



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes - Final Planning Commission

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Wednesday, April 10, 2024

6:00 PM

Council Chambers

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### 1. Call To Order

### 2. Roll Call/Determination of Quorum

Members present: Brent Finnegan, Chair; Adriel Byrd, Vice Chair; Vice Mayor Laura Dent; Richard Baugh; and Valerie Washington. Heja Alsindi was absent. There is one vacancy.

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

Chair Finnegan called the meeting to order.

**Present** 5 - Brent Finnegan, Adriel Byrd, Valerie Washington, Richard Baugh, and Vice-Mayor Laura Dent

**Absent** 1 - Heja Alsindi

### 3. Approval of Minutes

#### 3.a. Minutes from the February 14, 2024 Planning Commission Meeting

Chair Finnegan asked if there were any corrections, comments or a motion regarding the February 14, 2024, or March 13, 2024, Planning Commission minutes.

Vice Chair Byrd moved to approve the February 14, 2024, Planning Commission meeting minutes.

Commissioner Baugh seconded the motion.

The motion to approve the February 14, 2024, Planning Commission meeting minutes passed (4-0) with Chair Finnegan abstaining.

**A motion was made by Byrd, seconded by Baugh, that this Minutes be approved. The motion carried by a voice vote.**

#### 3.b. Minutes from the March 13, 2024 Planning Commission Meeting

Vice Chair Byrd moved to approve the March 13, 2024, Planning Commission meeting minutes.

Commissioner Baugh seconded the motion.

The motion to approve the March 13, 2024, Planning Commission minutes passed (4-0) with Vice Mayor Dent abstaining.

**A motion was made by Byrd, seconded by Baugh, that this Minutes be approved. The motion carried by a voice vote.**

#### **4. New Business - Public Hearings**

##### **4.a. Consider a request from Sahara III LC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1846 Evelyn Byrd Avenue**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said on June 13, 2023, City Council approved a special use permit (SUP) to allow multi-family dwellings on the property with the following conditions provided by the applicant:

1. The property shall not contain dwelling units that have more than three (3) bedrooms.
2. The site shall contain no more than 1.45 parking spaces per dwelling unit.
3. One-bedroom dwelling units shall make up at least 10% of the total number of units.
4. One dwelling unit will be constructed to be fully handicap accessible, Type A.
5. A bus pull-off, concrete pad, and easement for a bus shelter shall be provided at a location acceptable to Harrisonburg Department of Public Transportation (HDPT). The bus pull-off shall be constructed to HDPT's specifications.
6. Maximum of 20 dwelling units to be constructed, up to five stories above grade, excluding the basement.

The project has since undergone two engineered comprehensive site plan reviews. The applicant/developer is now requesting to amend the existing six SUP conditions and to replace them with five new, but similar conditions.

The applicant is requesting to amend the special use permit (SUP) conditions approved in June 2023, by removing the condition related to the bus pull-off, concrete pad, and easement for a bus shelter; by modifying the maximum number of off-street parking spaces allowed on the property; and by modifying the maximum number of allowable dwelling units and number of stories. If the new SUP is approved, it will supersede and replace the 2023 approved SUP.

As required by Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan. Section 10-3-93 (d) 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

the multi-family and/or mixed use project that was 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 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 engineered comprehensive site plan approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

For the current request, the applicant has proposed the following conditions, which are described on the development plan as “Owner/Developer Self Imposed Conditions” (written verbatim):

1. The property shall not contain dwelling units that have more than three (3) bedrooms.
2. The site shall contain no more than 23 parking spaces.
3. One-bedroom dwelling units shall make up at least 10% of the total number of units.
4. One-dwelling unit will be constructed to be fully handicap accessible, Type A.
5. Up to 16 dwelling units to be constructed, up to four stories above grade, excluding the basement.

Proposed conditions #1, 3, and 4 remain unchanged from the existing conditions. Proposed condition #2 is similar to the existing condition 2, but rather than providing a maximum ratio of spaces per unit, the proposed condition would regulate parking by stating the maximum number of parking spaces would be 23.

Existing condition #5 has been removed. The applicant was unable to accommodate the design requirements for a bus pull off and concrete pad while also accommodating their desired development plans. The Harrisonburg Department of Public Transportation (HDPT) has no concerns with removing the requirement indicating that there is a bus stop within 450-feet of this development at Forbes Crossing.

