



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes Planning Commission

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Wednesday, May 11, 2022

6:00 PM

Council Chambers

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 11, 2022, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

**Present** 7 - Brent Finnegan, Jim Orndoff, Adriel Byrd, Kathy Whitten, Richard Baugh, Donna Armstrong, and Laura Dent

### 2. Roll Call/Determination of Quorum

Members present: Brent Finnegan; Adriel Byrd; Kathy Whitten; Richard Baugh; Dr. Donna Armstrong; and Jim Orndoff. [Laura Dent arrived during the Special Presentation.]

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

### 3. Approval of Minutes

Chair Finnegan called the meeting to order and said that there was a quorum with six members present and asked if there were any corrections, comments or a motion regarding the April 13, 2022 Planning Commission minutes.

Commissioner Byrd moved to approve the minutes with the stated corrections.

Commissioner Orndoff seconded the motion.

All members voted in favor of approving the April 13, 2022 Planning Commission minutes.

**A motion was made by Byrd, seconded by Orndoff, that the minutes be approved. The motion carried by a voice vote.**

#### 3.a. Minutes from the April 13, 2022 Planning Commission Meeting

### 4. Special Presentation

Tom Benevento, 910 Collicello Avenue, came forward to deliver the presentation. He noted that Kate Kirwan was unable to attend. Mr. Benevento said he is on the Environmental Performance Standards Advisory Committee (EPSAC) and the Virginia Council on Environmental Justice.

Mr. Benevento introduced a multi-modal transportation system called Clean, Active, and, Accessible Transportation (CAAT), which shifts from traditional planning of more mobility to one of more accessibility. In summary, he discussed the status quo and the impact of an auto-centric transportation system, including carbon emissions and climate change, and the costs of transportation infrastructure. He addressed the limitations of electric vehicles, namely it perpetuates a car-centric system. Mr. Benevento explained the concept of “path dependency,” where the decisions we make today influence the decisions made tomorrow. The solution he presents advocates for a paradigm shift from moving cars to moving people, valuing all modes of transportation including walking, biking and transit, and a focus on accessibility rather than mobility. The strategies include improving transportation options, provide incentives to reduce driving, land use management that focuses on transit and walkability, and policy and culture reforms that foment a movement for a cultural shift from the car to CAAT.

Councilmember Dent asked what does micro-mobility mean?

Mr. Benevento said that means having electric bikes or electric scooters. It will connect you to a bus quickly. You can park it and hop on the bus.

Commissioner Whitten asked what does the plan look like for accommodations for people with disabilities?

Mr. Benevento said that for people with disability you would have sidewalks that are streamlined for people with disabilities. What I have heard from people who are in wheelchairs, a lot of the way streets are designed are not really as accessible as we think they should be. People in wheelchairs would like to have raised crosswalks as you go across a section. Having those linked clearly with transit in a way that is a safe environment for them to be in, a good bus stop, having more transit accessible, close by.

Commissioner Whitten said often what we have is a couple of handicap accessible buses. The complaint that I hear frequently is that people say that they have to make an appointment.

Mr. Benevento said they have to call 48 hours in advance. We are hosting a gentleman who is on dialysis and is disabled. He called 46 hours in advance and could not get the appointment because it was two hours too late.

Commissioner Whitten asked who was offering the \$25 million grant that he referenced? Was it \$25 million?

Mr. Benevento said it was \$25 million to several cities across the country, such as Portland, Oregon and Boulder, Colorado. They found that despite that investment, it does not increase the usage unless you disincentivize the car or create incentives to reduce driving. That is critical.

Chair Finnegan said you were talking about a percentage. Transportation is the largest cost for most families. Is that what you were saying?

Mr. Benevento said second to housing.

Chair Finnegan asked are the numbers that you are using the money that they are spending for their car payments, their gas, or are you also including the cost to the taxpayers for the infrastructure.

Mr. Benevento said I think that is all included. I have references at the end of the presentation. We would have to look more carefully at that. I can look that up and get back to you.

Councilmember Dent asked to go back to the slide where there is the tallest bar graph for cars. The largest percentage, by far, was mandated parking. That is something that we have talked about a lot here.

Mr. Benevento said it is 91 percent for the automobile total. Seventy-five percent is for mandated parking within that total. These are 2021 numbers.

Chair Finnegan thanked Mr. Benevento for the presentation.

