

MINUTES OF HARRISONBURG PLANNING COMMISSION

November 8, 2023

The Harrisonburg Planning Commission held its regular meeting on Wednesday, November 8, 2023, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Chair Brent Finnegan; Heja Alsindi; Dr. Donna Armstrong; Richard Baugh; Valerie Washington; and Vice Mayor Laura Dent. Vice Chair Adriel Byrd arrived late.

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

Chair Finnegan called the meeting to order and said that there was a quorum with six members present.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the October 11, 2023 Planning Commission minutes.

Commissioner Baugh moved to approve the October 11, 2023 Planning Commission meeting minutes.

Vice Chair Byrd seconded the motion.

The motion to approve the October 11, 2023 Planning Commission minutes passed (7-0).

New Business – Public Hearings

Consider a request from Patricia Valle-Alvarez to rezone 505 Northglen Lane

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the subject property is a corner parcel located on the southeastern corner of Northglen Lane and Hearthstone Lane. Corner lots are required to provide a principal building setback equal to the required front setback for all yards adjoining a public street. For the subject property, which is zoned R-2, such setbacks are 30-feet.

The existing dwelling was constructed in 1986 and included an uncovered rear deck. In October 2015, a permit was issued for the construction of a 5-foot by 18-foot uncovered deck to run along the length of the dwelling facing Hearthstone Lane and connected to the rear deck. On March 29, 2023, it was brought to the attention of the Department of Community Development that the deck was being replaced and covered but without an approved building permit. The property owner was notified, and then a building permit was submitted. During the building permit review, zoning staff flagged the permit for setback concerns as the covered porch would not meet setback requirements. Note that uncovered porches may project in to the front setback one-third the required distance. However, covered porches and decks must meet principal building setbacks.

In an effort to correct the violation, the applicant applied for a variance to the Zoning Ordinance through the Board of Zoning Appeals (BZA). In August 2023, the BZA denied the variance request.

The applicant is now requesting to rezone the property to the R-8 district, which offers reduced front yard setbacks. If approved, the structure would be in zoning compliance.

The applicant is requesting to rezone a +/- 10,525-square foot property from R-2, Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the southeastern corner of Northglen Lane and Hearthstone Lane and is addressed as 505 Northglen Lane.

Proffers

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

1. More than one dwelling is prohibited.
2. The setback off of Northglen Lane will be no closer than 30 feet.
3. The setback off of Hearthstone Lane will be no closer than 20 feet.

The conceptual site layout is not proffered.

Regarding proffer #1, in the R-8 district, single-family detached homes and duplexes are allowed by right if the lot area and dimensions of the property are met. If the rezoning is approved, although the R-8 district dimensional regulations would allow the property to be further subdivided, the submitted proffer prohibits more than one dwelling on the property, and thus they would be restricted to having only one dwelling unit on the property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffers #2 and #3 are further restricting front yard setbacks. Specifically, the applicant has proffered that the front yard setback along Northglen Lane shall be 30-feet, which is consistent with the property's existing R-2 setback requirements, but then allowing for a 20-foot setback along Hearthstone Lane, which would provide the flexibility needed to bring the existing illegally covered porch in to zoning compliance.

Land Use

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

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

With the submitted proffers, use and density conforms with the Low Density Residential designation. Know also that the R-8 district's occupancy regulations are the same as the existing R-2 district's occupancy regulations, which allow owner-occupied dwellings to be occupied by a family plus two individuals or a maximum of three individuals while nonowner-occupied dwellings may be occupied by a family plus one individual or a maximum of two individuals.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing

Rezoning this property to R-8 will not impact housing as the site will essentially maintain its current density provisions.

Public Schools

Rezoning this property to R-8 with the submitted proffers will not change the estimated student generation for the property.

Recommendation

Staff recommends approving the rezoning.

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

Patricia Valle Alvarez, the applicant, came forward regarding this request. She said I would like you all to consider this because I have three kids and I like to get them outside as much as possible. When there is inclement weather, it is not as easy to do without a covered porch. My grandma also comes to my house and watches my kids and she takes my dogs out so I would like to prohibit her from slipping if there is inclement weather.

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

Chair Finnegan continued to say we have seen quite a few of these and we are seeing another one this evening. How do we feel about this?

Vice Chair Byrd said since I have a different hat on this time that I am seeing this, I have no issues with changing the setback relative to Hearthstone, which is the only significant change to this. Besides the property that would also be their neighbor on Hearthstone, I do not see how this would spread in the existing neighborhood where there would be a bunch of people asking for the same type of thing. Under those circumstances I would be in favor of this.

Commissioner Armstrong said given the proffers, I support it.

Chair Finnegan said I am sure this will come up again but when we have time to revisit the Zoning Ordinance, I think it would be good to think about how we could prevent these kinds of request by allowing certain setbacks by right. I do not know what that language would look like. So far, have

we denied any requests like this that you are aware of that is R-1 to R-2 or R-8 so that they could build a covered porch? It would be good to address this in the Zoning Ordinance rewrite.

Vice Chair Byrd said in light of that, I would like to make a motion to approve the request.

Vice Mayor Dent seconded the motion.

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

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on December 12, 2023.

Consider a request from Mohammed Hewa to rezone 1149 Clay Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in June 2023, the applicant submitted a request for a minor subdivision of the property located at 1149 Clay Street aiming to create two separate lots—one parcel containing the existing single family detached home and a new undeveloped parcel. During review, staff determined the proposed subdivision would have met all requirements except that the undeveloped parcel would not have met the R-1 district’s lot depth requirements. In the R-1 district, new parcels must have a minimum of 80 feet in width, a minimum of 100 feet in depth, and a minimum of 10,000 square feet in lot area. Because the parcel cannot be subdivided within the R-1 district, the applicant is now requesting to rezone the property to the R-8 district, which allows parcels to have a minimum of 35 feet in width, 60 feet in depth, and 2,800 square feet in lot area.

The applicant is requesting to rezone a +/- 27,434-square foot property from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional. The property is located at the corner of Clay Street and Country Club Road, is addressed as 1149 Clay Street, and is identified as tax map parcel 29-G-28.

Proffers

The applicant has proffered the following (written verbatim):

1. No duplexes will be allowed.
2. More than two dwellings are prohibited.
3. The minimum setback for principal structures along Clay Street shall be 30 feet and along Country Club Road shall be 30 feet.
4. The driveway entrance will be located away from the intersection of Clay Street and Country Club Road as generally illustrated on the attached work sheet labeled Exhibit A.

5. At the time of future subdivision, the property owner shall dedicate public street right-of-way as described below:
 - a. A triangular area, beginning at the northern property corner and measuring a distance of ten feet along the bearing of the existing, two property boundaries along Clay Street and Country Club Road, where a straight line connects the two end points; and
 - b. From the new property corner along Country Club Road, as described above, for a distance of 190 feet along Country Club Road, the area needed to ensure 30 feet of right-of-way from the centerline of the existing developed street and tapering to the end point the area needed to ensure not less than 22 feet from the centerline of the existing developed street; and
 - c. For the remainder of parcel, a length along a curve for a distance of about 123 feet, the area needed to ensure at least 22 feet from the centerline of the existing developed street.

The conceptual site layout (“Proposed Rezoning Plat”) is not proffered.

Regarding proffers #1 and #2, in the R-8 district, single-family detached homes and duplexes are allowed by right if the lot area and dimensions of the property are met and so long as each unit is on its own parcel. If the rezoning is approved, although the R-8 district dimensional regulations would allow each new parcel to be further subdivided into more lots, the submitted proffers prohibit more than two total dwellings on the subject property.

The R-8 district typically allows for 10-foot front yard setbacks, however, proffer #3 is further restricting front yard setbacks for principal structures to 30 feet, which is the same existing setback regulation for R-1 zoned properties. Note that because the proffer does not address accessory structures, the accessory structure setback would be 10-feet from either public street as allowed by the R-8 district.

Proffers #4 and #5 are addressed in the Transportation and Traffic portion of this report.

Land Use

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

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

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

Transportation and Traffic

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

Proffer #4 requires the driveway for the proposed corner lot to be located further than the required 50 feet from the Clay Street and Country Club Road intersection.

Proffer #5 has three parts addressing dedication of land for public right-of-way. Proffer 5.a commits to dedicating a triangular shaped area for forthcoming improvements by the City at the intersection of Clay Street and Country Club Road, including an ADA-compliant sidewalk ramp for future sidewalk installations. Proffer 5.b and 5.c requires the applicant to dedicate public right-of-way along Country Club Road to allow for future sidewalk and improvements associated with the intersection of Country Club Road and Blue Ridge Drive, which involves a channelizing island to improve the flow of traffic with the geometry that is currently present at that intersection. The Comprehensive Plan's Street Improvement Plan recommends that Country Club Road be improved to a three-lane facility—one travel lane in each direction with a center turn lane. Staff is appreciative of the applicant's willingness to dedicate public street right-of-way to assist with future street improvements.

