



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, January 8, 2025

6:00 PM

Council Chambers

1. Call To Order

2. Roll Call/Determination of Quorum, Election of Officers, and acknowledgement of Ethical Principles in Planning

Present 6 - Brent Finnegan, Valerie Washington, Richard Baugh, Vice-Mayor Laura Dent, Heja Alsindi, and Kate Nardi

2.a. Election of Chair, Vice-Chair, and Secretary, and appointment of Board of Zoning Appeals member for 2025

Ms. Dang continued the next order of business is the election of officers and the first officer you all would appoint is the Chairperson. With that, I will open the floor for nominations for new Chair for the Harrisonburg Planning Commission.

Commissioner Finnegan said I would like to nominate Richard Baugh for Chair.

Councilmember Dent seconded the motion.

Ms. Dang said are there any other nominations? Hearing none, I would like to ask for a voice vote.

Richard Baugh was elected Chair.

Chair Baugh said our next item is to elect a Vice Chair. The floor is now open for nominations for Vice Chair.

Councilmember Dent said I nominate Brent Finnegan for Vice Chair.

Commissioner Alsindi seconded the motion.

Chair Baugh said are there any additional nominations? Hearing none, we will go to voice vote.

Brent Finnegan was elected Vice Chair.

Chair Baugh said for those of you who may not know the Board of Zoning Appeals has a quirky thing to it because it is a creature of state statute. Most things that we do we just vote and appoint but for this one, Mr. Russ has paperwork and submits it to the courts so on and so fourth. Mr.

Byrd had been our representative. Again, a liaison where we have sort of spread it around, we do not really have that option here. We do need to designate somebody as a representative of the BZA. With that, the floor is open for nominations.

Vice Chair Finnegan said if she is willing to accept, I would like to nominate Commissioner Washington for BZA representative.

Commissioner Nardi seconded the motion.

Chair Baugh said are there any additional nominations?

Commissioner Washington was appointed as the BZA representative.

Commissioner Nardi said I would like to nominate Anastasia Montigney to Secretary.

Vice Chair Finnegan seconded the motion.

Anastasia Montigney was appointed Secretary.

2.b. Acknowledgement of Ethical Principles in Planning

Ms. Dang said in the by laws of the Planning Commission it states that the Commissioners shall sign a pledge to adhere to the Ethical Principles in Planning at the beginning of each year and this is a document that was created by the American Planning Association. A copy was included within your packet and rather than you all signing the document, I would ask that you all pledge that you will use the American Planning Association's Ethical Principles in Planning document as a guide to ethical conduct while performing your duties as a Commissioner of the Harrisonburg Planning Commission.

Chair Baugh said is there any discussion or perhaps a motion along the lines of what Ms. Dang has just suggested. What are we looking for?

Vice Chair Finnegan said a motion to adopt?

Chair Baugh said she spent some time getting her wording the way that she wanted.

Ms. Dang said I will ask that all members acknowledge the pledge by stating aye.

Chair Baugh said is that your motion Vice Chair Finnegan?

Vice Chair Finnegan said yes, that is my motion.

Commissioner Nardi seconded the motion.

The Commission pledged to adhere to the Ethical Principles in Planning.

3. Approval of Minutes

3.a. Minutes from the December 11, 2024 Planning Commission meeting

Chair Baugh asked if there were any corrections, comments or a motion regarding the December 11, 2024 Planning Commission minutes.

Vice Chair Finnegan moved to approve the December 11, 2024, Planning Commission meeting minutes.

Commissioner Nardi seconded the motion.

The motion to approve the December 11, 2024, Planning Commission meeting minutes passed (6-0)

A motion was made by Finnegan, seconded by Nardi, that this Minutes be approved. The motion carried by a voice vote.

4. New Business - Public Hearings

4.a. Consider a request from the City of Harrisonburg to amend the Zoning Ordinance, Article E. - Nonconforming Structures and Uses

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said at the August 2024 Planning Commission (PC) meeting, PC tabled a request to rezone 895 North Liberty Street from M-1, General Industrial District to R-8C, Small Lot Residential District Conditional and instructed staff to look into drafting an ordinance amendment that would allow residential uses in the M-1, General Industrial District by special use permit (SUP). (Details of that request are available at:

<https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=6824364&GUID=23B4ABBF-165A-4C1F-A6E7-94E3D714B85D&Options=&Search=>>.)

While researching and evaluating the idea of allowing residential uses by SUP in the M-1 district, staff also considered allowing the continuance of existing nonconforming residential uses that meet certain criteria in both the M-1, General Industrial District and the B-2, General Business District.

