

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**April 14, 2021**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 14, 2021 at 6:00 p.m.

Members present by electronic, video communication: Jim Orndoff; Kathy Whitten; Richard Baugh (Joined the meeting at 6:02 p.m.); Laura Dent; Adriel Byrd, Vice Chair; and Brent Finnegan, Chair.

Members Absent: Isaac Hull.

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

Chair Finnegan called the meeting to order and said that there was a quorum with six members present. This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19. This meeting will be conducted by the following electronic communication means: electronically through GoToMeeting and Granicus. The public had the opportunity to provide comments in advance via email and will have the opportunity to provide comments by phone at designated times during this meeting. Because calls are taken in the order that they are received, we ask that the public not call the comment line until the item you are interested in is being presented or discussed.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the March 10, 2021 Planning Commission minutes.

Commissioner Whitten moved to approve the minutes.

Commissioner Byrd seconded the motion.

All members voted in favor of approving the March 10, 2021 Planning Commission minutes (6-0).

**New Business**

***Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee to rezone 907 North Main Street***

***Consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee for a special use permit to allow retail, convenience shops, personal service establishments, restaurants, and business and professional offices at 907 North Main Street***

Chair Finnegan read the requests and asked staff to review.

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

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

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

- Site: Vacant parcel, zoned B-2
- North: Parcel containing mixed use building of commercial space and three nonconforming multi-family dwellings, zoned B-2 and B-2C
- East: Across North Main Street, vacant parcel and convenience store, zoned B-2
- South: Across Ashby Avenue, residential dwelling, zoned B-2C
- West: Automotive repair business, zoned B-2 and B-2C

The applicant is requesting to rezone a +/- 17,206 square foot property from B-2, General Business District to R-5C, High Density Residential District Conditional. Simultaneously, the applicant is requesting a special use permit (SUP) per Section 10-3-55.4(4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices. The property is located on the northwest corner of the intersection of North Main Street with Ashby Avenue. If both requests are approved, the applicant desires to construct a mixed use development containing non-residential and residential uses.

With the rezoning request, the applicant has proffered the following (written verbatim):

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.

2. Townhouse and multi-family dwelling units shall provide 1.5 parking spaces per unit.
3. All traffic generating uses from the site will be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage, number of dwellings, or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. Proffer #1 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, the development does not require as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they have conditioned in proffer #2 that a minimum of 1.5 parking spaces per dwelling unit will be provided. The applicant understands that parking and parking lot landscaping requirements, among other elements, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Given that the applicant is uncertain about the details of future nonresidential uses on the site and that the applicant desired to not complete a traffic impact analysis (TIA) at this time, proffer #3 addresses staff's concerns about traffic generation to and from the development. This proffer limits future uses on the site to no more than 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 Engineers' Trip Generation Manual. This is the threshold the City uses to require a traffic impact analysis (TIA) for planned developments associated with rezonings, special use permits, preliminary plats, and engineered comprehensive site plans. Should the property owner ever desire to put a combination of uses on the site that increases the calculated vehicle trips in the peak hour above 100 vehicle trips, then the property owner must amend or remove proffer #3 through the rezoning process and a TIA may need to be provided at that time.

As noted above, the Comprehensive Plan's Future Land Use Guide designates this property as Mixed Use. The Comprehensive Plan describes that these areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. The conceptual site layout for the subject property illustrates one mixed use building massed close to the public street, with off-street parking to the rear of the building and an entrance to the site provided along Ashby Avenue. However, the submitted conceptual site layout is not proffered and the applicant could construct the residential units within one building with a separate non-residential building or could subdivide and create townhome parcels with a separate parcel for a non-residential building. The relatively small size of this parcel, parking requirements, and proffer #3 will dictate the number of residential units and non-residential uses that can ultimately be constructed on the site.

