dent; Isaac Hull; Adriel Byrd, Vice Chair; and Brent Finnegan, Chair. Members absent: Richard Baugh.

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

Chair Finnegan called the meeting to order and said that there was a quorum with five members present. (Councilmember Dent arrived after the vote on the minutes.)

Chair Finnegan asked if there were any corrections, comments or a motion regarding the June 9, 2021 Planning Commission minutes.

Commissioner Whitten moved to approve the minutes.

Commissioner Orndoff seconded the motion.

All members voted in favor of approving the June 9, 2021, Planning Commission minutes (5-0).

*Consider new Rules of Procedure*

Ms. Dang said that over the last year, we have learned about how we can use technology to increase public access to public meetings. As we return to in-person Planning Commission meetings with community members in attendance, the public comment call-in phone line will remain available along with livestreaming on the City's website and on Public Education Government Channel 3.

Rules of Procedure for Planning Commission meetings were updated to include the steps for public hearings and the public comment period. During the public hearings and public comment period persons who are present in Council Chambers will be allowed to speak first, then the phone lines will be available for the public to call in. After Planning Commission has adopted the Rules of Procedures, a copy will be posted on the Planning Commission webpage.

Chair Finnegan asked if there were any questions for staff or discussion regarding the Rules of Procedure.

Commissioner Whitten moved to approve the Rules of Procedure.

Commissioner Byrd seconded the motion.

All members voted in favor of approving the Rules of Procedure (6-0).

**New Business**

***Consider a request for a special use permit to allow public uses to deviate from the requirements of the Zoning Ordinance at 1181 Harrison Street***

Chair Finnegan read the request and asked staff to review.

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

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

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

- Site: Public utility structures including a sanitary sewer lift station and a natural gas station; zoned R-3
- North: Parking lot owned by James Madison University; zoned R-3
- East: Across Harrison Street, parking lot owned by James Madison University; zoned R-2
- South: Single-family detached dwelling; zoned R-3C
- West: Across railroad tracks, Harrisonburg Electric Commission substation; zoned R-3

The City is requesting a special use permit (SUP) per Section 10-3-48.4(9) of the Zoning Ordinance to deviate from requirements of the City’s Zoning Ordinance. Specifically, the request is to deviate from the minimum front, side, and rear yard setback requirements of the R-3, Medium Density Residential District and to deviate from parking lot landscaping requirements. The

property is located at the intersection of Harrison Street and West Fairview Drive. If approved, the Department of Public Utilities would replace the existing sanitary sewer pump station by relocating the pumps to an elevated pump house above the floodplain and to replace existing wet and dry wells in their current location as illustrated on the enclosed site layout.

Section 10-3-48.4(9) is a SUP option that allows for any use defined as a “public use” to deviate from any requirement of Title 10 Chapter 3, which is the City’s Zoning Ordinance. A public use is defined as “[a]ny instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the city, or (2) another governmental entity having a contractual relationship with the city for the use of such lot or parcel or improvement.”

Section 10-3-48.5 of the R-3, Medium Density Residential District requires “Other uses,” such as the pump station, to have a 30 feet front yard setback, a 10 feet side yard setback, and a 25 feet rear yard setback. The enclosed site layout shows that the new proposed building would have a 21.98 feet front yard setback, a 1.4 feet side yard setback from the northern property line, and a 9.18 feet rear yard setback, which are all less than the required minimum setbacks. If the SUP request is approved as submitted, then future buildings on the property could have zero setbacks.

Section 10-3-24 of the ZO defines a “parking lot” as “[a] defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive throughs, except public street ingress and egress.” Section 10-3-30.1 contains parking lot landscaping regulations and the City is requesting to deviate from the following requirements (summarized and abbreviated): for parking lots to be separated from public street right-of-way lines by a landscaping border of not less than 10 feet in width; for parking lots to be separated from all side and rear property lines by a landscaping border not less than 10 feet in width or by a wall or fence of at least 3 feet in height; for parking lots to include landscaping areas equal to at least 15 percent of the total area of the parking lot; and for trees to be planted and maintained within landscaping borders adjacent to the public street right-of-way.