With regard to nonconforming uses and how they are lost, the Zoning Ordinance states that “[w]henever a nonconforming use is enlarged or extended beyond the size, character, or intensity of the use as it existed at the time that it became nonconforming, the nonconforming status of such use shall terminate and become unlawful.” Additionally, the purpose of the nonconforming

principle is to preserve rights in existing lawful buildings and uses of land, subject to the rule that public policy opposes the extension and favors the elimination of nonconforming uses. Nonconforming uses are disfavored because they detract from the effectiveness of a comprehensive zoning plan.

Key Issues:

Rather than drafting an ordinance that would allow residential uses in the M-1 district by SUP, staff has drafted an amendment to the Zoning Ordinance (ZO) to allow certain nonconforming residential uses that would have otherwise lost their nonconforming status due to an expansion in the intensity of a residential use.

Staff is proposing to add subsection (e) to Section 10-3-21 as shown below:

In the B-2 (General Business) and M-1 (General Industrial) Districts, an otherwise nonconforming single-family detached dwelling that has been converted to contain multiple dwelling units or expanded beyond its permitted number of occupants may continue as a nonconforming single-family detached dwelling, notwithstanding subsections (a) through (c), provided that: (1) the total square footage of the structure has remained unchanged and (2) occupancy of the single-family home is reduced or limited to one family or two unrelated individuals. Nothing in this subsection shall be construed to prevent the building official from enforcing compliance with the Uniform Statewide Building Code.

Additionally, to improve clarity, staff is proposing to add subsection (d) to Section 10-3-20 as shown below:

Nothing in this section prevents keeping in good repair a nonconforming building or a building in which a nonconforming use is conducted.

The entirety of Sections 10-3-20 and 21 can be found in the document titled “Current Ordinance Reflecting Recommended Amendments” that is included within the packet.

The amendment to Section 10-3-20 is to explicitly describe a practice that we allow, which is that repairs can be made to a nonconforming building and to a building in which a nonconforming use is conducted.

The amendment to Section 10-3-21 would allow for the continuation of a nonconforming single family detached dwelling use under specific situations. Examples of the application of this amendment can be seen at 895 North Liberty Street. The existing single-family detached dwelling was converted illegally into a “duplex.” Under current regulations, if a nonconforming use is expanded in intensity (in this case the number of dwelling units increased) the residential use must cease because residential uses are not allowed in the M-1 district. Because the total square footage of the structure has not been enlarged (either horizontally or vertically), the proposed

amendment would allow the structure to revert back to a nonconforming single-family detached dwelling.

It is important to note that if, for example, a once nonconforming single-family detached dwelling in the B-2 or M-1 district was changed to an otherwise permitted use for more than two years, then the nonconforming dwelling status would be lost per Section 10-3-20 (b) (2) and 10-3-21 (b).

As previously stated, staff evaluated an option to allow residential uses in the M-1 district by SUP but believed it would have unintended outcomes. In using the property at 895 North Liberty Street as an example, staff was unable to support that rezoning request for a residential use because not only is that site planned and zoned for industrial uses, but all properties on the west side of North Liberty Street extending from the North Liberty Street/Edom Road intersection north to the City/County jurisdictional line are also planned and zoned for industrial uses. Staff believed approving a rezoning to continue a residential use at that location, which would also allow for the expansion of the residential use with additions, would be inconsistent with the goals and intent of the Comprehensive Plan. Staff would likely also evaluate a SUP option for that same site in a similar fashion.

Also of note, is that if the proposed amendment is approved, property owners would not have to apply for a rezoning or SUP and go through the public hearing process, which should save property owners both time and money. Instead, a zoning determination would be made administratively by staff, and if it meets the noted criteria, can continue as a nonconforming use. Staff recommends approval of the ZO amendments.

Chair Baugh asked if there are any questions for staff.

Commissioner Alsindi said thank you for the presentation. I do understand this is an arrangement and I welcome it in principle for such situations. I have a question with regard to the two unrelated individuals. Does that mean this treatment will still enable people to rent such units and if so, is this in line with the main goal of this treatment in terms of we still want to turn it to M-1, correct? But this is a fair treatment for cases that are pending in such situations. Allowing people to rent, which again, in principle, I do welcome this. But I am looking at it from a general point of view and the implications in the future. Would this still allow people to use the nonconformance for keeping it nonconformed without being changed to M-1, which is our goal but without being unfair to the situation as such is being presented today?