From a design and site layout perspective, staff believes massing buildings closer to the public street with off-street parking relegated behind buildings, as provided in the conceptual layout, promotes a more pedestrian friendly development. By placing building(s) closer to the street it concentrates people and places along the public street and creates an environment that is more

accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes, especially for areas designated Mixed Use by the Comprehensive Plan's Land Use Guide. Staff discussed with the applicant the idea of prohibiting parking between any buildings on the site and North Main Street, which could be done with an additional proffer. The applicant states that the relatively small size of the parcel and where the City would allow entrances limits and controls the location of parking for the site and therefore, they do not wish to proffer building or parking locations for the site. It should be acknowledged that this development proposal could change or that additional land could be purchased to increase the size of a development and possibly change the limits or controls described by the applicant.

Currently there is sidewalk along this section of North Main Street in front of the subject property and, if developed, the applicant will be required to construct sidewalk along Ashby Avenue to tie into the existing sidewalk. This will provide pedestrian access for residents and visitors to the development.

The requested rezoning to R-5C and the SUP for retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices is supported by the Comprehensive Plan's Mixed Use designation for this area. Additionally, the property is currently zoned B-2 which allows for the uses in the SUP request. Staff believes that the SUP requested is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area.

Staff recommends approval of both the rezoning and SUP request.

Chair Finnegan asked if there any questions for staff.

Commissioner Whitten said that the potential convenience stores would not have gas pumps associated with them, correct?

Ms. Banks said correct.

Commissioner Whitten asked if it could be four stories.

Ms. Banks said that with this conceptual layout they are considering two stories.

Commissioner Whitten said that it could be four.

Ms. Banks said that in the R-5 district it could be four.

Chair Finnegan said that he was trying to understand what was being proffered in proffer #3.

All traffic generating uses from the site will be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage, number of

dwellings, or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.

He asked how they limit the combined trips.

Ms. Banks said that they would have to limit the size. If they put an office or a small convenience store in, they will have to limit the size. They will have to provide, during the comprehensive site plan review, the square footage of the use to verify that they are not exceeding 100 vehicle trips during the peak hour when you combine the residential trips with the non-residential trips.

Chair Finnegan said that it has to do with the square footage of the commercial space as well as the number of the dwelling units. Correct?

Ms. Banks said yes. When they combine the two together, they cannot have more than 100 vehicles in the peak hour.

Ms. Dang added that the ITE Trip Generation Handbook has surveys and studies for different types of uses. Based on the square footage and number of dwellings there is a projected or estimated number of trips that could be generated. In practice, what we would do is that when an engineered comprehensive site plan is submitted, or in the future when building permits for additions or changes of use within the structure are submitted to our office, our zoning staff would see this proffer and ask for the Public Works Department's assistance in determining whether the new proposed uses generate or exceed 100 vehicle trips in the peak hour based on the ITE Trip Generation Handbook.

Councilmember Dent said that she visited the site. I noticed on this map that it was the same names as the auto shop, so I stopped in and introduced myself. He explained more about what he is intending. It sounds like mixed use is what the City is looking for, so thank you. He said that he would call in.

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.

Farhad Koyee, owner of 907 North Main Street, called in support of his request. I am trying to have a mix of residential and commercial on that property. The plan is to have a two-story building with some apartments, some retail and probably some offices. I can take questions.

Councilwoman Dent asked for more information regarding the apartments.

Mr. Koyee said that he is trying to put in some studios for affordable housing. I would put in some two or three bedroom apartments. If I put in some studios, it will be helpful for the City. It is close to downtown. The studios would be more affordable for people. It would be 10 to 15 studios and some retail on the first floor.

Councilwoman Dent said that the idea of studio apartments is interesting because we need small single apartments in the City.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that, as Councilmember Dent mentioned, when you read the Housing Study that was done in Harrisonburg, there is a clear identification for one-bedroom and studio apartments. There is a shortage of these in Harrisonburg. I am in favor of seeing more of these one-bedroom and studio apartments being built. There is a clear need for it and that is right along the bus line on Main Street. It is a good place to walk and bike and to get public transit. This is a good location for it.