Public Water and Sanitary Sewer

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

Housing Study

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

Public Schools

Rezoning this property to R-8 with the submitted proffers will not change the estimated student generation for the property.

Recommendation

Staff recommends approval of the rezoning request.

Vice Chair Byrd said I just wanted to make sure that I was understanding the drawing, there is a triangle around where would be the new existing house...so there are two houses in the drawing and there is a triangle around one, those are given the footprint of...

Chair Finnegan asked Ms. Rupkey if she could go back to the drawing.

Vice Chair Byrd said so where it says SBL 30?

Ms. Rupkey said that is the setback line. So, 30 feet from Country Club Road is that setback line. Country Club is 30 feet and then additionally Clay Street is 30 feet. Within the smaller triangle is the buildable area.

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

Hemen Rosul, applicant's representative, along with the applicant, Hewa Mohammed, came forward regarding this request. Mr. Rosul said Mr. Mohammed would like to rezone a portion of this property so he could build a smaller house. Currently the house that is on the lot is about 1,000 square feet. He is looking to build a similar house which would benefit the City and also his family because he has kids and he wants to have something for them for the future. Currently he is saying the lot is basically in that corner and he mows the lawn and people just walk on it and he does not want to put a fence around it. He would like to rezone it so he can build another small house for himself and his family.

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

At this time, the Commission was made aware that the livestreaming on cable TV had not been working properly (livestreaming online was working), the issues were able to be resolved, and the meeting continued.

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

Vice Mayor Dent said I think once again this is a creative use of space to fit in infill housing especially with the intention that it would be for a family. Although, for the future it would just be two houses that become available. I am in favor of this.

Chair Finnegan said this is a little different than the porch R-8.

Vice Mayor Dent said right, this is actually more houses.

Chair Finnegan said we need another designation of R-8P for porch. I would agree with that this is creating another house where there currently is none.

Vice Chair Byrd said as a person that use to mow grass before, I can see why someone was like "uh, if we can reduce the amount of grass that needs to be cut..." so I would be in favor of this, and I will make a motion to approve.

Vice Mayor Dent seconded the motion.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye

Commissioner Alsindi Aye
Commissioner Washington Aye
Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on December 12, 2023.

Consider a request from Harginia LLC to rezone 1300, 1302, and 1316 South Main Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey stated the applicant is requesting to rezone a +/- 1.06-acre property from R-3, Medium Density Residential District to B-2C, General Business District Conditional. The property is addressed as 1300, 1302, 1308, and 1316 South Main Street. The applicant is proposing to build a 7 Brew Coffee shop, which is a drive-thru coffee shop that does not have an indoor dining space or walk-in ordering. If approved, this would be the business's second location in Harrisonburg; the first being located at 1746 East Market Street (the former location of Jess' Lunch #2), which will soon be open for business.

Proffers

The applicant has proffered the following (written verbatim):

1. At the time of redevelopment, or when any new use occupies the property, a six (6) ft. tall opaque fence shall be constructed and maintained adjacent to tax map parcels 18-R-2 & 5.
2. All exterior lighting located on the property shall be downlit and of the type and design as to direct the illumination on site toward the building and parking areas with the intent to minimize light escaping beyond the property boundary.
3. When redevelopment of the site triggers an engineered comprehensive site plan, the redeveloped site shall include a minimum 10-foot wide landscaping buffer located along the rear of the property where it adjoins tax map parcels 18-R-2 and 5. The landscaping buffer shall include trees and shrubs installed and maintained with the intent to form a dense screen and reduce noise from the property. Existing vegetation may be preserved and/or new vegetation installed to form the screen. Newly installed trees shall be at least 6 feet in height at the time of planting.
4. The site's entrance at Edgelawn Drive shall be designed and constructed with a channelizing island to prevent left turn egress movements as illustrated in VDOT Road Design Manual, Appendix F Figure 4-4 Commercial Entrance Channelization Island Options, or an alternative approved by the Harrisonburg Department of Public Works.
5. Before any Certificate of Occupancy is issued, the property owner shall dedicate necessary public street right-of-way to encompass the sidewalk at the intersection of South Main Street and Edgelawn Drive.
6. The hours of operation will be no earlier than 5:30 am and close no later than 10:00 pm, seven (7) days per week.
7. Any outdoor speakers will not produce any sound exceeding 55 dB at any property line abutting a residential use.

The conceptual site layout is not proffered.

Proffer #4 is addressed in the Transportation and Traffic portion of this report.

Proffers #1, #2, and #7 were submitted to address concerns staff shared with the applicant regarding sound and light pollution to the surrounding residential uses. Note that 55 dB describes moderate sounds like the sound of normal conversation, a residential street, or music playing in the background. During review of the rezoning request, staff researched information to better understand the operations of 7 Brew and found that other 7 Brew locations play music on exterior speakers and that it has caused concern in other communities.^{1,2}

As specified by proffer #3, when future development triggers an engineered comprehensive site plan (ECSP), a landscaping buffer shall be established along the existing property line to the east adjoining the existing residential dwellings. The site currently has a partially dense screen that exists along tax map parcel 18-R-5. The submitted proffer will allow for the existing vegetation to be counted towards the new buffer.

Proffer #5 will require that the applicant dedicate public street right-of-way to encompass the existing sidewalk.

According to the applicant, the typical hours of operation for 7 Brew are Sunday through Thursday 5:30 am to 10:00 pm and Friday and Saturday 5:30 am to 11:00 pm. Proffer #6 would reduce the Friday and Saturday night hours to 10:00 p.m., which is one hour earlier than 7 Brew typically operates. While staff is appreciative of the applicant's willingness to limit their hours of operation on Friday and Saturday nights, staff is still concerned about the lighting and noise that comes with such a vehicle-centric business along with the additional noise generated by the planned exterior speakers. With this type of operation, the planned operating hours could be disruptive to the adjacent residential neighbors.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category 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

¹ <https://www.news-leader.com/story/news/politics/2022/07/13/council-debates-proposed-7-brew-drive-through-next-sunshine-elementary/10037681002/>

² <https://sgfcitizen.org/economy-growth/business/7-brew-wont-be-getting-its-mind-blowing-drive-thru-but-city-council-says-they-can-still-operate/>

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.

Staff does not believe that the proposed use conforms with the Comprehensive Plan. As noted above, the property is designated as Mixed Use, which, among other things, is a designation that promotes for “live-work” environments and traditional neighborhood development (TND). A use devoted only to quick in and out vehicular traffic is contradictory to the Mixed Use designation. The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. The planned operation is incredibly vehicle-centric as it is a drive-thru only coffee shop; there is no sit-down component that supports a Mixed Use/TND area. Moreover, the Comprehensive Plan places an emphasis on site layouts within the Mixed Use areas as it states that “scale and massing of buildings is an important consideration in development.” With the planned operation, a large amount of land is devoted to vehicle lanes and parking. Continuing to establish suburban-type development moves the City further from the “live-work” neighborhood style of development that we want for this section of the South Main Street corridor.

Although the applicant is specifically interested in operating the planned drive-thru coffee business, rezoning the site to the B-2 district would allow many other uses than are currently permitted under the R-3 district. Uses that staff believes are inconsistent with a Mixed Use area include vehicle fuel stations, bus terminals; the sale and repair of vehicles, recreation equipment, or trailers; and warehousing as it is permitted in the B-2 district.

Transportation and Traffic

Although a traffic impact analysis (TIA) was not required for the rezoning request, staff has concerns on the impact that the proposed development may have. The intersection of South Main Street and Port Republic Road is one of the busiest intersections within the City and staff is concerned with the proposed vehicle-centric operation being located on this corner.

As specified by proffer #4, the applicant will construct an entrance that will restrict left turns from the subject site onto Edgelawn Drive. In other words, only right turns will be permitted when leaving the site. The proffered channelized entrance control will help prevent customers

from turning left onto Edgelawn Drive and then exiting onto East Weaver Avenue and traveling through a residential neighborhood.

While not proffered, during the redevelopment of the site, the applicant will be required to close and reconstruct the entrances along Port Republic Road and South Main Street. The three existing entrances would not be allowed under today's standards for commercial entrances.

Public Water and Sanitary Sewer

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

Recommendation

Although staff is appreciative of the applicant's willingness to implement proffers to mitigate the concerns of the surrounding residential uses, staff remains concerned about light, sound, and traffic impacts and believes that the proposed use does not conform with the Comprehensive Plan. Staff recommends denial of the rezoning request.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said since the Comprehensive Plan was mentioned, roughly what year were the section of these parcels zoned R-3?

Ms. Rupkey said there was a rezoning back in the 70s, that was a rezoning to R-3.

Vice Chair Byrd said a follow up question, was the financial institution apart of R-3?