Ms. Rupkey said the property would remain...I will just continue using the North Liberty Street property as an example for this one. In this situation the property would remain M-1. It just has a nonconforming use that had lost its nonconformity meaning that they have to now do what is allowed in the M-1 district. Does this help answer your question?

Mr. Fletcher said first to answer your question this has no impact on whether or not the property

can be rented. Whether it is owner occupied or it is not owner occupied is irrelevant. If you own the property and you want to rent to somebody, they can absolutely rent it. The situation that we have is, typically, if you expand upon a nonconforming use, you usually lose everything. The best option we thought was to just go to the baseline most restrictive occupancy because we have different occupancies in different zoning districts. Because the M-1 does not specifically have one then we are just saying that you have to comply with this single-family or two unrelated individuals. That is the most restrictive occupancy in the City which mimics the UR district, which is our downtown district. Other options could have been to mimic what is in R-1, which gets a bit complicated, but it is like single-family. If it is owner occupied, you get an additional two boarders. If it is not owner occupied, you get an additional one border. The reason you often times hear people misstate "oh it is just two unrelated" is because you end up having someone rent to one person and then because that one person counts as a family, they only get one more boarder and that is where the two comes in. You oftentimes have this situation, especially for us in a college town, where you end up with just two people residing in a unit that has relatively restrictive occupancy. If Planning Commission wanted to, you could amend it to have up to four [unrelated individuals] if you wanted to do that. We just went to the most restrictive because you are still granting this property the ability to have residential occupancy. Otherwise, it would have been no occupancy because the residential use would not be permitted.

Commissioner Alsindi said even if we say only single-family without adding the two unrelated, we still have that opportunity. We are restricting it in a positive way. There is no restricting the freedom of renting it, but renting it in certain situations in a limited form that I would call a positive limitation.

Mr. Fletcher said whether it is owned and lived in or rented...maybe I am not understanding your concern but the occupancy remains the same.

Commissioner Alsindi said I understand opening the door for rental in this way by saying reasons for extending the nonconformance. I do not think that is the intention of this amendment here. In the future we still look forward to M-1, but without disadvantaging people who are in such cases who have purchased a unit or is living there as a single family. By saying to individuals, we are giving more reasons to extend the nonconformance beyond this specific situation.

Chair Baugh said are you saying that you would like it better if it just said one family?

Commissioner Alsindi said yes.

Chair Baugh said I think what staff is saying is that you can do that. That would make it the absolute most restrictive thing that we have. We do not have anything that restrictive.

Councilmember Dent said if I can reflect from what you were saying that the R-1 [occupancy] is so complicated. If it is the owner they get two, if it is not they get one. Rather than going into that detail just keep it either a family or two unrelated.

Mr. Fletcher said the other component to this was that when we have these nonconforming properties, we do not know what the occupancy is. It could have been four, could have been six, could have been eight, could have only been a single family. We do not know. So, when they lose their nonconformity you have to decide what you want to allow and what you want to go back to or establish. I think as staff, and we did not get into this detail, but I would suggest what we have proposed to not further limit it to a single family only but to keep it at a single family or two [unrelated persons]. I think that does create more flexibility. If you wanted to do the R-1 stuff, that is even more flexible. It is not like it is so complicated, but to the public it gets a little confusing. We did not get into the discussion about any other types of occupancy. This seemed to be the most straightforward way for us to enforce the regulation because we are essentially reestablishing an occupancy for them to abide by.

Councilmember Dent said what would you do if you found out that there were four unrelated people there? Do they lose the nonconformity?

Mr. Fletcher said that is what this is saying.

Ms. Rupkey said are you asking if they lose their nonconformity again? Like they get a notice of nonconformity, they go through this process, we find out that they can keep their nonconformity and then they would do it again. Was that your question?

Councilmember Dent said or if they exceed the limits we are proposing here.

Mr. Fletcher said let us say that there were four individuals living in a residence and somewhere along the line they decided that they wanted to take the unit and convert it into two. Where two people would live downstairs and two people would live upstairs, that expansion of creating an additional unit in that structure made them lose the ability to have four in total. The situation that I just described would be very unusual. It would more likely be that you had four people living in a unit and somebody created an additional unit in that structure and went to put more people in that second unit. Thanh, Meg, or Wesley do you have any other thoughts to help clarify.

Ms. Dang said if we found out on an M-1 zoned property there was a single family dwelling that there had ten people living there and we determine there has never been a time where ten people could have lived there, and they would have, under typical, current day circumstances, lost their nonconformity. This new change as we have proposed would allow them to not lose their nonconformity, they can be a single family detached dwelling and go down to the occupancy prescribed in this text.

