



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Thursday, July 20, 2023

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held a second meeting in July on Thursday, July 20, 2023, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

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

2. Roll Call/Determination of Quorum

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

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.

Present 5 - Brent Finnegan, Adriel Byrd, Valerie Washington, Richard Baugh, and Heja Alsindi

Absent 2 - Donna Armstrong, and Vice-Mayor Laura Dent

4. New Business - Public Hearings

4.a. Consider a request from Sunchase Harrisonburg LLC to rezone two parcels at 1900, 1901, 1904, 1908, 1909, 1913, 1914, 1916, 1921, 1924, 1929, 1932, 1933, 1940, 1941, 1948 Sunchase Drive and 720, 723, 728, 736, 744 Chase Court

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant, Sunchase Harrisonburg LLC, is requesting to rezone a +/- 19.5-acre property from R-3, Multiple Dwelling Residential District to R-5C, High Density Residential District Conditional and is simultaneously requesting a Special Use Permit (SUP) per Section 10-3-55.4 (1) of the Zoning Ordinance (ZO) to allow multiple-family dwellings of more than twelve (12) units per building in the R-5, High Density Residential District. The +/- 19.5-acre property has multiple addresses including: 1900, 1901, 1904, 1908, 1909, 1913, 1914, 1916, 1921, 1924, 1929, 1932, 1933, 1940, 1941, and 1948 Sunchase Drive and 720, 723, 728,

736, and 744 Chase Court. The sites are identified as tax map parcels 84-A-14 and 15. If the requests are approved, the applicant intends to add 20, four-bedroom dwelling units to the property. The applicant describes that they have 10 buildings on the property that have basement and storage spaces that can be converted into apartment units.

Proffers

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

- The maximum number of dwelling units proposed for Lot 1 TMP 084-A-14 is 208 Units.
- The maximum number of dwelling units proposed for Lot 2 TMP 084-A- 15 is 28 Units.

The applicant is proffering the maximum total number of new dwelling units that can be built on the properties is 20. There are currently 216 multiple-family dwelling units on the property consisting of two parcels. A rezoning to the R-5 district without proffers for either of the two parcels could have up to 471 dwelling units. With the submitted proffers, the maximum number of dwelling units is 236.

Land Use

The Comprehensive Plan designates the site as High Density Residential and states:

These areas have been developed or are planned for development that have the highest residential density ranges outside of the downtown area and properties designated Mixed Use by the Land Use Guide. Density is planned to allow up to 24 dwelling units per acre. While a number of existing multifamily developments and areas adjacent to such developments are identified as High Density Residential, residential land use could include small-lot single-family detached and single-family attached neighborhoods. In special circumstances, non-residential uses may be appropriate.

Staff believes the rezoning and approving the SUP is in line with Comprehensive Plan. With the submitted proffers, the maximum density is 12.1 units per acre, which is well within the planned density.

Regarding off-street parking, if the rezoning and SUP are approved, no additional parking is needed to be in compliance with the ZO. Sunchase currently has 114 more parking spaces than the ZO requires. Presently, the site contains a total of 870 parking spaces. The ZO, however, requires 756 spaces because they have 216 dwelling units and the ZO requirement is 3.5 spaces for each dwelling unit with four or more bedrooms. If they create 20 new four-bedroom dwelling units, these units would require 70 parking spaces for a grand total of 826 required parking spaces. If no additional parking is constructed, the site would still have 44 more parking spaces than what the ZO requires.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning and SUP requests.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

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

Public Schools

The student generation attributed to the proposed 20 residential units is estimated to be two students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Staff recommends approval of both the rezoning and special use permit.

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

Trey Steigman, owner's representative for Sunchase Harrisonburg LLC, came forward to speak to the request. He said I want to thank the staff for putting together the staff report. I think it comprehensively explains what is just a simple project. We simply have some basement spaces in our buildings that were constructed many years ago. In fact, the first phase was 23 years ago. The second phase was something like seven or eight years ago. The only reason the spaces were not developed when we originally did the buildings was because the ordinance at the time restricted, for some reason, arbitrarily in my opinion, each building to have only 12 units. Well, at some point in the last five or six years you all have planned and come around to modernize the zoning ordinance to at least express the fact certainly buildings can contain more than 12 units. In our case, we have the physical ability to potentially add two additional units in each of the buildings, as Meg showed you, in the basement spaces. It is going to require some work on our part from architecturally, engineering so on and so forth. We believe that we can put together an appropriate construction document and scope of work for a future submission to the building department to allow for basically a renovation of the basement space converted to actual dwelling units and be synergistic with the existing apartment buildings. As Meg said, we literally are not doing anything

to the site that requires anything other than what I am describing to you as basement renovations of existing space. Again, a simple project, but unfortunately because of the nature of the ordinance we have to come before you and request a full rezoning and a full special use permit and frankly a lot of rigamarole for what amounts to a basement renovation. I would be happy to answer any questions. I appreciate your time and we ask you to support this proposal.

Chair Finnegan said just one second, does anyone have any questions for the applicant at this time?

Commissioner Alsindi said thank you for the presentation. I understand that definitely would be more cost effective and also good to have more accommodations within the building. The last time when we went for the tour, a question came to my mind and that is throughout those 23 years, has it happened that some people or residents might have needed space to put some stuff. We care about the welfare, generally, of the livelihood inside the building rather than just accommodate people, which again I do understand, and it is good for the City eventually, but from other utilities and functionality points of view, could there be any other use within the basement? Just to turn the whole building into just an accommodation.

Mr. Steigman said that is a great question and thank you for asking it. In fact, when I was involved in the project in the very early stages 23 years ago, we actually did one building where we put storage units. Basically, we chain linked fenced off a bunch of the basement space thinking that a lot of people would need extra storage. Well, it turns out our target market is undergraduate students at JMU. They do not have a lot of baggage. In fact, our apartments are fully furnished. So, when they walk through the door they literally can live there with a suitcase and a backpack. While we thought similarly to you that we could use the space for storage and that there would be a demand for it, it turns out all we are using it for now is our own management storage where we bring in pieces of furniture and shift out and repair things and kind of use it as an overflow. We provide an extensive amenity package for our residents. We have a really state of the art clubhouse, pool facilities, exercise facilities you name it we have got it to my knowledge. Again, it is an extensive knowledge. We have never had any additional use for the resident profile of the basement spaces. So, the answer I would tell you is no. This is the highest and best use of the existing space. If it were not for the ordinance restricting to 12 units per building, we would not even be having this conversation. We would have already put those units in those buildings when we built the project 23 years ago.

Chair Finnegan asked if there were any more 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.

Jamison Arimoto, a resident at 2100 Scarlet Oak Court, came forward regarding this request. He said I was just wondering why would this project require something as extreme as rezoning the entire property all the way from R-3 to R-5C? Once Sunchase or whoever may succeed in that property has it in their pocket, would there be effective limit on what they could do with that property. Tear the whole thing down and build a giant apartment complex sometime in the future.

I mean there would be no limitations or restrictions. Is there another way that is short of rezoning that this situation could work it by?