Commissioner Whitten made a motion to recommend approval of the rezoning request.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Byrd	Aye
Commissioner Baugh	Aye, via chat
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the special use permit request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Councilmember Dent	Aye
Commissioner Whitten	Aye
Commissioner Byrd	Aye
Commissioner Orndoff	Aye
Commissioner Baugh	Aye, via chat
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (6-0). The recommendation will move forward to City Council on May 11, 2021.

Chair Finnegan noted that the next two public hearing items and the first item in New Business – Other Items, regarding 107 and 137 Vine Street, will be considered together.

Due to technical difficulties, the following statement by Commissioner Baugh was read into the record at the conclusion of the three requests related to 107 and 137 Vine Street.

Commissioner Baugh read the following statement into the record:

The Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosures.

1. The transaction involved are the items taken up on the April 14, 2021 Agenda as Items 4(c), 4(d) and 5(a), requests for a rezoning, approval of a special use permit, and a preliminary subdivision.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of City Council in this matter.

***Consider a request from James K. Strawderman (Estate) to rezone 107 and 137 Vine Street***

This item was discussed together with the special use permit and preliminary plat, both as identified and described below.

***Consider a request from James K. Strawderman (Estate) for a special use permit to allow townhomes at 107 and 137 Vine Street***

This item was discussed together with the rezoning, identified above, and the preliminary plat as identified and described below.

**New Business – Other Items**

***Consider a request from James K. Strawderman (Estate) to preliminarily subdivide 107 and 137 Vine Street***

Chair Finnegan read the requests and asked staff to review.

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

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

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

Site: Vacant site, zoned B-2C

North: Across Vine Street, vacant land zoned M-1 and vacant land in Rockingham County zoned A2

East: Multi-family, zoned R-4

South: Townhomes, zoned R-4

West: Automotive and industrial uses, zoned M-1

The applicant is requesting to rezone two lots totaling +/- 2.25-acres from B-2C, General Business District Conditional to R-8C, Small Lot Residential Conditional and a special use permit (SUP) per section 10-3-59.4 (1) to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District. The applicant is also requesting approval of a preliminary plat with variances. If the requests are approved, the applicant plans to construct 29 townhomes on the site.

#### *Rezoning and Special Use Permit*

In December 1999, the site was rezoned from M-1, General Industrial District to B-2C, General Business District Conditional. In connection with the rezoning request to B-2C, the applicant at that time proffered to remove several uses from the list of permitted uses in the B-2 district and proffered to install a landscape buffer along property lines bordering residential uses, as well as a limitation on sign height. The 1999 Proffer Statement is attached herein.

With the subject rezoning request to R-8C the applicant has proffered the following (written verbatim):

1. When constructed, there shall be only one entrance onto Vine Street.

The proffer would allow the site to have only one entrance onto Vine Street to serve all uses on the site.

Note that the submitted conceptual site layout is not proffered. The conceptual site layout illustrates a central open space area. While the applicant explained to staff that they intend to provide a central open space area, at this time, the applicant is not comfortable proffering a minimum size of central open space.



As previously noted, the subject property is designated Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. While this site by itself is not a mixed use development, as it does not contain a combination of residential and non-residential uses, staff believes that a townhome development at this location is will contribute to the Mixed Use area designated along the North Main Street corridor in the Comprehensive Plan's Future Land Use Guide. The Comprehensive Plan describes residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted. Adjacent to this site are existing townhome and multi-family developments that are designated in the Comprehensive Plan as High Density Residential which are planned to allow up to 24 dwelling units per acre. The proposed 29 townhomes on +/- 2.25-acres calculates to a density of 13 dwelling units per acre.

The requested rezoning to R-8C is supported by the Comprehensive Plan and staff recommends approval.

Additionally, staff believes that the proposed townhome use is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically, or otherwise, to property or improvements in the surrounding area, and therefore staff recommends approval of the SUP.