Mr. Fletcher said if you are trying to capture the ability where somebody had ten people and then they added an eleventh, now they have lost their nonconformity. Under the current rules that house can no longer even be a house. It just has to be M-1 or B-2 property and follow whatever nonresidential uses apply. We are creating an exception to keep the unit on the market. If you are

trying to figure out a way to allow the ten to go back in, that is where we had so much debate. Our Zoning Administrator was really challenged even with the exception that we have created because we are starting to erode into the purpose of nonconforming law. If you are trying to say well you had ten you went to eleven, shame on you go back to ten, it kind of defeats the purpose of the nonconforming ordinance and people might start to take advantage of those things.

Councilmember Dent said I guess what I am getting at is the two unrelated seems overly restrictive to me, I am not sure about that. It seems like the more normal is four, right? I do not know where the right number is.

Mr. Fletcher said I do not know what normal is. There are just different occupancies for different zoning regulations.

Vice Chair Finnegan said to Councilmember Dent you are saying making it more like R-1 rather than UR?

Councilmember Dent said I guess so. What is UR?

Mr. Fletcher said Urban Residential. It is much of what most people might refer to as Old Town. It was rezoned back in 2001 from R-2 to the Urban Residential designation and there were concerns at the time about over occupancies and properties converting into student housing. They worked as a community with Planning Commission, City Council, and staff during the early 2000s to change the regulations to kind of get a bit more control over their neighborhood because of the infiltration of over occupancy of students.

Councilmember Dent said well, in that sense it makes a certain amount of sense for it to match UR because it is industrial, potentially urban, at least in this case. I do not know. I am just sort of debating what is the right number.

Vice Chair Finnegan said I think in my mind my recollection of the August meeting was Chair Baugh that said could we maybe find an exception or a special use permit. This is kind of the compromise. In my mind, this is a good compromise. We are keeping someone in a house. At least in this particular case we are not saying this house can no longer be occupied by a person living here. I hear staff's concerns about are we just encouraging more people to continue living in a place where ultimately want to match with the Land Use Guide.

Councilmember Dent said I am fine with it. I just wanted to commend staff for the creative solution. I remember I said "find a way to make it work."

Mr. Fletcher said it took all of us, literally. We debated it and had many meetings with many different iterations.

Chair Baugh said I will throw in too that while it is a fair general statement and I think tons and

tons of examples where we have nonconforming uses and we grit our teeth and we curse the existence of that and say man I hope the day will come and I can not see that it ever will come where this property loses its nonconforming status and can come in compliance with the current zoning. You see that a lot, but it is not 100 percent of the time. Some of the time, and I think this is maybe that we also have these ones where, let us face it, what we have in the zoning is we know that it is in an area that is probably in a certain amount of flux or change. We do not have enough information, vision, confidence, or whatever to be really proactive with it. It ends up being kind of more of a placeholder situation that we have been, correctly, not quick to then proactively start trying to tinker. For an area that you know is probably going to change...I feel confident it is not going to look like this in 50 years. I am less confident that I know what it is going to look like in 50 years. In those situations, I think the argument that we always want nonconforming properties to move in the direction of the zoning is not true. Sometimes we do like the fact that there is some flexibility.

Mr. Fletcher said I will also add too, not that you need to get into our heads in every situation, but we tried to even make this more flexible for other situations. We really started to get much broader in trying to help situations so people would not lose residential units, but it just got so complicated and there was a domino effect and then we just went back to the narrowly tailored situation. We tried and we even went beyond what was asked of us but we came back to this.

Chair Baugh said I am not surprised that the number that you came up with also feels like at one time or another we went to talk to every one of these people. They also run a cross section. You have got some sort of very small dwellings where you are concerned with overcrowding and in some cases you have an old house of some size. The way I am looking at this is saying is it really creating an exception that maybe falls into that no harm, no foul aspect. If you are caught and you would have lost your nonconforming use under what we have right now. If you put it back, you have not expanded the footprint, you go forward and of course now you are on the radar. I do not want to be putting words in anybody's mouth, but I am sure that part of what we are thinking is since in our system we do not have a database of all the properties... there are properties out there that we know nothing about until a complaint or something comes forward. That is then the issue. That is where you have the argument about have you really had ten people in here constantly. We can all think of examples and property owners that we think push the envelope every place else. Presumably they would be willing to push the envelope here. I certainly agree with staff's conclusion. Again, I said special use permit as food for thought, not because I was into that idea. I think this approach makes more sense than just opening the door. I can totally see that just opening the door and saying well if you are in the M-1 now you can just apply for this, that is too much.