Chad Trevitte, a resident at 739 Woodland Drive, came forward regarding this request. He said my property is adjoined...the backyard where I live there is a boundary fence and then right behind the boundary fence is Sunchase apartments. I want to first thank the zoning committee for taking the time to look at this issue. I have been here on a previous occasion regarding another rezoning issue on the other side of our neighborhood you may recall it a large building project. A very large apartment complex building is going to be built on the other side of the neighborhood. When I came to the previous commission hearing on that case, I was very impressed by how carefully you were looking at all of the cases that came before you in terms of the possible consequences of the changes that were being proposed in the other cases as well as ours. Even just having an extra parking place for a single residence, the amount of attention that you gave to that in terms of the consequences it might have in terms of quality of life for the neighbors, You gave the same attention to our case, and I am still thankful for the attention that you gave to that case. It was a good example of City government in action, local government at work. Following a process of smart growth that still respects the [unintelligible] and the quality of life for residents who could be affected. However, in light of how the previous case went, a unanimous verdict on your part, as I recall, that project should not be approved that rezoning should not be approved to allow that large apartment complex on the other side of the neighborhood. We live in a watershed; the issue of runoff water was brought up repeatedly. The flooding problems that we already have in our neighborhood was brought up repeatedly. I think all of you gave careful thought to that. In light of our concerns, you unanimously decided not to approve that zoning decision. Unfortunately, the City Council committee that then reviewed your recommendation overturned it completely. As if all of the work you did in your deliberations just went up in smoke. To me, looking back on that, it was deeply disappointing to see that, it was upsetting. Frankly, I am worried that coming here again and spending my time to make a case for yet another rezoning situation. This time on the other side of our neighborhood with property that is right behind my backyard. I am worried that maybe the same thing is going to happen. That even if you see a reason to reject this decision, that your own verdict may just be overruled by the City Council that reviews it. I hope that if you do end up believing that our concerns are legitimate and that you think that we have a good case for being worried about this in our neighborhood that you will not only vote to reject this proposal but that you will do everything you can to compel and convince your colleagues in City government to respect your decision and to respect your judgement and to not just treat it as Kabuki Theatre because that is how it felt. I say this in respect to you because I am deeply thankful for what you did. I do not think that well about how your colleagues handled it. I want to stress this too because I am...maybe I should give you background. The residents where I live, before I lived there, I have been living there maybe about five years or so, the fence that is in my backyard separates the Sunchase parking lot adjoins that fence. I still get some noise from that location. It is not as bad certainly as what was reported to me by my neighbors before that fence existed. Not only did that fence not exist back then, but there was also a property lot between myself and my neighbor and there was an access road where students could drive into Sunchase through our neighborhood. That became a serious problem in our neighborhood before I moved

there. My neighbors have told me many stories about students parking in our neighborhood, the traffic that was coming through our neighborhood to get to Sunchase, the amount of noise and congestion that created, the litter of beer bottles and beer cans that people were finding in their backyards in the residence where I live in particular. It was a serious problem in that neighborhood before I moved there. My neighbors would say to me “you should be so thankful that you moved here after they solved that problem.” They got rid of that access road. They built that fence. It was an understanding between our neighborhood and Sunchase and local City leadership, and I believe the Fire Department and maybe Law Enforcement may have been involved too that an arrangement and an agreement that was made that Sunchase would maintain that fence and keep that fence there to at least have more privacy. Since then, I think it has increased the quality of life in our neighborhood. Now, with this decision, my concern is with a heavier population density in that area of Sunchase adjoining my property, there are a number of things I am worried about. I am worried about increasing levels of noise and disturbance, of having to call the police and have them deal with noise complaints. I am worried about all of the other associated problems that can come from a higher population density in an adjoining property to your own. Higher levels of traffic that is going to be coming through. Reservoir Street is already fairly congested at certain parts of the day, not all parts of the day, but there are days where Reservoir Street is clogged. I am worried about more traffic congestion near the entrance of our neighborhood. I am ultimately worried that over the long term about the law of unintended consequences. A higher population density in an adjoining apartment complex, I am worried that over time that will create a situation where it is just more convenient to remove that fence and its more convenient to put that access road back there to handle the traffic congestion to have another route into the complex to handle the increased amount of traffic that is going to create. There is no legal obligation that Sunchase has to maintain that fence, it is just a friendly understanding. We have to rely on their goodwill to maintain that fence. I can tell you when it comes to good will and maintaining that fence, I would like you to take a look at that fence I would like you to take a look at how they have not maintained it, how warped it is. There are missing planks in that fence that I have been waiting for months for the property manager at Sunchase apartments to do something about that fence. He called me at least three months ago saying “we are going to look into it. Would you give us permission to have someone in your yard that can repair the fence.” I said yes certainly.

Chair Finnegan interrupted and said to Mr. Trevitte, I am sorry but there may be other people that want to speak to this so could you get...is this what you are presenting? These photographs? [Chair Finnegan was referring to printed photographs submitted by others as public comment.]

Mr. Trevitte said those photographs are not a part of my case, they might be a part of their case.

Chair Finnegan said please wrap up your point.

Mr. Trevitte said I know that this is not part of the intention, but with a higher population density I am afraid of essentially some of those things happening in the future due to the pressures of a higher population. I am hoping that you will look at this case with the same spirit that you looked

at the previous case. If you do see merit in our concerns that you will maybe be an advocate for our community and for the residents in that community, who are already going to be suffering from the consequences of the previous decision. Thank you.

Jana Ruxton, a resident of 724 Woodland Drive, came forward on this request. She said I have some questions first before comments. My first question would be, what is the projected occupancy for the 2023-2024 school year at Sunchase that warrants this expansion? My understanding is that none of the off-campus housing are full. What warrants that? My other question is, you are currently using that space for storage, where is that going to go? Are there outbuildings being put up? What exactly are you going to do about that? The other thing is, I personally walked the property, especially noting those buildings that had current access to the basement with steps and a proper entrance. There are buildings that face the ditch, which is the difference between Sunchase's line and Woodland's line. Some of the buildings are in very poor condition. The foundations are crumbling. There is no walkway, so, obviously how are these people going to access these basements in some of these? Obviously, some sort of infrastructure will have to come in for that in a very tight, which it will be in some of the pictures that will be put up later, very little space, much erosion and the grounds crew has basically taken anything that they have clipped away and piled it up along the ditch on their side. That brings up another issue of not maintaining the ditch on our side, which they own, that we have gone to the City about. So, the question that needs to be answered is, do they have full occupancy that warrants this expansion? I doubt it. What will they do with the stuff that they are currently storing for their property needs? The condition of some of the buildings with basement accessing has no infrastructure currently there. Our request would be, if you allow this to take place you remove those basements that have no formal entrance to them but dirt and where the foundation is crumbling. I swear there is no more space from this end of the desk to this end of the desk and it is a ditch. Now, to speak to the traffic. I will say, I travel that route frequently from Reservoir down to Neff. There is huge uptick, which I am sure could be substantiated by the police, of accidents coming in and out of Sunchase and the units across the street. So let us add more. Really? I echo the gentleman before me his sentiment of how our numbers are not the same as they were when we went through the last zoning meeting because it was clear that the City really was not listening or caring about the people who call Harrisonburg their full-time home. I just hope you give consideration for the points we have tried to make and will make. Thank you.

Victoria Harris, a resident at 720 Woodland Drive, came forward for this request. She said I wanted to show that first map of the Woodland area. [Referencing pictures that she provided.] Woodland Drive is the only road that the residents have to go in and out of our neighborhood. We have 53 homes. We have three streets, Woodland Drive which is a cul-de-sac, Scarlet Oak Circle which is a cul-de-sac, and White Oak Circle. When our road floods, we cannot get to or from our homes, and it has been flooded. The Fire Department closed our road one time. It has been an issue of flooding. What I propose...I do not have any problem with Sunchase adding more apartments, I am okay with that, but the three apartments that border the drainage ditch, if they are going to add sediment there by putting in a sidewalk or some kind of patio or anything to access those doors. There is a drop off right behind that, that is what Jana was speaking about.