Ms. Rupkey said R-3 allows for certain residential uses and business offices.

Chair Finnegan said what can be built there by-right? I am not asking for a comprehensive list but without going through this body, without asking for permission, what can be put there by-right?

Ms. Rupkey said professional offices could go within the existing spaces or a new one can be constructed, a single-family home, a duplex and with a special use permit, apartments.

Mr. Fletcher said that all goes with lot area and dimensional regulations so those are all uses that are by-right that Meg was just talking about, but you have to keep in mind that there are dimensional requirements that come into play there as well.

Commissioner Alsindi said going back to the Comprehensive Plan, if I am not mistaken the definition of live, work and play says developments combine residential and commercial uses allow people to both live and work in the same area. I would just like to have a clarification for what does commercial include? What is the definition of commercial? If this project does fall under the word commercial or not?

Ms. Dang said I would consider this a commercial use; but I think the distinction I would add with what you pulled up here is that in a mixed use area where we are promoting that walkability and a drive through only coffee shop does not promoting walkability. That is the conflict. It is not the

commercial or the coffee shop use... maybe if it was a coffee shop that was designed differently on the site, maybe that would be okay.

Commissioner Alsinidi said the first part of it was in the document like it does not facilitate or help the walk...

Mr. Fletcher said I would like to point out that in the 70s when this site was rezoned from R-1 to R-3 it was possible that financial institutions were permitted by right. Financial institutions are not permitted by right in R-3 any longer, they are business and professional office uses, financial institutions are in a different use category. We would have to dig into to find if the financial institution has operated within the last two years, to figure out if it is a nonconforming use, but financial institutions are in a different use category.

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

Larry Wilson, applicant's representative from the 7-Brew team, came forward regarding the request. He said my engineer is trying to get in, he cannot call in [to the meeting]. One thing that I would like to mention is it is a walkable business, there is a walk-up window, we encourage walk-up windows. We are doing the same thing in multiple cities in multiple cities with colleges. We have the ability to be walk up, we encourage walk up, but it is a vehicular traffic operation. There is a patio on the side that has a walk up window where we can take students or anybody else to it. We are doing the same thing in Lexington, Kentucky and Columbia, Missouri where there are big college towns and we have also included in those towns putting a indoor ordering area to meet the ordinance to have a more walkable use. We have opened the first one in town and students love it. It is a very big amenity for the students to go to, they love the product. We are doing over 400 of these across the United States and we are doing them in a lot of college towns and we are doing extremely well with them. I am happy to answer any questions you may have. We are happy to be here. We are hoping to be rezoned. I kind of feel bad for the owner of the property because he spent a lot of money buying this property and he probably cannot do anything with it. Not my problem, but I do feel bad for the guy because he thought he had a property to utilize for something. Unfortunately, it is not zoned right and that is his own problem, but we are here, myself, to try to rezone. We have the owner of the property and myself here to put emphasis there.

Commissioner Armstrong said so if I understand correctly the music would come on at 5:30 AM for seven days a week.

Mr. Wilson said seven days a week, yeah but it would be at a decibel level that the neighbors would not hear.

Commissioner Armstrong said you do not know that.

Mr. Wilson said I control it.

Commissioner Armstrong said even so you are not the neighbors who are listening.

Chair Finnegan said to that point, you set the decibel level, you have a PA system that is playing music on the outside of the building because we did go by and visit the other location and the speakers were facing outwards.

Mr. Wilson said every one is different but we would adjust it. One of the proffers that we were asked for was that we start it later. My problem is not being in town I cannot control when these kids turn it on. I would love to say we would start it at 6 to 6:30 or 7:00. I would be lying to you if I said we can control that.

Chair Finnegan said is that apart of the business model, that every location of 7 Brew has music playing outside of it?

Mr. Wilson said it is a part of the ambiance that make people... if you go online and look at the reviews one of the biggest reviews is the music, and it how it makes people enlightened, and makes people feel good about themselves. The kids are out there dancing and playing. People love it. I would encourage the board to look at reviews online of other 7 Brews.

Commissioner Armstrong said if you are unable to control this because you are offsite, is there the potential that the music can be louder without your control?

Mr. Wilson said we put a lock on it. We are happy to have the town come over and we have the decibel level monitor there, we can do it, set it, lock it. My concern is that I cannot control when these kids turn it on. It would be all off or all on, I cannot control it either way. We can control putting the music completely away from the neighbors. I think that the proffers that we put in place for the fencing and all ten feet of landscape buffer... I am confident and I am willing to if someone tells me it is over 55 turn it off but I put in my proffer that I would control that.

Commissioner Armstrong said I can comment that I live in this neighborhood, not adjacent to this proposal, but one the great things about a R-1 district is that it is quiet. This would be a real problem for me.

Mr. Wilson said I understand. Just the music?

Commissioner Armstrong said there are other issues, but we have not gotten to those. The traffic is a really big problem too. The music would be a definite problem for me. We just do not do that in Purcell Park neighborhood.

Vice Mayor Dent said in our writeup the staff is saying the planned operation is incredibly vehicle centric as it is a drive though only coffee shop as there is no sit-down component, however, you just said there would be.

Mr. Wilson said if the town would like us to put in...It is a modular building we could build the modular building 8 feet longer so that the front 8 feet could be a walk-up area indoors that they could order from and be served. Most college towns are looking for that lifestyle that you are looking for. Columbia, Missouri, Lexington, Kentucky, Louisville, Kentucky, we are doing all of

these, Fayetteville, Arkansas, we are putting in an extra 8 foot in front of the building so you could, if that was a concern.

Vice Mayor Dent said that is not a part of your offer at this point.

Mr. Wilson said if the town would like that, we can make that apart of the offer. What we are trying to find out is to try and find what the town likes; to try and make it workable for the town. If that road is a busy road, I do not know if the town wants people and students walking across that road to get to campus. I am told it is a very busy intersection, which it is. The traffic on the intersection is loud itself. We have evidence that I would be glad to share with the town in the next meeting that we do not bring new traffic, we take existing traffic. We have done traffic studies. We had them done to show that we do not bring additional traffic, we take traffic that is already there. It is not like we are going to bring more traffic to that place. We are going to bring more traffic to that lot, but to that intersection we will not bring more traffic. That is a factor we can prove through traffic studies that we have done. We are willing to work with the town to do what we can to make it a viable use.

Commissioner Armstrong said but you did get the feedback from the City already that this is car centric. You got that feedback, right?

Mr. Wilson said I do not know what you mean by that ma'am. I want to make sure I understand your car centric meaning.

Commissioner Armstrong said staff has recommended denial of this proposal because it is car centric. You got that feedback, right?

Mr. Wilson said car centric means it has a lot of vehicles through there? I do not know what car centric means.

Commissioner Armstrong said I am only asking if you have heard that term because you got the feedback from this application already.

Mr. Wilson said Meg has told us that the town is looking for something that is a walkup style business not a vehicular style of business if that is what you are asking me.

Commissioner Armstrong said the language that the City has used that we have in this application is that it is car centric. That is the language in the report here. You have seen this correct?

Mr. Wilson said yes, I do not know what car centric means. I am a high school dropout so I do not know what car centric means. I am just trying to understand.

Commissioner Armstrong said but you have read it?

Mr. Wilson said of course.

Commissioner Armstrong said that is all I am asking was that you have seen the feedback from the City already.

Mr. Wilson said of course.

Vice Chair Byrd said you mentioned that you have your own internal studies, which makes sense for any business because you have to figure out where to pick a location. Is that the driving portion of the business that is what that is concerned with?

Mr. Wilson said we have done traffic studies to show that we do not bring in new traffic. Our trip generation is from the traffic that is already existing on that road.

Vice Chair Byrd said you are utilizing the existing traffic to feed the business.

Mr. Wilson said correct, yes sir.

Mr. Wilson said is there any other question about the business itself that I could answer? I would love to answer anything about the business and the tax generation for the business. I know it does not matter to you guys but...In employment we hire 50 people who we pay great wages. These kids make 18-20 dollars an hour between their salary and tips. Management makes \$75,000 a year. It will be about \$600,000-700,000 of payroll and substantial sales tax. We are hoping this goes through.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request.

Ms. Dang said while he [referring to the next speaker] is coming up I just wanted to let you all know that I did test the [call-in phone] number, 540-437-2687 and it did go through to the booth.

