

MINUTES OF HARRISONBURG PLANNING COMMISSION
April 09, 2025

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 09, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Chair; Brent Finnegan, Vice Chair; Councilmember Laura Dent; Kate Nardi; Shannon Porter; and Valerie Washington. Heja Alsindi was absent.

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

Chair Baugh called the meeting to order.

Chair Baugh asked if there were any corrections, comments or a motion regarding the March 12, 2025, Planning Commission minutes.

Vice Chair Finnegan moved to approve the March 12, 2025, Planning Commission minutes.

Commissioner Nardi seconded the motion.

The motion to approve the March 12, 2025, Planning Commission meeting minutes passed by voice vote (5-0) with Councilmember Dent abstaining.

New Business – Public Hearings

Consider a request from KP'S CARS LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1812 Erickson Avenue

Chair Baugh stated 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 is the item taken up on the April 09, 2025, Planning Commission Agenda as Item 5(b), a request for a SUP to professional office.
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 the Planning Commission in this matter.

He then recused himself from the request and left Council Chambers.

Vice Chair Finnegan read the request and asked staff to review.

Ms. Soffel said the applicant is requesting a special use permit (SUP) per Section 10-3-91(17) of the Zoning Ordinance (ZO) to allow multiple-family dwellings and/or mixed-use buildings in B-2, General Business District. The +/- 1.93-acre property is addressed as 1812 Erickson Avenue and is identified as tax map parcel 115-C-6. If SUP request is approved, the applicant plans to construct two (2) three-story multi-family buildings with a total of 40 efficiency or one-bedroom units.

Development Plan

As required by Section 10-3-93 (d) the applicant has submitted a development plan. Section 10-3-93 (d) of the ZO states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, then the property owner must apply to amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for an engineered comprehensive site plan approval include, but are not limited to:

- a. The general location of buildings and structures as illustrated.
- b. The general number of stories within proposed buildings and structures as illustrated.
- c. The general location of parking areas as illustrated.
- d. The general location of pedestrian connections as illustrated.

Additionally, the applicant has proposed the following conditions, which are described on the “Owner Developer Self-Imposed Conditions” (written verbatim):

1. The property shall not contain dwelling units that have more than one (1) bedroom.
2. The site shall contain a minimum of one-half (0.5) off-street parking spaces per dwelling unit.
3. Buildings shall be no more than three (3) stories.
4. A pedestrian connection will be provided between the dwellings and Erickson Ave.
5. Upon request and upon the completion of necessary plats and deeds by the City, the applicant will agree to dedicate the needed public right-of-way and temporary construction easement at the corner of the subject parcel at the intersection of Erickson Avenue and the private street for future improvements to the intersection (ex. traffic signals, pedestrian signals, accessible curb ramps).

With regard to condition #1, the applicant offered this condition to limit newly constructed multiple-family units to efficiency or one-bedroom units to help address the need for smaller dwelling units in the City. The City’s 2021 Comprehensive Housing Assessment and Market Study (Housing Study) notes that “smaller apartments are part of the solution for supportive housing, the

location of these smaller units is critical to ensure that persons in need of services can easily access them via walking and public transit.”

Regarding condition #2, the ZO requires one off-street parking space per unit in the B-2 district unless otherwise conditioned. The applicant is conditioning a minimum of one-half parking space per dwelling unit. Staff feels that reducing the required number of parking spaces to half a space is sufficient because the applicant has offered a condition limiting the units to efficiency or one-bedroom units, and the development is located along Harrisonburg Department of Public Transportation (HDTP) Transit Route 3 and is within walking distance of businesses and services.

Staff suggested that the applicant consider alternative layouts to locate the apartment buildings along the private road to promote and establish a design that encourages pedestrian activity and enhances cohesiveness. The applicant has explained that the submitted development plan is a more efficient, cost-effective layout for this site. The development plan, as presented, has less travel lanes and paved areas, has more open space for stormwater facilities, is closer to utility connections, and has other cost-reducing benefits compared to staff’s suggested layouts.

Regarding condition #4, a pedestrian connection between the proposed buildings and the public street is required by the Design and Construction Standards Manual (DCSM). Staff suggested that the applicant provide a sidewalk connection between Erickson Avenue and the Wal-Mart parking lot. In condition #2, the applicant has requested to reduce parking requirements, which means that residents will need safe facilities to walk to shopping and to the public transit bus stop. Since the development will create additional pedestrian traffic, staff recommends the following condition:

A sidewalk or shared use path connection between Erickson Avenue and the Wal-Mart parking lot will be provided.

Additional details about condition #5 are in the Transportation & Traffic section.

Land Use

The Comprehensive Plan designates this site as Commercial and states:

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

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family

dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the SUP request.

Condition #5 provides for the dedication of right-of-way and temporary construction easements at the corner of the subject parcel to support future improvements to the intersection that will be completed by others. In 2023, City Council approved the rezoning request for the Bluestone Town Center, an 897-unit housing development consisting of a variety of housing types. The development required several new roadway improvements, including a street connection to Erickson Avenue across from the private road that serves the Wal-Mart shopping center and that will serve the subject 40-unit development. The future street connection will include a traffic signal with pedestrian signals and accessible curb ramps.

Public Water and Sanitary Sewer

The applicant is aware that they will have to work with the Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) to connect to the HRRSA interceptor.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The Housing Study further notes that houses in these markets are quick to sell and that "[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities."

Public Schools

Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, the proposed 40 residential units is estimated to result in 13 additional students. Based on the School Board's currently adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. HCPS staff noted that four of the six elementary schools exceed effective capacity.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: <https://www.coopercenter.org/virginia-school-data>.

Recommendation

Staff recommends approval of the SUP with the conditions submitted by the applicant and with staff's recommended condition.

Furthermore, the applicant has requested an extension of the time period to establish or demonstrate diligent pursuit of the multifamily use from 36-months to 48-months. As identified, by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established or diligent pursuit demonstrated, the default time period is 36 months from the approval date for residential projects. The applicant has stated that the limited application windows for financing options may constrain the development. Staff is comfortable recommending an extension from 36 months to 48 months.

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

Councilmember Dent said something sounded a little different than usual. Usually, we hear the layout is not proffered but what this said was something like substantially similar to the proposed design.

Ms. Soffel said according to the Zoning Ordinance, in the B-2 district when somebody is requesting a special use permit to allow for multiple family dwellings, a development plan is required as part of that.

Councilmember Dent said the idea of having the buildings front the private road was just nixed?

Ms. Soffel said staff had suggested that. We often suggest the massing of the building towards the street. For this project the applicant is proposing affordable units and is looking to design the property in such a way that would reduce costs. By bringing the buildings closer together and putting the parking in between them and so forth, he is making less impervious area, more space for the stormwater, and it brings it closer to the utilities. There are some easement and utility concerns for the property.

Councilmember Dent said and staff is okay with that?

Ms. Soffel said we are okay with that.

Vice Chair Finnegan said if there were any more questions for staff. Hearing none, he invited the applicant or applicant's representative to speak to their request.