There is no space there. The sediment is going to go right into the ditch. Our neighborhood got approved for the drainage improvement plan because of the flooding. We were accepted by the City to have improvements done to the drainage ditch. You have a drawing there from the Drainage Improvement Plan the one with the yellow mark on it. [Referencing pictures that she provided.] The yellow area is the drainage ditch. Woodland Drive is the spillway for that whole area of the City. We have trunk lines coming in from all the streets around us. My house is the lowest property. The water has already come up my driveway in the past. What I am trying to show here on this picture [pointing to the picture] this is the drainage ditch that the City promised that they would work on this area and try to help us, so that is why we were approved for the grant. They had a study done by the Timmons Group, and it is on the website, and you can access that. It is on the Public Works website, and it shows Woodland Drive and the study that they did in 2021 and the recommendations that they made...this is all before any future development. Now on Lucy Drive there is a new development going in there, I asked Dan Rublee, I said "Does trunk line H bring the water from that new development to this ditch?" he said "yes". That development has not been built yet. The property that Chad was talking about on the corner of Woodland Drive and Reservoir Street it is going to put in a parking lot for 375 cars and a high rise building with businesses on the bottom and student housing on the top. That was not even considered in this study, and they have already shown on the maps that in the two-year flood zone, the road is flooded. Without those two new developments that have already been approved. I know that does not have a lot to do with this, but what I am asking for is the three buildings on Chase Court if you would please reject anything being done to those three buildings. I do not care if you put apartments in all of the other ones. The other ones have stairs that go to the parking lots but the three on Chase Court, if you look on that map, anything that is done to the soil there is going to cause disruption to this drainage. I am just asking for those three buildings, 720 Chase Court, 736...let me get my map. I have this old map that the Police Department gave us when we use to have trouble with noise. Since we got the blue zone parking it has been much better. We had the Police Department help us, Kurt Boshart helped us get the blue zone parking. We got all of this from the Police Department back in 2002 when we met with the Police, Sunchase, JMU and we came up with a plan and Sunchase put the fence up, the City closed off those areas where people from the City were parking and going to the parties over there. That was a main problem because when they left the parties, they were the ones that were the worst, they were not always the residents. Anyway, these three 720 Chase Court...well there is three out of four in Chase Court that do not exit to a parking lot, they exit to the drainage ditch. The front is the parking now, but the back door exits to the drainage ditch. The fourth building has a parking lot there that it exits to. That is what I am asking for, is to please not allow those three to have basement apartments and no disturbance of the land. Okay?

Chair Finnegan continued [to Mr. Steigman] before I close the public hearing, if you would like to respond to anything, any concerns that were raised, you are welcome to. Anything that we cannot answer, or staff cannot answer. There were concerns about noise, traffic, and flooding. You are not required to speak to that.

Mr. Steigman said just very briefly, I only became of these comments earlier today. We were

aware of some issues with the drainage area that had been worked on with the Stormwater and Utility Department of the City of Harrisonburg for probably three or four years now. Including the Timmons study, we participated in that to get them on the property to get whatever they needed to do for engineering. We are certainly willing to continue our corporative efforts with the City department in that regard. The woman who spoke last, I understand the concern about perhaps bringing a sidewalk around the building in a very narrow area. I am not an engineer; we engage engineers, and they are able to do things and design things that are appropriate for the buildings. It is our intent not to do any of the buildings that require any sidewalk or access in the interim stages. We are looking at doing the buildings that are already built for this, that are already ready to go for basement conversions. Somebody said something about the occupancy, I will say that Sunchase apartments in Harrisonburg is one of the strongest occupied properties that we have in our entire portfolio. Every year roughly, springtime is 100% already leased for the next year, so we have a very strong demand for these departments, otherwise I would not be here. Thank you.

Ms. Ruxton said I just want to make sure that you all have copies of the photos we submitted, and you can turn to the one specifically that has the blue door. You can see the condition of the foundation. You can see that there are infrastructure issues which only heightens the reason why the units we requested not be converted. It is more than putting in a sidewalk is my point. That will disrupt all the way to your already eroding land.

Ms. Harris said these photos I did not give to you because they are in the Timmons Study on the Public Works website, but this is how they show our street (referring to the map) that brown is our street. That is the flooding in our street and the buildings that would be affected, the homes. So, that is why I am upset. It is already starting before these other two developments are going in. Anything else that happens in this area, this brown is the flood water and that is our street. We are scared.

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

Chair Finnegan said I have a question. I do not know if staff can speak to the flood mitigation. That is really more of a stormwater utility question. There was a grant.

Mr. Fletcher said are you talking about the listed public drainage improvement program that is listed on the Public Works website. Unfortunately, staff that is here this evening...unless Thanh or Meg has...I have nothing else to offer. It is not a project that we coordinate on our own.

Commissioner Baugh said Public Works does that with the Stormwater Advisory Committee.

Ms. Dang said what is the question exactly? I am not sure what you mean.

Chair Finnegan asked what the status of that project is? Has it been implemented? Will it be implemented?

Ms. Dang said the Stormwater Improvement Plan has many projects identified throughout the City. I cannot speak to the specifics, but I know that there is a prioritization. Certain projects, as you can imagine, there is just a lot of them throughout the City. I am trying to remember what Mr. Keith Thomas told me. He is the sustainability and environmental manager at Public Works. They are aware of this project, but it is not a project that has an active request for proposal or something like that to my knowledge.

Mr. Fletcher said there are four listed areas: Charles Street to Madison Street, Country Club Road, East Rock Street and Hill Street, Newman Avenue and Woodland Drive. Woodland Drive actually has a study that has been completed and it is pending VDOT construction. I am going by memory here a little bit but that the VDOT connection is that they are making improvements in this area for credits towards the improvements being made to interstate 81, which can seem confusing. They are offsetting, essentially, construction from that project. So, we recognized the areas where we needed improvement and we identified this one, which is why it is listed the way it is listed.

Chair Finnegan said I guess part of my question is, when this goes before City Council next month, would it be possible to have or at least invite someone from Public Works to speak about those projects? Just to give them context.

Mr. Fletcher said it could. The projects respectfully are not directly connected to the subject request, but if you think it is necessary to have them, we can speak with them.

Chair Finnegan said it might add some...it seems like what I was hearing was that a heavy part of the concern was about stormwater mitigation. I do think it is relevant if that is going to be the conversation that happens at City Council.

Ms. Dang said what the applicant is proposing to do is not adding impervious surfaces, except for minor sidewalks if any. I am still not very clear about that, but it is all internal to existing buildings. They are not going to be large land disturbance that would trigger a stormwater management regulatory requirement.

Mr. Fletcher said they may not even need to go into any kind of site plan review because it is all internal, the buildings. In fact, they do not even need to add parking.

Chair Finnegan said it is renovations.

Mr. Fletcher said renovations to existing buildings. If I can, since I am speaking now, there was a comment about can they just demolish everything and rebuild something new. Well, theoretically, yes but they are limited to the density that is proposed. They could not maximize the density of the R-5 district.

Ms. Dang said as well as what is proffered.

Mr. Fletcher said that is what I am saying. They are maxed out at the proffer density, which is just the additional 20 units being on the 216 that are already there. Is that correct?

Ms. Rupkey said yes, so 236 total.

Ms. Dang said I do not mean to make light of the drainage concerns that the neighborhood has, it is just a separate matter, in our opinion, from this land use request.

Vice Chair Byrd said I did have one question; would those be enlisted in the Capital Improvements program?

Mr. Fletcher said that is a great question. I would have to double check to see if it is, but it is a known project, in fact, from VDOT. It is pending construction for VDOT approval.

Chair Finnegan said thoughts or discussion about this. Thank you for that clarification staff.

Mr. Fletcher said I was just going to say, for anyone who is interested you can go to the Public Works website. It is the Drainage Improvement Program, and it is listed as the Woodland Drive feasibility study, which has been completed. Then it identifies that it is pending VDOT construction. There is two parts and as you are discussing here, it just says it is pending VDOT construction. I do not know exactly what that means, but we can find out answers as to funding and how that takes place. Of course, the improvements on Interstate 81 are a few years into the future. I presume it is associated that the timeline would be sort of in unison.

Chair Finnegan said I know that Vice Mayor Dent is not here, but I could anticipate City Council having some questions about the status of that project if that is a primary concern of residents.

Commissioner Baugh said I was just going to make a couple of general observations. I know one of which they are probably the five worst areas in the City for flooding. Does not make you feel better when it is right over there that certain people are working on it. The mechanics of this, rightly, wrongly, fairly, unfairly.

I know this totally seems backwards to normal people, actual residents who do not get involved with this stuff, often assert “well the engineering for this should already be done.” The answer unfortunately, from that perspective, is then developers are not going to pay for the engineering for a project that they do not know they can do. That is why that is not done yet. There is an overarching piece to this though. The lawn, you cannot make it worse. I am not saying they are never situations where some sort of new development does not actually make it worse once it is on the ground, but you do have opportunities to do something about that at that point. Because that is not supposed to happen. The new development does not have to fix the old problems, but it is definitely not supposed to make them worse. Again, that is part of what the property owner is paying the engineer to do.