Proposed condition #5 is similar to existing condition #6, except that the maximum number of dwelling units allowed has been reduced from 20 to 16 units, and the maximum number of stories above grade has been reduced from five to four.

#### *Land Use*

The Comprehensive Plan designates this site as Commercial and states that:

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.

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

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

When considering the need for providing more housing in the City, providing multi-family units at this location can be a positive result for this area of the City and for those individuals who want to reside in the City.

#### *Public Schools*

The student generation attributed to the proposed 16 residential units is estimated to be two students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

#### *Recommendation*

Staff has no concerns with the proposed amendments to the SUP conditions and recommends approval of the SUP with the conditions submitted by the applicant.

Chair Finnegan said I just had a question to clarify, Harrisonburg Department of Public Transportation has no concerns with removing the requirement indicating that there is a bus stop within 450-feet of the development? I guess there is no further information on that. Would there be a crosswalk?

Ms. Dang said I recall discussion with the Department of Public Transportation about the number of housing units at this location is not a lot, up to 16 is what they are proposing now. As well as the distance to the existing bus stop. The closest crosswalks would be up at Reservoir Street. So, they would walk a little bit further to Reservoir Street to cross at that crosswalk.

Vice Mayor Dent said that says they are going to be crossing in the middle of the street most likely.

Ms. Dang said there is a bus stop on both sides of the street. Depending on the direction that the bus is going.

Vice Mayor Dent said Forbes...where are we talking about?

Ms. Dang said it is under the City map, [referring to the site map included with the staff report] here is the Forbes Crossing Shopping Center and you can see Reservoir Street just at the edge of the page.

Chair Finnegan said there is one [crosswalk] on the NERD Apartments side of Evelyn Byrd?

Ms. Dang said correct.

Vice Mayor Dent said NERD Apartments, those are the ones in the parking lot?

Chair Finnegan said that is the name of the request.

Ms. Dang said it is currently a vacant area.

Chair Finnegan said there was a number of years ago a rezoning by Armada Hoffler, I do not remember the name of the applicant, but it was to turn half of that Regal Theatre parking lot into an apartment building with parking. Do you know...

Ms. Dang said they have not advanced any proposal after that special use permit. A similar special use permit to allow multifamily in B-2 within that Regal parking lot to redevelop that area, we have not seen any advanced applications or submittals for that.

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

Nathan Blackwell, applicant, came forward to speak to the request. He said just hear to answer any questions that you have. We are working on the site plan and have been working with the City and coming in to get these things sorted out. I am here to answer any questions that you have.

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

Vice Mayor Dent said I am a little curious about the parking changing from a formula to a number.

Mr. Blackwell said on the site plan, we have 23 parking spaces and we are not going to be able to get any more than that and it just kind of locked it in. Instead of doing a formula it was just easier... because if we do 15 units...we cannot do more than 16 but the way that the site is probably going to work, it might be 15 it might be 16. So, just leaving that little bit of flexibility instead of locking it in with the formula we are just going with a set number and it just works for this site.

Vice Mayor Dent said what would the difference be between the ratio and the maximum number. Not that it matters that much, I mean, I like seeing a parking maximum, frankly.

Mr. Blackwell said 16 units would be 1.4375. 15 units would be 1.53 repeating.

Vice Mayor Dent said what was the ratio?

Ms. Dang said 1.45 was the previous ratio. It is increased by like a tenth.

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

Chair Finnegan asked if this goes through, the Armada Hoffer building was rezoned for the Regal parking lot sounds like it is not moving forward. So, this would be the first residential in this area.

Vice Mayor Dent said question for staff, what is the Land Use Guide here? Is it Mixed Use or what?

Ms. Dang said the Land Use Guide calls this for Commercial.

Vice Mayor Dent asked but we have also revised it to B-1 can include some residential or however that works?

Ms. Dang said the B-2 zoning district allows the special use permit ability.

Vice Mayor Dent said which in effect makes it mixed use then...

Chair Finnegan said I think these are a part of the bigger conversations that we are going to be having as we look at the Zoning Ordinance as a whole.

Chair Finnegan 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.