**4.a. Presentation on "Clean, Active, and Accessible Transportation" by Kate Kirwan and Tom Benevento**

**5. New Business - Public Hearings**

**5.a. Consider a request from Nikolay and Augusta Bondaruk to rezone 1064 South High Street**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that the Comprehensive Plan designates this site as Commercial. 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.

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

Site: Automotive repair and vacant space, zoned M-1

North: Blue Ridge Engraving, zoned M-1

East: Rockingham Cooperative, zoned M-1

South: CVS Pharmacy, zoned B-2C

West: Across South High Street, commercial uses, zoned B-2, B-2C, and residential use,

zoned M-1

The applicant is requesting to rezone a +/- 19,211 square foot parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The property is located at the northeast corner of the intersections of South High Street (Route 42) and South Avenue. The property has one building in which an automotive repair business operates in the lower level of the building. The upper level of the building is currently vacant. If this request is approved, the applicant plans to continue leasing the lower level of the building for automotive repair and plans to lease the upper level of the building to another unknown tenant. The applicant believes that rezoning to B-2C would make the space marketable to more potential tenants and uses that want to locate in this area.

Staff has discussed with the applicant that while automotive repair is allowed in both the M-1 and B-2 zoning districts, a rezoning from M-1 to B-2 could impact the automotive repair business' operations. The M-1 district states the following by right ability within Section 10-3-96 (19):

“Vehicles, recreation equipment, trailers, over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment repair or storage served by a permanent building facility unless already incidental to an existing building. Any outside storage or repair shall be located within a designated area and screened.”

The B-2 district, while allowing automotive repair by right, does so differently and states within Section 10-3-90 (7):

“Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.”

In other words, in the M-1 district, operators can repair and store vehicles outside of a building within a screened area. In the B-2 district though, all activities must be completely enclosed within a permitted structure. Therefore, if the current operation performs outside repair and storage, then if the property is rezoned to B-2, all activities must take place inside of a building. Additionally, the following types of vehicles/equipment can be repaired and stored on a property zoned M-1 but cannot be repaired or stored on a property zoned B-2 without a special use permit approved by City Council: over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment. The applicant did not believe this would cause issues for their automotive repair tenant.

Currently, there are no parking spaces delineated on the property and the property is in violation of off-street parking requirements. The 2001 engineered comprehensive site plan showed that a total of 13 off-street parking spaces were required. Whether the request to rezone is approved or

not, the applicant is aware that they are required to delineate required off-street parking spaces and will work with staff on plans to address this. Additionally, the applicant is aware that any change of use(s) on the property will be evaluated to ensure that off-street parking requirements are met for the new uses.

Staff expressed concern to the applicant that rezoning the property to B-2 could allow future uses by right, that could generate a significant amount of vehicular traffic that could negatively affect the safety of adjacent public streets. An example of a by right use in B-2 that generates a significant amount of traffic is a fast-food restaurant with a drive through. To address staff's concern, the applicant has proffered the following (written verbatim):

All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual.

If, in the future, the property owner wants to put a use on the property that generates more than 100 vehicle trips in either the AM or PM peak hour, then the property owner can request to rezone the property to remove or modify the proffer and a traffic impact analysis (TIA) study could be required and mitigations to address increased traffic could be identified.

After the publication of the staff report, the applicant has offered a new proffer that still has the same limitation of combined 100 vehicle trips in the peak hour unless the property first, at their cost, completes a TIA approved by the Department of Public Works and implements all the identified mitigation measures. The new proffers state:

All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at its cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The intention is that it allows the property owner some flexibility to put uses in here that could generate more than 100 vehicle trips while at the same time protecting the City, the public infrastructure and the safety of the travelling public in the streets by requiring that the property owner install or construct or do whatever is identified within that TIA that would be in the future approved by the Department of Public Works. The final sentence gives Public Works the discretion that if there is some circumstance where it is either not ready or the mitigation does not need to be installed for whatever reason, they could waive that requirement. We felt that this protected the City while granting the applicant or property owner a little bit of flexibility. It also retains the ability to come back and rezone the property again if they wanted to remove or amend

the proffer.

The Comprehensive Plan's Land Use Guide designation for this stretch of the South High Street corridor is Limited Commercial on the northwest side and Commercial on the southeast side. The subject property is designated as Commercial, which typically means a rezoning to B-2 would be more conforming with the City's long-term goals, rather than having properties used for industrial purposes. This area of South High Street between Hillandale Avenue to Sunrise Avenue has also had a number of requests approved for properties to be rezoned to B-2 and B-2C during the last 17 years as illustrated in Exhibit A.