Since it came up earlier, I thought I would try to really quickly share this sort of history of how we got here. I mean the applicant was talking about why in the world do you have this default to three stories and 12 units. That is because Harrisonburg did not have a higher density zoning category. It would have been 2006 or 2007, I am thinking somewhere in there...it was a 2004 Comprehensive Plan we sort of recognized a need for one. We called it high density because it was our high density it was not even high density in the zoning ordinance it was called medium density. We were making the transition from doing this from a big town to a small city. From a big town perspective that we got by for a long time of well how do we control density? Well, we will make sure the buildings just are not too big. We have a lot of other units that are three story buildings with 12 units and then four units to a floor because that was the maximum of what anybody could build for the longest period of time. It was only with the creation of R-5 that we had the opportunity to do anything else. Which is why, to answer your question, you need a rezoning to R-5. Because when we created R-5 one of the things that was debated there was should we reach out to property owners like you and talk about proactively rezoning to R-5 things like that. The answer was we decided not to do that. We specifically said "No, we want these things to come back on a case-by-case basis." What you have then is different from the other development on the other side of Woodland is. We designated some areas in our Land Use Guide for high density and this is one of them. That was one of the issues I think with the property on the other side is that was designated mostly mixed use and I think still had for a small part of it a lower density residential component to it. It was not in alignment with the Land Use Guide, but this is. We have said we want high density residential development here at least in our plan. That is a little bit of the background of how we got here. I guess the answer is we decided if that was the right answer in 2006, 2007. We rejected the notion of trying to proactively zone. We did not go any further than this which is the part over time we have said at least in a planning sense, we think we would be okay with it. I hope that made sense.

Chair Finnegan said I think that is very important and valuable input and background and history of that. You make a very good point. This is on the Land Use Guide. We have frequently run into these types of rezoning requests for areas that are not high density in the Land Use Guide.

Commissioner Baugh said one of the arguments then is well why not approve it and make them do it in other areas where you already said you want it.

Chair Finnegan said other thoughts on this? Thoughts or motions. I just want to acknowledge too that we hear these concerns frequently on this body. Traffic, flooding, noise, particularly where you have multifamily housing up against single family housing. I cannot think of a place in the City, on any side of the City, whether it is student housing or not where there are not conflicts between people in the single-family houses who do not want multifamily houses next to them. Whether they are uphill from it, downhill from it. In my experience there is often conflicts there. I will say that I think the flooding issues are legitimate concern, but to staff's point, this is not increasing the footprint of the buildings. I do think that would be a bigger concern if they were increasing the footprint. In terms of noise and traffic, those are concerns. We have a housing shortage in the City, and I think we need to put more housing where we can fit it. That is where I land on that.

Vice Chair Byrd said concerning the flooding mentioned, since the buildings are not changing their footprint, it is hard to figure out what we would even suggest as conditions at that point. The idea of seeing out these three units implies that we are also aware of them doing other things to the land there, which is not addressed here. They do not have to add those sidewalks. They do not have to do structural changes to the exterior of the building, they are just changing the interior. Therefore, what would we even suggest? I am mentioning that just for City Council to know that I am aware of that as a concern. From my perspective in this body, I do not know what could be even mentioned towards the applicant in that case. Besides just denying the whole place.

Chair Finnegan asked so you are saying how would you word the condition?

Vice Chair Byrd answered yes. I am trying to think of it now and I am really struggling to come up with something that they would even consider. Especially since the other concerns of noise that is related to the fence and that is determined by other people and not us. The traffic, when it comes to concerns about the traffic, I just have bad news. The City cannot expand out, which means we can only expand up. Which means traffic will always increase as long as humans increase in the City. Unless people stop driving which some people on the board would be really excited about. Minus that, I am concerned with a slight increase in density is going to have a major on traffic is not swimming against approving the rezoning. I would also like to piggyback my concerns about water management. We see more complaints about where the water is going, all the time. The people that I thought would be aware of these things never have any mention of that in their saying that they see no concerns. It would at least make me feel better if they were like "oh, we are aware of people's complaints, but we see no concern." That is just me and how people write their reports. I would be in favor of the rezoning and the special use permit.

Chair Finnegan said this a rezoning and a special use permit. We are going to need two separate...

Vice Chair Byrd asked special use permit is that the one with the proffers that restrict the density?

Commissioner Baugh answered that is the rezoning.

Vice Chair Byrd asked the special use permit is about the parking?

Chair Finnegan said to allow more than 12 units per building.

Commissioner Washington said I like basement apartments and I like that there is renovation rather than building out. I think some of the concerns that were brought up today, especially around the structure of the building or the property in general, is more of a maintenance issue as well as being neighborly. Some of these photos are ugly in terms of what could be done by personnel who work there. That is something we cannot really police, but I would love to see high-quality, high-density spaces. The question around the quality was shown today. Hopefully,

with higher density it becomes higher quality.

Vice Chair Byrd said I would like to make a motion and approve the rezoning as proffered.

Commissioner Baugh seconded the motion.

Commissioner Baugh said I will maybe chat with you [to Vice Chair Byrd], depending on how late we go after. I think I will spare a lecture on the history of stormwater management, but the short version is a lot of this predates...we use to not have to worry about it and then once we had to worry about it that ties into what I was saying. The rule is you cannot make it worse. That does not really help you a whole lot when you have some of these old areas. In fact, one of the things about the program that we have... there are not many jurisdictions that have that. In fact, I am trying to think if that is the one that when we did it, there was nobody east of the Mississippi that had a program like that. It was one of the stormwater management things we [inaudible]...

Ms. Dang said I am not sure which program you are referring to.

Commissioner Baugh said there is one that is sort of for neighborhoods and there is one that is for individual property owners. I may be getting them crossed up, but I was up on it because I got invited to do the talk about it. It was one of those things where there was like 15 minutes where I knew it forward and backward and I do not know it anymore. The fact that there is actually programs now that provide funding, that local governments can access to work on some of these things, is actually in and of itself a recent development and it is something that Harrisonburg has been fairly aggressive about being ahead on those places. It is probably the biggest thing as often as it does where local government kind of traditionally just said "hey we cannot really do anything about it" and it is exceeded as a slippery slope. Nobody is coming up with the money for how you are going to fix all of these things. You just sort of live by that. You cannot make it worse, and we just keep pushing on as best we can. Historically that type of flooding stormwater management has been highly neglected, yes.

Commissioner Alsindi said the gentleman was asking about the possibility of having an extra access. At some point the road was stopped from being developed at some point.

Mr. Fletcher said if you look at the platted neighborhood, there are two stubbed streets that were stubbed prior to the Sunchase development being constructed. Woodland is zoned R-3. It was built in the, I think, early nineties. It was platted in the nineties and in the R-3 district you can have single-family, duplex, and townhomes fronting on a public street by right. You used to be able to have apartment units by right in this single-family and duplex neighborhood, and I think there are three townhome, was built in the R-3 on a dedicated public streets with two stubs and they were stubbed into towards the Sunchase property with full intention that if someone came along and wanted to develop it similarly to Woodland, they could extend the street. When you look at the platted area, there are stubs of public right-of-way and I believe that is what the individual is referring to. That stub is causing some concern of where a street could potentially go, but then

when Sunchase came in that nixed the connection to streets and cut them off essentially.

Chair Finnegan said what is the probability of reconnecting those streets?

Mr. Fletcher said I would say it is a low probability unless a private developer came in to connect them in some way. You all would see that request because they have to dedicate a public street to connect into that.

Commissioner Baugh said they are just looking at the area, you probably have to knock down a building.

Mr. Fletcher said in fact the map that was provided by one of the individuals here this evening, if you look at it where the words say Woodland Drive, you can see those two stubbed streets. It is undeveloped right-of-way essentially. Then Sunchase property extends down a certain distance.

Chair Finnegan called for a roll call vote.

- Commissioner Baugh Aye
- Vice Chair Byrd Aye
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Chair Finnegan Aye

The motion to recommend approval of the rezoning passed (5-0).

This PH-Rezoning was approved.