#### *Preliminary Plat*

If the rezoning to R-8C and the SUP to allow townhomes of not more than eight units are approved, then the preliminary plat can be considered. If the rezoning or SUP are denied, then the preliminary plat must also be denied.

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows how existing and proposed water and sanitary sewer lines will serve each new lot. An existing public water main and an existing public sanitary sewer main run along the frontage of an adjacent lot addressed as 1370 North Main Street (tax map parcel 42-D-16), and the public water main extends further across the frontage of one of the subject lots (107 Vine Street, tax map parcel 42-D-22).

On Sheet 3 of the preliminary plat, the applicant illustrates the location of easements for public water, public sanitary sewer, public general utilities, and stormwater best management practices (BMPs).

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) and describes in their application that "[t]he configuration of the properties is such that frontage of the buildings onto Vine Street would severely limit the number of townhouse units. In addition, existing developments adjacent to this property have their buildings facing a private parking unit, as is being proposed for this development."

The second variance request is to Section 10-2-43 of the Subdivision Ordinance which requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others as deemed utility by the City. The applicant describes that “[t]he preliminary plat illustrates, 5-ft and 10-ft public general utilities are provided to serve each new lot. This variance is requested so that additional easements that would otherwise restrict use or conflict with other easements (i.e. public water, public sanitary sewer, and BMP maintenance areas) are not required along the frontage and side or rear lot lines for each newly created lot.” Know that the public general utility easements provided would not preclude utility companies from negotiating alternative easements with the property owner(s). More or less, the requirements as specified in Section 10-2-43 are to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. Staff does not have concern with the proposed development deviating from this section of the Subdivision Ordinance as it appears all issues typically associated with this requirement are being addressed.

The layout shows 58 off-street parking spaces provided along the private streets at a ratio of two parking spaces per dwelling. The Zoning Ordinance requires one parking space per dwelling in the R-8 district.

Aside from the variances requested to allow the 29-townhome lots to not have public street frontage and to deviate from public general utility easement requirements, the development meets all other requirements of the Subdivision and Zoning Ordinances.

Staff recommends approval of the preliminary plat and variances as requested.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan asked for clarification regarding the layout of the electric meter bank, transformer line, running through the middle of the development. The way that they are divided, is that a transmission line? What is that running through the middle?

Ms. Dang said that is not a large transmission line. The electric lines running underground typically come together in the meter bank then go under the building slab to serve the townhome units. It is typical of what we see in townhome communities in Harrisonburg. It is an option that HEC offers the applicant, to bring it all to one spot at the end of the row of the townhomes.

Commissioner Whitten said that there is a correction required on the land uses. East is multi-family and west is automotive and industrial uses. Is that right?

Ms. Dang said that is correct. The staff report will be corrected before being submitted to City Council.

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.

Ed Blackwell, Blackwell Engineering, spoke representing the applicant. Staff did a good job laying out what we are doing. I think it is a good, compatible use for the neighborhood. It is half a block off of Main Street and fits in with the other residential uses. We have worked with staff to lay out the water and sewer. There could be some additional water connections with adjacent parcels. We are working with the Public Utilities Department on that. That will be part of the engineered comprehensive site plan review process. We are going to do the meter packs. It makes it easier to lay out the utilities on site. We have not finished with the new water quality requirements, having to do everything on site. We do not know how much of that center common area will have to be taken into a bioretention basin or detention pond until we do the calculations. It is a green space, open space, right now. We are okay with the one entrance that the City was asking for. It could have more or less parking. My client would like to see two spaces per townhome. We think that is a good, fair mix. We would love to go less, but it makes it tough when you go to sell these. Most people want two spaces. We did not proffer the plan, but because we are requesting the preliminary plat, our goal is to go right into the design stage and the construction stage later this fall. That is what we are planning for the next year. It is locking us into this layout as it is.

Commissioner Whitten asked is there an idea of what the bedroom configuration is going to be. Are they all going to be the same? Are there going to be some two bedrooms, some three bedrooms? Do you have any idea?