Staff believes the requested rezoning is consistent with the Comprehensive Plan and the proffer addresses potential concerns with future redevelopment of the site. Staff recommends approval of the rezoning request as submitted.

Chair Finnegan asked if there were any questions for staff.

Commissioner Byrd said that the change to the proffer would cover a situation in the future that if there is a traffic issue that is related to whatever business is there, then Public Works can ask them to pay for a TIA?

Ms. Dang said that we do not know yet what the future uses will be in that vacancy. Without any proffers on this, if they rezone to B-2, the City and the Public Works analysis could have required a TIA that would have evaluated the worst case scenario, the most high intensity use that could go there. With this proffer, as originally stated, it protected the City by saying that it is limited to 100. The second part that is added, the proffer is intended to describe that you can move other uses or extend the uses within the space as long as the total calculated trips would be 100 vehicles or less. You cannot exceed that unless you do a TIA. It would require it.

Commissioner Whitten said that was one of the things we talked about yesterday when we looked at the property. My understanding is that with this addition, they would not have to come back for a rezoning. They prevent having to come back for a rezoning if they want to generate more trips.

Ms. Dang said so long as they do the TIA, and they are responsible for any mitigations that are identified, unless Public Works says, for example, if the TIA analysis has background growth and it is such that the mitigations that are identified are attributed primarily to other growth, then the Department of Public Works might say that the City has some share into that. Or maybe there is another project underway that the City has that they could waive that requirement. It is an unknown.

Commissioner Whitten said it is interesting. That is the scenario that we talked about yesterday. If they had to do this, if they wanted something that was a more intensive use, they would have to come back for a rezoning and you said yes. I wanted to be clear about that.

Councilmember Dent asked who usually pays for a TIA.

Ms. Dang said the property owner, applicant, or developer.

Councilmember Dent said that across South Avenue is a CVS. That must be one that has a very high traffic intensity.

Ms. Dang said I do not remember the details of that when that was constructed or rezoned.

Commissioner Whitten said it probably does not meet that peak hour 100 car trips.

Councilmember Dent said it is more constant. I do not think that it has any direct effect on this. I am just noticing the difference.

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.

Tim Bondaruk, son of the applicants, came forward speak to their request. My siblings and I manage the property. It is a rental property. I want to thank you for your consideration to rezone it. It seems to make sense to us. It would open it up a little more. The type of property that it is, it seems that under B-2 it would open it up to a larger category of potential tenants. Properties across South High Street are B-2. I do not foresee that the traffic limitation would be a problem for us. We do not have a specific intent at this point, but rezoning will help us make the property a bit more marketable.

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

Chair Finnegan said in the staff report it said the applicant plans to lease the upper level of the building to another unknown tenant. Is that still unknown?

Mr. Bondaruk said it is still up for rent. We had three requests. All three were not able to lease because of the zoning. They wanted to have regular office space and under M-1 that was not allowed. That is why decided to pursue the rezoning.

Councilmember Dent asked if the added restrictions on auto repair in moving from M-1 to B-2 would affect the current business?

Mr. Bondaruk said we discussed the limitations with the current tenant. All the business he does is with automotive, so that will not change anything for him.

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

Chair Finnegan said I looked at the site. It seems like a fairly straightforward request. I understand the reasons for the change in the proffers.

Commissioner Whitten moved to recommend approval with the proffers, as submitted.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong   Aye  
 Commissioner Baugh       Aye  
 Commissioner Byrd         Aye  
 Councilmember Dent        Aye  
 Commissioner Orndoff   Aye  
 Commissioner Whitten   Aye  
 Chair Finnegan            Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on June 14, 2022.

**A motion was made by Whitten, seconded by Byrd, that this PH-Rezoning be recommended for approval to the City Council, due back on 6/14/2022. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 7 - Finnegan, Orndoff, Byrd, Whitten, Baugh, Armstrong and Dent

**No:** 0

**5.b. Consider amendments to Chapter 12, Transportation of the 2018 Comprehensive Plan**

Chair Finnegan read the request and asked staff to review.