Yes: 5 - Finnegan, Byrd, Washington, Baugh and Alsindi

No: 0

Absent: 2 - Armstrong and Vice-Mayor Dent

- 4.b.** Consider a request from Sunchase Apartments LLC for a special use permit to allow more than 12 multi-family dwellings per building at 1900, 1901, 1904, 1908, 1909, 1913, 1914, 1916, 1921, 1924, 1929, 1932, 1933, 1940, 1941, 1948 Sunchase Drive and 720, 723, 728, 736, 744

Vice Chair Byrd said I would like to make a motion to approve the special use permit.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

- Commissioner Baugh Aye
- Vice Chair Byrd Aye

Commissioner Alsindi Aye
 Commissioner Washington Aye
 Chair Finnegan Aye

The motion to recommend approval of the SUP passed (5-0). The recommendations will move forward to City Council on August 22, 2023.

A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Finnegan, Byrd, Washington, Baugh and Alsindi

No: 0

Absent: 2 - Armstrong and Vice-Mayor Dent

4.c. Consider a request from Christophel Properties LLC and Abigail J. Christophel to rezone two parcels at 853 and 853-A Hillside Avenue

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicants, Christophel Properties LLC and Abigail J. Christophel, are requesting to rezone a +/- 14,495-square foot property from R-2, Residential District to R-3C, Medium Density Residential District Conditional. Additionally, the applicants are requesting a special use permit (SUP) per Section 10-3-48.4 (6) to allow multiple-family dwellings of up to twelve (12) units per building under conditions set forth in subsection 10-3-48.6 (e).

The applicants are aware that if the requests are approved, to create any additional dwelling unit they would be required to complete a minor subdivision to vacate the internal property line to achieve the necessary lot area to meet zoning requirements. They must also obtain proper building and sub-trade permits.

Proffers

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

1. The property shall only be used for residential dwellings, except that any allowed special use permits shall be permitted as approved by City Council.
2. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
3. Dwelling units shall provide 1.5 parking spaces per unit.

For proffer number one, rezoning to R-3 would create the opportunity to have by right abilities for non-residential uses, including but not limited to, hospitals, convalescent or nursing homes, funeral homes, medical offices, professional offices, and charitable or benevolent institutions. The submitted proffer eliminates the non-residential uses that would be permitted by right. As proffered, any approved SUP would still be allowed. Regarding the second and third proffers, the

R-3 district allows dwellings to be occupied by a family or not more than four persons. Proffer #2 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted, to be in compliance with the ZO for a multiple-family use, only one parking space per unit is required. However, with proffer #3, the applicant has proffered they will provide 1.5 parking spaces per dwelling unit. The applicant is proposing to provide four units and would be required to provide six off-street parking spaces. The applicant did not proffer a maximum number of dwelling units because the R-3 district's requirement of 3,000 square feet of lot area for each multiple-family dwelling unit would limit the property to a maximum of 4 dwelling units, which is what the applicant plans to provide.

Land Use

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

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

Staff believes that this proposal conforms with the Comprehensive Plan and would not cause any major adverse effects to the surrounding neighborhood as the neighborhood currently has a mix of different housing types. Currently, the site contains a side by side, subdivided duplex, where each unit has two bedrooms on the first floor and one bedroom on the second floor. The applicant proposes to create two additional dwelling units by vacating the internal lot line and separating the top and bottom floors in each unit, which would establish two, two-bedroom units on the first floor of the structure and two, one-bedroom units on the top floor of the building, which essentially adds one unit to each existing unit. The applicant does not plan to create any additional bedrooms.

As part of the requirements for obtaining a SUP for multiple-family development in the R-3, Medium Density Residential District, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in Section 10-3-48.6 (e) of the ZO consist of the following:

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

- are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
- will be provided by the applicant at the time of development; or
- are not needed because of the circumstances of the proposal.

3. The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

4. The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

The applicant has described in their letter how they believe the four conditions are met.

Staff believes condition number one outlined in Section 10-3-48.6 (e) is met because there are existing multiple-family structures near the proposed development.

Regarding condition number two, staff would typically expect for the applicant to construct street frontage improvements of curb, gutter, sidewalk, and any other necessary improvements at the time of development to meet the condition of adequate pedestrian facilities. However, the applicant proposes only to convert the current duplex in to four units within an existing structure and will not be disturbing more property, which brings into question whether the circumstances of the proposal negate the need for such improvements to be made as is allowed in the last bullet of condition number two. In this particular situation, staff believes the circumstances of the proposal do not warrant such improvements.

Regarding condition number three, as proposed, and with staff's recommended condition that the SUP is only applicable to the existing building, we believe the condition is met.

Lastly, regarding condition number four, the proposed conversion of the two current units into four units will not impact the physical environment as the work will be limited to the interior of a building. Additionally, the property does not require additional parking areas to meet off-street parking requirements, the spaces will however need to be delineated.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning and SUP applications. Staff does not have any concerns related to traffic to and from this site.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

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

Public Schools

The student generation attributed to the proposed two new residential units is estimated to be one student. Based on the School Board's current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Staff is recommending approval of both rezoning and special use permit. Staff recommends the following condition be attached to the SUP:

1. The SUP shall be limited to the existing structure with no more than four multiple family dwelling units. (Note: Small additions to the existing structure for housing improvements may be allowed at the discretion of the Zoning Administrator.)

Chair Finnegan asked if there any questions for staff.

Commissioner Washington said could you just clarify for me the "vacate the internal property line"?

Ms. Rupkey said there is a property line that goes through the middle of the property. For apartments they would be required to remove the property line for us [zoning] and building code.

Ms. Dang said in doing so they would go through what we call a minor subdivision process. An application that would be dropped off in our office and reviewed by our staff. It is relatively straight forward.

Ms. Fletcher said is your question why they have to do it?

Commissioner Washington said I mean sure. I just wanted to make sure that visually I knew.

Mr. Fletcher said it has to do with lot area and how the structures...I guess basically you currently

have a duplex property line through the middle, you have to vacate the property line to account for all of the lot area to the three units. One lot is bigger than the other. You cannot create two units on one parcel in that zoning district. Does that make sense?

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.

Abigail J. Christophel, the applicant, came forward to speak to this request. She said thank you for your time and consideration. I do not have a whole lot to say. We are not going to be expanding or changing the number of bedrooms. As it has already been mentioned, we are limiting it to three people per unit or a family of three and increasing the required number of parking spaces.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said it is not often that we get requests...this is kind of unlikely that we are getting two requests tonight for things that do not expand the footprint of the building. We are adding density without expanding the footprint.

Vice Chair Byrd said because of that I see no issue with the proffers. I also see no issue with what staff is suggesting for the special use permit to be added as a condition. I will give others a chance, but I would be in favor of the rezoning and the special use permit.

Chair Finnegan said this will be two separate motions and two separate votes. Any other thoughts on this request? After going to the site tour, the road is aptly named. It is on a hillside.

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

Commissioner Baugh seconded the motion.

Commissioner Baugh continued I will just add that historically I have been skeptical of some similar type of proposals over the years. It is usually because the ones I have voted against are the ones that I felt were more just blatant attempts to increase density. The property owner would just like to increase density. It does not necessarily fit with the planning or what is going on. The concern that I think has been worn out over the years is that you do not have to say yes to too many of those and you will expect to see a whole lot more. This one just seems to make sense. I think particularly when you actually go to the location and look at the building, I am guessing that it would be pretty low impact with the neighborhood. Neighbors would never know any difference between what is there or not, and it allows for a more efficient use of the space given the type of building that is already there.

Chair Finnegan said just as a footnote onto what you are saying there about historically, this part of the City as it was annexed, there is no curb or no gutter there, and there are a lot of nonconforming basement apartment housing there in that neighborhood because of the way it was annexed. Any other discussion before we do roll call?

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning passed (5-0).

A motion was made by Byrd, seconded by Baugh, that this PH-Rezoning be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Finnegan, Byrd, Washington, Baugh and Alsindi

No: 0

Absent: 2 - Armstrong and Vice-Mayor Dent

4.d. Consider a request from Christophel Properties LLC and Abigail J. Christophel for a special use permit to allow multiple-family dwellings at 853 and 853-A Hillside Avenue

Vice Chair Byrd said I would like to make a motion to approve the special use permit with the condition.