Dave Pruett, a resident at 28 Edgelawn Drive, came forward to speak to this request. He said as all of you know, Purcell Park is a vibrant, close-knit neighborhood of mixed generations, mixed ethnicities, mixed-race, and mixed social status. A former resident of Purcell Park described it [the neighborhood] as “Norman Rockwell country.” We love our neighborhood, as does virtually everyone who lives there. We have wonderful neighbors, two of them are here this afternoon, Jeff Landis and Randy Hoffman. Joyce Millim, who is right next door to the proposed drive through coffee shop, is the one who alerted us to the proposal. Unfortunately, she had a meeting tonight and could not be here. We love walking in Purcell Park, a park that has been gradually transformed over the years from mediocre to almost magical thanks to the long-term care from the City and City staff. Our neighborhood has also been wonderful because of its proximity to our places of work and to downtown events. But the Purcell Park neighborhood is and always has been extraordinarily vulnerable. It is under constant threat from commercial creep or being swallowed, piecemeal or whole, by JMU. Chapter 6 of the Comprehensive Plan entitled “Neighborhoods” makes it clear that job one of good city government, especially a City that proclaims itself to be the “Friendly City,” is preserving the integrity and viability of established neighborhoods. You have been asked tonight to consider a measure that could potentially impact

a long-term integrity of the Purcell Park neighborhood. I am speaking for myself here and my wife, not our neighborhood, but I suspect that most neighborhood residents feel as I do. We would not strongly object to the parcel in question sprouting a sit-down coffee shop with limited hours, maybe to 5 o'clock in the evenings or a dentist office or a doctor's office or a café with limited hours or even another branch bank something with light traffic options, limited or no noise and limited hours of operation. However, as you have already alluded to this B-2 zoning covers a multitude of sins. Some of those options include 24-7 highly-lit gas stations, vehicle repair shops, warehouses, bars, and parking garages, among other things. Some of the options could significantly degrade the quality of life in the neighborhood and the property values of those who live nearby, essentially undermining the long-term viability of the neighborhood. So, the devil is in the details. Unless the City can guarantee in some way that the B-2 designation would somehow be consistent with the wisdom and values of the neighborhood then we would ask you to please deny the request to rezone. I think it is also worth noting that the company Harginia, that made this offer, is headquartered in New Jersey. I would ask the Commission also to weigh carefully the motives of an out-of-state entity. It seems like they are financial and there is very little consideration if any of what it would do to the neighborhood. It is all about giving the students a good time and we are already suffering enough for that, the good times for the students in our neighborhoods. Finally, I would like to add those in the neighborhood do not feel like we have had time to process this, we just found out about it three days ago. If we had found out about it sooner this room would probably be full because we are a tight knit neighborhood. I believe that the sign that was erected on the property blew down, so that is one of the reasons we have not heard about it. Thank you.

Randy Hoffman, a resident at 25 Edgelawn Drive, came forward regarding this request. He said while I am not necessarily adjacent, my property is right across the street from the location that they are proposing as the entry to this business. It definitely has an impact. Not only on my life but on my property values and on my neighborhood. The person who was supporting this effort, or I guess speaking on behalf of the applicant, indicated that it was unfortunate that they had purchased this lot and spent significant funds and now are finding themselves in a tough situation, I have a lot of empathy for that, I feel very badly that they have dropped a big dime on that corner property that may have limited utilization but that seems like a decision that should have been evaluated and made before they purchased the property rather than to come to you after the fact and say "Woe is me. How can we recoup our investment?" I also am really quite concerned about the comment that this would add no traffic. While this may not add any traffic to South Main Street or to Port Republic Road, the proposal that this unit have its drive and entry off Edgelawn Drive is just almost incomprehensible to me. I am not sure if you have had the opportunity to travel on Edgelawn Drive but if you take a right on Edgelawn as you are heading north on South Main just before you would have gotten to the bank in the past there is a very much a small neighborhood road with two lanes, no sidewalks, well that is not entirely true there are sidewalks for about the first 70 or 100 feet on the south side of the road and they extend down through the first three lots on the north side of the road. As you proceed down Edgelawn Drive and you continue around the curve and you are on Edgelawn Drive heading south towards Weaver, this road changes pretty dramatically and there is room for one car. If I am coming to my home and somebody is coming the other way, one of us has to pull off the road. There is not

room for two cars to pass. While I recognize that the applicant may perceive that no traffic is not likely to come there and/or may have the perception that everyone in Harrisonburg would come to that location and would leave that location off of Main Street, I think that is far from reality. I think that our community will quickly learn that one option that they would have to get to that location without going through so much traffic would be to come the back way and come around Edgelawn Drive and slip in. While that drive and that exit may be designed according to VDOT plans, to encourage a left hand turn only the amount of traffic that is on that road is not such that I think you will necessarily generate wonderful compliance simply by having a curved curb at the end of the driveway. I think you would find that many people would look at the traffic that is on South Main and go “woah” and they are going to zoom around that curved drive and come down exactly that portion of Edgelawn Drive that is designed for one lane of traffic. Third, the applicant spoke to the level of sound. I am a bit of an old fart and I have to tell you I do not know that I can hear 5 decibels from my house right across Edgelawn Drive but I am pretty sure that my dogs can. If my dogs hear that noise at 5:30 in the morning, I will hear my dogs. I do not think that there is a likelihood that another manmade sound in that area, they have gotten use to traffic but next to that location in what use to be, I guess what is now called the stone building there is a tree service and they only use that for parking and they come and go but if they come and go early, I am awake because if my dogs hear that extra noise of a car door shutting it is not a normal sound in our neighborhood at that time of day and they let me know about it. I would also strongly urge the Planning Commission to decline the request. I would agree totally with my neighbor Dave and say that I would not necessarily be opposed to a coffee shop. When I first saw this I was actually fairly excited. I personally make the drive around the corner way too many times to get my wife a drink from Starbucks on a regular basis. It would be wonderful if there was a coffee shop right next door. Unfortunately, the way this is being planned is not consistent with Purcell Park neighborhood. Please turn down this request and/or if that is not something you can do, at the very least postpone a decision on this, table this request until we can get the rest of the neighborhood aware of what is going on to present their concerns as well.

Jeffery Landis, a resident at 59 East Weaver Avenue, came forward regarding the request. He said I and my family have lived in the neighborhood for 43 years. We have spent a lot of time in Council Chambers and with Planning Commission fighting for survival essentially. We have heard through the years assurances that traffic impacts would be minimal, noise levels minimal and with respect to the applicant’s comments I hear that efforts have been made to address those concerns but in reality sometimes what is promised does not actually happen. We have a great deal of walking traffic through the neighborhood from the students. Carousing from Main Street and that could potentially add to it albeit at earlier hours than we usually hear students. They do not usually walk down the street at 5:30 in the morning unless it has been a long night of partying. I would just say again, that as Dave Pruett mentioned, had more neighbors been aware of this proposal, I think we would have probably would have had more representation tonight and I think it is an important matter that would require input by those affected by it. I just ask that you consider that. I think that is pretty much it. My concerns have been well expressed by my two neighbors. Thank you very much.

Chair Finnegan said while the public hearing is still open, if the applicant would like to respond to any of the concerns you are welcome to, you are not obligated to.

Mr. Wilson said I understand the public neighborhood's thoughts. It was not our desire to do Edgelawn ourselves. It was something that we were told coming in tonight, was mandated. It was not a choice of ours. We accepted closing and I want to say I do not own the land, it was not my investment. The person who bought the land is from New Jersey, I am not from Jersey, I am just a simple business guy trying to come to a town to do something. We were happy to have one entrance on South Main Street at the back end but we were told no and I have accepted that. We are willing to be a willow tree in this case and to bend any way we can bend to make it good for the neighbors. We have agreed to put the porkchop I guess you call it coming out of the property so that you can take a left-hand turn. We put a one-way sign that you must turn right. I truly understand the neighbors' concerns. They were talking about their values and again I do not own the property and it is not my business. The fella who bought the property for \$1 million thought he found a commercial property; I feel bad for him because he thought he had something that he could do something with and he has something he can do nothing with. Not my business but I would just like to say that. We are willing to look at any option to make it work for the town and for us. It is, I think, probably the busiest intersection in town. You cannot change the traffic that is there, it is a college town and college kids are out and about. They do not come out at 5:30 in the morning, that is a fact. They are out at 10 and 11 o'clock in the morning but not 5:30. We are not busy at 5:30 in the morning. Normally we get four or five cars for that first half hour. It is really not a high traffic place in the morning. Our traffic is all day long. Thank you.

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

Mr. Wilson continued again the music, I am willing to work on the music. If the music is the concern, there are obviously alternatives to do the music and we are not silly enough to say that we are not willing to talk about the music. I do not think the music is one of the things that is going to stop this from happening but I can promise you, I can prove that trip generation will show you that people are not driving out of their way. We are taking people that are already in the neighborhood on that roadway.

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

Vice Chair Byrd said is this section of Main Street apart of any corridor classifications? When we were discussing something about those on North Main Street there was discussion that it was designated for certain...

Mr. Fletcher said corridor enhancement would likely...I can double check but it is probably within the corridor enhancement areas and it speaks to high level matters associated with signage, street appeal and aesthetic, biking, walking. It speaks to matters of, as is really a big charge from Public Works, entrance controls and making sure flow of traffic is controlled in an appropriate manner.