Given the small size of the property, the amount of utilities and supporting structures on the property, the necessity of making improvements to the sanitary sewer pump, and given the location and that the property is adjacent to the railroad and James Madison University, who does not have to meet the City’s zoning setback requirements, staff recommends approval of the special use permit request.

Chair Finnegan asked if there any questions for staff.

Commissioner Whitten requested to view the photograph in the presentation. I am trying to imagine why there could not be shrubbery to block some of that view because it is not attractive. I am in favor of the special use permit. It is something that we need to do. My understanding is that the building will be elevated so that it is out of the floodplain, correct? It is going to be moved over on the lot and be higher than the smaller building.

Ms. Dang said that the equipment and the floor of the building would have to be elevated. I do not recall how tall it will be.

Commissioner Whitten said I understand that trees cannot be used due to the plumbing issues and pipes, but I wonder why there could not be a hedge or some sort of shrubbery to soften that street scape a little bit.

Ms. Dang said that she hesitates to commit Public Utilities to that but can encourage them to consider shrubbery as long as the utility lines are deep enough. Those things would have to be evaluated.

Commissioner Whitten said that it would soften it. It would be nice for the environment to have something green there even if it is a flower bed or something.

Chair Finnegan said that this is located in the R-3 zoning district. If the SUP is approved as submitted, you stated that future buildings on the property could have zero setbacks. Presumably this will be City property that is needed for the pump station in perpetuity.

Ms. Dang said that is the perspective that we took. We do not foresee that the City's utilities would move away from here. We expect them to stay at this location. It is likely to be owned and operated by the City.

Mr. Fletcher said that the setback is only for public uses.

Councilmember Dent said that it is interesting to see the City applying for a SUP from the City.

Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing. No one came forward or called to make any comments, therefore he closed the public hearing and opened the matter for discussion.

Chair Finnegan asked Commissioner Whitten if she intended to propose any conditions. Commissioner Whitten said I hesitate to do that because I do not know what went into the decision making. I hope that they gave consideration to that. If not, I would like them to, but I do not want to tie their hands. I do think that it would be an improvement.

Chair Finnegan said that he agrees. Around islands like that or buildings like that, it is nice to have some sort of greenery. We have too few trees in the City.

Commissioner Whitten said I understand not being able to plant trees there, but some form of shrubbery would be nice. How could we say that without making it absolute?

Ms. Dang said that the comments and discussions here are important. I will convey that to the Public Utilities Department.

Commissioner Whitten moved to recommend approval of the SUP request, as presented.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Whitten	Aye
Commissioner Byrd	Aye
Commissioner Orndoff	Aye
Councilmember Dent	Aye
Commissioner Hull	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP passed (6-0). The recommendation will move forward to City Council on August 10, 2021.

### **New Business – Other Items**

***Consider a request from Virginia Self Storage Partners II, LLC for the City of Harrisonburg to provide sanitary sewer service onto property at 2557 East Market Street within Rockingham County***

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that per Section 7-2-4 (b) of the City Code, all uses located outside City limits, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sanitary sewer infrastructure, shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection. This request is for a non-residential connection; thus, Planning Commission review and City Council approval is necessary.

The subject parcel is located east of the City, directly across the City/County jurisdiction boundary line along East Market Street. The parcel is identified as tax map 109-(3)-4A and is zoned B-1, General Business District within Rockingham County. The subject property has been connected to the City's water infrastructure since receiving approval in 2006. If the applicant's request to connect to the City's sanitary sewer infrastructure is approved, the applicant would connect an existing facility, containing a restroom and bath house, to City service and remove an existing outdated and failing septic system and drain field currently serving the site.

When reviewing previous public utility application requests, staff has discussed that the City should be careful about extending more utilities into the County, as it may contribute to using the City's available water and sanitary sewer capacity, which could be detrimental to future development within the City, and it may indirectly lead to development around the edge of the City that we do not desire. The Department of Public Utilities has completed the preliminary review of the request and has offered technical approval for extending City sanitary sewer service to the subject property located in Rockingham County. There is an existing sanitary sewer manhole approximately 350 feet west of the subject property, within the City limits, where the applicant would connect. This would require the installation of a private sanitary sewer pump, which is understood by the applicant.