Councilmember Dent said that was good brainstorming then.

Chair Baugh said it got us moving in this direction. Any additional questions for staff for points of discussion before we open the public hearing?

Councilmember Dent said I remember from the aerial maps, and the site in general, that this is one of those places that was annexed from the County. So who knows when it got there. There was also a string of a small trailer park next door, that has to be nonconforming. As you say no harm, no foul, unless they try to expand or whatever. There is a sense that it is already there, why single out this one person who came to you trying to improve their house or something. The other thought I had about it is that in some cases this might be a beneficial temporary arrangement or however long it lasts for people to live right next door to the industrial place they work and walk to work. If the slightest infraction makes them ousted, where are they going to go? While it is still temporary and only a certain compromised solution, I think it is a workable one.

Vice Chair Finnegan said this language is directed specifically at single family detached units. This does not apply to duplexes, townhouse, or apartments?

Ms. Rupkey said correct. As Mr. Fletcher brought up, we were going out a little far and it was harder to find an amendment that would work for all of these situations.

Mr. Fletcher said we went down that rabbit hole. We talked about duplexes, we talked about apartments above commercial spaces, all of those things. That is where we really were like “we are going to make a good thing here” and then it got much more complicated and we had to pull back. You are correct and good observation, this only applies to single-family detached dwellings. As Meg had pointed out earlier there is only a handful of these situations across the City. It is not just this 895 North Liberty Street situation. There are others and they would have to fit into the criteria. Did they increase the number of occupants or the number of units in the existing structure? Did they expand the structure? There is just so many different things. We just had to come back to what was the objective? What are we trying to solve? It just got way too complicated.

Chair Baugh opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Finnegan said I just wanted to circle back to Commissioner Alsindi’s question, I think UR is the most restrictive zoning that we have in the City in terms of single-family housing and in terms of how many people can live there. I mean just to answer your earlier question, bringing this in line with the most restrictive single-family housing zoning regulation that we have. I think it is a good compromise to saying no one can live here at all. I think making more restrictive than UR, I do not know that I would support that personally. I do not know if staff can speak to the plus one when we say no more than one family or two unrelated individuals. I do not know if staff can speak to that it is single-family housing. That is low-density single-family housing. What does the plus one come from?

Mr. Fletcher said what is the reasoning behind it? Well, that I truly do not know the answer to. It has probably been written that way since the 70’s. It basically says owner occupied units can have a single family plus two boarders. Non owner occupied meaning you rent the place can have a single family, how many people are in your family or meets the family definition in the Zoning

Ordinance plus another individual. That is where the plus one comes in. The reason why you end up with only two sometimes is because sometimes an individual counts as the family. They are not married, they have no dependents, then they could have one other person. I see no disadvantage to doing what we are proposing for you to adopt. I find myself similar to Commissioner Finnegan just in saying that there would be no reason to further restrict it. You would actually be hurting the community in a way because it is not creating those opportunities for the nuclear family situation.

Vice Chair Finnegan said often two roommates might...if the rent is \$1500 a month or something that is a lot for one person but to split it in half..

Mr. Fletcher said you have situations where you might have a single parent and a child and they have a significant other, that would count.

Chair Baugh said I think, in some state of my mind, that some of the roots are kind of like that. That it was, when you go back 50 years, that an unmarried couple with children, I think everybody would say that sounds like a family, but the unmarried couple raised the question. I think that is some of the roots to some of the stuff. Oh, we are not married, we are not related, we are not a family. You two can do it, but you cannot bring anybody else in.

Ms. Rupkey said I am not sure if this would help but our definition of family is not just by marriage. It is the blood, marriage, adoption, fostering, guardianship.

Commissioner Alsindi said not to regret why I did not codify this more; I always go back to the Comprehensive Plan. For me that is The Constitution that I am likely to go back to. Referring back to the Chairman when he said 50 years, my intention is to make it in 15 years if possible and to expedite such kind of cases. To me it makes sense, so that is where my argument is coming from. To further restrict it... I do understand is against the flexibility that you are calling for and I do appreciate that. If it is in our hands and if it is possible not to add the plus two That was my question. Let us confine and limit was set for the single family as it would help in further expediting and reaching lower comprehensive goals.. Meeting the Comprehensive Plan's goals and shaping the character of the City. While again being concentrated to people's need in terms of rental and so on. Sometimes to me that is a priority. There are other choices and opportunities for people to rent not necessarily in an M-1 and then turn the unit into becoming a reason for income rather than a single family that needs to live there as this whole case situation emerged from last time.