Frank Gordon, the applicant, came forward to speak to the request. He said I want to first thank Ms. Soffel for an outstanding presentation on what we have been discussing. I also appreciate the planning staff's general support of what I am trying to do. I wanted to provide some further detail on some of the items that were discussed and also to fill in specific context my concern for this particular project regarding cost in general but also with regard to the requested optional sidewalk between the building and the Walmart parking lot.

The purpose of the Market Commons development is to fulfill a memorandum of understanding that the Valley Housing Trust has with the Harrisonburg-Rockingham Community Services Board to provide permanent supportive housing for people in their service that have access to vouchers but cannot find a landlord who will accept them. This is an ongoing and thus far intractable problem. Many of you are familiar with permanent supportive housing but just to recap briefly, the concept of permanent supportive housing, which has been shown to be highly effective in addressing chronic homelessness and all of the negative fallout associated with that for the individuals and the communities in which they live, combined supportive services from experts in that area, in this case Harrisonburg-Rockingham Community Services Board, and affordable housing provided by people who are eligible to apply for required state level funding for that and also the adequate experience and team in place to provide that for both instruction and management. In this particular case, I have experience in building and managing affordable units in the County and in the City. Harrisonburg-Rockingham Community Services Board has experience in providing the wrap around services that these individuals need in order to be successful in our community.

Currently, as of the last time I spoke to the Housing Coordinator, HRCSB, they had 32 people on a waiting list. All of whom had vouchers that would provide financial support for them to live in a development as I am proposing but they are unable to find anyone in the current market to provide that. Of course, there are a number of reasons for that but, as you all know, the rental market in our community is exceptionally tight with regards to the number of vacancies, and landlords can be quite picky with regards to whom they pick. I want very much to try to address this problem that the Harrisonburg Rockingham Community Services Board has identified with regards to the fate of these people who have mental health and disability related concerns and many of whom are chronically homeless. Of course it has a great boon to them that we have been able to open the Navigation Center. Of all of the people who experience homelessness, for the majority of them it is a short term problem and infrequent. For people who are suffering the additional burdens of health related issues, both mental and physical, it really requires a PSH approach to giving them the stable the life that they can enjoy and get the most out of.

This is a PSH project. Now, I am going to delve into some more information that maybe some of you are familiar with maybe others not so much. That is one of the challenges associated with providing permanent supportive houses is that these vouchers that CSB or other organizations have set a cap on the amount that can be charged to live in that facility, regardless of the income of the person who is staying there. It is the HUD fair market rent. CSB is not able to provide more funding for an individual than the HUD fair market rent. The HUD fair market rent is dependent on the

community. Harrisonburg has one level. Charlottesville has a higher number. Arlington has a higher number. We have a ceiling, in Harrisonburg, which is that number for this type of unit.

This type of unit needs to comply with a layer cake of requirements for development. Obviously, as a commercial building, this will have to meet the commercial building code. That would include such things as access to a fire extinguisher outside of the building, a sprinkler system, that type of thing. It also has to comply with the Zoning Ordinance. That is another thing that varies within the communities within our state. An example there would be the sidewalk that Ms. Soffel mentioned earlier from the building to Erickson [Avenue]. Then when you are applying for these funds at the state level, they have their own design and construction standards which also must be met. Each of these move that stack one notch higher. Further, the state funding agencies require that there be some gap remaining there. If this stack reaches this ceiling, the project will not move forward. In fact, they require a minimum gap.

I have spoken to folks at the [Virginia] Department of Housing and Community Development in regards to their program with the state. It is the affordable and special needs housing program and their requirements. I spent many hours with the folks at Virginia Housing and with private mortgage brokers who are familiar with applying and development of affordable housing, particularly, permanent supportive housing. As well as other organizations including Locus which was previously the Community Development Corporation of Virginia that was founded Governor Mark Warner when he was Governor. I reviewed the numbers myself as an experienced developer, and we all agree on one thing and that is that this project has a good reason to exist in our community. I do not think there is a lot of debate about the need for it, that this is a viable program if the correct capital stack can be arranged. That is the programs that provide financing to this. If those can all be obtained, then this can move forward.

The path to success for this project, as it is for so many permanent supportive housing projects, is quite narrow. I do not have a lot of room for error with regards to that. We have also all agreed that, of all of the funding organizations that can be involved, the one that is indispensable to this project being made possible is the Virginia Housing Trust Fund which is part of the Affordable and Special Needs Housing Program with Virginia's Department of Housing and Community Development. What it means is, if you do not get that, your PSH program does not go forward unless your community could provide substantial support. I do not think that is where we are at right now in Harrisonburg. I also do not think it is necessary, if we work consciously to put forth a highly competitive program. I think that we can leverage the limited local funds, in this case including my own, to bring state funding in. In fact, that approach has been recommended by the most recent regional Housing Study of the Central Shenandoah Planning District Commission.

Ordinarily, what happens when an application arrives to the Department of Housing and Community Development, they have a few specific requirements that have to be met. You have to have site control. I currently have a contract to purchase this through my organization. Permissive zoning is a requirement to apply. The same is true for Virginia Housing, and that is what I am here working on tonight is permissive zoning. Then DHCD, which again everyone agrees this project dies without, a portion of their financing is submitted through a competitive process. Virginia Beach, Arlington, Charlottesville, they all put forth their ideas to get this limited pool of money into their community. Historically, if you scored on a 100 scale 60 or above, you could pretty much

count on being funded. More recently this last fall, all the funding went out in one round. Meaning that if this level of competitiveness is maintained, I suspect that it will be given the state of affordable housing across the entire state, there will be one month each year that you can apply to get into this. If you fail in that year, you cannot do anything about it for a whole other year. Another year is not uncommon for these projects, but from my perspective it is a long time to wait if you are the person who needs this place. If we all moved to the Navigation Center, as nice as it is, until we can solve this problem, I believe this would be solved faster. I know that there are people waiting for this to be developed, and I am impatient on their behalf. I am going to be fine, but I am impatient on their behalf. The standard of 60 gets funded. Last year it went to 89. That is a very high standard on a 100 scale.

I really feel like I have to be very cautious about the things that I commit to with you all because it is binding. What goes into my development plan for you is binding. When I put a binding element into it, whether it is a sidewalk or a swimming pool or a clubhouse, well then that gets put into their analysis of our applications in Harrisonburg versus other ones. It has a significant second order consequences. What is it going to cost to maintain that? What is it going to cost to replace that when it runs out? Those hamper my competitiveness because they want to have that gap be larger. A larger gap, more likely to be approved. More likely to be approved, then it can be built. Not approved, it cannot be built.

I am not sure exactly where we are at with alternatives for people who require permanent supportive housing through Harrisonburg Rockingham Community Services Board. I have heard of some folks who are looking at building duplexes or quadraplexes that might begin to nibble away at this problem. I do not claim that mine is going to completely solve their issue, but I think it is a significant step forward. My job is to put forth the most competitive application possible. In order to do that, I am asking you to join with me to approve the development plan as submitted by the applicant, in the absence of the optional piece of sidewalk. I reached out to Ms. [Amy] Snider and Mr. [Tom] Hartman with regards getting a VDOT grant to pay for that, but they said look this is just a sidewalk that does not have what they call a logical terminus. It just ends at the side of a parking lot. That in our mind does not do anything. I understand how it might make it more convenient to shop at the world's largest corporation. Maybe we can cash flow this or find other solutions down the road. If I commit to it now, it goes in the formula to determine whether this what this whole development is going to happen. I do not want to throw the baby out with the bathwater. My job is to put forth the most competitive application possible with the City of Harrisonburg, and that is why I am asking you to approve this as presented. Mr. Finnegan no doubt would understand, I could go on at great length on this, but instead I will step back and see if you have any questions. I would appreciate the opportunity to address any comments or concerns from others.