Staff has no concern with this connection to the sanitary sewer infrastructure and is supportive of the removal of a septic system and drain field from the environment.

Staff recommends approval of the request.

Chair Finnegan asked staff to provide information regarding requests from the County.

Ms. Banks said that we get a few of these a year. They can be just for water connection, sewer connection or both. In the City Code, if it is for a residential development that is fewer than 10 units, it does not have to be reviewed by the Planning Commission. Otherwise, the Planning Commission has to review the request.

Chair Finnegan asked is it fair to say that the benefit to the City is not having failing septic systems on the boundaries and that the costs are paid by the person making the connection?

Ms. Banks said that is correct.

Chair Finnegan asked if there were any questions for staff.

Commissioner Whitten asked if the manhole is in the median and whether easements were required.

Ms. Banks said that easements are already in place.

Councilmember Dent asked where on the site the bathhouse is?

Ms. Banks said that the applicant can answer that question.

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.

Jo Higgins, representing Virginia Self Storage Partners II, LLC, came forward to speak to the request. Virginia Self Storage Partners own the Harrisonburg self-storage facility that was originally built in 1988-1989. The septic field that is there now was thought to last forever, but the problem was identified in 2006 when we bought the adjacent property. All of this used to be one piece owned by Joe Bowman all the way to Boyers Road. Then it was divided over time. Our property straddled the City-County line. We did not envision that there would ever be a problem. When the property was subdivided, an easement to the manhole was part of the subdivision. From where the green line turns (referencing the map on the PowerPoint), that is the service road that runs up to Joe Bowman Chevrolet. That manhole is immediately in front of Larry Martin's building (2511 East Market St). It is right on the edge of the pavement, but this is a private service road. The easement goes out past Joe Bowman to Chestnut Ridge Drive. We have an access easement in that direction and all the utilities easements that serve the smaller parcel. The septic is here (referencing the map on the PowerPoint). When the original facility was built in 1989-1990 there was a pipe in two places under the driveway. This was not as developed, and it was before runoff requirements were imposed to detain pre-development and post-development flows. Over time,

the runoff now runs through our site across our septic field, so it is inundated with stormwater. It has water on top of it. It is probably working, but it is flooded. The lifespan of it has been shortened. It has been there almost 30 years. The runoff from over here (referencing the map) comes through the site down this hill, into two pipes and comes through right where the septic field is. I do not think that was originally intended. They were supposed to be more separate. The inundation of water has become a problem. We had this shown on the site plan in 2006. This manhole is the way we would come. The water line taps off the road here, comes down here, runs through our site and all the way over to this point. We have City water lines almost to the other side. At the time we did this, Public Utilities required that we provide an easement all the way to the next property line. I had objected to it, but we cooperated to make that work. We have had City water for some time. This here in the road, this box, is an upgraded water vault where the City and County share meters in both directions. At one time it only metered from the City into the County. Now, we have cooperated and paid half the expense of the vault so that it could be increased. We gave the City the water and sewer easement they needed to create a larger vault so that they can meter the City going to the County and the County going to the City if there was ever a pressure problem. We have been cooperating with City Public Utilities for long time. We hope that they would consider us favorably in this case.

Councilmember Dent asked where the building is that has the bath house.

Ms. Higgins said that there is no bath house. In this building, there is a two-bedroom apartment on the second floor because the manager lives on site. On the lower floor is an office, we have a single bathroom. None of these storage buildings have water or bathrooms. They are not required. In the last six months we have used less than 1,000 gallons per month of water.

Councilmember Dent said that answers her question. I see that the green line goes right to the line of the property where you would need the access to the sewer.

Ms. Higgins said yes. It would have to be a forced main that can go up and down. We cannot get to the manhole by gravity. We cannot get to County utilities. It is a long distance. Stone Ridge would be the closest. Between us there is Mystic Lane and to the east is Boyers Road which has been cut off. Stone Ridge has the closest utilities and that is a long distance. We are in a pocket where it would take a long time and a great expense to get utilities from the County. We hope you can consider us favorably and I can answer any other questions.

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

Chair Finnegan said that we have done a few of these during my time on the Planning Commission and we typically approve them. We do not want the City surrounded by failing septic systems. The infrastructure is paid for by the applicant.