Vice Chair Byrd said though it is a reduction in dwelling units therefore an adjustment in parking to account for that and the changing of having a bus pull off. Looking at that piece of property, I can see how engineers are coming up with trying to figure out how to make it all work with any dwelling units there. I would be in favor of this. Seeing no comments, I will make a motion to approve the special use permit as submitted by the applicant.

Commissioner Baugh seconded the motion.

Chair Finnegan said I would just add, yes, the area around the mall and Harrisonburg Crossing has, for a long time, been seen as just commercial and I think this is a step in the right direction to mix commercial and residential. I think if we are doing it parcel by parcel, this is a good first step, so I would be in favor of this.

Vice Chair Byrd said I will add to that when we go around to look at the sites, those are technically public meetings as well and I said it there. As we were near that site, I was noticing in that area you are close to so many grocery stores whereas other parts of the City you might be close to one, maybe.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit passed (5-0). The recommendation will move forward to City Council on May 14, 2024.

**This PH-Special Use Permit was recommended to full council.to the City Council due back on 5/14/2024**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**4.b.** Consider a request from Elba A. Herrer De Dildy and Jose Martir Guterrez Hernandez to rezone 35 Monroe Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 6,780 square-foot property from

R-2, Residential District to R-8, Small Lot Residential District. The parcel is addressed as 35 Monroe Street, 35 Monroe Street Apt. A, and 35 Monroe St Apt. B (while there are three addresses, there are only two dwelling units) and is identified as tax map parcel 41-M-8. The property is located within the short block between North Main Street and Madison Street. If the rezoning request is approved the applicant would like to add an addition to the structure that would provide space for their daughter.

Under the R-2 district regulations, a duplex is required to have a 30-foot front yard setback, a 10-foot side yard setback, and a 25-foot rear yard setback. The parcel must have a total of 5,500 square feet of lot area for each unit (a total of 11,000 square feet). If the property is rezoned to R-8, a duplex is required to have a 10-foot front yard setback, a 10-foot side yard setback, and a 15-foot rear yard setback. Each unit only requires 1,800 square feet of lot area. If the rezoning is approved, the lot would become conforming to lot area requirements for a duplex and they would gain more flexibility in design for their planned addition.

#### *Land Use*

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

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

The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings, and, in special circumstances, by special use permit townhouse units. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can at times work well within areas designated as Neighborhood Residential.

#### *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*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce



and housing centers across the City.

*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, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

*Recommendation*

Considering the size of the existing parcel and the alignment with R-8 district requirements, staff finds no significant adverse effects on surrounding properties and believes the request is consistent with the Comprehensive Plan's Land Use Guide. Staff recommends approval of the rezoning as submitted by the applicant.

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

Vice Mayor Dent said I noticed just looking at this aerial photography with the outline that there is an alley adjacent. Whatever that might do to help with parking or passing through, if there were an egress in the back or something.

Ms. Rupkey said they would not be able to park in the public alley but they could access, say there was a driveway in the rear, they could access it from that alley.

Commissioner Washington said we talk about addition, is addition just like a room or are we talking about a whole floor?

Ms. Rupkey said with it being an existing duplex at this time, they would not be able to gain another unit so they can build on there to have a bedroom and additional space but they could not add an additional kitchen with the fact that it is a duplex already.

Mr. Fletcher said it would enlarge the existing unit.

Vice Chair Byrd said I noticed there was an accessory building with the change of the setbacks in R-8 would that building become a problem or is that something that is meant for later?

Ms. Rupkey said the accessory setback will stay the same for all of the residential districts that it is, which is five feet from the side and the rear.

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

Elba Herrer De Dildy and Jose Martir Guitierrez Hernandez, the applicants, came forward regarding the request. Ms. Elba Herrer De Dildy through an interpreter, Maria Cardoso, said no

[questions], everything is good.

Chair Finnegan 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.

Vice Chair Byrd said well, if you are going to want to change the footprint of your building in a R-1 situation for this one is starting to expand... Looking at this one, I see no issue. No mention of the community thinking it changes the nature of how the community looks. I would be in favor of this rezoning request.

Vice Mayor Dent said I like this as a model for multigenerational family housing.

Vice Chair Byrd said I would like to make a motion to approve the rezoning request.

Commissioner Washington seconded the motion.

Chair Finnegan called for a roll call vote.