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

Councilmember Dent said I was wondering about the massing of the buildings up front, and you said that it is more economical. Now I start to understand why. It has to be cost effective.

Mr. Gordon said I would also like to point out that if they were arranged along the private road compared to the way that I have lined them up, mine is better aligned for future application of

rooftop solar because they will have near perfect southern exposure. If I lined them up like this, they would have almost the exact opposite of that. It is not a huge factor, but in looking at sustainability down the road, this [indicating position with his hands] with the southern face here is better than this [indicating position with his hands] where they face east-west. It does also provide that further advantage, but you are correct, the main thing it does is bring the cost of this down to something I can squeak through that crack.

Vice Chair Finnegan said in your application you talked about less need for cars, 0.5 parking space per unit. Are you anticipating that fewer people that live here will have a car?

Mr. Gordon said I do anticipate that to be the case.

Vice Chair Finnegan said do you anticipate that anyone living here would be confined to a wheelchair?

Mr. Gordon said I do, and this as proposed will have two wheelchair accessible units. We will have two units that are outfitted especially for people with sensory disorders. Every unit on the first floor will be handicap adaptable, meaning that it will be laid out in a manner that it could easily be adapted for someone who requires those as well. Absolutely that would be needed, and that is how I intend to respond to that need.

Vice Chair Finnegan said if someone is living there, since there will be two accessible units, and they need to get to Walmart, how would they do that?

Mr. Gordon said they would do it the same way that they would if they were living in other parts of town. They would contact Harrisonburg Department of Transportation paratransit service and say they need a ride to Walmart.

Vice Chair Finnegan said to get from there down to the parking lot at the end of the drive.

Mr. Gordon said I think I see where you are going. A sidewalk would take them to the edge of a massive parking lot, from which they would then have to cross more than one travel lane to get to actual Walmart. Harrisonburg's paratransit will take them immediately to the door and help them out at the door. Harrisonburg paratransit serves many people who live in Commerce Village 2 and other areas in the City where people who want to go to Walmart but do not live within an easy stroll. I have talked to many experts about, "do I have enough space to make this happen" and they say, "just barely." My concern again is if I commit to it at this point, and it goes into their formula, it is possible that this will not happen. It is hard to believe, but that is how competitive this world is. I appreciate your spirit, and I have not ruled out the possibility of constructing something out of cash flow, once it is established. If I cannot get it established, then it is not going to do anything for anyone. If you are not familiar with Harrisonburg's paratransit service, it is an outstanding service, and it has helped many people who are disabled, not just the type of people who would live in this. Thank you very much for that question.

Commissioner Porter said I am familiar with the Foley Road units that you have built. Will the buildings be somewhat consistent with that plan?

Mr. Gordon said yes there will need to be some changes in order to meet the Design and Construction Standards of Virginia Housing and the Department of Housing and Community Development that will make the interior slightly larger. In order to do that, and meet the needs of the budgeting, which is extremely very tight, the ones on Foley Road have rear private balconies these units will not have those. It is just a luxury we cannot afford, but the unit will be larger and will have a window where there is a window-door in the units on Foley Road. Otherwise, it will be very similar.

Commissioner Porter said has anyone in the special needs housing unit at DHCD informed you that, if you get to a certain level of expenditure, that it is going to be harder for you to get the housing trust funding? You know, I am very familiar with this grant. I apply for it every year, and I feel like the provision of providing a safe way for people who are largely disabled, and most likely going to be doing a majority of their shopping at that Walmart, providing a safe path for them to be able to do so, in my opinion, makes a more attractive application not a less attractive application. I understand what you are talking about, but do you feel like this is going to put you at a competitive position or a competitive disadvantage as it relates to the application?

Mr. Gordon said if the cutoff was 60, I would be a lot less concerned about it. Particularly since that would allow them...they had 60 and leftover funds that they could bring into the spring. When they are telling me that is 89 and we are planning to give it out at one time, that tells me that the competitive has grown substantially. I would love to have what you are talking about down at the parking lot at Walmart. I would in fact like to work with Walmart to give them some hash painting so there is some way to get from the end of this to the store that is reasonably safe. Just because I get you to the edge of their massive parking lot does not mean you are okay. It would be helpful, but I need to work with them to connect the dots even further. I feel like I would be giving up some of the leverage we might have as a community to have that discussion of if I commit to it at this stage, which is again why I am against that. As you know, having worked with ASNH [Affordable and Special Needs Housing], they are very helpful people, but they have certain prescribed limits on what they are going to tell you with regards to their process. What they have been very clear on is this process is getting exceptionally competitive. My concern is getting a project here that these people can live in. Then I am completely open to working with whoever wants to work with me, Walmart, the City, whoever to try to make this as comfortable a place to live as possible. All of that goes out the window if I do not get it here in the first place. I am very concerned about making that happen. I am going to be very diligent, but it is my responsibility to these people as a representative of Harrisonburg, to make the application as competitive as possible because I guarantee you that they are over in Charlottesville saying man I hope they make him build that sidewalk because then that is going to make it a lot easier for us to kick his butt. They do that regularly. Last year, Charlottesville brought in 10 million dollars from these organizations to their community. The project they built with three million from the County and two million from the City, plus wealthy donors in their community, their units ended up costing more than three times what I am talking about per unit, and they started with a standing building. They lavished that with cash. That is not where we are at right now. I want to get the project here and then we can dress it up. Then we can start talking about picnic tables and benches to meditate on and reflection gardens and raised beds and sidewalks. None of that matters if I do not get it across the finish line.

Vice Chair Finnegan said with all due respect, I would argue that being able to leave your unit and go get what you need and get back to your unit is not the same as a picnic table to meditate on. I do not agree with that analogy.

Mr. Gordon said I did not mean to offend your sensibility on that. What I am saying is that there is a long list of amenities that I would like to have with this sidewalk at the top. All I am saying is there is a difference between eventually getting those amenities and committing to them now with regards to the impact on potentially ever seeing this project develop.

Vice Chair Finnegan said one other question as it relates to cost. The reduction in parking went from one spot per unit to 0.5 spots per unit.

Mr. Gordon said it is a reduction. I was kind of thinking it was one and a half what they normally require in a B-2 zone but I think it just established in B-2. If it was R-3, a one-bedroom efficiency is one and half [parking spaces per unit]. In any case, this is a reduction.

Vice Chair Finnegan said do you have an estimate for how much one of those parking spaces costs?

Mr. Gordon said they are expensive. I know that is an area in which you are very well versed so, I would be taking coals to Newcastle to tell you what they cost, but they are thousands of dollars each.