Chair Baugh said what is the pleasure of the group?

Vice Chair Finnegan said I will move to approve the Zoning Ordinance amendment as submitted by staff.

Councilmember Dent seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Baugh	Aye

The motion to recommend approval of the Zoning Ordinance Amendment passed (6-0). The recommendation will move forward to City Council on February 11, 2025.

A motion was made by Finnegan, seconded by Vice-Mayor Dent, that this PH-Zoning Ordinance be recommended for approval to the City Council, due back on 2/10/2025. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

5. New Business - Other Items

5.a. Consider updating Planning Commission's Rules and Procedures

Ms. Dang said this is not a public hearing item, but it does require you all to take action on it if you choose to do so this evening. Another option could be that you all have additional amendments after some discussion that staff could take back and come back at a future date with the revisions. The current Rules of Procedure, Bylaws, and other information about the Planning Commission are available online and that describes for the public generally how a public hearing happens and what are the actions that take place through the meeting. The Planning Commission's Rules of Procedure was last updated on July 14, 2021. Then if you all recall, at the October 9, 2024 Planning Commission meeting, Commissioners discussed public hearings and how much time each speaker receives to speak and suggested coming up with a consistent number because we were talking about three or five minutes. Following that discussion, staff has amended the Commission's Rules of Procedure for the Commission's consideration. Within your packet what we offered was the proposed amended version as well as the currently adopted version from 2021. I will highlight some notable changes. The applicant is invited to speak before the public hearing is opened. Commissioner Finnegan when he was Chair had started to do that in the last handful of meetings. Given the idea that the applicant would not be limited to the three minutes that we tell everybody else and that the applicant can speak first and then the public hearing is opened and then closed and then the applicant can be invited back up to speak again. Also, then under the new rules the proposal here is "generally speakers are allowed up to three minutes to speak however time limits may vary at the Chair's discretion." It could be three minutes or if you all decide you want some other number we can certainly make that amendment. The reason for allowing the Chair's discretion to modify that is for example if a group of people in the neighborhood worked together and they said hey we want to have one speaker represent the group of us, the Chairperson could say "well in that case, I am going to grant you ten minutes to speak just to give some flexibility"

without having to detail what all the various scenarios may be. Then also in the new rules under the public hearing item bullet point number five there just declares whether the Chair would invite the applicant to speak again for the opportunity to respond or to make clarification. In the 2021 version, it says that the Planning Commission “may ask the applicant to speak.” I would recommend that we just always invite them to give them that opportunity for any rebuttals or clarifications that they wish to add. Finally, at the end of page two, the addition is the statement that community members can also submit written comments, and it is not just limited to oral comments called in or done in person that they could also write comments and submit them in advance to the meeting. That is all I have to share but I am happy to answer any questions that you all may have.

Chair Baugh said I want to give everybody plenty of time to look it over and mull over anything staff has mentioned. I am looking for discussion or motion.

Vice Chair Finnegan said I move to adopt the Planning Commission’s Rules and Procedures as presented by staff.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi Aye

Vice Chair Finnegan Aye

Councilmember Dent Aye

Commissioner Alsindi Aye

Commissioner Washington Aye

Chair Baugh Aye

The motion to recommend adoption of the Planning Commission rules and procedures passed (6-0).

A motion was made by Finnegan, seconded by Nardi, that this Action Item be recommended for approval to the City Council, due back on 2/10/2025. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Washington, Baugh, Vice-Mayor Dent, Alsindi and Nardi

No: 0

7. Public Comment

None.

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

Commissioner Washington said they changed their meeting to 6:00pm. They met yesterday, it was a very short meeting. The first thing was a rezoning request from Silver Lake Welding Services to rezone .448 acres of a 65.45-acre parcel from A-2 to I-1. This was tabled 5-0. This property is in Dayton and really close to the Silver Lake community so there was a lot of conversation of what it looks like to be neighbors with industrial use and there was a lot of conversation around

noise. It is just a nuisance in regard to how to be good neighbors. Unfinished business they had an ordinance amendment to the number of building permits issued within the 12-month period may only be succeeded by special use permit. This was tabled in October and was recommended for denial 5-0. The last one was a staff generated amendment to the Comprehensive Plan Use Chapter (Chapter 7) to include account for developments impact on public service facilities and infrastructure including the public schools to mitigate development impact to public facilities and infrastructure. That was approved 5-0. I think that kind of mirrors what we do already when we get staff reports. Then there were conversations around what it looks like to get ahead of the data center conversation just based off of what we did last month.