- Commissioner Baugh        Aye
- Vice Chair Byrd            Aye
- Vice Mayor Dent          Aye
- Commissioner Washington Aye
- 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 14, 2024.

**A motion was made by Byrd, seconded by Washington, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**4.c. Consider a request from Liberty Street Investments LLC to rezone 162 West Elizabeth Street**

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 10,353 -square foot property from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel is addressed as 162 West Elizabeth Street and is identified as tax map parcel 35-S-18. If the request is approved, the applicant plans to construct a three-story multifamily building with 15 to 20 dwelling units.

*Proffers*

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

1. No drive-through facilities shall be permitted on the Property
2. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
3. Prior to issuance of any building permit, the property owner shall dedicate public street right-of-way or public sidewalk easement to at least 0.5-feet behind the back of sidewalk along the West Elizabeth Street frontage.
4. Ground floor interior, controlled access tenant bike storage spaces with a minimum of 1.0 spaces per residential dwelling unit shall be installed prior to issuance of any certificate of occupancy and maintained.

The conceptual site layout is not proffered.

The applicant is planning to construct a pull off/drop off area that necessitates the rebuilding of the existing sidewalk. With proffer #3 the applicant would be required to dedicate up to at least 0.5 feet behind the back of the sidewalk as public right-of-way or in a public sidewalk easement. The applicant is not planning to provide surface parking at this time. The B-1 district does not require off-street parking spaces.

*Land Use*

The Comprehensive Plan designates this site as Mixed Use and states:

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

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources

that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The Mixed Use area is a designation that promotes “live-work” environments and traditional neighborhood development (TND). The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. Proffer #1 promotes pedestrian friendly design by prohibiting drive-throughs. Staff suggested that the applicant consider proffering the prohibition of parking lots (including travel lanes and drive aisles) from being located between any building and West Elizabeth Street to further promote pedestrian friendly design. However, the applicant has not finished the final layout of the site and would like to have the opportunity to provide parking under the building, if necessary, and which may necessitate a driveway in front of the building.

As noted, the submitted layout of the site is not proffered, but one design element that staff is concerned with is where a refuse facility serving the site might be located. Refuse facilities and how refuse is collected is not often a concern of staff’s during a rezoning process, but given an early conceptual draft layout of the site that was evaluated, the small size of the site, and the parcel’s shape, staff is concerned with having a refuse facility positioned in front of the building, adjacent to the public street. When new developments are built downtown, staff recommends that refuse storage and collection be thoughtfully considered early in the design process. In general, staff recommends locating refuse facilities within buildings. However, if refuse is stored outside, then staff recommends for refuse facilities to be located behind the building or at least behind the front façade of a building so that the refuse facilities are out of view of and not easily accessed by the general public. The City Code will require that private refuse service be provided for the planned development. The applicant can choose to use a dumpster or another form of private collection on the site.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning 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 rezoning request.

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

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

and housing rehabilitation to maintain the quality of housing.”

*Public Schools*

The student generation attributed to the proposed 15 to 20 residential units is estimated to be 2 to 3 students. Based on the School Board’s current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

*Recommendation*

While staff has concerns with details of the final design of the site, those concerns do not outweigh the advantages of rezoning the property to create the opportunity for more housing in the downtown area. Given the Comprehensive Plan’s Land Use Guide designation for this property and the submitted proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

Vice Mayor Dent said did I hear you say they are considering parking inside or underneath the building or what?

Ms. Rupkey said the applicant may be able to speak more to it, but at this time they are not planning to provide any parking but during final design the layouts and things may make them realize it might be an opportunity for them to provide a couple of spaces underneath.

Vice Mayor Dent said I also see another alley here. While that is public, can that be a location for the refuse?

Ms. Rupkey said it is pretty thin alley.

Chair Finnegan said just a follow up question on the parking piece of it, if they were to put parking under there, it is not clear to me where the cars will go in and out from based on this layout.

Mr. Fletcher said from the public street.

Chair Finnegan said from Elizabeth Street, going in that way.

Ms. Rupkey said possibly where the drop off area is now could be an option.

Mr. Fletcher said the parcel is a similar size to the parcel image right. You can see that you can have 90-degree two-way traffic on both sides. They are still early in their concept. I do not want to steal Todd’s thunder, but he can come up and speak to that. It is physically possible.