Erin Yancey, Planning Manager for the Department of Public Works, said we did this in 2020, as well. We plan to do this every time a new Smart Scale grant funding opportunity comes around. Smart Scale is State and Federal funding as we continue to study our corridors for traffic improvements. We are currently in another funding round. We want to add our projects that are not already in the Comprehensive Plan to the Plan because it gets us more points, making it more likely for us to obtain the funding. We have seven applications this round and five of them are already in the Plan.

The City of Harrisonburg Comprehensive Plan presents a vision of what kind of community the City would like to be in the future and identifies steps to move toward that vision. The Plan is the central organizing umbrella under which other plans, regulations, and initiatives exist. The Plan establishes the preferred overall long-term vision for our community. The Plan is not a regulatory



document but serves as a guide for Harrisonburg and it helps City and community leaders with setting policies and decision-making.

Virginia Code Section 15.2-2223 requires the City to have a Comprehensive Plan. Comprehensive plans deal fundamentally with the physical characteristics of a community. Hence, land use is the core element of a comprehensive plan. However, in order to arrive at an appropriate plan for the use of land, other physical aspects must be addressed, such as environmental features, transportation, water and wastewater facilities, and other public facilities.

Chapter 12 includes the Street Improvement Plan, which contains project descriptions and a map that identifies transportation infrastructure improvements that the City may pursue to address safety, congestion, bicycle and pedestrian needs, and new development. Projects are not prioritized in the Street Improvement Plan. Instead, the City will utilize the Harrisonburg-Rockingham Metropolitan Planning Organization's Long Range Transportation Plan to represent prioritized projects.

The proposed amendments to Chapter 12, Transportation of the Comprehensive Plan include adding two projects that have been recommended by transportation studies that have been completed since the 2020 amendment of the 2018 Comprehensive Plan. The studies were conducted to identify solutions for facilities that have a high number of crashes, congestion, speeding, and/or were identified in a statewide analysis as having a high potential for safety improvement. Studies include the Mount Clinton Pike Operations and Safety Analysis (study limits: Norfolk Southern railroad to North Main Street), and a STARS (Strategically Targeted Affordable Roadway Solutions) study of South Main Street from Mosby Road to Pleasant Valley Road. Both studies were completed by engineering consultants and funded by the Virginia Department of Transportation.

With regard to the Mount Clinton Pike Lane Reconfiguration between the Norfolk Southern Railroad and North Main Street, the study recommended a roundabout at the Mount Clinton Pike/Acorn Drive intersection. For the STARS study along South Main Street, the recommendations included to modify the project limits for project SE-28, which is a planned improvement that is already included in the Street Improvement Plan. SE-28 would add a median to South Main Street between Stone Spring Road/Erickson Avenue and Mosby Road. The STARS study recommended to update this project by extending the limits of this project from Mosby Road south to Pleasant Valley Road.

Additionally, the proposed amendments to the Comprehensive Plan includes clarifications that because private development layouts are unknown there will need to be additional public streets to create an effective transportation network that cannot be determined in a long range plan.

The Department of Public Works will pursue grants to implement these recommendations. The amendments to Chapter 12, Transportation of the Comprehensive Plan are being made so that the City's transportation funding applications (via Smart Scale) can obtain higher scores by meeting

the criterion of the projects' inclusion in the City's Comprehensive Plan. The projects' inclusion in the plan will also allow City staff to work with developers to plan for implementation of the improvements as adjacent properties develop. The Planning Process section of the chapter describes the methods used in developing the Street Improvement Plan, which includes traffic/transportation studies.

There have been text edits in a few locations throughout the chapter to address an issue that staff is frequently faced with when discussing street accommodations with developers. Developers' site designs often do not include the level of street network connectivity envisioned in the Comprehensive Plan to provide the appropriate traffic distribution and capacity to the network proportional to the need created by the development proposal. A common misconception of the development community is that the City only needs new streets that are identified in the Street Improvement Plan. However, the Street Improvement Plan is primarily a plan for major routes at a city-wide scale, including arterial streets, which are intended to serve through traffic, and collector streets, which serve to connect arterial routes, and provide some property access. Local streets are lower volume neighborhood streets that are primarily intended to provide neighborhood circulation and access to property. Local streets are usually constructed by developers to serve the needs of a particular development and connect into the greater transportation network. Staff cannot predict what development proposals will look like with the needed accuracy to identify all distribution, circulation, access, and safety needs, as they are largely dependent upon characteristics, including physical and topographical characteristics, specific to the development. Oftentimes, street layouts and designs need to be decided upon in coordination with the development's layout to ensure streets appropriately serve the development, and that the development interacts with the greater network safely and efficiently. Language has been added to the chapter narrative to explain that the Street Improvement Plan is primarily a major routes plan that is intended to address street network needs on a city-wide scale, and is not intended to identify every street that may be needed to serve individual developments.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said I have a question about the major streets plan. When we talk about major streets are we talking about potentially putting more traffic through residential neighborhoods? I would like to see traffic calming measures in residential neighborhoods. Can you speak to that? Will changing that classification, the clarification of the major streets plan, make it more difficult to put in speed pillows and things like that in those neighborhoods?