Commissioner Baugh seconded the motion.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit passed (5-0). The recommendations will move forward to City Council on August 22, 2023.

This PH-Special Use Permit was approved.

Yes: 5 - Finnegan, Byrd, Washington, Baugh and Alsindi

No: 0

Absent: 2 - Armstrong and Vice-Mayor Dent

5. New Business - Other Items

- 5.a. Consider a request from Harrisonburg Ford Property LLC to preliminarily subdivide 55 Baxter Drive to create a new public street and for variances from the Subdivision Ordinance

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the South Main Street “Pipeline” study, which can be found at <https://vapipeline.org/studies/staunton/st01-11-south-main-street.asp>, recommended parallel routes to South Main Street for trips that are more local in nature. During the development of the Tractor Supply, City staff and the Tractor Supply developers discussed the need for a street within this area. While the Tractor Supply developers and Harrisonburg Ford Property LC (the previous property owners of the Tractor Supply property) were under no obligation to construct a street or to dedicate it for public use, the developers of Tractor Supply agreed to construct a new street connection, which is essentially an extension of Peoples Drive between West Kaylor Park Drive and Baxter Drive, and to dedicate it to the City. Once the street connection was constructed, an access easement was created in 2022 over the private lane. After a couple of allowable subdivisions and property ownership exchanges, the street is presently located on the remnant parcel owned by Harrisonburg Ford LC identified as tax map parcel 104-E-2.

The applicant, Harrisonburg Ford Property LC, is requesting to preliminarily subdivide a parcel totaling +/- 7.2-acres and identified as 55 Baxter Drive and tax map 104-E-2 by preliminarily dedicating a public street extension of Peoples Drive to the City. Peoples Drive already exists from Covenant Drive to West Kaylor Park Drive. The proposed dedication would extend the public street from West Kaylor Park Drive to Baxter Drive. The request includes variance requests from the Subdivision Ordinance and from the Design and Construction Standards Manual (DCSM). Specifically, the variances are to not construct sidewalks on both sides of all new public streets, to allow for a reduction in required street width, to allow for a reduction in public street right-of-way width, and to deviate from street horizontal curve standards.

Land Use

The Comprehensive Plan designates this area as commercial and is described as:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

Transportation, Traffic, and Variance Requests

The applicant requests the following variances to the Subdivision Ordinance:

- Section 10-2-41(a) - Proposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the city.
- Section 10-2-61 (a) - The subdivider is required to make all such improvements to streets, including grading, subgrade, surface, and curbs and gutters, in accord with the requirements of the city's DCSM.

Regarding the Subdivision Ordinance sections 10-2-41 (a) and 10-2-61 (a), the applicant seeks the following variances to the DCSM:

- 1) Right of Way - DCSM Section 3.1.4 requires right-of-way widths as shown in Appendix F (Typical Street Cross Sections), which states that for a local street a right-of-way width of 50 feet is required. The applicant is requesting to deviate from the requirement by providing 44 feet of right-of-way width.
- 2) Street Width - DCSM Section 3.6.4.1 requires street widths as shown in Appendix F (Typical Street Cross Sections), which states that for a local street a street width of 34 feet measured from face of curb to face of curb is required. The applicant is requesting to deviate from this requirement by providing 26 feet measured from face of curb to face of curb.
- 3) Sidewalk - DCSM Section 3.3.3.1 requires sidewalks on both sides of all new public streets. The applicant is requesting to deviate from this requirement by only providing a seven-foot grass shoulder on both sides of the new public street.
- 4) Street Horizontal Curves:
 - a) DCSM Section 3.6.2.1 requires horizontal curves to have a minimum 100-foot tangent segment between non-superelevated curves. The applicant is requesting to deviate from this requirement by providing no tangent segment between non-superelevated horizontal curves.
 - b) DCSM Section 3.6.3 requires the maximum horizontal curve to be 23-degrees for a local street. The applicant is requesting to deviate from this requirement by providing a 37.5-degree horizontal curve.

City staff supports the variance requests for the following reasons:

- Regarding Right-of-Way, Street Width, and Street Horizontal Curves - As provided, each of the three design elements meet the Virginia Department of Transportation (VDOT) minimum standards and thus will allow the City to include this street into our public street inventory.

- Regarding Sidewalk - The proposed public street dedication will provide sufficient right-of-way and physical space for a future sidewalk to be constructed.

Staff hopes that the City is able to have most of the missing sidewalk constructed by future developers when the adjacent properties develop, leaving only small gaps for the City to complete.

Recommendation

There are two minor items that the preliminary subdivision plat is not reflecting correctly. These items include 1) not demonstrating that the waterline easement will be vacated within the proposed public street right-of-way and 2) the listed owner of tax map 104-E-1 is not correct. These items have been corrected before the meeting and have been provided to you all tonight.

Aside from the variances requested herein, the plat meets all other requirements of the Subdivision Ordinance. Staff can support the variance requests and then recommend approval of the preliminary plat.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan then said I did have one question which is, typically when we look at requests it is about something that has not been built yet. This street already exists it is just private, and it is being turned over to the City to become a public street?

Ms. Rupkey said yes.

Ms. Dang said if I may add, during the planning and design of the Tractor Supply store it was in the discussions between staff and the applicant. The intention was to have it become a public street.

Chair Finnegan said because there is curb and gutter and things that you would not see if it was just a service access road to the back of a store.

Ms. Dang said private streets can have curb and gutter. I do not know if that matters.

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

Vice Chair Byrd said I just wanted to make sure I am understanding. The variance is because the road currently exists and then there are easements for the future.

Ms. Rupkey said no. The variance is to our Design and Construction Standards for it to be accepted into the City inventory of streets. It does not meet all of the standards that are required by the City to meet, but they are requesting a variance to those standards for it to become a part

of our inventory.

Ms. Dang said maybe Mr. Fletcher can correct me if I am wrong, but these were details that were discussed between staff and the engineering division and Public Works Department during the site design about what staff felt could be acceptable variances or deviations from the Design and Construction Standards. What the City generally requires of public streets, there was discussion during design that these were acceptable deviations.

Commissioner Baugh said it is the kink, right? It is the fact that it is not just a straight shot all the way across.

Mr. Fletcher said (referring to the map) see the “S” curve, essentially there needs to typically be a 100-foot tangent section before you change the curve. You make a curve and with 100-feet of distance, you make another curve, but it does not meet. There is in fact zero tangent point, it just goes directly into the new curve. They are requesting a variance from that section. They are requesting deviations to not build the sidewalk. This is a very unusual situation because typically we are accepting the right-of-way dedication and so forth or preliminarily dedicating that before the street is even built. They were not required to build the street. We wanted a street to extend through this block and this was the design that they were willing to construct. We as staff worked with them to say “okay, we will go out there, we will do the inspections and make sure everything is built to what we think is acceptable.” This is what they were able to accommodate. We did not want to lose the opportunity to have a public street built without taking into consideration those design deviations that we have found to be acceptable.

Chair Finnegan said there was a seven-foot grass strip, could that potentially be turned into a sidewalk in the future?

Mr. Fletcher said that is why that is there.

Commissioner Baugh said it does not come up that often, but you do get some of this placement. Is it going to be a public street or a private street because on the public street side of it, they sort of like the straight roads. You just figure out how wide it has to be and how much space you need and shoot it off straight. Sometimes it will be interesting of people going back and forth because the thing is bending it like this, it is a traffic calming aspect. Which I am thinking is probably not bad in that space. That is part of it. We have seen neighborhoods that are sort of transitioning from a private street and then you go into public streets. Well, if you do not like that, then you sort of complain about the curves except for when you are worried about people speeding by you like the curves.

Mr. Fletcher said and a super elevated curve for those who are not engineers, think of it like a NASCAR track, super elevated. When you are going into a turn there is an elevation difference between the bottom of the curve and the top of the street. These are not super elevated, they are flat.