Mr. Blackwell said that the goal is two and three bedroom units. They would be standard townhomes. They may have two larger bedrooms or one large and two smaller bedrooms.

Commissioner Whitten asked if there were any ADA units.

Mr. Blackwell said that there are building code requirements. If we keep these as rentals, then we have certain percentages of type A and type B handicap accessibility. We will have to look into that as part of the site plan process. My recommendation to the owner is to try to get at least two percent. In this case it would be one A unit and one B unit as a minimum.

Mr. Fletcher asked if the A and B units are associated with apartment units. These are townhomes.

Mr. Blackwell said that Mr. Fletcher is right. These are individually platted lots. Technically, we would not have to follow that guideline. They are platted and end up like single-family homes that are attached. If we rent them, I think you are right.

Mr. Fletcher said that he was not sure if that requirement would come into play because they are subdivided and considered an R-5 unit by the Building Code. I am not sure that the ADA compliance comes into play if they are rentals. I think that it does not. Commissioner Whitten, we can ask the building official and get back to you.

Commissioner Whitten said that it was just a few years ago that we had a good friend who was in need of ADA housing. I was shocked at how little there is in Harrisonburg. I think that while we talk about affordability, that is another specific need that we have in the City. We need apartments and homes that are ADA accessible.

Councilmember Dent said that she noticed that there are parking spaces labeled as disability compliant. I would imagine that whatever requirements the housing units themselves might meet would be those that are adjacent to the parking spaces.

Mr. Blackwell said that, by code, we have to add one handicap space for every 25 parking spaces up to the first 200. That is the ADA parking requirement. Commissioner Whitten was talking about the ADA housing requirements. If you look at the site from Vine Street, it goes up a big hill, then slightly drops to the back, to the south. Our goal is to cut some of the hill in the front and put it in the back. The site itself is going to be relatively flat when we finish our grading. It would lend itself for ADA parking and it could lend itself for ADA housing requirements, if required. I will get with my client to look at making a couple of these townhomes maybe a foot or two bigger to allow for the ADA bathrooms.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Byrd said that he has been driving past that parcel of land for a decade and seeing "lot for sale" for at least a decade. If changing it to R-8 gets something built there it would be of more benefit to the City than it is as a mound of dirt. I move to recommend approval of the rezoning request.

Councilmember Dent seconded the motion.

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

The motion to recommend approval of the rezoning request passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the special use permit request.

Commissioner Whitten seconded the motion.

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

The motion to recommend approval of the special use permit request passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.

Commissioner Orndoff made a motion to recommend approval of the request to preliminarily subdivide 107 and 137 Vine Street.

Commissioner Byrd seconded the motion.

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

The motion to recommend approval of the request to preliminarily subdivide 107 and 137 Vine Street passed (5-0) with Commissioner Baugh abstaining. The recommendation will move forward to City Council on May 11, 2021.

Commissioner Baugh returned to the meeting at the conclusion of this item.

***Consider a request from Camp Darby LLC to close an undeveloped public alley located between parcels addressed as 245 and 285 East Washington Street***

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that the following land uses are located on and adjacent to the property:

Site: +/- 1,680 sq. ft. of undeveloped public alley, zoned M-1  
North: Across East Washington Street, industrial operations, zoned M-1  
East: Vacant parcel, zoned M-1  
South: Continued portion of the alley and single-family dwellings, zoned R-2  
West: Industrial operations, zoned M-1

The applicant, Camp Darby LLC, is requesting to close a +/- 10-foot-wide undeveloped public alley that runs perpendicular to East Washington Street between parcels addressed as 245 and 285 East Washington Street. The alley is +/- 168-feet in length. Although the property owners of 245 and 285 East Washington Street are listed as two different entities, Jocasila LLIC and Camp Darby LLC, respectively, both are owned by David Rao. Mr. Rao describes in his letter that he is “[a]pplying to purchase adjoining alley to provide parking for 285 E. Washington St.”