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

Rick Gardner, an adjacent property owner, came forward to speak to the request. He said I learned a lot about the project. I just have some concerns. There is no arguing that low-income housing is needed in the community, I am not arguing that fact. My concern is if we strive to do the right thing and provide low-income housing, and we do not go about it properly, we could be creating more problems in the future, accidentally. In trying to do the right thing, we actually create problems in the future. There are a couple of things in the project that have me concerned as an adjacent property owner. Number one, first and foremost, is the parking. As a common sense look at things, if you have 40 units, and you have 20 parking spaces, how does that actually work? I understand you are talking about low-income people who may be relying on public transportation, but is it not the goal of this to get them to rise up and be able to afford a car, be self-supportive, get a job? You are putting people in these apartments and saying, pull yourself up by your bootstraps. They try, and they go, and they get a job, and they come back and there is no where to park. Where are they going to park? Where are their visitors going to park? At half a parking space per apartment, you are really shaving it. That is really shaving it. If two people in the apartment here each have a car, maybe these people do not have a car, but on average- really a half of a car per apartment? I do not know, you really have to think hard on that. I know that the Harrisonburg Code of Ordinances requires or recommends one parking space per dwelling in this zone, but it is amendable. It is amendable for extenuating circumstances. Why do we have the code if we are not going to at least try to follow it? My other concern is, the code says we are going to have 15 dwelling units per acre. This is slightly under two acres, and they are shooting for 40. Do low-

income people not have the same needs as the rest of Harrisonburg when it comes to density? Is it fair to them to have this high-density living arrangement? Is that what we want to do? We want to build these high-density above the code buildings out of the effort to do something right? If we take a step back is that really something right. Is that really what we want to do? These are things we really have to consider as a community because we want to do the right thing, but we want to go about it the right way. We do not want to create problems as we try to solve other problems. Those are my concerns. I am not just standing here saying do not do it. I am saying, let us be a little more thoughtful about how we go about it. I may be able to help. I have some property on the other side of that stream that I am willing to sell to help the project meet some of these requirements. Perhaps get a little more parking. Maybe meet at least the two-acre requirement for 30 units. I urge this council to really think about... do not look past the issues you might create in an effort to solve this problem. The fact of the matter is the lot size is not big enough for what is proposed. There is not enough parking. The density is too high. It is a great project. It is needed, but it does not fit. You cannot look past the fact that it does not fit because you want to do something good for the community. It has to work. That is really what I want to say.

Vice Chair Finnegan said just for clarity, is one of your concerns people parking on your property?

Mr. Gardner said yes absolutely. My main concern is, and it may be unfounded, but common sense tells me you are going to need more parking. When I went to high school, I went to Robert E. Perry High School and Robert E. Perry's motto was "find a way or make one." We co-opted that into find a parking space or make one. That is what we did as high school students, we parked all over the place. I do not want that situation to happen again, and I do not want to be that guy who puts up the no parking here or you are going to be towed and deal with all the towing issues. I do not think that helps anybody. It may not happen, but do we know? Is there a way to know how many people are going to need to park there? No, there is not. We have to go to the code and say this is what the people who drew the code up estimated we were going to need for parking. That is basically what I am coming from. Any questions for me?

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

Mr. Gordon said I want to thank you for your thoughtful remarks and your complimentary comments regarding my presentation. One thing I would ask is if you could clarify which adjoining property you own.

Vice Chair Finnegan said just for the record I am going to say this because of the microphones. It was the Culligan Water property on the other side.

Mr. Gordon said one thing I would say is, with regards to number of units per acre, I would say that when we discussed alternative layouts with planning staff, their initial recommendation was that we build 60 units not 40. 60 units is allowed under the Zoning Ordinance as it exists for this. I just want to clarify with regards to number of units per acre this is well within the Zoning Ordinance, and in fact planning staff recommended 50 percent more units. I scaled it back to 40. The other thing I would say, the notion that these people would have a car exposes a significant lack of understanding with regards to the people I am talking about. These are people who have

whatever they can carry on their person. The notion of having a car is alien to them. It would be like me thinking about having a condo on the moon. I understand that you have a concern, and you do not want to be the person who has to do enforcement activities there. As you may have noted in my letter, I have some experience with people who are dealing with a market rate or 60% AMI who do not have disabling disorders. Almost none of these people have a drivers license. You said they are to pull their bootstraps up by themselves. The exact opposite is true. If we just turn them loose in there and say good luck, that is not what we are doing. Through PSH we are providing wrap around services to these people so that they can cope with life from day to day which they are unable to do on their own. I have some degree of sympathy for Mr. Finnegan's concerns regarding people getting to Walmart. Based on my understanding through significant interaction with people who are on the front lines of helping these people, the notion that they would have a car is difficult to believe. I know that you do not feel that way and I respect your opinion, but the Commission has to make a decision about whether we are going to help this. I can assure you that if I am concerned about a sidewalk, there is clearly no way that I can afford to double the size of the parking lot. I would say, if they are going to park on your place then they are going to have to go out onto the street, ease along that guardrail across the front and then wrap around. I feel that the people who should be more concerned about overflow parking is Walmart. They are not going to inch their way along the guardrail on Erickson [Avenue] to get back home again. They will just park at Walmart and walk over. I feel like it is unlikely that you will be facing this problem, but I certainly respect your opinion. I hope that in addition to answering some of your concerns that I provided you some comfort with regards to the likelihood that your concerns will come to reality.

Vice Chair Finnegan asked if there was anyone 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 continued where else in the City have we done these [parking] reductions? Is Commerce Village one where there is a reduction in parking per unit? Are there other examples that staff can think of that this has been implemented?

Councilmember Dent said I can think of one, Our Community Place housing has no parking because it is for people who have been chronically homeless, and they do not have cars. They left space in case they ever do need it.

Mr. Fletcher said did they get a special use permit to not put in the parking and left it as a greenspace.

Vice Chair Finnegan said that was my recollection of that. There is an alley that leads back into that.

Ms. Dang said I cannot think of B-2 special use permit scenario, but we have definitely had rezonings where they have proffered reduced occupancy and reduced parking. That is common.

Vice Chair Finnegan said I am thinking of Commerce Village. I am thinking of other places where you may have people who are disabled, you have people who are in other permeant supportive housing.

Commissioner Porter said does Lineweaver have parking? In terms of the amount of units versus spaces?

Mr. Fletcher said it is B-1, so it is difficult because they did not have to put any parking in because it is in B-1.

Commissioner Porter said I want to speak to your concern directly and give you some perspective. I am the director of Mercy House here in Harrisonburg, and we are also the provider of rapid rehousing services that provides access for people who are currently homeless to get back into housing. I am intimately familiar with the 32 people who will be taking these units, and I can assure you that there is maybe one or two of them that have a vehicle it would be unusual. Most of these folks are severely disabled and a lot of them have issues that do not allow them to maintain and pay for a car. Many of them are on severe fixed incomes and would not be able to pay personal property tax and all of the costs that come with maintaining a vehicle would not be likely. I do not know that the characterization that is like a place on Mars is that far of a concept for them to understand as far as having a vehicle. It is likely that the majority of the people residing here are not going to have vehicle. I think that the majority of the spaces that are going to be used in that facility are probably mostly going to be Community Services staff that are coming there, and in most cases picking these folks up and taking them other places. I do not think it is as large of a concern as it would be in other areas. I respect your opinion, but I also believe that Mr. Gordon is correct.