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

Todd Rhea, the applicant, came forward to speak to the request. He said you all have heard me present to the Planning Commission many of times as a representative or an attorney for an applicant in this case it is a little different in that this lot is actually owned by myself and several professionals at our law firm it has been for some time. I am actually the applicant in addition to being the applicant's representative this evening. This lot is currently a parking lot that has been vacant and not used for a few years. It used to provide parking for Rosetta Stone when they were located downtown. Since Rosetta Stone closed, it has not been used for parking since that time. It is adjacent to 210 parking spaces, so there is no shortage of adjacent parking. Much of that parking, in my observation over the years, is used during the day and it is not used on nights and weekends. The City and County's joint jail and courts operation rent about 150 spaces from Otterbein Methodist Church across Elizabeth Street. There are plenty of opportunity there for some flex parking, should that become necessary. The genesis for this idea came out of the Downtown 2040 Plan which was completed in 2021 and endorsed by City Council and the Planning Commission. A tenant of that downtown plan was that downtown needs more residence and the goal was to convert unused or underused locations in or adjacent to the City's B-1 district for housing in order to provide walkable and bikeable places for people to live who work downtown or enjoy the commercial amenities that are offered downtown. It is very clear that this is exactly the kind of project that the Downtown 2040 Plan called for. Knowing that was sort of the way the City was moving downtown, we looked at some options with respect to this lot. We found a really neat infill project in the Minneapolis-Saint Paul Twin Cities area of Minnesota. That municipality has been a leader in infill housing and reforms related to parking. The development we patterned this off of is a twelve-unit infill on a 6,000 square foot lot. This lot here in Harrisonburg is about 10,500 square feet. The units are sized so that we can fit an 18-unit, three-story building among the mix of one- and two-story apartments on it. The goal is to not to have parking on site. One proffer that was not covered but it is in there is that we have proffers consistent with that Minneapolis design first floor interior secured bike storage for all residents so they are not lugging their bikes up and down one and two flights of stairs to get to their apartments. They are interior, they are not outside locked in the weather, that is a proffered improvement. We are kind of going out on a limb here because there are not many developments without parking in Harrisonburg. We are looking to break some ground here. We have talked to a bunch of folks downtown, we are at the southern end of what I will call the Bird District that runs from Elizabeth Street up to Gay Street and it has Nest, Sage Bird and Magpie. This concept fits neatly into that area to provide a residential option without parking if at all possible. Our initial design was to have the pull off along Elizabeth Street. One thing Covid taught us, among many negative things was a positive thing is that you can pretty much get anything you want to delivered to your house including rides, groceries and pharmacy needs. If we do not have parking, that pull off will serve for residents to grab a ride or to have a drop off and not be on the public street. We have talked to Public Works, who will sign that appropriately for drop off. The plot itself, topographically from the back runs downhill towards Elizabeth Street. There is a one story drop of about 11 or 12 feet from the back of that lot to the front of that lot. If we just run into a situation where the concept design and our marketing is not there for no parking on site, we could raise the front part of that building on a pedestal to provide parking. As Mr. Fletcher pointed out, that lot is wide enough to have two aisles of 90-degree parking accommodated under that

building. Again, that is not our intent or design. We want to sort of be a leader in providing an option for people to live downtown without having a car. Without having a car...it costs about 12 to 14 thousand dollars per year. If you can live somewhere and save that money, then it is not so daunting to pay a small premium to shop at the Friendly City Food Co-Op. It is much more expensive, that is an easy walking distance of this. If you are not paying 700 dollars a month in car and insurance payments, you can afford to eat better and live a healthier lifestyle. Mr. [Barry] Kelley is here. Matchbox owns and has renovated nicely the adjoining R-3 properties along High Street and Wolfe Street which kind of front our subject property on two sides. It is a nicely done student housing area to the west of this site. Professional offices to the immediate east and then commercial across Blacks Run, where Mashita and the Aristocat Café are. Our B-1 conditional design is consistent with that step up in density from commercial to professional office to small multifamily to R-3 student housing. With that said, I welcome your questions. I have been on that corner and looked up that street for 29 years. I have been involved in seeing how Downtown Harrisonburg has developed and I and my partners are excited to have the opportunity to be a little bit of a groundbreaker with this current proposal. Thank you.