At the entrance to the alley at East Washington Street, the alley can be traversed over grass by a vehicle all the way through to East Johnson Street, where the alley becomes paved between two parking areas located on 274 and 276 East Johnson Street. There is also an alley that crosses the subject alley, running parallel to East Washington Street and East Johnson Street that has vegetative growth that prohibits travel through portions of that alley.

Within the subject alley between 245 and 285 East Washington Street is a public sanitary sewer line. As part of staff's review of the subject request, the Department of Public Utilities indicated that they would investigate the public sanitary sewer line to determine whom it serves and if the sanitary sewer is determined to be active, then a public sanitary sewer easement must be reserved. No other utilities have been identified within the subject alley.

The applicant is aware that if City Council votes to approve closing the alley (first reading at City Council), the applicant is responsible for having a survey and plat prepared in order for the City Attorney to draft the ordinance to finalize the closure (second reading). The plat should show the portions of the closed alley being added to adjoining parcel(s) and the public sanitary sewer easement, if necessary. Once the applicant has submitted the funds to buy the public alley and the ordinance is drafted, the second reading can occur to finalize the closure.

In September 2018, City Council approved a similar request to close a portion of public alley between 211 and 245 East Washington Street.

Staff recommends approval of the alley closing request with the condition that the City reserve a public sanitary sewer easement if determined necessary by the Department of Public Utilities.

Chair Finnegan asked if there were any questions for staff.

Councilmember Dent said that building is the former Salvation Army building. As I understand it, that was bought and taken over by a new industrial operation, a local company founded to make PPE and other equipment. Is that the company that is looking to expand to have a parking lot associated with it?

Ms. Dang said that the PPE company is leasing space from the owner of the property. I will let the owner share what their plans are if the applicant is available to answer questions.

David Rao, 285 East Washington Street, called in support of his request.

Councilwoman Dent said that staff stated that the purpose is to add a parking lot. As it turns out there is an industrial operation leasing the building. Presumably, that would go forward with any leasing in the future. I did not realize that they did not own it, but you do. Is that the purpose, to create parking for the industrial use?

Mr. Rao said correct. There is currently one tenant in the building. The tenant is making masks. They started operations in October. They occupy about 7,000 square feet. The building is about 28,000 square feet. It is on a small lot with a small amount of parking. After buying the building, I acquired the adjacent lot to provide parking. Ms. Dang mentioned that my neighbor to the west had bought that alleyway, and that led me to pursue this closure.

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

Chair Finnegan said that he is not crazy about alley closures generally. I drove by this. It looks like it could be a paper alley. It does not look like it is being used. This alley closure does not block closure to the alley off of Simms Avenue. If people want to use it, it seems that it is still accessible from Simms Avenue.

Ms. Dang asked if he was referring to the alley that runs parallel to East Washington Street.

Chair Finnegan said yes, the longer alley.

Ms. Dang said that the alley is available on paper. If you visit the site, there are trees in the way. It would have to be cleared to make it accessible.

Chair Finnegan said that, theoretically, if those trees were to be cleared and if people wanted access to that longer alley, it could still be accessed. What I am saying is that we are not closing off access to the longer alley.

Ms. Dang said that is correct.

Commissioner Whitten made a motion to recommend approval of the alley closure request, as presented.

Commissioner Orndoff seconded the motion.

Chair Finnegan asked for a roll call vote.

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

The motion to recommend approval of the alley closure request, as presented, passed (6-0). The recommendation will move forward to City Council on May 11, 2021.

### **Unfinished Business**

None.

### **Public Comment**

None.

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

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

On hold.