Ms. Yancey said in the Comprehensive Plan we do not have a lot about traffic calming. We handle that separately. There is nothing to say that we cannot put traffic calming measures in new development. The Plan does not speak to that. Being a major streets plan, the involvement with neighborhood streets is pretty low.

Councilmember Dent said regarding Mount Clinton Pike going from four lanes to three lanes, it

also mentions bike lanes and pedestrian improvements. I also note that is right beside the new gas station and retail development that we recently approved in City Council. We were talking a lot about the pedestrian and bike there.

Ms. Yancey said there will be room to add bike lanes with that project.

Commissioner Armstrong said there is a long series of businesses on South Main Street, both north and south of Mosby Road. When I first read “a median being installed,” I did not understand that it would not be continuous, that you would still have driveway access, because there is a whole strip mall all along there.

Ms. Yancey said when you think about access to businesses along East Market Street, out where Target and Kroger is, it will be similar to that. There will be dedicated left turn lanes throughout the corridor, but not for every single entrance.

Commissioner Armstrong said otherwise it would be hard.

Councilmember Dent asked where exactly is the high school along that?

Chair Finnegan said further south.

Councilmember Dent said that could help calm traffic in that direction.

Chair Finnegan said I do not want to confuse a median with traffic calming. Medians could make things more pedestrian hostile. If I were trying to walk from the Valley Mall to Kroger, there are sidewalks. That is not pedestrian friendly. Is it anticipated that this would increase speed?

Ms. Yancey said we are going to have a lower design speed in part of the corridor, at least. We will get into detailed design if we get the funding in eight years. You can design the lanes a bit narrower. We will have plantings in the median, including trees, hopefully. It should get more aesthetically pleasant. We will also be adding a sidewalk at least on one side, if not both. It should get better. There is a plan to do a special treatment for the crossing to the high school at Baxter Drive.

Mr. Fletcher said regarding the question about the major streets, if you look at your map and focus in on Smithland Road, Linda Lane, and Keezletown Road, you will see three lines. The point Ms. Yancey was trying to make is that the City clearly wants more streets interconnected in that area. Those are the major streets that we want to be able to connect. What we are clarifying is that, while you only see three lines, there would be many more local streets that would be built in that space to accommodate the development that would occur in that open area.

Chair Finnegan said part of my question was, is there some designation by doing this, some word or language, that would make it more difficult to put in traffic calming in residential neighborhoods?

Ms. Yancey said no.

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

Councilmember Dent said I was trying to figure out where in there the high school is located. It seems like it is in that corridor where there is the median. That might help, whether there is traffic calming or what, impose some order where there is going to be more traffic going in and out of the high school. Is that part of the intent?

Chair Finnegan said this is between Stone Spring Road and Ericson Avenue and Mosby Road.

Ms. Yancey said that is an existing, funded project.

Councilmember Dent said I see it now on the flip side of the map.

Ms. Yancey said on South Main Street, the project from Stone Spring Road to Mosby Road is a funded project. We would be amending that project in the transportation chapter to extend it down to Pleasant Valley Road.

Chair Finnegan said so that does include the high school. I am hopeful that we can consider and hopefully find funding for pedestrian walkways that go over South Main Street. I have seen this in other cities. As long as you do not have a situation as in Charlottesville where trucks constantly run into the bridge, it is much safer for pedestrians.

Commissioner Armstrong said I can speak in support of trying to address that center turn lane which turns into a left turn lane at Ericson Avenue. It is confusing because people are entering the left turn and some people are coming out of the shopping mall. It is obviously a very hazardous spot as both a driver and a pedestrian. I can see this helping.

Commissioner Byrd said having experienced this on Route 33 and noticing how people change the way they are driving because they have no choice, I can support. I understand what its purpose is for vehicles.