Vice Chair Finnegan said strange the Silver Lake Mill one because I feel like that came up.... I feel like Silver Lake Mill Welding came through and had the same kind of push back. My recollection was that it was approved. Maybe they tabled it and tabled it again.

Commissioner Washington said they tabled it because they did not meet the state advertising requirements, so they had to rehear it.

Vice Chair Finnegan said my recollection is that last time they approved it but this time they tabled it. It is also possible that I am misremembering it.

8.b. Board of Zoning Appeals Report

Ms. Dang said there is nothing to report.

8.c. City Council Report

Councilmember Dent said well, nothing much to report because we have not met since Planning Commission met last time. However, we did have the reorganization meeting where Deanna Reed is still Mayor, Danny Fleming is now Vice Mayor. We reshuffled all of the boards and commissions, I am still here.

9. Other Matters

9.a. Introduce Capital Improvement Program (CIP) FY25-26 through FY29-30

Mr. Fletcher said as we do every year you will notice that the packet in front of you seems thicker than it has in previous years, and that is true. There are a few more projects than in previous years, some of them are associated with the school's projects the way they have broken them out and added some things. We have added some from Parks and Recreation. You will see a revamping in there. As always, I really appreciate all of the people who are involved in the CIP it takes a lot of coordination and there are a lot of folks that you never realize are a part of this process and they do a fantastic job. What is before you is the packet of only projects. Because it takes a while to go through them, we wanted to give you a jumpstart here to allow you to look at

these with the plan to come back in February with the full CIP. The full CIP includes the summary tables of all the projects over the years and then the different categories as well as the appendices which includes projections so that you can compare in the summary tables about how this plays out from a financial perspective. My brief one-page memo here is basically just describing what I am talking about now but also stating what your objective to review the projects. What would be very helpful to me would be, when you are making any comments or questions, if you just want to prepare a word document or put it in an email just do the page number and then the project name and then whatever your question is. As an example, you could just do this is page 45, project Mount Clinton Pike widening, and then ask whatever your question is. I will know exactly which project you are referring to and either I will answer it myself or I will divvy out that question to somebody who will have more knowledge than me regarding the projects. Through Thanh's recommendation, which was a great one, just to do two slides here just to tell you what the CIP is. Usually, I do this during the CIP presentation and then you realize you should have done that before. For those who might be listening at home, what is the CIP? The CIP is a planning tool, it is not a budget. These are projects that all City departments look at over a five-year window we call it the five-year horizon of projects that might be coming our way and how we plan on paying for it, when we plan on paying for it and what the project is. Projects included in the CIP are only those that are of \$50,000 or greater in cost. There are other capital projects that do occur, but they are not \$50,000 or more so they do not get included in the document. This happens every year. Every year kind of begins about July and then ends around February. It is basically just knocking one year off and bringing the next year onto the horizon. It is a continuous operation. To me it seems like it is never ending. Once you have been on the Commission long enough and you see these projects and you see the progression. Sometimes you see them kind of cycle through and sometimes you see them sit out on the horizon for a long time. It has a lot to do with financing, debt, and all those sorts of things. New projects pop up from time to time, but this is a fantastic tool not only from a finance perspective but also from a planning perspective to understand what those are projects and how do they impact the projects that you all look at. Even by-right projects that you all will never see, we can see the bigger picture. There is financing mechanism in place to show what type of financing we are planning to utilize and then whatever the budgetary restraints might be from an expenditure standpoint. I always point out that the projects that are shown in the CIP are likely not funded exactly as outlined in the CIP. We might pick up grants, we might do bonds, costs may have been reduced, costs may have increased. It is really just a snapshot of how much we think a project is going to be and when do we plan on utilizing and spending funds to pay for it. Every year the actual commitment for any particular project is analyzed in the budget for any Capital item that might come through any requests in the annual budget process. [Referring to the screen] This is just to show you every project sheet looks the same and how to read these projects. It is really is quite amazing that we only have one sheet per project because some of these projects could be just a full binder of details so we try to be as brief as possible to put as much information about a project on this one sheet and sometimes it bumps onto two sheets, but just to capture what is the project, why are we doing it, when do we want to pay for it and how we are going to pay for. It is all on this one sheet. You look at just the project title shown here, there is the project priority. You will see that the CIP talks about priorities of one through five, but we really only include those that are priorities one