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

Vice Mayor Dent said I agree that to be a leader in this could start a movement. To have no parking required, I imagine could also reduce your construction costs and increase the usage of the land. If that becomes a trend that developers realize that they can develop higher end, more affordable housing without including the parking, then more power to you.

Mr. Rhea said parking is an impediment to creating density and affordability in housing, there is no question to that. I understand there is some trepidation of will there be a spillover effect. Will people really have cars there even though there is no parking on site? Will that impact others? Again, in the downtown City 30% is surface parking, there is plenty of opportunity for flex parking assets to be utilized should that become absolutely necessary, but we are hoping that it will not in this case.

Vice Mayor Dent said given that there is a parking lot right next door that you say is mostly used during the day, is flex parking an option there?

Mr. Rhea said we would look forward to having that conversation with the Sheriff's Department and the Courts' system to see if that would be a possibility. Functionally, it is because this lot is at the far end of those lots. When people park to work at the jail or the courts, they fill in on the Market Street side first and work their way back on parking. This backside along Elizabeth Street across the street is often empty.

Chair Finnegan said to that point, you wanted to leave the option open to do potentially structured parking underneath. I would imagine that would increase the cost of the construction and then also would increase the cost of the rent.

Mr. Rhea said those costs get passed through, nobody builds something to lose money on it but the lot does have the slope which would make that an option without a lot of mass excavation. Anytime you put a building on a pedestal it does increase the price and the only reason to put it on a pedestal is to provide parking.

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

Kenneth Kettler, a resident at 242 East Water Street, came forward to speak to the request. He

said I am really pleased to see more residences downtown especially dense residences like this with actually no parking. When I was looking to move here, it took me several months to actually find a place downtown where I could walk all of the places that I needed to. Which is good because I had more time to look for one and that is not always the case when moving to a new City. I am also really pleased to see that there is the little parking that there is and the cost of rent is not tied to the cost of parking. In my home, it is me and my wife and there is one car between us. Being downtown you do not need to be driving a whole lot of places. We can walk to the Co-Op, I can walk downtown to work. The good news is I live in Urban Exchange where if you want to park there you pay extra, I do not pay for that. I appreciate not having to pay. Especially when we are talking about students who may be living there as well and do not need to be paying more for something that they do not have in terms of a car, I love to see that on this one. I, likewise, hope that is a trend that continues. Council for the applicant noted that 30% of downtown is surface parking lots. Another way of putting it is 69 acres of downtown Harrisonburg is surface parking. That is not counting parking decks, which are big enough. That is a huge amount of space for the urban business core of the City. I am really pleased to see this, thank you very much.

Barry Kelley, a neighbor to the subject property, the Matchbox properties next to it, and 136 [Elizabeth Street], came forward to speak to the request. He said we are 100 percent in support of this, the applicant’s design and the fact that they are out there doing this just adds to it. The reason that I am coming up is just to add to the fact of non-parking. We just recently finished in the last few years the Keezell and Kavanaugh buildings and neither one has parking and there is 21 units in one and 22 units in another and both have commercial spaces. They have been successful. I just wanted to add that because it is happening. I think this is a good project for that.

Chair Finnegan 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.

Commissioner Baugh said I move to approve as presented.

Vice Chair Byrd seconded the motion.

Chair Finnegan said I will also add that this comes up outside of the downtown district where we do have parking requirements for apartments. I would call parking requirements for apartments a renter’s tax because in most single-family neighborhoods in this City, you can park a car for free, paid for by the City, in front of a house. When we have apartments that are forced to build off street parking, that is passed on to the renter. Renters pay personal property tax on their vehicle and they pay property tax by way of paying rent. I would like to see more of this type of thing elsewhere in the City. I would be in favor of this.

Chair Finnegan continued and called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye



Vice Mayor Dent           Aye  
 Commissioner Washington   Aye  
 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 14, 2024.