Vice Chair Byrd said thank you, I just needed to clarify that in my mind.

Vice Mayor Dent said based on the applicant's response there was consideration of an entry directly off of Main Street was not allowed?

Ms. Rupkey said the Department of Public Works the entrances that are existing now are not allowed by our standards now without significant improvements

Ms. Dang said if you notice it is a corner lot, but the entrance is very close to the intersection. The turn lane begins where the intersection... There is a lot of conflict already existing there currently.

Vice Mayor Dent said there are two entrances exits from Main Street currently, that was my bank that I used until they closed it, right?

Ms. Rupkey said yes, there are two [on Main Street] and then one on Port Republic.

Vice Mayor Dent said it seems to me that if they kept the one entrance, the further one from the intersection from Main Street...

Chair Finnegan said none of those entrances will be used. Correct me if I am wrong, but those do not conform to the modern-day standards. If you were to build a new bank, same exact use, new building they could not do the entrances the way they have them now.

Mr. Fletcher said that is correct.

Commissioner Baugh said I asked about this during the site visit and the answer as I understood it was basically anybody that went in there let us say that you wanted to do the bank or something and you wanted to use the existing building more or less the way without any substantial redevelopment, then you are allowed to use the existing entrances. Anything else whether it is a rezoning or substantial redevelopment even under the existing zoning would require them to go to the new rules and that would not allow any of the ingress or egress off of Main.

Commissioner Armstrong said one of the big problems which you can see on the conceptual site layout is not only is South Main really busy going both directions but there is a dedicated right turn lane that wraps around this property. People have to cross two lanes of traffic and cross that dedicated right turn lane which is really busy. It is kind of an accident waiting to happen. It is a third lane but it does not move very fast and it is dependent on the light structure. It is not a good plan.

Chair Finnegan said I think a couple of things could be true at the same time it may be true that there are people already driving. I do not think that denying this will make the traffic on that corner better but I do think that by approving it that is going to make things worse especially for Edgelawn. I understand the comments that the applicant made about you cannot change the traffic that is there and not with this request, but I think we can change the traffic that is there in the long term. I think we have to because in order for this to be mixed use, I am talking big picture, and have people feel comfortable walking around in this area, which we should be encouraging, we need to find a way to reduce the amount of traffic that is there. When we were there on the site visit two days ago I saw a gentleman on a bicycle. He was on the sidewalk on Main Street he got

honked at, he almost got hit. Regardless of what happens with this site the roads that are here are car centric in and of themselves and that is something that I hope we can change in the long term. I agree with staff.

Vice Chair Byrd said I have been historically known to not care about traffic however I do want businesses to succeed and for any business that has a drive through that would succeed we would have lots of cars at their drive thru area. Which if we were a certain business in town that have had a lot of success at particular times, that becomes a nuisance in areas that are already built to absorb that success. This area is not structured to absorb that type of business having success. That brings a concern to me about this particular type of business at this particular intersection. Then there is the other issue of even though I am not bound by the Comprehensive Plan, I do feel it is a promise to the community that we are in general going to be in alignment with what we have suggested to the community as the plan and any significant divergence from that I feel that I need to be a little bit more stringent on. The neighboring areas are not zoned to be commercial businesses though some office businesses and things like that may be acceptable currently under the current zoning I feel that this particular type of change is too divergent from what we have promised the communities. If we are always encouraged to just change things just because someone has presented an offer then why even present a Comprehensive Plan to the community at all, besides the fact that the state mandates it. In light of that, I would not be in favor of changing it into a business zoning. A B-2 type of zoning in this area speaking in this area in general I would not see rezoning any of these areas into B-2. I am also highly aware that sometimes I have to go through the south side of the City and I come that way to head onto 81 and that intersection is not kind to anyone who is from that neighborhood. I am not from that neighborhood, so I am not helping them. I am getting in their way, but it is not that way. The neighboring roads as I have mentioned before I am one of those people who take the path less traveled and it is not structured for a person like me and I will admit I would be one of those bad people doing that and therefore I would also not want to encourage people to do a thing that I know I would do when I know it is wrong, that is another reason even though I rarely worry about traffic. This particular intersection I feel is not a good idea for basically any drive-through, any gas station, anything like that.

Vice Mayor Dent said just looking at this conceptual site layout, it really is all about the cars. Turning the whole lot into traffic lanes. Now, I can see this being an ideal spot for something along the lines of Greenberry's. It is a coffee shop where people mostly sit and stay for hours and study or whatever. There is a drive through lane, but it does not dominate the whole property the way this does. I think there could be viable uses that would be more neighborhood friendly and less assaultive to the neighborhood. Having the late hours with the music going all the time really does not sound neighborhood friendly. Much less this entrance onto Edgelawn that especially learning about the one-way part of Edgelawn, that is really inviting trouble. I would be against this in hoping that there could be a better proposal that is more neighborhood centric. I will also just echo what Chair Finnegan says about this is not a neighborhood friendly street. As I said, that was my bank and I would walk across the street, but it was terrifying. Islands in the street or whatever traffic calming that is another longer term idea but whatever we can do with this property to slow it down a bit and have a business where it is friendly to both the neighborhood and the drivers, that would be more amenable. As it is, I would not approve this.

Commissioner Baugh said I think... I too, unless somebody can say something I find persuasive, I am not going to support this. I guess I have a couple of thoughts on this that one of them has not really been mentioned but I have to say I think I might vote against this alone just on the inadequacy of the proffers. There is just too much of right B-2 that is left of this. I think we can talk about all of these other interesting things all night long, but that in and of itself is probably enough to not get me to support this. The other piece that I think is maybe a little closer to what we are getting at...as I was looking at this I was mindful that we have had some of these proposals come up where we have property, some of these areas and this would be one of them, where we have proactively said that we were going to promote mixed use long term. I sense that staff has been pretty consistent in reviewing these. One of the things we liked about mixed use is the flexibility, but staff has been pretty consistent in saying let us look at the big picture, let us really think of what we are trying to promote for a mixed-use area. I am sure there are others but the two that come to mind because we were not unanimous is the convenience store up at North Main and Mount Clinton and the maybe one of these days 865-esque building behind the McDonalds on Reservoir over by the Food Lion. Both of those were ones that staff recommended against. They recommended against them for reasons that are consistent with the recommendation here. We had some difference of opinion about it. This one I am having trouble seeing the difference in opinion here. The convenience store at that spot was not exactly like we wanted, maybe it was perfect, maybe you could see where someone would support it. The student housing over there, we have student housing that still has a commercial component, maybe just not exactly what would be ideal. This is going to be a big chunk, we are going to struggle to ever get this back into the mixed-use thing that we hoped to see develop in that area. If we let something this car centric, it is not just that, but it is certainly one aspect of it. I do not see myself supporting this to be honest.

Chair Finnegan said I do think you make a good point that we have an opportunity here. What is the Giles Stone property is a couple blocks away that has been rezoned to R-5.

Ms. Dang said with a special use permit to allow for non-residential use.

Chair Finnegan said and we have Grilled Cheese Mania. They are the start of some sort of more walkable businesses, mixed use. That kind of stuff is not fully formed but the pieces are there and I would agree with Commissioner Baugh that if we move in this direction we are moving in the wrong direction. I do not think I could support this.

Commissioner Washington said I just have to say that Vice Mayor Dent said everything that I wanted to say. The only thing I have a thought about is the noise ordinance, is 55 decibels a standard everywhere? What is the standard for noise?

Ms. Rupkey said it depends on different uses that are on the site. For restaurants, they can play music during their operating hours to 65 decibels.

Commissioner Armstrong asked on an outside speaker?

Ms. Rupkey said yes ma'am.

Commissioner Baugh said I can tell you from experience that trying to think that you are going to anything, getting a result that you want because we are going to be able to hold the line on the noise ordinance regardless of even how much you tinker with, it is going to be tough. I am probably oversimplifying it. I think that its primary function is allowing the City to address the classic examples of large parties. The situations where somebody is just really generating a lot of noise in a spot that just seems inappropriate for the surrounding but say that you are going to go around trying to enforce the noise ordinance, actually it was the Virginia Supreme Court that made a decision seven years ago that says yeah if you go to an objective standard which means if you call law enforcement and you are going to try and do it, they have to actually be able to take the measurement. That in and of itself is problematic, there are a whole series of things if you have been around this before. I am not going to say the noise ordinance does not do any good but if you are thinking that you are going to address the situation by saying well as long as we can keep them on the right side of the noise ordinance it would be okay, good luck on that.

Commissioner Washington said I was just curious because what is loud to me is probably not loud to you all, or vice versa. In terms of the standard to measure it to I think that would be important in this case. Based on what has been presented, I am not in favor of it but the opportunity for it to be more walkable... that would be a cute place for a coffee shop but not like this.