Councilmember Dent said there is a clear distinction between low-income housing and permanent supportive housing, where people will need the wrap around services that are highly unlikely to have cars.

Mr. Gardner said can the classification of this facility change? Would I have a chance to contest it? Suppose it went to regular low-income housing?

Mr. Porter said we cannot answer that question. Mr. Gordon, do you...

Vice Chair Finnegan said I do not want this to devolve into a conversation of people in the room. We need to keep this on track. I will defer to staff on this. If this gets rezoned... it is a special use permit, so it is not a rezoning.

Ms. Soffel said it is minimum of half a space per unit. There is plenty of space on the property. They could add parking if they needed. I do not know if the memorandum of understanding would allow them, but from the zoning perspective theoretically it could shift to a different clientele and I would suppose the parking would be created to accommodate them.

Vice Chair Finnegan said this is a very specific request. Just to speak to the question that we got, I do not know if staff could speak to where else this has happened. This is not a rezoning, it is special use permit. I have not in my memory on Planning Commission seen the special use permit get approved, and then it gets used for a completely different development.

Ms. Dang said if I could offer another perspective for you all to consider. The minimum of one parking space per dwelling is regardless of the number of bedrooms. That base requirement and what is being conditioned by the applicant in this situation is that they are efficiency or one-bedroom units. One parking space would also apply to a four-bedroom dwelling, if it was another project that was a special use permit in B-2.

Vice Chair Finnegan said that was part of the distinction with the rezoning for 865 East that annex that was zoned B-2.

Ms. Dang said that is an example of the reduced parking. I believe they conditioned reduced parking in that project as well. That was a special use permit like this one.

Vice Chair Finnegan said the annex floating over the parking lot.

Councilmember Dent said that one was primarily students and some large percentage was international students, who by definition are not bringing cars here.

Vice Chair Finnegan said it seems like the applicant is asking for as submitted and staff is asking for it with this condition.

Commissioner Porter said I am of the opinion, based on my experience, that adding the cost of the sidewalk is not going to hurt your application. I believe that the housing trust fund is allocated on a formula that involves geography, and they would want something like this in Harrisonburg. I base this on my own knowledge because I deal with special needs housing folks every week. I do not think that your application would be adversely impacted. I understand tying yourself to this, but I will also say, Mr. Gordon, I think that because of the nature of the specialness of what you are trying to do here, you cannot have it both ways. In other words, you cannot get the break on the parking because these folks are not going to have cars but not provide a proper walking area for them to safely access the place where they will get breakfast, lunch and dinner. The center of their commerce is going to be very much close to where they are at because that is the nature of how these folks in most cases have to be able to manage their lives. I think you will be well served to consider what staff is asking you to provide, which would be something that may end up being necessary anyway. I can assure you that I believe a lot of your residents are still going to cut a path over to Walmart. They are going to take the path of least resistance, the clearest direct path. You are going to end up with something that is going to be unpaved and unofficial, as opposed to having something that is properly in place. This is exactly the sort of development that we need in our community, desperately. We do not have enough efficiency units. We do not have enough one-bedroom units, and we sure do not have enough landlords that are willing to work with the Community Services Board to be able to assist these folks to be able to access housing. This is a vital thing that you are trying to do. I just think that this is a reasonable request for the safety and wellbeing of your residents.

Councilmember Dent said given that the property in red does not go all the way to the parking lot of Walmart along that road, would the sidewalk of this development end at the edge of the property and then there is some open space where they would just be walking on the grass?

Ms. Dang said that is correct.

Mr. Fletcher said or in the street.

Vice Chair Finnegan said it really drops off, the street. Some places the grass might be kind of level with the street or roughly level. From what I saw yesterday at the site visit there really is not a good place.

Commissioner Porter said that private road is poorly lit. There are no streetlights and Walmart is not going to put any lighting in that area.

Commissioner Washington said with the sidewalk, if they are not going to Walmart, where are they going in the opposite direction? Where does the sidewalk lead to?

Ms. Soffel said it would just lead to Erickson [Avenue]. It would not be along Erickson [Avenue]. However, the improvements that were agreed upon with Bluestone Town Center include a traffic light there at that intersection, with pedestrian crosswalks or pedestrian signals, and then a sidewalk along the northern side of Erickson [Avenue]. The bus stop is on that northern side over in front of the Stoneburner building.

Vice Chair Finnegan said if Bluestone Town Center moved forward as we have seen proposed and platted, there would be a signaled intersection with a crosswalk. If I were living here and I did not want to shop at Walmart and I wanted to go to Mr. J's you could take that over and then go to Hidden Creek [Lane] which will connect all the way through.

Ms. Soffel said it would go across the street and down the sidewalk.

Ms. Dang said I need to make a correction to something I said about the 865 project. That one did not have a condition that reduced parking but that was the situation where the number of bedrooms was more than one per dwelling.

Vice Chair Finnegan said I just remember the R-5. 865 is R-5, right?

Ms. Dang said it was R-5 and then they rezoned to B-2 and got the special use permit for multifamily.

Vice Chair Finnegan said are there any other concerns? We talked about sidewalk to Walmart versus no sidewalk to Walmart and that seems to be a point of contention here. Are there other concerns that Commissioners have about this outside of that?

Councilmember Dent said I am just on the fence about that whether to require the sidewalk to Walmart or not.

Vice Chair Finnegan said I mean, sure. Here is where I fall on it because I agree with Commissioner Porter. My uncle was confined to a wheelchair and lost his driver license. He lived at Lineweaver. All you have to do is ask to yourself if you are confined to a wheelchair and you want to get out

of your apartment and get somewhere if you want to call paratransit to get to the parking lot next door or if you want to take your wheelchair down the sidewalk. That is where I fall on it.

Commissioner Washington said down the sidewalk that does not go all the way to the parking lot.

Ms. Dang said I think we maybe need to revise the condition for clarity.

Vice Chair Finnegan said we are talking about the one sidewalk that goes to Erickson [Avenue] and a second sidewalk.

Ms. Dang said perhaps it should say to the Walmart property or name that property by tax map number because I see the confusion here. [Referring to the image on the screen] This is the property boundary so they would only be responsible to do it to their property boundary. Then there was this segment that actually is missing.

Councilmember Dent said there is not a sidewalk along that stretch.

Mr. Fletcher said we knew that all along. When we spoke with Mr. Gordon a couple of months ago, we were brainstorming. Is this something of a goodwill thing that Walmart sees and part of their feedback to the community that they can provide the additional extension out there? It does not go all the way. For us every bit of sidewalk counts. I mean we have that everywhere where you will often times hear it is a sidewalk to nowhere, but it eventually gets connected, and you can see that all over the place.

Vice Chair Finnegan said I agree the sidewalk to nowhere problem. We have a lot of those little segments all over Harrisonburg. The alternative to that is no sidewalks anytime, never in the future does anything ever get connected. I think where I fall on this... and I think Commissioner Porter made the point, we are reducing parking that has its own expense. We need to do our due diligence to allow them obviously they cannot build sidewalk on property that is not theirs. Get them as far as they can get in some sort of safe way.

Councilmember Dent said is there a potential for a negotiation of some sort with Walmart for that stretch?