Chair Finnegan said I do think it is important to keep that in mind. Charles Marohn, who wrote Strong Towns calls roads like this “strokes,” street-roads that are pedestrian hostile. I am still in favor of this, but I would like to see more pedestrian friendly ways to get around, referring to the presentation we heard at the beginning of this meeting, safe ways to get around if you do not have a car.

Commissioner Whitten said getting less cars is the way to start.

Councilmember Dent said it is good to hear that you are planning to plant trees. Anything that cuts down on the urban heat wave from asphalt is a good thing.

Commissioner Byrd moved to recommend approval of the Comprehensive Plan amendments, as presented.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong   Aye  
 Commissioner Baugh       Aye  
 Commissioner Byrd         Aye  
 Councilmember Dent        Aye  
 Commissioner Orndoff   Aye  
 Commissioner Whitten   Aye  
 Chair Finnegan            Aye

The motion to recommend approval of the Comprehensive Plan Amendment passed (7-0). The recommendation will move forward to City Council on June 14, 2022.

**A motion was made by Byrd, seconded by Dent, that this PH-Action Item be recommended to full council to the City Council, due back on 6/14/2022. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 7 - Finnegan, Orndoff, Byrd, Whitten, Baugh, Armstrong and Dent

**No:** 0

**6. New Business - Other Items**

**6.a. Review Draft Planning Commission Bylaws and Inclement Weather Resolution**

Ms. Dang said that in the agenda packet are draft amendments to the Planning Commission’s Bylaws for Planning Commission’s review and comment. Article XI of the bylaws describes that the bylaws may be amended by a majority vote of the entire membership after 28 days prior notice to the Commission members. The draft bylaws will be presented to Planning Commission for adoption at the June 8, 2022 meeting.

The draft bylaws reflect the suggested changes discussed at the April 13, 2022 Planning Commission meeting, which are to add the 3rd Tuesday of the month as a potential second regular meeting and to describe that the Commission shall receive a summary of new applications each month to determine whether such applications shall be heard at the second regular meeting of the subsequent month (Sections 7-1 and 7-2).

Additionally, staff has proposed amendments to Section 7-1, where it addresses when a meeting date falls on a legal holiday or is cancelled due to inclement weather.

In the agenda packet is also a draft *Resolution Adopting A Weather Continuation Date* for Planning Commission's review and comment. This resolution will also be presented to Planning Commission for adoption at the June 8, 2022 meeting.

Commissioner Armstrong said in 7-2 you said, "in the event that no applications are scheduled to be heard, such meeting shall be canceled." We do have a provision in here for using this time, that you mention 7-3, "special meetings may be called upon written request." That seems contradictory to me. That is not an application.

Ms. Dang said maybe I do not understand the question. We have used special meetings before for workshops and work sessions, such as working on the short-term rental regulations. We have discussed special topics like when we might invite Erin Yancey for an afternoon work session to talk to us about traffic, TIAs, and other transportation topics. For continuing education type things, we could call a special meeting or work session. The special meetings are not the same as regular meetings.

Commissioner Armstrong said that would be scheduled meetings though. You are referring to that second date, are you not?

Ms. Dang said that special meetings could be called a work session.

Chair Finnegan said they are a non-regularly scheduled meeting.

Commissioner Armstrong said I had made the suggestion at our last meeting that this second date could be used for additional training and education. I would like to see that be an option, that with the Chair's instigation or two members instigation be utilized because it is already set, and we already have the mechanism there. I had clarified in our last meeting that it would be publicly broadcast still.

Ms. Dang said that is up to you. In some cases, a work session where we are sitting around the table with staff might have a different type of dialogue available. Depending on what the topic is, whether we want it at a subsequent regular meeting or if you want to schedule another day. We would still have to notify the public that the meeting is happening, and the meetings are open to the public. They would be a different format.

Commissioner Armstrong said the example that I had given at our last meeting was at the commissioner's training we received an hour-long training on climate change in the commonwealth. That to me would be great. There is not enough education on that. It is so fast moving. I had given that as an example of how, with agreement, that could be used and it would be publicly available, which is a good thing.

Chair Finnegan asked is there anything in here that would prevent us from doing that?

Ms. Dang said you could choose to do that. The bylaws do not remove that ability.

Chair Finnegan said we can still do that.

Commissioner Armstrong said then I think it needs to be, because it says, “in the event no applications are scheduled.” There needs to be another clause in there that says, “or no other program or business.” Right now, it says “no applications” so that triggers no meeting.