Commissioner Armstrong said something that has not come up is student car sound systems are really obnoxious. They have got these super woofers, I think, that do a loud bass that I can hear through my closed house. It is pretty incredible. As a public health practitioner, I do not know how they... That has not even been discussed. You have students sitting in a car waiting to go through a drive through at whatever time and they are playing their sound systems. They are going to exceed the 55 dBs.

Commissioner Alsindi said I have nothing to add except another thing I agree with the nature of the business, the concept does not fit with the location.

Vice Chair Byrd said along with those comments, I will make a motion to deny.

Commissioner Armstrong seconded the motion.

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

The motion to recommend denial of the rezoning request passed (7-0). The recommendation will move forward to City Council on December 12, 2023.

The applicant withdrew their application and was directed to work with staff to complete the withdrawal process.

Consider amending the Zoning Ordinance to amend the definition of “Family” and add “Recovery Residence” use

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the City is aware of three properties in the City that are in violation of the Zoning Ordinance for exceeding the residential occupancy regulations of the zoning districts in which they are located. The three properties include 760 Collicello Street, 339 West Water Street, and 69 Middlebrook Street. The overoccupancy of these units, however, is different from other overoccupancy violations that have been identified from time to time. In these three examples an organization known as Oxford House, Inc. has coordinated efforts to help individuals, who are recovering from drug and alcohol addiction, to reside in these units with other individuals in similar circumstances so that they can live in—as described by the Oxford House website—“a democratically run, self-supporting and drug free home.” The Oxford House website notes that “[t]he number of residents in a House may range from six to fifteen; there are houses for men, houses for women, and houses which accept women with children.” The City is also aware of another organization planning to establish a similar operation in the City.

On June 29, 2022, staff sent notice of violation letters to the property owners of the properties identified in the previous paragraph as well as to the residents of those addresses and to the Oxford House, Inc organization. On July 17, 2022, on behalf of the three aforementioned Oxford Houses, its residents, the Oxford House, Inc. organization, and the property owners, Stephen G. Polin, Esq., General Counsel for Oxford House, made a request to the City for reasonable accommodation pursuant to the Federal Fair Housing Act, 42 U.S.C. 3604(f)(3)(B), by requesting: “a waiver on the limitations of the maximum number of unrelated persons who can reside together as a family under the City’s definition of family, and equal treatment in the City’s single family zoning laws that is applied to “residential [*sic*] facilities.” Mr. Polin’s letter goes on to state that “[s]pecifically, I am requesting that the City waive any state licensing requirements and staffing requirements that pertain to ‘residential facilities,’ and treat the use of these Oxford Houses as the functional equivalent of a family, and the use of the property as a single family use.” A copy of Mr. Polin’s letter is attached.

The Fair Housing Act requires municipalities to make “reasonable accommodations” to their rules, policies, practices, or services, when the accommodation is necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling. Under federal law, addiction is considered a disability; therefore, accommodation requests to the Zoning Ordinance that would facilitate recovery from addiction must be considered and, if reasonable, granted. These often take the form of “group homes.” Additional information is available in the 2016 Joint statement of the Department of Housing & Urban Development and the Department of Justice titled “State and Local Land Use Laws and Practices and the Application of the Fair Housing Act,” which is attached.

Virginia law requires localities to treat as a “single family” the residents of any group home or other residential facility that is subject to licensing requirements from the Department of

Behavioral Health and Developmental Services with eight or fewer residents. In addition to state licensing requirements, these group homes must have one or more counselors or other staff members.

Group homes affiliated with Oxford House and other similar organizations are not subject to the same state licensing requirements and are resident-operated. In other words, there is no outside counselor or staff member who operates the home. Localities are often asked to accommodate these group homes by treating them no differently than state-licensed group homes.

Currently, the only process to request a reasonable accommodation for a group home requires the applicant to request an amendment to the Zoning Ordinance.

On September 13, 2022, at a regular City Council meeting, City Attorney Chris Brown requested City Council's input on different options for Zoning Ordinance amendments to ensure compliance with Federal Fair Housing laws. At that time, City Council directed staff to prepare a Zoning Ordinance amendment to create a group home use permitted by special use permit in any residential district. On December 14, 2022, staff presented Zoning Ordinance amendments to create and define a new use called "Cooperative Sober Living Residence" and to allow this use by special use permit in most zoning district. While staff recommended approval, Planning Commission, with a unanimous 7-0 vote, recommended denial of the ordinance amendments generally because the Planning Commission believed there should be a by right option. On January 10, 2023, the Zoning Ordinance amendments were presented to City Council by City Attorney Chris Brown who then stated that staff chooses to withdraw the request for further evaluation. The meeting minutes from both the December 14, 2022, Planning Commission meeting and the January 10, 2023, City Council meeting are attached herein.

Staff is proposing to amend the Zoning Ordinance (ZO) to create and define a new use called "recovery residence" and to amend the definition of "family" to align with Section 15.2-2291 of the Code of Virginia. Together, these amendments would ensure compliance with the Fair Housing Act, which requires municipalities to make "reasonable accommodations" to their rules, policies, practices, or services, when the accommodation is necessary to afford persons with disabilities equal opportunity to use and enjoy a dwelling and would align with the Code of Virginia's regulations associated with assisted living facilities and group homes of eight or fewer individuals. If approved as presented, recovery residences with up to eight individuals would be permitted by right within any legal dwelling unit. If a property owner wanted to have a recovery residence with more than eight individuals, they would have to apply for a special use permit (SUP).

The following is the proposed amendment to the definition of "family" and the proposed new use and associated definition for "recovery residence":

~~Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption or marriage as distinguished from a group occupying a boardinghouse, roominghouse or hotel as herein defined.~~
Includes:

(a) An individual, or two or more persons related by blood, marriage, adoption, foster care, or guardianship; or

- (b) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of the Zoning Ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor;
or
(c) A group of up to eight aged, infirm, or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia; or
(d) A recovery residence, as defined, provided it has no more than eight (8) individuals.

A family is distinguished from a group occupying a boardinghouse, rooming house, or hotel as herein defined.

Recovery residence: A dwelling unit occupied by multiple unrelated residents in recovery from chemical dependency and considered disabled under the Federal Fair Housing Act Amendments of 1988 that provides a non-institutional residential environment in which the residents willingly subject themselves to rules and conditions intended to encourage and sustain their recovery. Residents of a recovery residence share kitchen facilities and other common areas of the unit. A recovery residence is not required to provide on-site supportive services to residents, but is, or intends to become, certified by a credentialing entity approved by the Virginia Department of Behavioral Health and Developmental Services.

Within the proposed “family” definition, subsection (a) broadens the existing definition to include individuals under approved foster care and guardianship. Subsections (b) and (c) align the ZO with Section 15.2-2291 of the Code of Virginia associated with assisted living facilities and group homes of eight or fewer individuals. A copy of Section 15.2-2291 is attached herein. Subsections (a), (b), and (c) are consistent with how City staff has enforced the ZO’s occupancy regulations. Finally, subsection (d) adds a recovery residence of no more than eight individuals. This amendment would allow “recovery residences, as defined, provided it has no more than eight (8) individuals” in all legal dwelling units. Staff recommends allowing up to eight individuals because this number is used in the Code of Virginia Section 15.2-2291 for group homes and assisted living facilities and it appears that eight individuals is a common standard practice.

The proposed “recovery residence” definition requires that the residence either be certified or intends to become certified by a credentialing entity approved by the Virginia Department of Behavioral Health and Developmental Services. Information on Certified Recovery Residences in Virginia and how to apply to become a Virginia Certified Recovery Residence is available at: <https://dbhds.virginia.gov/office-of-recovery-services/recovery-residences/>.

In addition to allowing recovery residences of up to eight individuals by right, staff is proposing to allow a “[r]ecovered residence of more than eight (8) individuals” through approval of a SUP within the following zoning districts: R-1, R-2, R-3 (Multiple Dwelling), R-3 (Medium Density),

R-4, R-5, R-6, R-7, MX-U, R-8, MH-1, MH-2, B-1, B-2, M-1, and UR. A property owner who desires to allow a “recovery residence” with more than eight individuals would apply for a SUP, which would require the typical periods for staff review, posting of signs, mailed notifications to adjacent property owners, advertisements in the local newspaper, and public hearings at Planning Commission and City Council. Note that staff is proposing to add the use to the B-2 and M-1 districts as there could be residential dwelling units that are nonconforming in those districts and thus a property owner could apply for a special use permit to allow a “cooperative sober living residence” in those units. There are also particular SUPs that can be applied for in both districts that allow for dwelling units.

Staff recommends approval of the Zoning Ordinance amendments.

Chair Finnegan asked if there were any more questions for staff.

Vice Mayor Dent said just pointing out the difference between certified and licensed, the “b” and “c” items, that does not apply to recovery residences, however, it does need to be or intend to become certified. Is that a lower standard?