Commissioner Byrd moved to recommend approval of the request.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Hull	Aye
Commissioner Orndoff	Aye
Councilmember Dent	Aye
Commissioner Byrd	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the request for sanitary sewer service passed (6-0). The recommendation will move forward to City Council on August 10, 2021.

### **Unfinished Business**

#### ***Discuss Letter to City Council regarding Affordable Housing Incentives***

Ms. Dang said that at the June 9, 2021 Planning Commission meeting, Commissioner Kathy Whitten read a letter she wrote on the topic of affordable housing that encourages the City to appeal to the state legislature for changes to the State Code. After some discussion, the Commission agreed to review Commissioner Whitten's letter and send comments to staff who would compile the comments to share with the Planning Commission at the July 14, 2021 meeting, with the intent to draft a letter from the Planning Commission to City Council. Chair Finnegan submitted comments, which is somewhat of a rewrite of Commissioner Whitten's original letter. I am happy to take further edits or anything that you want to see in the letter that you want to put together. If you choose to approve a letter to be sent to City Council, there should be a motion to approve the letter. The letter would be signed by Chair Finnegan on behalf of the Planning Commission. The letter would be from the Planning Commissioners. It would be addressed to each of the City Council members. I will send the letter to the City Clerk and the City Manager so that they can distribute it to the Councilmembers.

Chair Finnegan said that we will make some edits based on suggestions and vote on it. Anyone who does not want to sign on to this can vote against this and it will show up on the public record. If the majority votes for it and there is an abstention or vote against it, it will be noted in the record.

Chair Finnegan continued, I am not sure how to proceed. I started writing comments and realized that I was rewriting some of what Commissioner Whitten had already written. I was putting it in different words.

Commissioner Whitten said that she is fine with his words.

Chair Finnegan said that he wanted to make reference to the Comprehensive Assessment and Market Study that the City paid for and hopefully will be implementing. I want to make it clear to City Council that we are not saying that we should do something instead of what the recommendations were, but in addition to them.



Councilmember Dent said the way she reads it is saying that we should go ahead and do things that were already recommended and perhaps some others. I did not quite understand the London Plan.

Commissioner Whitten said that the London Plan is not reasonable for us. It is an example of something that was done in a much larger place.

Chair Finnegan said that there is a link on the comments to a cvilletomorrow.org article. In that article you will see where Charlottesville asked the state for permission to do these things. In case there is any ambiguity about what they are talking about, that is an example.

Commissioner Whitten said that Northern Virginia has been asking for and getting the opportunity to do these things, as has Tidewater and Richmond. It is not farfetched, and it is a tremendous need for us. The time to talk to the people who are representing us in Richmond is not when they are in session. It is now, before they go to session. Those decisions that are made in session have been worked out long before that session ever happens. That was my impetus in providing this.

Chair Finnegan said I agree. Thank you, Commissioner Whitten, for getting the ball rolling on this and writing the letter. How do we want to proceed? Do you want to use the second letter and make amendments to that in this discussion?

Commissioner Byrd asked how many sections are repeating the same thing?

Chair Finnegan said that they are two separate letters. The second one is an attempt to condense it and make reference to the Housing Study. If there is anything you want to strike or add, now is the time to do that.

Councilmember Dent said that we can merge some of it.

Chair Finnegan said that we can take paragraphs or sentences from either letter. We need to make it clear in this discussion what exactly the letter will be that is going to be sent.

Councilmember Dent said that she would like to be clear regarding what are the things that we can already do that we need to get moving on and what are the things that we need to ask the State permission for because of the Dillon rule. There are two levels: go ahead and do what you can do and talk with the State officials about the things that we need permission for.

Chair Finnegan asked staff to help clarify what it is that we are currently not able to do.

Mr. Russ said that the big thing is mandatory set asides based on income. You see that across the country. It is common in New Jersey and California where if you are building over a certain number of units, you have to set aside a percentage of them for people of various income levels. In Virginia, except for Albermarle County, Charlottesville and some of the Northern Virginia localities, you can only operate that as an incentive. For example, if we allow ten units per acre, we can allow twelve if a specified number are set aside for these particular income groups. We cannot make them mandatory. That is one of the things for which Charlottesville wanted more

authority to come up with their own scheme for what is going to be required for inclusionary zoning.