Chair Finnegan said that is an interesting point about the traffic calming too. I really like the way that Paul Street is laid out because it is a really steep hill going down Paul Street and there are those bump outs, and it really does help slow traffic down. So that is an interesting point, even if that was not the intent.

Vice Chair Byrd said considering that, I would like to make a motion to approve the preliminary plat and variance as requested.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh Aye
 Vice Chair Byrd Aye
 Commissioner Alsindi Aye
 Commissioner Washington Aye
 Chair Finnegan Aye

The motion to recommend approval of the preliminary plat and variance request passed (5-0). The recommendation will move forward to City Council on August 22, 2023.

A motion was made by Byrd, seconded by Baugh, that this Action Item be approved. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Finnegan, Byrd, Washington, Baugh and Alsindi

No: 0

Absent: 2 - Armstrong and Vice-Mayor Dent

6. Unfinished Business

None.

7. Public Comment

None.

9. Other Matters

9.a. Guest presentation from Josh McCarthy on mapping and data visualization

Chair Finnegan said I will just enter into the record here that Commissioner Armstrong did have an objection to this being on the agenda. I am acknowledging that for the public record.

Ms. Dang said several months ago there was discussion about bringing in guest speakers and this was one of the guest speakers suggested by Chair Finnegan, Josh McCarty, who will do a presentation for us on mapping and data visualization. Welcome Josh.

Mr. McCarty said thank you for having me here today. What it is that I am going to show you today is your City in a way that you probably have not seen it before. Which is through this lens of what I call geoaccounting. So, what is that? Geoaccounting, like the name suggests, is the practice of putting money on the map so we can get insights and see patterns and make better decisions. At the core of geoaccounting, it comes back to this question, what questions can we answer with a map? So, the question that I am concerned with today and that I am going to talk about is where Harrisonburg gets its revenue from. I am sure that goes along with how it relates to land use decisions. Before I get all the way into our maps, I want to set us up for understanding how we look at value and so I am going to use a few analogies. For example, when we shop for cars, we typically are not concerned with how many miles per tank we get. If we lived in like a Mad Max dystopia, we might be really concerned with range and so we might go with the tanker truck from the Road Warrior. I made this example for an Australian project once. Typically, we are interested in the miles per gallon because we care about efficiency because gas is expensive and finite. In which case we would go with the motorcycle instead of the tanker truck. If we are talking about efficiency, a horse and buggy gets 25 miles to a bale of hay. A bicycle gets 50 miles to a burrito. Different kinds of efficiency. Another way to think about this is when farmers are considering which crops to grow and they are looking at their fields and making evaluations, they would not go and say, "well my big field made more money, I should plant my little field with that crop." No, it depends on the size of the field. In agriculture, we have a natural sense of measuring things in value per acre because it is how we measure efficiency just like our miles per gallon. Where this becomes relevant for land use is in comparing the tax production of the properties against each other. This is an example that comes from Chuck Marohn and the non-profit "Strongtowns", which is concerned with financial sustainability of cities. One of the examples he looked at, this is in Brainerd, Minnesota where he is from. His city tore down, there are two essentially identical blocks, they tore down the historic buildings on this one side because they were considered old and outdated, old and blighted and facilitated the construction of a Taco Johns, which is kind of like a Taco Bell of the north. Well, because they did not make a map and they did not look at the numbers, what they missed is that the Taco Johns is actually less productive per acre than what used to be there, the old and blighted historic buildings. When I talk about geoaccounting, putting money on the map, the money that I am talking about is your value. The City of Harrisonburg is worth about \$5.6 billion. It is important to keep that scale in mind, because that is about the same size as the market capitalization of Dillard's. Your City Council in Harrisonburg is kind of like the Board of Directors for this \$6 billion corporation, like Dillard's. In a way, you can think of what I am trying to do here as analyzing your portfolio so you can see what is performing well. Within that, the piece that we are really, and I am going to show you today, is the third of your revenue that you get real estate tax and property taxes, so about \$45 million a year because that is the easiest thing to map on here and it is a big chunk of your yearly revenue. I am going to put that on the map of Harrisonburg; I am going to map your revenue. This is your total value. It does not tell us much about the pattern because things are just

big that are more valuable. So, the industrial properties and big commercial properties, they have big price tags. When we take into account how much land they take up, we start to get a different pattern and one that shows us a little bit more of the story about differences in development types. But again, inter-dimensions it is hard to see what some of the most important stuff is because it is small. When we put it in three dimensions, now all of a sudden it is really easy to see what the dominate patterns are. We could spend a lot of time just looking at this model and figuring out what is it telling us, what patterns do we see. One of the things that of course stands out right away is the potency of the historic quarter of Harrisonburg. I have labeled a few properties too. If you had noticed what happens to the ones I labeled, they went from being big values to small ones because we want to take into account all of that area, that loses its big value. One of the things that I always try to do is try to get a sense of what is the productivity of your downtown area. The overall value per acre for your City is \$800 thousand per acre but the downtown area, which I am basically using the 1850 boundary of your City for that, is \$3.4 million per acre. So, it is four times the productivity of average for the City. Which is good, but as good as it looks here what I tend to see in cities when I run this kind of analysis is actually more like six times the productivity. There is probably some room for expansion here. All I am doing here is just making it a little clearer to see where downtown is, what I am measuring as downtown in the model. If you clear everything away, you can see just the 1850 footprint. This is the best we can find a picture of Harrisonburg in 1907, this is kind of fun. I lined it up as best I could with the image of Harrisonburg today. One of the things that just stands out immediately is some buildings survived and some did not and that, as you guys will see in a minute, has impacted your revenue. We can also superimpose our model here since this is same tax productivity model. Now we can start to connect under these spikes that are performing well and not performing well, what kind of development do they correspond with. Here is our next question we can answer with a map. What I am going to do here is basically go through some of the really common development types that are in your city just to get a sense of putting some faces to these abstract spikes in the model. So, the first point is single family housing it is a majority of what your development is in most American cities, it is about 80 percent of what is developed. That gives us a good baseline for understanding your value per acre. It is about \$1.2 million overall value per acre of your single family. We can see that there is a little bit of a difference too. You can see it pretty well this heightened value in the urban core neighborhoods that are about \$1.7 million. [unintelligible] is not the same, it varies. Another really important building to grab is Walmart. There is this thing called the Big Mac Index which is a way of measuring inflation around the world, a Big Mac is the same everywhere in the world, but the cost is different. Walmart is the same everywhere in the country and almost everywhere in the country has one, so it gives us a nice baseline. Again, \$1.2 million, that is a little less than single family. I learned this too, this is fun, if you turn right around in that street view, across the parking lot really, there are a line of big boxes, sort of a mega box strip. It comes in at \$1.3 million, a little bit more than Walmart. Something to keep in mind is that this kind of property does not have the longest shelf life. Most of these big box stores lose their tenant or just end their appreciation cycle after about 30 years, that can be generous. Over time these things are going to become dead boxes. To keep moving up through our commercial stuff, this is actually the mall. Valley Mall is actually the single biggest tax bill in the City. \$33 million is a big number but it takes up 37 acres so when you divide that out, it is only \$890 thousand an acre. Which

means you would be better off tax wise with single family housing on this site. Then we start to move into the denser stuff. This is an older (site), before the age of auto dominated development, we, by default, built things at a different scale, a human scale. Turns out that same compactness is also efficient for tax production. By using more of the site, this little building jumps up to \$4 million per year. This is some of your great historically preserved, still trucking buildings, this block in at an average of \$16 million in a year. The value per acre is rising exponential the more stories we add to the same amount of land. Finally, this is the most tax producing building in your City. I could not find too much information about it; I think it use to be a bank. Either way, it has got a lot of things going for it, it is going to make it valuable. It is very dense and compact and in a style that would be hard to reproduce so it comes in at \$30 million per acre. Unlike those big box stores we just looked at, that maybe you are going to produce revenue for 30 years, this business has been paying property tax for over 100 years, so this is the longevity aspect. I wanted to add a new development to make the point that this is a relatively new mixed-use development that comes in at \$15. 5 million per acre. We can still produce these kinds of values. It is not just restricted to historic buildings; we can follow the same design from the historic buildings and reproduce that kind of value. There are a lot of ways to unlock this information. I think what this kind of modeling lets us do it try and numbers to the different land use choices we would want to make in the future to understand the cost of revenue with those decisions.