Mr. Russ said this has been the source of many questions over the last four or five years and I do not know why the state came up with those two different terms, it creates a lot of confusion. The licensed facilities are typically going to have a practitioner who is actually on site and providing some sort of medical care versus the certified recovery residences. They have a list of rules that they abide by and there are larger organizations that keep them in check, but they do not necessarily have a profession providing those sorts of medical services on site. The licensed facilities versus credentialed recovery residences are two separate things.

Vice Mayor Dent asked who would that credentialing entity be?

Mr. Russ said the state approves credentialing entities. They have approved Oxford House and the Virginia Association of Recovery Residences which is sort of a larger national association of recovery residences. Each recovery residence, to maintain your certification it is a yearly process where you submit updates on how things are going.

Chair Finnegan said my question relates to this part in the report where it says, “reasonable accommodation pursuant to the federal Fair Housing Act.” How much choice do we really have here, if we need to bring our Zoning Ordinance or these definitions into alignment with that. This is not a statement for or against, it is just a question about how much latitude do we even have.

Mr. Russ said generally speaking, eight seems to be kind of the magic number that the courts and the expert witnesses and everyone kind of decided that is where the line is reasonable. Eight unrelated people can be equivalent to a family in order to accommodate people who are recovering and that is in part to accommodate they need someone who is kind of President of the house, you need someone else who is collecting money to pay utilities and everything, you need to account for potential vacancies of one or two and you need a certain number of people there for it to fully be an operating house. Eight seems to be what works best for the model that Oxford House uses. Generally, courts have told localities that “no, you did need to approve that. You needed to make

some sort of accommodation there around eight.” There are cases involving houses with 12 or 16 people. At some point, it is too big. This is no longer equivalent to a family and that is kind of what the special use permit process would be for. We may have some scenarios where it makes sense for the property or what they are proposing. Some recovery residences have individuals that have young children, so maybe you do need more than eight because some of those eight are going to be children. There is not a whole lot choice, you run the risk of a lawsuit.

Chair Finnegan said that is what I was getting at. I guess my follow up question is, it sounds like this is equivalent to or in alignment with a lot of other cities with they kind of have. So, if Harrisonburg is in trouble a lot of people are in trouble because the ordinances are all kind of the same.

Commissioner Armstrong said in here it said that typically these are organized as single gender, male house, female houses, and houses with children they tend to be designed to be specific to those types of groups. I wondered why we use persons and individuals rather than adults because the way it is designed now you are discriminating against women with children. Women with children are going to have to special use permit. If we used adults in here there would be some flexibility around the inclusion of children because the tasks you mention are adult tasks. Then we could give more flexibility to these houses with women who have children.

Mr. Russ said I am not sure that I had considered that. That is certainly interesting.

Vice Chair Byrd said you are coming to the number based on the idea of a family. You are saying that there would just be less women in there because if they had their children they would be counted as individuals and persons. They are individuals and persons.

Commissioner Armstrong said that is discriminatory to women and children.

Vice Chair Byrd said it is a recovery house. What I am saying is it is a recovery house we are trying help the people. They need help with that situation they are dealing with and the fact that they also have to take care of their children, I do not see how adding more people in aids that.

Commissioner Armstrong said that is a long discussion and I do not think it warrants a back and forth now but if you are doing shared in a recovery situation like that there is a definite shared assistance. If we are cutting down the number of adults because you are including children then you are reducing that distribution of that load and that work capacity.

Chair Finnegan said I think I understand the point that Commissioner Armstrong is making. My question to Mr. Russ would be... I do not like making edits to this language on the fly. We have a pretty full docket next month and I would hate to table this and come back to it. Is it possible to between here and City Council adjust the language? I would like to suggest that we change persons to adults or something to address that.

Ms. Dang said or individuals over age 18.

Mr. Russ said we can reach out to the Department of Behavioral Health and Developmental Services has an Office of Recovery Services that oversees this and a number of other programs, I can reach out to them and ask if they have any insight into how this holds where some of the residents that have children work and what would be most appropriate.

Vice Chair Byrd said I just wanted to clarify that is my only concern about this. We are discussing this as if these do not already exist and are dealing with the very question of bringing it up. If that has not been accounted for with the coming up of the eight, then that is a concern. Therefore, I would also be in favor of adjusting the language to account for the possibility of children not being accounted in the restrictive eight number. If they still came to the number eight and they were accounting for the presence of children, then I do not see why we would need to change the language. That was my only concern about that.

Chair Finnegan said if there is, on this Commission, an appetite to advance this with some modified language what is the best way for us to do that? Tabeing it?

Mr. Fletcher said I think you could offer, if this is the direction you are going, a recommendation for if you say you want to approve it with giving staff the flexibility to amend language appropriately to rectify issues bought up by Commissioner Armstrong. You can technically make a slight amendments even without that motion but I think it makes it more clear.

Commissioner Armstrong said it is very specific to the definition of the number eight to individuals, persons or persons over 18 are adults. That is a very specific adjustment. I would leave that up to you.

Vice Chair Byrd said I would have no issue with that.

Chair Finnegan said if somebody wanted to make a motion to support it would be with the amended language to allow for children not counting as the eight.

Mr. Fletcher said I would also like to maybe build in a bit of flexibility kind of speaking to what Mr. Russ was saying that we can reach out to the Department of Behavioral Health and Developmental Services. They may have something that says do not worry about that particular thing, we can account for that and I would like to be able to have that flexibility as well. We hear the message.

Vice Mayor Dent said just to circle back to what I asked before and your follow up question about fair housing and how much choice do we have, is having requiring certifications still allowed under Fair Housing?

Mr. Russ said yeah, that is not an issue.

Chair Finnegan opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Paul Stevens, a regional manager for Oxford House, called in to speak to the request. He said we have no objection to the proposed amendments. While I will express some concern, we do not always agree that part of the [unintelligible] is always a reasonable accommodation depending on the house, the community and the costs, there are operational and financial needs that sometimes make a compelling case for a nine or ten bed Oxford House. We do not have any objection to the proposal here. I do want to thank Commissioner Armstrong for raising the point that she did and I could not agree with her more, that it really ought to distinguish between adults and if it does not it would certainly make up the case that any recovery residence, certainly any Oxford House that is for women and children would never be able to qualify by right they would have to do the special use permit. Oxford Houses has as a practice that are women with children typically depending on space and layout of the house will have an allowance for one or two mothers with children. It is not a house full of women that all have their children living with them. Typically, it would be a limit of up to two children per mother, whether that is one or two mothers depending on the house and the space. It is not a huge difference, but it certainly would put any proposed limits on women and children Oxford House over the eight and force them into that special use permit. I hope you will make that change and thank you Commissioner Armstrong for proposing it. I did not know if you had any questions about the whole certification distinction, but I might be able to answer those.

Vice Mayor Dent said from what Mr. Russ said it sounds like Oxford House has its own credentialing entity, is that correct?

Mr. Stevens said we are recognized as a credentialing entity by the Department of Behavioral Health and Developmental Services, so this is a relatively new thing that happened both in Virginia and a lot of other states where they have recognized the need to have some regulation on recovery residences, so they created something. Virginia's is very typical where they would identify an organization with national recognized standards for recovery residences that can sort of put their stamp of approval. We have a chartering process, so credentialing is our chartering process and as the gentleman over there said there is also for the other models the ones that generally have a owner operator or a house manager, for profit models, the Virginia Association of Recovery Residences certifies them.

Vice Mayor Dent said my only question there is you are certifying your own facilities?

Mr. Stevens said the facilities are completely independent financial and operational entities. Oxford House Incorporated is really just there to provide technical assistance to sort of keep an eye on their operations as far as their compliance with our charter requirements and to occasionally expand into new communities and help open those houses. The houses are not ours. They are independent entities that rent from individual landlords.

Chair Finnegan said I think this came up last time we were talking about... does this take it off of the tax roll? It is still a private residence that is paying property tax.

Bryan Eckstein, a resident at 73 Middlebrook Street, called in to speak to the request. He said my wife and I have lived right here for over 30 years. My concern for max occupancy with recovery residences is who enforces the max occupancy? It has been our experience that it is a revolving door and it is hard to keep track of who is coming and who is going. Our issues are also parking

spaces. You would be surprised that a number of the residents are all driving and have cars, which is surprising with alcohol recovery. Also the houses have a max capacity just because the number of bedrooms and toilets. So, whether you change a number, they are still going to be so many people that is going to live within a house. Who is enforcing the building and fire codes in these homes? These are not your standard residence the way they are being run. I know that these considerations that get taken up under the special use permit process but again but if you just set the number on eight, how is that being enforced? It is my understanding that Oxford House, and anybody else, could just buy a house in a neighborhood and move in and no announcement, no fanfare, and they are there.