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

Commissioner Baugh said that there was one item regarding a mixed use development at the corner of Port Republic Road and Boyers Road. It sounded a lot like some of our discussions. They now plan for mixed use development and now someone wants to come up with a mixed use development that is near an established residential development. People in the residential area do not like it. They spent two hours on it. Given the amount of time that I have been doing this, I would say that whatever arguments you think that you would have heard from the neighborhood about why this was a bad idea, they heard them. It is going to increase traffic. It is going to be noisy. We do not know all these people that are going to be coming in. There will be flooding. It is interesting in light of our Housing Study in the sense that a lot of the stuff with housing is regional, not just the City, to be so emphatic that they do not need any new housing. This particular development was being split between B-1 and what they call planned multi-family residential. It would look like our old R-3 apartments and townhouse type thing. The B-1, interestingly, is something that they said there is nothing like this in this area, but I have seen other mini-storages. It has a contained storage unit building, multi-story, temperature controlled, limited access.

Commissioner Baugh explained how there were concerns about the development and who would be visiting the site and whether or not having such a use should be considered mixed use. They approved it on a 3-1 vote.

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

There was no meeting.

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

Councilmember Dent said that the Blue Ridge Development was approved. The alley closure between Myers Avenue and Monticello Avenue was approved. The request from Margaret Sheridan to rezone 518 East Market Street was approved. The Bridgewater College Property, formerly known as the Spitzer Art Center, rezoning was approved. The Zoning Ordinance amendment that fed into the Blue Ridge Development was approved. It had a public hearing but did not result in public comment. The Capital Improvement Program was approved. I put in my two cents worth about the solar and the electric vehicles. The Shenandoah Valley Organics request was approved.

Mr. Fletcher clarified that the Shenandoah Valley Organics public utility application was approved at the City Council meeting of March 23, 2021. We were able to get that in a little earlier than was planned. I think that there was something else with the Shenandoah Valley Organics project last night.



Councilmember Dent said that is correct. It was more about funding, grants, and performance agreements. The way the City Attorney explained it was that since the City cannot directly fund a private company, it goes through the Economic Development Authority. It was not the approval from the Planning Commission. It was the funding.

### **Other Matters**

#### ***Planning & Zoning Projects Update***

Ms. Dang said that staff, specifically Adam Fletcher, Wesley Russ and I, have been working with the consultants predominantly on the zoning portion of the project. Work continues. Some of you who are on the Ordinance Advisory Committee know that we are now looking at not holding what I announced last month as the public meeting at the end of April. We are now looking at the next available dates. We think that we will be ready around the end of May. We will announce those dates as soon as we are ready to do so.

Chair Finnegan said that he does not know who makes the decisions regarding moving back to in-person meetings. I know that some people are vaccinated, and others are not. That is, hopefully, an ongoing discussion. If it is in terms of public health, I hope that as soon as City Council starts meeting again, that the Planning Commission will start meeting in person again, sooner rather than later.

Councilwoman Dent said that all of us on City Council have been vaccinated.

Chair Finnegan said that it was understood, when we moved to these online meetings, why we were doing it. When we did it, it made sense. It still makes sense until a certain percentage of people are vaccinated. I hope to resume meeting in person again soon, this spring or summer.

Commissioner Whitten echoed Chair Finnegan's comments. Even if we have to continue to meet, just us in a room together, and the public not be invited to be included but to watch remotely or virtually, I think that it would improve the process.

Chair Finnegan agreed. If that is an option, I would like to pursue that option. If there are members of the Planning Commission who feel differently or have other concerns, please let us know. My question to staff is, how do we begin that process of moving to meeting in person? Who makes that decision?

Mr. Fletcher said that it is something that we will talk about with the administration and look for guidance. Paul Helmuth, Deputy Emergency Coordinator, provides guidance to the City Manager's office. We will listen to what their suggestions are.

Ms. Dang said that, at this time, outside of our offices we are still masked and required maintaining the six feet of distance when in City Hall.

Mr. Russ said that we can have these meetings electronically because of the Governor's emergency order. At some point, that will be lifted, and public meetings will have to go back to in person. I imagine we will be looking at when we can do public meetings in person prior to the official end of the emergency.

The meeting adjourned at 7:35 p.m.