Commissioner Byrd said that change clarifies. I had forgotten that 7-3 existed as an option for Planning Commissioners to use for an additional meeting. My initial thought was that we need to be aware that if there are no applications, then we need to send a request to force a meeting. Changing that will account for it.

Councilmember Dent said this means that we have two meetings by default unless we cancel the second. That is backwards from how I thought it would work, where we would decide whether we would decide to have a second meeting. I guess we have to hold the space and have it scheduled.

Ms. Dang said State Code states that we have to establish the regular meetings.

Mr. Russ said that most Planning Commissions schedule their meeting dates at the beginning of the year and send out a notice to the public with the list of meeting dates. You can always add more meetings, but then you have to notify everyone. It is a bit easier, procedurally, to notify everyone to hold these two dates each month, with the knowledge that there is a good chance that we are going to cancel one of those two. It is more about semantics.

## **7. Unfinished Business**

None.

## **8. Public Comment**

Kenneth Kepler came forward and said I am new to Harrisonburg, and I was not planning on making a comment tonight. I was struck by Tom Benevento’s presentation, and I wanted to add to it. A few years ago, I just graduated, and I was looking at anywhere in Virginia where I could live. I am from Texas, and I was planning to stay here. I was looking for places where I could walk to work and/or walk to a grocery store. When you come from an area where you have to drive 15 to 20 minutes to go anywhere it is a massive shift to be able to walk places. I do not ever want to go back. I saw that in Harrisonburg, in some places downtown at least, you can physically work downtown and go to the co-op. Mr. Benevento went over every reason I could ever think of, the practical reasons why. The reasons that I appreciate, besides that, are I can go outside at any time, and I can go to the library. I can go to the grocery store. I can go to

half-a-dozen restaurants or more. It has been a substantial change in my life to be able to do that and be more active, without any effort of going to the gym. I do not like going to the gym, anyway. And to feel the sun in my face and wind in my hair and all that. Doing the same thing on a bike is just as fun, of course. There are a lot of things in Harrisonburg like that that I have appreciated. There are a lot of ways that it can be improved. There are a lot of places where it is only a couple of miles to be able walk or bike places, but it is sometimes difficult to because of the infrastructure. For example, I do not want to be biking on South Main Street. Watching and coming to some of the Planning Commission meetings and Bicycle and Pedestrian Committee meetings, I am encouraged by a lot of the questions that you are asking. People are watching on those videos. The only other thing I would like to say is that I like Strong Towns. It is an excellent book.

## 9. Report of Secretary & Committees

### 9.a. Proactive Code Enforcement (On Hold)

### 9.b. Rockingham County Planning Commission Liaison Report

Commissioner Whitten said there were two ordinance amendments. I appreciate our staff. I am sure that the commissioners understand what they are voting on, but the explanation to the public is not always there. They had two ordinance amendments that were staff originated and both were approved. The first was to allow a logical extension of the proposed zoning district when located outside of an urban growth area. They approved it. I did not feel that clear that the description was very clear. The second was for large scale solar facilities, to clarify and simplify the previous adopted ordinance. Any approved application before this amendment will be allowed under the previous ordinance. They only had one remaining that would go under that previous ordinance. How it clarifies and simplifies, I cannot explain to you.

Commissioner Whitten also said there were a couple of rezonings. The first was to rezone 0.56 acres from A2 (General Agricultural) to B2 (Neighborhood Business District) near the Penn Laird Post Office. The property has been leased for commercial uses for a long time. It was approved. There was a larger tract, 15.201 acres that was rezoned from RR1 (Residential or Recreational District) to A2 (General Agricultural) in the Timberville area because the residential zone restricts farm use. The people who purchased the land wanted to use it for farming. It got interesting because there is also an HOA. The HOA showed up with a lengthy rebuttal to the rezoning. They went ahead with the rezoning and said that they have nothing to do with HOAs. That was approved.

Lastly, there was a strong complaint about the television transmission of our Planning Commission meetings. I have to say that last night's City Council meeting was horrible.

Chair Finnegan asked are you talking about audio?

Commissioner Whitten said both video and audio. There is a test pattern, like a rainbow, that



flashes on the screen. It is worth noting. It is nice that the City has the TV version that they can watch, but if it is unwatchable it does not help much.

Chair Finnegan said that is concerning. There have been fixes, but then it gets worse again.