Mr. Fletcher said it is really just an ask. I do not know that I would use the term negotiation, but it is really just an opportunity. I am sure they get a lot of community programs, and I am just wondering if this might be something they would be interested in.

Vice Chair Finnegan said I think it is worth approaching them, but the same things happened at Harrisonburg Crossing. That is also a Walmart parking lot, and you have a death path over the guardrail and down to the parking lot. People use it all the time but if you are in a wheelchair, you cannot.

Commissioner Nardi said it seems too unsafe without a sidewalk, particularly the volume of the traffic that uses that road. That is where I am. There is a balance.

Vice Chair Finnegan said there is flexibility. It has changed since when we got our packets. The wording was the sidewalk or shared use path connection. I think that gives them some flexibility to put it where it makes sense. I will not be supporting it without that.

Councilmember Dent said which is more expensive to build, a sidewalk or a shared use path?

Ms. Soffel said I do not know. The sidewalk is concrete and five feet minimum in width. The shared use path is asphalt and between eight and ten foot minimum in width.

Mr. Fletcher said I think Ms. Soffel is being a bit modest. I think what she is not saying is there is a lot of context to that: grading, is it connected to other things, what is underneath everything there. This was kind of us saying, we did not want to nail it down to a sidewalk that if they wanted to provide a shared use path. It does not really help him. This really helps the community to have one or the other. For the way he was presenting his case, this does not really help him in that way.

Ms. Dang said if you all may include this condition of the word shared use path and then say between Erickson Avenue and the Walmart property will be provided. So that others do not get confused. You all brought up a good point.

Councilmember Dent said just change parking lot to property? Do they own it up to the property line?

Mr. Fletcher said essentially what we are trying to do here is do the same thing we do everywhere with all properties which is across the property's frontage.

Ms. Dang said please do not forget also the consideration of whether to approve the special use permit with the five conditions or the six conditions, which includes staff recommendation. Then there is the other element of the approval of the extension of the time period to demonstrate due diligence to 48 months. That is another request that I want to have captured.

Vice Chair Finnegan said is that not, option one, recommend approval of the special use permit as presented by the applicant in with staff's recommended condition.

Ms. Dang said it is not technically a condition. Our note here would have been more clear if we had a little bit more addition to say "and for an extension of the time period to establish or to demonstrate diligent pursuit to 48 months."

Vice Chair Finnegan said, this is if Planning Commission wants to support that, we want to amend that to say between Erickson Avenue and the Walmart property line. We are capturing the correct verbiage because it is not the Walmart parking lot.

Commissioner Washington said I think it is a good plan. We need housing and PSH folks, or people who rely on PSH, would find this to be a good space to live, work if they work, and shop. Walmart is right there. I would be ecstatic if I had someone who was supported on PSH to be in this space where they can roll out of bed, walk to Walmart and get what they need to get. Or go to the nail salon that is also over there and there are a couple of restaurants. I think it is a great space for it. I

do not think it would be a great space if they could not get to it safely. There is the thought there and I would be in favor of including the sidewalk or shared use path.

Councilmember Dent said I have come down on the side of the sidewalk. I just think we ought to amend the language so it says to the property line or whatever we should say.

Ms. Dang said a sidewalk or shared use path connection between Erickson Avenue, and we could say the Walmart property and then in parenthesis I will add Rockingham County tax map number and include the tax map number.

Commissioner Nardi said I will say that I heard your concerns too, and I fall on the side of having done social services delivery work and a little bit of understanding about the population and the car. I land on the side of, this population is highly unlikely to have a car in 9 out of 10 cases.

Commissioner Porter said I will make a motion to recommend approval of the special use permit as submitted by the applicant with staff's condition.

Ms. Dang said would your motion include the 48-month extension, also?

Commissioner Porter said if that will make it easier, absolutely. Yes.

Commissioner Washington seconded the motion.

Councilmember Dent said the condition, as amended by, staff.

Commissioner Porter said Mr. Gordon said I am very much of the opinion that you will still be just fine with this. I sincerely believe in my heart of hearts. I know how important this is, and the need for this. I could go on longer than Brent would want me in here talking about. How important this is, I would not want to jeopardize your application. I do believe that with assistance from Virginia Housing to be able to add site improvements, or just through the process of the housing trust fund, this is exactly the sort of thing they are looking to fund. I believe very strongly that it will not hurt your application. I understand your point, but I am just letting you know that is one of the reasons why I feel like I have to support this motion the way it is presented.

Vice Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Councilmember Dent	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Vice Chair Finnegan	Aye

The motion to recommend approval of the special use permit with staff's conditions passed (5-0). The recommendation will move forward to City Council on May 13, 2025.

Chair Baugh returned to Council Chambers.

Consider a request from Jason Burch to rezone a property is addressed as 380 Sunrise Avenue

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 13,315-square foot property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional. The property is addressed as 380 Sunrise Avenue and is identified as tax map parcels 23-A-1 and 2. The applicant's letter states that they want to rezone the property so that the current structure and proposed addition and renovations would conform to the Zoning Ordinance (ZO). As it stands today, the property is nonconforming to setbacks along Chestnut Drive and an internal property line. The existing structure is considered legal to setbacks along the shared eastern property line since Section 10-3-110 (f) of the ZO states, "[e]xcept in the R-8 Small Lot Residential District, where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet". In order for an addition to be built, the internal property line would likely need to be vacated and Section 10-3-110 (f) would no longer apply to the property.

Planned renovations are to build an additional story on the structure. The applicant has submitted a plat that shows the existing two-story structure is 7.8-feet from the neighboring property line. In the R-8 district, two story-structures must have a minimum 7-foot side yard setback and three-story structures must have a minimum 10-ft side yard setback.

The applicant has been made aware that the addition illustrated in their submittals would not be permitted. A third-story addition would require that the whole structure meets the 10-foot side yard setback, even if the third story does not occupy the entire footprint of the story below. Staff and the applicant will continue to discuss options for a future addition. This may include requesting a special use permit for reduced side yard setback up to 0-feet if certain fire protection requirements are met. The illustrations submitted were created prior to a survey and plat having been completed and do not reflect compliance with R-8 district setbacks.

Proffers

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

- More than one dwelling is prohibited.

Regarding the proffer, in the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit on the property.

Land Use

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

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing

neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

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

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

Rezoning this property to R-8 will not impact housing because the property currently has one single-family detached dwelling, and the proffer restricts the property to having only one dwelling unit.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Keister Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

Recommendation

Staff recommends approval of the request.

Chair Baugh asked if there any questions for staff.

Councilmember Dent asked is part of this to vacate that central property line as you talked about?

Ms. Rupkey said they will at some point. It is not a part of their application at this time to do that. That would be a separate a minor subdivision that they could handle through us.

Councilmember Dent said I am trying to get the gist of the renovation they are talking about.

Ms. Rupkey said they are here, and they may be able to help answer some more questions about the addition.

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

Jason Burch, the applicant, came forward to speak to the request. I need to declare something on the front end to prevent a potential conflict of interest. [To Chair Baugh] your law firm serves as

general and special council for an organization which I am an officer of, and I did not know where that stood.

Chair Baugh said non-profit or for profit?