Chair Finnegan said that we are not asking for an extremely specific request. We are asking for more authority so that we can do things like inclusionary zoning which we currently cannot do.

Commissioner Whitten said that she wants to bring it to the light of the day. It is a big problem here and we need help.

Councilmember Dent asked if some of the things like expedited permitting and fee waivers are something that we could do today?

Mr. Russ said yes. Fee waivers and expedited permitting review are things that we are already allowed to do.

Councilmember Dent asked if that includes incentives as opposed to mandatory.

Mr. Russ said yes.

Councilmember Dent asked if the mandatory part is where we need permission from the State.

Mr. Russ said yes.

Councilmember Dent suggested broadening it to say that we need clearance from the State to make mandatory requirements such as set asides or other requirements.

Commissioner Whitten said that we hired a person whose job it is to come up with what the tools are that we need. That is my understanding, that we hired a Housing Coordinator.

Mr. Fletcher said that the Housing Coordinator position is still being created. It is in draft form. The intent is to advertise with the hope that when they find the right person, they can come on board no earlier than January 1, 2022, because funding was put in place to be at halfway into the Fiscal Year. Yes, that was one of the recommendations and City Council did adopt the budget with those funds in place to do that.

Councilmember Dent said that this is something that we can get ahead of the Housing Coordinator on.

Chair Finnegan and Commissioner Whitten said yes.

Chair Finnegan said that the other thing that happens in January is the General Assembly session. We do not want to wait, as Commissioner Whitten pointed out, until January to make this request.

Mr. Fletcher said that you should know that there is other activity that is not being discussed in the public realm about actions that staff is taking. Mr. Russ and I are on a committee about strategizing for the Housing Study along with Amy Snider. There are things that are happening that are not

being discussed. We are trying to keep the ball rolling in preparation of the Housing Coordinator coming on board. It is not that there has not been any activity whatsoever. It is that we are getting things in place and strategizing on how to move forward with the next steps.

Councilmember Dent said that is something that we, in City Council, ought to be in the loop on so that we can lobby our State representatives.

Mr. Fletcher said that he would advise that Councilmember Dent get in touch with the Assistant to the City Manager, Amy Snider. She can fill you in on plans that are forthcoming for City Council to engage with some further discussion. I do not want to speak out of turn as to exactly what and how that message is going to be relayed to City Council.

Commissioner Whitten asked about tax credits.

Councilmember Dent asked if that is a State and Federal program.

Chair Finnegan said that it is State and Federal.

Mr. Fletcher said that the Low-Income Housing Tax Credits (LIHTC) is one of the primary programs that a lot of people have used.

Commissioner Whitten asked if that is a program available to us.

Mr. Russ said that a private developer would apply to the State for the funding. They would notify the locality that someone is interested in the program. My understanding is that it is in exchange for a much better financing deal for the project. They set aside a certain amount of units.

Commissioner Whitten said that they are doing that in Chesterfield County.

Chair Finnegan said that the Harrisonburg Redevelopment & Housing Authority (HRHA) is the one that signs off on Chesterfield County's programs. It is a strange set up having to do with a financial agreement where the HRHA has the authority to sign off on certain other localities housing programs.

Commissioner Byrd said that one of the letters has examples listed where the other one links to an article that has an example of what we are requesting.

Chair Finnegan said that the link to the article was in case someone did not understand what inclusionary zoning meant as it relates to Dillon's rule in Virginia. It helps clarify what we are talking about. To move this forward, I would recommend that we pick one of the two letters and make edits to that.

Commissioner Byrd said that is what I was doing with this. It sounds like the second letter rewrote the main paragraphs of the first letter minus the examples.

Commissioner Whitten said that her intent with the examples was to get the ball rolling. They do not necessarily have to go to City Council.

Commissioner Byrd said that the examples do help understand the concepts. I am not for removing that spirit.

Chair Finnegan said that we do not need permission from the State for expedited permitting and fee waivers.

Commissioner Whitten said that needs to be in front of City Council. I am not sure that it has been part of the conversation.