Chair Finnegan gave Mr. McCarty a four-minute warning.

Mr. McCarty continued all I wanted to do at this point is...I am just throwing questions out there, questions we could answer with a map. One is how much of Harrisonburg's Land Area is taxable? The answer is pretty straight forward, it starts to give us some critical information about the character of your community. You have about 60 percent taxable and 40 percent nontaxable, which makes some sense because you have some big institutions in your county seat. I did not run that number for the downtown area, but I suspect it is quite high just looking at the amount of grey area there. Grey are the properties that do not produce property tax. I think I counted two and I think there is some properties in there that got missed. Another one that is interesting is how you developed over time. These are the tree rings of annexation as your City grew over time. One of the things that stands out immediately, look at how much orange there is since 1983. We want to look at how many acres you have added over time. There are three periods in history where you have expanded your boundaries but there is nothing like '83. In fact, the expansion that you did in '83 tripled the size of your City. Now what is interesting about that is you can go and mix up two thirds of your land area, it is only half the revenue. There is a lot more revenue from that pre 1983 more compact model development. Almost the same thing for the 1850 boundary. In fact, a point I wanted to make here is the same thing I am using for downtown 57 acres of land you are producing 200 million dollars. So, if you could find one more acre of development inside that footprint, it could have a benefit for the entire City. This is where I wanted to pause and start having a conversation.

Chair Finnegan asked is that the end of your presentation?

Mr. McCarty said yeah. All I have are a few pictures that might come up to answer a question. I will leave the screen on in case you want to look at one of the maps while we talk.

Chair Finnegan said thank you Mr. McCarty, I appreciate that. I know that was a lot of information. Could you speak at all to where that data came from that you are playing with? How do you know?

Mr. McCarty said I can give you a little information on the methodology. That is parcel data that came from your GIS department. The data is tax roll and parcel data, the geometry and the tax table. I did some work to sort of clean it up a little bit and adapt it to work better for land use comparison and for tax ownership comparison. One of the things I do is to make sure what I am looking at is I will start taking the data I get and comparing it to the budget and say okay budget says you collected this much tax, what does my parcel data say. I know this data says close within ten percent, which is I think closer than that, five percent is good. I just needed to be close enough we get a reasonable understanding of the broad pattern.

Chair Finnegan asked if there were any questions for Mr. McCarty.

Commissioner Alsindi said thank you very much for the presentation, very insightful indeed. Would you be kind enough and let me know if any other cities have used such kind of methodology, a case study, and based on that they have taken some strategic decisions when it comes to development or investment. Anywhere? Nationwide?

Mr. McCarty said yeah, the biggest practitioner of geoaccounting is my old firm, Urban3, and we have done this analysis in over 100 cities. And about 35 states and in Canada, New Zealand and Australia. I am trying to think of some good examples of how cities have used this in the past. Usually, the most common thing is for cities to begin examining what is standing in the way of getting their purple spikes. Some examples are Chapel Hill, North Carolina adopted a form-based code realizing that they needed the density to support their infrastructure. We were part of the Comprehensive Plan process in Minneapolis that led to their change in single family zoning. What they did, they were the first place to allow anywhere that was already single family. In Guelph, we convinced them to adopt a two-story minimum in their downtown. One of the fun ones that I have seen happen is places getting rid of their parking minimums. That is a full question. If I think of more good ones, I will send them your way.

Chair Finnegan said I am old enough to remember there use to be a movie theatre where the parking lot is between what is now Taj of India and Jack Brown's. That is a parking lot that has parking meters in it. I do not know if you can compare a parcel, which is privately owned that is parking, versus a property next door to it in terms of the tax revenue that it generates.

Mr. McCarty said absolutely. I think that is one of the really valuable insights to this kind of model. This might not be the most perfect way to do this but yeah, I think that is the kind of mapping question that is really interesting especially in Downtown where your most potent values

are is seeing basically where things are flat, especially where there are no buildings. You kind of suggest speculation, or at the very least opportunity. The other thing I cannot help but think about is to which extent you have lost buildings. To an extent you may be catching up to what you were producing in the past. Certainly, you probably built a lot more after 1907 so that is an opportunity there to figure out what used to be here and are we doing something more substantial than that. Your most potentiate building was from like 1913 or something, so it is time you have some purple spikes built in this century.

Mr. Fletcher asked the analysis that you have provided across the country, can you speak to a more modern young city. I think of cities out west and places maybe like Davis, California that are relatively young cities that are sort of known for their bikability. I do not know if you can speak to about young cities where you see big city spikes in association with what their zoning might be because there was sort of a question answered earlier, what causes this? What policies may have come out of evaluations like this? Well, zoning is the answer, right? I mean zoning sort of can help determine some of these things but there is also an underlying reality that historical districts also speak to it as well because they were built during a time when transportation was very different. I was just wondering if there were modern examples that show very large spikes that you can sort of mention and maybe we can even look these up online.

Mr. McCarty said that is a good question, I am trying to think of the best example for you. The best use spikes whether it is a new city or a city that has just grown a lot recently, places like Raleigh, Austin, and Nashville have a lot of new parts and old part too, but you almost get pocket cities that grow around a metropolitan. Where we see new urbanist development where there is the kind of cohesive design for a place and that is where we see really profound value of that design. There are some policies that we see that are more predicable to that success. It comes down to how good of a job can the development ecosystem articulate a vision or the right information to developers and then make it easy once they have gotten it. Form-based code is really effective for that. That is what some of our cities have adopted or worded in the process. That we have seen can be helpful because it can get things you want built quickly. Another tool that I am really excited about is this is one of the very few places looked at yet is to look at the public assets. When we look at this taxable non-taxable map one of the things that you can start thinking about is all this grey stuff, what is that? Because it turns out a lot of it is publicly owned, city owned and so we start digging into the actual portfolio of what the public owns we may find opportunities to show the market what it is it should be doing. If you have planning initiatives in areas, it can be a really good tool to move those forward.

Chair Finnegan asked if there were any more questions for Mr. McCarty.

Commissioner Washington said I have a quick question. When it comes to numbers in terms of like modeling when you are talking about productivity and money there are always communities left out of that in terms of like the de-evaluation of historically black communities or... Harrisonburg is very diverse. Where does that in all of this? When we talk about productivity, which is nice, it really does not take into account protection of some spaces. When you talk about

value, yes money is a great value, but what about the values of other communities?

Mr. McCarty said I am glad you asked that question because I would like to talk about it. There are a couple of things there. Design always matters. What I do not want to see happen is for cities to just blindly follow density like a [unintelligible] because density by itself is not good, it is all of the aspects in the design. We talk about protecting spaces and making sure spaces work for people, that all is important. That all contributes to the higher productivity thing too because when you look at all of the beloved well-designed spaces of America typically, they perform well. Then there is the second part about people being left behind and how value can bring danger in some places, and I think that is this issue we are facing everywhere in the country, and it is not easy, but it is a real issue. To me, what I always think about is when I addressed this problem in the past, I like to start with mapping the effective red lining. To go back in time and look at how did we get the city we have now because the policies that we pursue back in the 30s and 40s and 50s. I can find so many of our common issues there. When we talk about money, it can sort be like “let's get the most money.” I think another way to think about it is that is life blood of city services. The more efficiently we get our revenue from development, the better able we can be to provide those services that the City is one, making ends meet but also have more money to to important things This is a great opportunity for the public asset idea because in that case you have control over what gets developed.

Chair Finnegan asked if there were any more questions for Mr. McCarty. He then said thank you Mr. McCarty I really appreciate you taking the time to share this information with us. I am hopeful that this will help us make better decisions about the future planning of the City. That we have a sustainable and strong city moving forward. Thank you again for being with us.

The meeting adjourned at 8:08pm.

10. Adjournment

NOTE TO THE PUBLIC

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

INTERPRETATION SERVICES

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

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

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

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

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

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

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