Mr. Burch said not for profit.

Chair Baugh said I will look over at Mr. Russ. If my firm does represent you, then that just takes care of it, then. Alright, with that there is already in the record a statement for recusing myself. Thank you very much for bringing that to my attention because I was not aware of this. With that, I am going to recuse myself on this matter and will submit an additional written statement to the clerk.

Chair Baugh left Council Chambers

Vice Chair Finnegan invited the applicant to speak.

Mr. Burch said I have nothing additional to add to the staff's comments. I have been represented well, position stated, and drawings confirmed. I am here to serve at the pleasure of the Commission and answer any questions that you have.

Councilmember Dent said I am just trying to get the gist of the renovation from your drawings here. Is it adding the story to what is now a first story dormer?

Mr. Burch said that is correct.

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

Vice Chair Finnegan said I do have a question that came up on the site tour yesterday. The applicant has been made aware that any new construction shall be a minimum of ten foot... although the proposed addition cannot be built as presented staff and the applicant will continue to discuss options. The proposed addition cannot be built as presented.

Ms. Rupkey said as it is presented a three-story structure would require a ten-foot side yard setback. If this were approved by City Council next month, they would not be able to build it there. They would have to come back and request a special use permit for a reduced side yard setback.

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

Mr. Fletcher said I would also add (to Ms. Rupkey's response) "or other solutions that we may be able to brainstorm." That (SUP for reduced side yard setbacks) is just one that is an option.

Vice Chair Finnegan said I think Councilmember Dent's comment about, this is the plan, this cannot be built. Correct me if I am wrong but this is to bring this into conformance with the setbacks. Like R-8, it would conform, if they do not raise it?

Ms. Rupkey said yes.

Councilmember Dent said now I am confused.

Vice Chair Finnegan said it is currently nonconforming. R-8 would bring this into conformance with R-8, the current setbacks.

Councilmember Dent said then their additional whatever takes another round.

Ms. Dang said or some other alternative that we will work with them on.

Vice Chair Finnegan said increasing the height is not what we are voting on tonight. I just wanted to make sure that we are all on the same page there. I will say, we talk about nonconforming properties a lot and then we talk about the character of the neighborhood. They get talked about interchangeably. I live in a nonconforming house in an R-2 neighborhood. We are not voting on this tonight. I will say that where there are neighborhoods where people can agree this is the character of the neighborhood and it does not meet the current setbacks, I would suggest that the setbacks are wrong.

Commissioner Washington asked are the other properties also nonconforming?

Ms. Rupkey said personally I have not gone out and measured, but it is presumed that they are nonconforming. If you notice on the plat that was submitted a 30-foot setback is required to be on Sunrise [Avenue] and Chestnut [Drive]. They are 26 feet along the frontage right now and they are conforming due to a portion of our code where they can take averages of existing homes on the street and get an average to get a lesser setback in the front. With that number already being less and being conforming in the front, it is likely that there are a number of other nonconforming houses to setbacks.

Vice Chair Finnegan said diagonally across the street there is an apartment building.

Commissioner Washington said my question would be, is R-1 appropriate? If it is not appropriate for this particular space, would it be appropriate for the rest of the spaces depending on their nonconforming status?

Mr. Fletcher said I would say that it is possible that other lots are conforming. The subject site actually is a little bit wider than some of the other properties along the street. Our Zoning Ordinance allows for the reduction of side yard setbacks when lots are less than 60 feet in width, and you have a lot of 50 foot in width lots there. I am just roughly measuring that some of them are like 7 feet off of the property line. It could be that they are conforming to setbacks but without seeing a survey, I do not know. I am just eyeballing it and looking at how wide those lots are.

Vice Chair Finnegan said it looks like that apartment diagonally across the street is also pretty close to the street.

Commissioner Porter said I live a couple of blocks from here, and I walk down this street almost every day. This house does not stand out to me as being any different in character than anything else around it. It is an attractive and well-maintained home. At one time my family owned a property on the corner of Neyland [Drive] and Chestnut [Drive] a similar distance from the street and probably nonconforming.

Commissioner Nardi said I do not have any issue with it.

Commissioner Porter said I make a motion to accept the applicant's request for a rezoning.

Commissioner Nardi seconded the motion.

Vice Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Councilmember Dent	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Vice Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on May 13, 2025.

Chair Baugh returned to Council Chambers.

New Business – Other Items

Planning Commission Annual Report 2024

Ms. Dang said this item is the 2024 Planning Commission Annual Report, in front of you. This report includes a listing of all of the items that have been considered by Planning Commission last year, with staff and Planning Commission's recommendations, and then a summary of City Council's decisions on each of those items. This item does need you to make a motion and a vote to move this forward, so that the report can be shared with City Council. If you have any questions, I would be happy to answer them.

Vice Chair Finnegan said there are names on here that I have not heard in awhile. I did have a question about on page four the third one down says City Council action denied/approved with two different dates.

Ms. Dang said that was the Weston Park one where at the first reading they voted to deny it, but they changed the vote at the second meeting, and then it got approved.

Mr. Fletcher said was it not one of those situations where somebody moved to approve it and the motion failed, or was it the opposite?

Councilmember Dent said Planning Commission recommended approval 4-2.

Mr. Fletcher said no at City Council.

Councilmember Dent said it was two different meetings and we changed it some in between meetings and brought it back. There was much discussion with [City Attorney] Chris Brown about how to do that.

Vice Chair Finnegan said it looks like it happened again on page six. Oh that is Weston Park, that is special use permit and one is rezoning.

Councilmember Dent said I think the upshot of it was that we could not take back an approval because that means they are going ahead and building it. We can change our mind on a denial and just bring it back.

Ms. Dang said we can find out. We can look at it. I think it had to do with the failed motion.

Mr. Russ said it was denied. The motion passed but the motion was to deny, and then they revisited it again.

Commissioner Washington said for page four on Lucy Drive it says tabled for 5/2024 and 2/2025.

Ms. Dang said that is correct. What ended up happening with that one is that the first reading was presented in May in 2024, and then it was tabled for the applicant to continue doing some work. Then it was brought back in February of 2025. It looks weird, but those are the correct dates.

Councilmember Dent said what happened in February 2025? I do not remember that exactly. We approved it then?

Ms. Dang said correct, I see why you are asking now. We will correct this before it goes to City Council.

Commissioner Washington said then for the 2028 East Market Street, it said postponed by applicant. Did it ever come back?

Ms. Dang said that has continued to be postponed by the applicant.

Councilmember Dent said this is an interesting one. The South Main Street on the top of page six. Withdrawn by applicant, and it never came back.

Vice Chair Finnegan said I may be wrong about this, but that might have been the coffee drive-thru thing.

Ms. Rupkey said they were wanting to do a nail salon somewhere, and they ended up not wanting to locate in that location before it ended up coming to you all. It got reviewed by staff, but it never officially made it to you all.

Vice Chair Finnegan said where is the coffee one? Was that this past year?

Chair Baugh said that was in 2023.

Vice Chair Finnegan said I will move to approve it, to send it to City Council.

Ms. Dang said we will make the changes that were discussed.

Commissioner Washington seconded the motion.