Councilmember Dent said that we have had conversations about having the conversation. That is as far as we have gotten. We talked about that at the (City Council) retreat. We need to have work sessions to have dedicated sessions to specific issues such as affordable housing so that we are not passively responding to whatever is presented to us.

Chair Finnegan said that fee waivers is mentioned in the second letter. It said

The study recommended several actions the city should take to address our affordable housing crisis, including fee waivers, prioritizing city resources to finance affordable housing initiatives, creating an affordable housing set-aside policy, creating a local housing trust fund, and advocating for policy changes at the state level.

These are all things that were recommended in the Comprehensive Housing Assessment and Market Study that the City paid for and now we need to implement them. All Planning Commission is saying is that in addition to all of the things that the Housing Study said, we should also go to our State legislators and ask them for the authority to have inclusionary zoning.

Commissioner Whitten added for that authority and the ability that they have to network with these localities that have had success in these areas. I think that is very valuable.

Councilmember Dent said that the second version is clearer on what the City can already do and what we can take to the State level. I think we could say “inclusionary zoning such as...” and add examples such as the set asides. I think that set asides are clearer to me than inclusionary zoning.

Chair Finnegan said that we could say “inclusionary zoning set asides”. Where there is that asterisk, we can add set asides.

Councilmember Dent said that I am inclined to go with the rewrite. When I first saw this, while I love that Commissioner Whitten launched this, it does read editorially in the tone.

Commissioner Whitten said that it is all true. I did not mean for it to be soft and gentle. I meant it to be, “come on guys, let’s move”. Month after month we talk about this and wring our hands about how we are going to do it. We just have to do it, move forward.

Councilmember Dent said that what helps me is to have the timeframe in mind. To know that we need to have these conversations now, before the General Assembly session starts in January. Even if we are waiting until January to have the Housing Coordinator hired, we should not wait until then to have the conversations.

Chair Finnegan said, to your point Commissioner Whitten about language, I intentionally used the word “crisis” three times. This is not a “hey, this would be nice”, this is a crisis, and we need to take action on it.

Councilmember Dent said that we should add a timeframe about talking to the legislators.

Ms. Dang said that she has been taking notes. I would like to make a suggestion based on what I heard. In that last paragraph,

In addition to implementing recommendations from the study, the Harrisonburg Planning Commission encourages City Council to work with state legislators to allow Harrisonburg to pursue affordable policies that are not currently an option under Dillon's Rule, such as mandatory inclusionary zoning set asides. We urge City Council to work with our legislators before the General Assembly session to increase the tactics available to address the affordable housing crisis.

Councilmember Dent asked if we should mention the Housing Coordinator. No, we should leave that out. I can talk about it when we get there. Nailing down the timeframe is the important thing.

Commissioner Whitten asked about changes to the second paragraph.

Commissioner Byrd said that we clarified that early.

Chair Finnegan said that it says “are within the purview of City Council to do without asking the State for permission.”

Councilmember Dent asked if we are going to include the London Plan.

Commissioner Whitten said no, that was an example of how far reaching it can be.

Commissioner Byrd said that he would like to make sure the spirit of the original letter makes it into the rewrite of the second one. From my reading of the first one, it was to a particular audience, which was us. I can understand that. Now we want to send it to a new audience and we have to think about how to speak to that audience.

Chair Finnegan said that Councilwoman Dent is on City Council and is both sending and receiving the letter.

Councilmember Dent said that we should keep the urgency, while toning down some of the editorial comments.

Commissioner Byrd asked are we then going with the second letter, with the stated edits? Is there any other consideration that anyone wants to bring up? I am trying to formulate a motion. Do Ms. Dang and Chair Finnegan have the same edits written down?

Chair Finnegan read the third paragraph:

In addition to implementing recommendations from the study, the Harrisonburg Planning Commission encourages City Council to work with state legislators to allow Harrisonburg to pursue affordable housing policies that are not currently an option under Dillon's Rule, such as mandatory inclusionary zoning set asides. We urge City Council to work with our legislators before the next General Assembly session to increase the tactics available to address the affordable housing crisis.