Mr. Russ said Procurement and I are in the process of finalizing a contract for someone who will fix all that in the near future. We are working on it.

Planning Commission discussed receiving volunteers for the City/County Planning Commission Liaison. The volunteers included the following:

July 5      Commissioner Armstrong  
August 3    Commissioner Armstrong  
September 7    Commissioner Baugh  
October 5    Commissioner Orndoff

Chair Finnegan noted that there is no remote option.

**9.c. Board of Zoning Appeals Report**

None.

**9.d. City Council Report**

Councilmember Dent said that the Newman Avenue short-term rental passed. The parking reduction, without the sidewalks being required, passed. The interesting one was the alley closing between Fairview Avenue and Port Republic Road. There was new information that City Attorney Brown sent that since the City had initiated the alley closing, there was no charge to JMU. There was some debate about that. There was a discussion between the City and JMU, that the City does not have any use for it. Tom Hartman from Public Works said that we were just as glad to not have to maintain it. Councilmember Jones asked what the cost to maintain it was. The estimate was \$25,000. We do not get paid for it, but we do not have to pay to maintain it. I looked through the minutes and it was an open question here. Commissioner Baugh said that the City would be paid for it, but since the City initiated it, they were not requesting that.

Commissioner Whitten said there was a calculation in our packet with how much it was going to be.

Ms. Dang said those are estimates. It is up to the discretion of the City Manager's office. It is determined after approval what the final cost would be. We begin by including that, as a default for other applicants who would be paying for an alley closing. It is good for them to know a general ballpark of what they would be asked to pay. There have been times when an applicant decided against the purchase because they did not expect it to be that much. We do not want them to go through the process without having a ballpark idea. The final price, if someone is charged, does not get determined until after the City Council decision for that first reading.

**10. Other Matters**

The commissioners had a discussion regarding how they would like to move forward with sharing articles, webinars, event information, and other materials with other members. They decided that they may continue sharing articles and other information via email, with the knowledge that dialogues and discussion must occur in a public forum and that the emails are subject to the Freedom of Information Act; therefore, they will refrain from policy discussions via email.

Commissioner Whitten and Chair Finnegan briefly debated the costs of mandatory parking and paid private parking.

Ms. Dang said with regard to a review of short-term rental (STR) records since the September 2020 amendments, there were two violations that were investigated and found in violation and rectified. Even if violations are unfounded, we log them into our system. We have not received complaints from neighbors about potential nuisances associated with STRs.

Chair Finnegan asked if one of those was on New York Avenue.

Ms. Dang said that would have been a third one. I do not remember the timeframe of that one.

Commissioner Whitten asked what was the nature of the complaint?

Ms. Dang said the two complaints, one on Crawford Avenue and the other on Rhiannon Lane, were posting on VRBO and evidence that they operated a Homestay without registering.

Councilmember Dent said in City Council we had some discussion about whether anyone has ever found these were a nuisance or received complaints. I did not realize that there were some complaints, but we have never had to revoke a SUP. Sometimes if someone calls the police for a party, they might think they have complained appropriately to the City, but they have not gone through the official channels through Community Development, Planning Commission, or City Council. We might need some transparency in what they need to do to actually report it as a nuisance.

Councilmember Dent also said that we received the Planning Commission report. I pointed out that now that we have the Housing Coordinator, Ms. Webb, on board, this will be a treasure trove of data for her.

Commissioner Armstrong said I want to clarify that the article that I shared regarding STR used 911 data as Mr. Russ was suggesting when they were documenting crime. It was also not specific to the rental itself. It was looking at the quality of the neighborhood with an increase in the percentage of homes that have STR. It did use 911 data.

Ms. Dang said in addition to the bylaws, the other item for the meeting next month is a STR

application on Port Republic Road.

Chair Finnegan said this would be the point in the meeting with the new bylaws that we would decide whether we want to split the meeting or not.

Ms. Dang said I will add that as another agenda item.

## 11. Adjournment

The meeting adjourned at 7:37 p.m.

### INTERPRETATION SERVICES

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

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

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

### NOTE TO THE PUBLIC

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.

Residents/Media will be able to attend the meeting according to best practices and procedures associated with pandemic disaster.

1. Masks are not mandated but strongly encouraged
2. Social Distance rules will apply

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 City Council 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 e-mailing [Thanh.Dang@harrisonburgva.gov](mailto:Thanh.Dang@harrisonburgva.gov).

Note

Note

Byrd, Orndoff