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

Vice Chair Byrd said I have been trying to wrap my head around how to word this condition. Help me along, if I was to bring it up it would be about an amendment with the condition to allow staff to add language that individuals under 18 years of age are not included in that. How do we want to say it?

Mr. Fletcher said I was just going to say to allow staff the flexibility to accommodate the concern with any type of discrimination of women with children impacting the number of individuals that can reside on the property.

Vice Mayor Dent said well would it be as simple as just adding individuals over age 18 or do we want to allow staff to...

Mr. Fletcher said I would like the opportunity for us to put our heads together.

Chair Finnegan said I did want to address the one comment that we got about the number of cars and the number of occupants in the house. I will say that in my neighborhood there are houses that are occupied by a family, they are blood related and have seven or eight cars. I do think that putting a cap that is similar to what other cities have makes sense so that we are putting some limitation on it but we are changing the definition of what we mean by family. It feels like a good compromise between what he was saying about wanting more, we do want some regulation on that. I feel like staff did a good job of landing on something that tries to capture the concerns from the meeting that we had eleven months ago.

Vice Mayor Dent said as I recall, what we were objecting to before was not wanting to have every single one of these go through the special use permit because of the stigma that seemed to go against the intent of the Fair Housing Act. I think establishing a maximum by right with any more than that is a special use is a good compromise.

Vice Chair Byrd said I would also like to make sure the citizens know that our whole idea is to establish a baseline number of people who represent a family of people trying to recover from something and therefore if you are asking who is going to enforce this or that, the people who enforce the laws of the City are the same people who enforce all of the other laws of the City. If you have concerns about something, that is what that would be. These would be residents of the

City, that is all they are, just like every other resident that you walk or drive past. All those citizens you do not know what they are doing in their houses. Just because you know what these people have done in the past and what they are trying to do now does not change the nature of anything. You will have other neighbors who you will not know doing all kinds of things. We have to always keep these things in mind that just because we know something does not mean that we know everything what is going on. That is all I wanted to say about those types of concerns from the citizens of the City. Does anyone remember what Mr. Fletcher said for that condition?

Mr. Fletcher said what I said earlier is captured in the minutes.

Vice Mayor Dent said I just wanted to add one other thing about the enforcement idea. Maybe that can be a part of the certification process that they certify that only eight people are living there but that is not up to us.

Chair Finnegan said that is not up to us. The City is not doing certification that is DBHDS. That is between DBHDS and Oxford House. I do not want to insert ourselves into the middle of that.

Commissioner Washington said last thing, instead of mother or mother with children, can we do parents with children?

Mr. Fletcher said good amendment.

Vice Chair Byrd said I will make a motion to approve the minutes with the condition as stated by Mr. Fletcher and amended by Commissioner Washington.

Commissioner Armstrong seconded the motion.

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

The motion to recommend approval of the Zoning Ordinance amendments passed (7-0). The recommendation will move forward to City Council on December 12, 2023.

New Business – Other Items

None.

Unfinished Business

None.

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Baugh said I was asked to cover their November 7 meeting, and I inferred this I did not check, but presumably they did meet on Election Day because they did not meet last night and then when I looked carefully at their agenda it said November 8. They had a pretty full agenda. They start at 6:30, they are probably still going. It did look like there were a couple of proposals for some more housing development out on Port Road. Their general agenda looked like ours, with a whole series of things on it. Four rezonings, two ordinance amendments and two unfinished business items. That is about all I can tell you. I am also the one scheduled to go to December's, maybe I will have something to tell you at the next one.

Chair Finnegan said Commissioner Alsindi might be willing to switch with you.

Commissioner Alsindi said I have an assignment as a part of the certification program for Planning Commission I am going through that I need to cover the meeting other than the jurisdiction that I am active in now. I was thinking if it would fine with you that I attend the one, either with you or instead of you.

Commissioner Baugh said oh I think you could handle it. I got a lot of confidence in you.

Chair Finnegan said all you have to do is take notes.

Commissioner Baugh said which presumably you are going to be doing anyway.

Board of Zoning Appeals Report

Vice Chair Byrd said the BZA did not meet. I finished my training program and while there... they did not like how lack of words our bylaws and procedures were but compared to everyone else it was fun. I feel hearing from a lot of other jurisdictions in the state that our legislative body and the Planning Commission and the BZA have been proactive in relationship to our laws and ordinances in the City and I think it is a good job of staff who are the most involved and we are not doing as bad as people in some other places.

City Council Report

Vice Mayor Dent said again, as I was saying we have that offset meeting so the things that we covered last month will not happen until next Tuesday.

Chair Finnegan said we are going to be busy next month, so City Council is going to be busy in January. We may end up having two meetings next month so you will get to share at either one or both.

Other Matters

Review Summary of next month's applications

Ms. Dang said if you recall we thought that tonight's agenda was going to be very full, but a lot of those items ended up getting postponed. In addition to getting a lot of applications last Friday for that deadline and the items that were postponed by the applicants anticipated to move forward in December, there are 18 items, 8 sites in total. Some are significant development

proposals that we wanted to give appropriate time to at the Planning Commission meeting. However, not knowing as we go through the review process with the applicants over the next few weeks if anybody else would postpone their applications needing to rework things and what not. My request for you all is if all of these items were to proceed forward, our recommendation is to have two meetings, but if enough of them end up getting postponed by the applicants that you allow us discretion, as staff, to make the decision as to if we would have one or two meetings. As well as if we have two meetings, we would need to consult with the applicants and decide who goes on which night based on their availability. I am interested in your thoughts as we move into the next few weeks. We would make a decision by November 22 because that is when we have to submit the advertisement to the local newspaper.

Chair Finnegan said 865 East, that building already exists, correct?

Ms. Dang said correct, the proposal is to add an addition to the building essentially.

Chair Finnegan said so the dates that we are looking at are December 13 and December 19. Are folks able to meet on the 19? Is anyone not able to make it on the 19? Do we need a motion? Are we okay with doing two meetings?

Ms. Dang said if needed.

Commissioner Alsindi said I thought if there is interest to hear from me some ideas and thoughts about how the Comprehensive Plan would be more effective, rather than to be a vision statement and changing the character and function of the City towards what is in the plan in a more effective way. I can share some of those ideas in 10 to 15 minutes, if there is interest and patience to here me.

Chair Finnegan said this would be relevant to your background?

Commissioner Alsindi said yes, I worked as a trainer and facilitator for the Research Triangle Institute a US organization that worked in Iraq and two programs, three years local government program one and two. Part of my job was to train potential Council's there policy development, city planning, and specifically strategic planning and how it leads to developing the vision for the City. When I went through the first part of the training program here two weeks ago...

Chair Finnegan said the Land Use Education Program that all of the Planning Commissioners have to take.

Commissioner Alsindi said yes, it is called the Planning Commissioners Program. Again, the issue came up of Comprehensive Plan versus more of the three different names of the program. I have some of my ideas whether it is a Comprehensive Plan or it is more of a strategic vision plan and what the word comprehensive might include or not. I was thinking ahead of going because I thought we are going towards this Comprehensive Plan. It is going to happen soon?

Chair Finnegan said it will happen at some point in the future.

Commissioner Alsindi said I thought it might be in the interest of this body and community to consider how can we prosper more effectively in that Comprehensive Plan, if and when it

happens. I thought I would just share some of the ideas with you, it might be useful in those conversations that will happen. I am not sure to what extent this body is involved in that Comprehensive Plan eventually.

Ms. Dang said you all are going to be very involved in that.

Commissioner Alsindi said it is on the thoughts between academic and practices and cases from other parts of the world plus what came to my mind more and refreshed and reshuffled were thoughts I had for the training program. Maybe ten or fifteen minutes on that.

Chair Finnegan said maybe we wait for some of these heavy months to clear out and if there is something on the horizon that looks like a lighter month would that be okay with folks, a fifteen minute presentation about that? Is that agreeable?

Vice Mayor Dent said if we could time it to coincide with when we are launching the Comprehensive Plan process perhaps.

Ms. Dang said it sounds to me like he may, and I do not want to speak for you Commissioner Alsindi, want to share these thoughts in advance of. I do not see the harm in just sharing those thoughts even if we are not going to do the Comprehensive Plan for another year and a half or so.

Commissioner Alsindi said just consider it as an offer if you have the time. It comes again, as I said, from my professional work with that US based organization that is well known, RTI. We work on strategic planning for three cities over there and combined with the education and certification. I was certified over there, that is where it comes from. I looked into the Comprehensive Plan for Harrisonburg through Citizen Academy as well. I went through that so I had my observations all together to develop some ideas in some places that I would like to show you.

Chair Finnegan said I would be interested to hear that information.

Vice Chair Byrd said I would also be interested in hearing those.

The meeting adjourned at 8:17 pm.

Brent Finnegan, Chair

Anastasia Auguste, Secretary