Commissioner Byrd moved to approve the second version of the letter with the additions.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Whitten	Aye
Commissioner Hull	Aye
Commissioner Orndoff	Aye
Chair Finnegan	Aye

The motion to recommend approval of the letter to City Council passed (6-0).

Chair Finnegan thanked Commissioner Whitten for starting the process.

Ms. Dang said that since Commissioner Baugh is not here. We can share the letter with him and he can decide if he wants to add his name to the letter.

### **Public Comment**

Jody Johansen, 1280 Constitution Court, called in. I am impressed that there is wetland preservation built into some of the new developments. I was impressed that it was part of the Planning Commission's work. I thought it was thoughtful and well advised, as well the clustering to make the most of the land. I have been living in the Middle East where development is a bit more haphazard. One thing that I see, especially given the talk about affordable housing, is that no convenience retail is built into affordable housing. It is going to be very difficult for a lot of people with lower income to manage because the City is so car dependent. I have not seen many developments that have things that I saw overseas such as a quaint little center with a mini-market, daycare, dry-cleaning. It has just the things that you need every day, especially if you are a single mother or if you have elderly people that you are caring for at home. Is the Planning Commission

looking at incorporating mixed use? I am not talking about huge chains with lots of cars and traffic. I am talking about local amenities that tend to be missing here. Has that been part of the discussion?

Chair Finnegan said that this is a public comment period, but yes, I can ask staff to speak to that.

Ms. Johansen said that she hopes the Planning Commission will take this into consideration.

Chair Finnegan asked if there were any more callers. Hearing none, he closed the public comment period.

### **Report of the Secretary & Committees**

#### ***Proactive Code Enforcement***

On hold.

#### ***Rockingham County Planning Commission Liaison Report***

Chair Finnegan said that there were two zoning cases, both in the McGaheysville area. One was a request to rezone a portion of an R-2 Medium Density Residential to Agricultural. It was approved unanimously to get it to move into compliance because it was in violation because of the agricultural use. The second one was more contentious. It was a request to rezone 41.99 acres from A-1 Prime Agricultural and A-2 General Agricultural to Planned Single Family with conditions. There is an undeveloped parcel on Powerdam Road in McGaheysville. They wanted to put a residential development. It seemed similar to our R-8 district, with the small setbacks. This proposal had all of the garages in the back of the houses. There were many folks speaking in opposition to this. If we are under an understanding that any development that we do not want in the City can just go into the County, there are a lot of folks that do not want it there. There were many comments about wildlife. Someone said that we are becoming Queens in New York. There were comments about the volume of traffic, blocking the views of the mountain. The Commissioner who is in that district, Keith Sheets, recused himself. They ultimately voted to table the request.

There were some ordinance amendments. They want to create a business interchange zoning district. That is very specific to interstate exits in the County. I believe there are only three, the Broadway-Mosby exit, Mt. Crawford, and the north Route 11 exit near the truck stop. They want to create a zone around those exits to allow for travel centers, gas stations, fast food restaurants. They want to make it easier and discourage a lot of traffic getting off the interstate just to get to a gas station. There were pending ordinance amendments for Rural Village setbacks. I am not sure what Rural Village is.

Commissioner Whitten said that they are the places that are not incorporated towns, but contain the amenities that you would want.

Chair Finnegan continued, they were trying to create a district that was between Rural Village and Industrial that is called BX, Business Interchange.

There is no one from the County Planning Commission here tonight. They are in a joint meeting with the Board of Supervisors reviewing the new ordinances for solar farms. These meetings are being recorded to watch later. The Rockingham County Planning Commission will be able to watch this later. The same does not work for us. They are not recording those meetings.

Commissioner Whitten said that Mr. Dyjak is very helpful going through the agenda to explain any items you may have missed or did not understand. They have had some technical difficulties.

### ***Board of Zoning Appeals Report***

There was no meeting.

### ***City Council Report***

Councilmember Dent said that City Council heard the Stone Spring proposal that we heard here last time. It was somewhat contentious with the overall comment wondering why we keep building housing for students. What about our families? I reported some of our discussion about whether we might have caps on the size or number of buildings. There was some pushback asking, how did this get out of Planning Commission? There was sympathy for the objections or the reservations that we raised. I talked about the reservation that I had about sending that much more traffic around by Stone Spring Road.