Councilmember Dent said I see another one that rings a bell here, on page seven, the special use permit on 1680 Country Club Road. We just talked about that last night to allow religious uses in M-1. Withdrawn, but they came back last night.

Mr. Fletcher said they did a different option.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the Planning Commission Annual Report passed (6-0). The report will move forward to City Council on May 13, 2025.

Community Development Annual Report 2024

Ms. Dang said similarly here this is the 2024 Community Development Annual Report. This report includes zoning activities, minor subdivisions and final plats that have been processed administratively by City staff. You did not receive these in your agendas presented to you all. This item is just for your review and will not be forwarded to City Council, so we do not need an action.

Vice Chair Finnegan said I am looking for occupancy permits.

Mr. Fletcher said you are talking about certificates of occupancy? This is not entirely all Community Development. This is Community Development's Planning and Zoning Division. CO's come out of the Building Inspections Division. If you are interested in that, we can get you that information.

Vice Chair Finnegan said I would love to see, over time, how many permits of occupancy have been issued by the City over time. We have that pipeline document that is like oh we have got 3,000 and something units of housing coming down the pipeline. It might get built, it might not. Certificates of Occupancy, that is the real number that I am interested in.

Councilmember Dent said we talked about that in Council at some point where Vice Mayor Flemming was talking about how there was a different number, 216 or something. I wonder if that was the Certificates of Occupancy.

Mr. Fletcher said I am glad Nyрма came up because we were just looking at this not that long ago.

Councilmember Dent said the number that have actually been built and occupied. Now what I am confused about is the distinction between the home occupation permits and the certificates of occupancy. Does this mean they can move in?

Mr. Fletcher said a home occupation permit is not related to Certificates of Occupancy.

Chair Baugh said it [home occupation] is home businesses.

Ms. Soffel said I would like to offer that the Certificates of Occupancy monthly report is available online to anybody who wants to look at it. It is our permitting software at permits.harrisonburgva.gov. There are a couple of links to get to the report and it is just three clicks, and it give you the certificates of occupancy for the previous month. Staff is also able to easily run that, if you wanted a year to show by month what was approved.

Councilmember Dent said I would like to see that, here and Council both. How many actual dwelling units do we have coming online?

Mr. Fletcher said Liz [Webb] presented very similar information two meetings ago, and it is similar to what you are referring to.

Ms. Dang said I can follow up with an email with a video link to Housing Coordinator Liz Webb's presentation at Council, and then we will also include instructions on how you can run the report through LAMA.

Vice Chair Finnegan said that was the pipeline presentation.

Commissioner Washington said about the proactive code enforcement violations, that is pretty low.

Ms. Dang said there is a note here at the bottom, proactive code enforcement has been suspended because of being understaffed. We do have a full team of staff now; however, three individuals started in the last few months, so they are getting trained up. The zoning part of our division is talking about how they can resume proactive code enforcement. They just have not done that, yet.

Commissioner Washington said that means there could be violations, but we just do not know about it.

Ms. Dang said proactive code enforcement is where our staff will drive along public streets and visually look for any visible zoning violations. What we have done historically, in the past, is divided the City into 36 sections or areas and each month over a three-year period we would drive through that section and say okay in this month this is how many violations we found.

Mr. Fletcher said it takes three years to cycle through the entire City.

Ms. Dang said whether we will continue to do it that exact way again, we are having those discussions now on how we are going to resume it. Or if, maybe, initially we start for example with sign violations.

Councilmember Dent said I have a correction here. Just about that, on page two Zoning Ordinance to allow and regulate honeybees adopted by City Council that should be 2024, not 2025.

Chair Baugh said anything further inquiries of staff or anything regarding the Planning and Zoning Division Report? Hearing none then we will move onto our next agenda item.

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Washington said there was a rezoning request to rezone a 2.225-acre parcel from A-1, which is prime agriculture, to A-2C, general agricultural with conditions. That was for a behavioral health and substance use treatment residential center in Timberville. That was approved 5-0. There was also an ordinance amendment for minimum private street requirements to amend the private street requirements from 22 feet to 24 feet. With no parking it would be 24 feet. With parking on one side, 24 feet. With parking on both sides, 29 feet. Just to get it up to VDOT recommendations. That was approved 5-0.

Board of Zoning Appeals Report

None.

City Council Report

Councilmember Dent said I am looking at both the March 25 and April 8. On March 25, we approved the amended proffers for Mosby Road. That was using the formula instead of a specific number of elderly housing. We approved the Capital Improvement Program. A number of presentations about the neighborhood traffic calming program. Approved contract amendments for the Mount Clinton Pike shared use path project. Approved an ordinance for the private towing advisory board. That was to prevent predatory towing practices. I think some of the discussion was if they can tow 24/7, they need to be able to return the vehicles 24/7. A

presentation on residential use approved development. That was the housing pipeline from Liz Webb. City Council Vision 2045 in which the most significant thing we did was move the phrase “City for All” up to the very top as our tagline. It was the “Capital of the Shenandoah Valley.” We were going, what does that mean? We made some revisions throughout to some of the wording. Most significantly, I think, we expanded the economic development section to include also financial empowerment of residents, not just about the businesses. I specifically put in renewable energy in the environmental section. I am looking at last night, now. We had a public hearing on the CDBG action plan. Cats’ Cradle was last night, and we approved that. That was from the time I was not here, March 12. It went to City Council last night. Smithland Road, big discussion, we tabled it, with staff saying that it is still not quite there. They wanted another couple of weeks, and we will bring it back at the next meeting in two weeks.

Mr. Fletcher said we were not sure that time would actually solve the problem because they were not necessarily going to be able to do all of the engineering to be able to give the answers. Time was not necessarily the matter.

Councilmember Dent said it will come back in two weeks after some discussion whatever that entails. 1680 Country Club Road, the Divine Unity Community Church wants to expand into their facility for other purposes. We had some discussion about what would initiate if those purposes became taxable, and the City Attorney assured us that we will find that out. That is not their intention. They want to have a boys’ wrestling club. We passed that. Hawkins Street, we passed. The Boulder Ridge multifamily buildings of more than 12 units, that is the one that is right on the County line, so we approved that. We had the CSPDC Regional Housing Study presentation.

Other Matters

Review Summary of next month's applications

Ms. Dang said next month we have these six items here. The 160 Carpenter Lane you saw a few months ago for a rezoning, they are coming in for a special use permit to reduce parking. Another rezoning on Bruce Street to R-8. There are some minor amendments with the 865 Port Republic Road one that is coming back. Then the Newtown Cemetery alley closing and then a new alley close request next to 295 Franklin Street. We recommend one meeting for next month.

Ms. Dang continued for the Rockingham County Planning Commission meetings, Vice Chair Finnegan has May 6. Chair Baugh has June 3. I will send this document to you, so that you have all the dates. At the next meeting, I would ask that we start filling out the rest of the calendar.

Chair Baugh said I have had a change of schedule, and I am not going to be able to do June 3. We need somebody to do that. As part of the change, I can volunteer for the July meeting.

Ms. Dang said that would be July 1. Does anyone know if they can do June 3? I will send this out, and we can figure it out next month.

The meeting was adjourned at 7:50 p.m.

Richard Baugh, Chair

Anastasia Montigney, Secretary