through three. Priority ones are those that are absolutely required. They are required by law, we cannot get out of it, we have to do it. You will notice there are about three priority one projects in the entire CIP, that is a good thing. We are not required to pay for any particular projects except the three that are included in the CIP. The majority of them are priority twos. That is also very typical because there is just a lot of competitiveness and a lot of needs across the City because they are highly desirable. Priority threes are those that are desirable, but they might not have as much as of an impact and other projects might be prioritized over them. In this particular case, [referring to the screen] this is a priority two project meaning that it is a highly desirable project, but it is not required by law. We talk about the type of project that it is. We give the timeline of when we expect to do it. We give a description of the project if there are any known alternatives very briefly stated we will give those justifications outlined here on the right-hand side. We refer these projects back to the Comprehensive Plan to show why is this project needed. Then it is because it is speaking to specific goals and objectives of the Comprehensive Plan. The bottom half of the project sheet gives your expenditure timeline and then what the funding source might be. If you pay close attention to the budget you will know that there are a lot of projects that are funded through the general fund and then we have enterprise funds for many of our other enterprise funding budgets which includes school transportation, public transportation, the water and sewer funds, stormwater, and sanitation. Schools does get separated out, but it is funded by us through our general fund. We do separate it out because it is just one large allocation that goes to the schools, but you will see that taken out when we do the summary tables. That is the project sheets in a nutshell. If you have any particular questions, let me know. I have proposed giving you all three weeks from today to look over this and to supply any comments. If we can meet that deadline that means I should be able to bring you the full CIP in February. If you choose you want to act on it in February and then we will take it to City Council in March.

Councilmember Dent said what is that date?

Mr. Fletcher said Wednesday, January 29. That would be the day that I would hope that if you had any comments or questions that you would be able to send them to me. That would give me time then to figure out if I can answer them alone or do I need help from other folks that would need to coordinate with those people for responses. If that is the case as I have been now for eight years or so now, I will write them up and provide them to you in the packets so you will have the responses at the time you review it. Do not be afraid to request if you want any particular CIP representative to come to the meeting night. If you have a ton of questions about Public Works and you want me to call up Tom Hartman and see if he is available, I can do that as well.

Commissioner Alsindi said goals and objectives for example when it says G-14 for example that means?

Mr. Fletcher said goal 14.

Commissioner Alsindi said goal 14 in the Comprehensive Plan. This relates to that, it satisfies that goal.

Vice Chair Finnegan said we are free to mark these up. Do you anticipate page number changes?

Mr. Fletcher said just go by the page numbers at the bottom. It is possible that some things might change. As I noted in my memo there are two projects from the Emergency Communication Center. They are basically trying to achieve the same objective and we are trying to determine which project they want to go forward with. I am anticipating that one of them will drop off. There are some other lingering questions as well with some funding that comes from the County, but it is not substantive enough that you cannot evaluate the project on its own merits. It is a lot to do with the funding mechanisms. This body is kind of looking at the big picture from a planning perspective. The impact on development and the infrastructure. If you have any questions, you can reach out to me at any time, give me a call, shoot me an email. Again, what works best is if you have a question, page number, project name, ask your question.

9.b. Review Summary of next month's applications

Ms. Dang said for February we have four items that we are expecting to be on the agenda. We recommend having one meeting. There are two rezonings, one Zoning Ordinance amendment that is not staff generated it is from the person who is applying for that Zoning Ordinance amendment, and then an alley closing request.

10. Adjournment

Vice Chair Finnegan said I have two questions for staff. One is when the vacancy is expected to be filled?

Ms. Dang said I do not have the answer to that.

Councilmember Dent said I think I saw that there are applications to be considered on the January 14 meeting next week. I am not sure about that though.

Chair Baugh said generally Council moves pretty quickly on those. The main variable being where they are in the cycle and how many applicants you have. Sometimes they will keep it open because they did not feel like you got enough applicants. Usually, it is just another meeting.

Mr. Fletcher said Commissioner Finnegan if you are interested you can always call the City Clerk to find out whose applications are on file or who has applied.

Vice Chair Finnegan said my other question was about the Zoning Ordinance revisions. I am just curious, is there a point in 2025 that we maybe expect something?

Ms. Dang said I am hesitant to make any commitments, but we are slowly working on it still.

Councilmember Dent said since I am on the Central Shenandoah Planning District Commission, we as the commissioners have done a preliminary review of their Regional Housing Study. That should be released in the next few days or week or so. In the February CSPDC meeting we will acknowledge it. What makes me think of that is that some of their solutions involving zoning updates. Some of them say we should commission a study.

The meeting was adjourned at 7:15 PM.

NOTE TO THE PUBLIC

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

INTERPRETATION SERVICES

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

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

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

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

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

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

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