Commissioner Finnegan clarified that by right they can build the same number of units. The request was about the massing of the buildings.

Councilmember Dent said that instead of talking about density, it is more about compactness. By having the larger buildings, they opened up the space to have green space. That was a good thing. We ultimately approved it, but not before much hashing out which echoed the hashing out here. The dissenting votes were heard.

Commissioner Whitten said that we have to get a handle on that stuff. I want students to have places to live. I want them to have decent places to live. They do not have to have granite counter tops, saunas, tanning booths and swimming pools. I do not feel too sorry for them in those cases.

Councilmember Dent said that one comment was that the pattern seems to be that we build the shiny new stuff for the students, but as soon as they have worn it out, the families inherit it. The families are getting leftovers.

Commissioner Whitten said that it is not working. It is creating more issues.

Commissioner Finnegan said that those units are designed for a four person per unit lease. It does not meet the needs shown in the Housing Study. We need a lot of one- and two-bedroom units.



Councilmember Dent said that we questioned the applicant's representative about that. They said that the average number of beds per unit was less than three, which means there is a mix of ones, twos, and threes.

### **Other Matters**

#### ***Discuss Draft Planning Commission Bylaws***

Ms. Dang said that on June 9, 2021, Planning Commission discussed changing the Planning Commission's regular meeting start time from 7:00 p.m. to 6:00 p.m. which would require an amendment to the bylaws. Staff took the opportunity to make some other amendments to the bylaws that are noted in your packets.

Article XI of the current bylaws describes that the bylaws may be amended by a majority vote of the entire membership after 28 days prior notice to the Commission members. Staff recommends that Planning Commission discuss the draft bylaws so that staff can make additional edits to the bylaws, if needed, and present a new draft at the August 11, 2021 meeting for the Planning Commission's consideration for adoption.

Councilmember Dent asked whether the main change is the electronic communications going back to the non-emergency or expanding on it.

Ms. Dang said that the reason for the change with Section 7-4 is that there is a new section of the State Code that governs electronic meetings, or the ability for public bodies to have members participate electronically. This language models what the State Code says.

Councilmember Dent said that the City Council has the same thing.

#### ***Zoning and Subdivision Ordinances Project Update***

Ms. Dang said that the public comment period for Module 1 was open from June 8 through July 12, 2021. As I am compiling all the public comments, there are about 30 unique individuals who commented. Some of them commented very briefly about a particular topic, such as Home Occupations. Others spent a lot of time looking at it and we have multiple with many comments throughout the document. We are compiling the comments, reviewing them and working on further edits to Module 1.

The consultants will be releasing Module 2 for staff review. There will be a public comment period for Module 2. There will be the opportunity for you, the Ordinance Advisory Committee, and the public to comment on Module 2. Later on will be Module 3 with a public comment and open house period. We are adding a fourth opportunity. When we review all the parts and put them all together, we will have another public comment and public meeting opportunity before it is presented to the Planning Commission. It may be brought before the Planning Commission in the Spring.

Commissioner Whitten asked when Module 2 will be ready and whether it will be made available to the Planning Commission.

Ms. Dang said that it will be made available to the Planning Commission around September.

Chair Finnegan said that he was not able to participate in the Module 1 meeting, but he did listen to the recording.

Commissioner Whitten said that she would love to see more people involved. I believe that there are going to be some contentious conversations. I think that of the 34 unique individuals, most of them are developers.

Ms. Dang said that she would be sharing those comments within the next month or so. I hope to have it compiled and have some responses or answers to some of the questions, to share that back with them as well as with you. You could tell, with the Home Occupation comments, there were a series of them where someone had encouraged their clients, colleagues, or friends to comment because they were very similar. Not all of them were developers, however those who were able to dig into it were people who were into engineering or development.

Chair Finnegan asked whether the last public meeting will be in person.

Ms. Dang said that she expects that, if things continue as they are, then even the next meeting for Module 2 will be in person.

Ms. Dang said that the next Planning Commission meeting may be long. For next month's meeting there will be five unique sites that make up ten applications.

The meeting adjourned at 7:30 p.m.