**A motion was made by Baugh, seconded by Byrd, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**4.d.** Consider a request from David L. Snyder to rezone tax map parcel 34-C-2 (415 North Liberty Street)

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is proposing to rezone a +/- 5,758 square foot parcel from M-1, General Industrial District to B-1C, Central Business District Conditional. The property is addressed as 415 North Liberty Street and is identified as tax map parcel 34-C-2. (Note: There is an adjacent parcel that shares the same address that is identified as tax map parcel 34-C-1. After the rezoning process for 34-C-2 has concluded, the parcel’s address will be changed.) If the rezoning request is approved, the applicant plans to construct a mixed use building on the site to include ground floor retail or restaurant, and four one- or two-bedroom apartments above the first floor.

*Proffers*

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

1. Drive-through facilities are prohibited.
2. No parking lot (including travel lanes and drive aisles) shall be located between any building and North Liberty Street.
3. Vehicle fuel stations are prohibited.
4. Repair of vehicles, recreation equipment, or trailers are prohibited.
5. Refuse containers or refuse storage facilities shall not be located any closer to the public street than the front façade of the building closest to the public street.
6. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer’s Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City

Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The conceptual site layout is not proffered.

While vehicle fuel stations and repair of vehicles, recreation equipment, or trailers are all uses only allowed in the B-1 district with approval of a special use permit, proffers #3 and 4 would prohibit the ability to request special use permits for these particular uses. Also, while the applicant intends to provide a mixed use building with non-residential uses on the first floor and residential units on the floor above, such an arrangement is not guaranteed. The property owner could construct a building with only residential units or provide only commercial uses.

#### *Land Use*

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed-Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed-use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The Mixed Use area is a designation that promotes for “live-work” environments and traditional neighborhood development (TND). The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. Proffers #1 and #2 promote pedestrian friendly design by prohibiting drive-throughs and restricting vehicle parking areas from being located between buildings and the public street. Note that the B-1 district has no off-street parking requirements.

The Harrisonburg Downtown 2040 Plan also includes this property within the study area and

includes the following recommended action items:

15. Build the market by attracting more residents and more visitors

The Downtown 2040 Plan identifies three areas for potential residential development, one of which is an area labeled in a map on page 59 as “North Downtown.” The North Downtown area includes properties with frontage along North Liberty Street between West Gay Street and West Wolfe Street. While the subject property is outside of the North Downtown area, the property is about 200-feet north of West Gay Street-essentially an extension of the area and adding to the positive development energy and revitalization that is occurring in this area.

*Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning 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 rezoning request.

*Public Water and Sanitary Sewer*

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

*Housing Study*

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

*Public Schools*

The student generation attributed to the proposed four residential units is estimated to be one student. Based on the School Board’s current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

*Recommendation*

Given the Comprehensive Plan’s Land Use Guide designation for this property and the submitted proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

Chair Finnegan said my only question was about that alley that runs alongside this one, that would remain open? It is not maintained by the City but it needs to remain a throughway.

Ms. Dang said right, because the adjacent property owners are using that alley.

Vice Mayor Dent said it looks like there is also an alley behind all of these buildings, if that is a throughway too.

Ms. Dang said that is correct. There is a public alley in the rear of the lot. There is a public street along the frontage and then an alley that goes between North Liberty Street to Collicello Street along the side and there is also an alley that goes in the rear.

Chair Finnegan said is the alley in the rear terminate a couple of parcels in?

Vice Mayor Dent said it looks like there is another alley that it adjoins to.

Ms. Dang said the alley does not go all the way through to West Market Street but it is on paper going all the way through up to the north there. Whether it is accessible or not, I cannot recall if there is vegetation or something out there, that can be driven through.

Chair Finnegan said it connects into a T intersection with that other alley.

Ms. Dang said I believe that it is right.

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

David Snyder and Mike Martin, applicant and applicant's representative, came forward to speak to this request. Mr. Martin said I will say I assume I will be getting a bill from Mr. Rhea for all of the work that he did on our proposal as well, stating the case very eloquently.

Mr. Snyder said we also do not want parking for our four apartments. I think it fits in really well down there. The reason we want to get from M-1 to B-1 is for a bigger building footprint and no parking. Chair Finnegan said where do you expect the residents of that building would park or if there is going to be commercial on the bottom, where would those...

Mr. Snyder said there is street parking as well.

Mr. Martin said we had conversations with staff and we kind of addressed this with Erin Fisher a little bit too. To be honest, it is going to open up a big can of worms if we do have parking because Erin had an issue with ingress and egress out of the alley. It is actually a lot better to not have parking just in terms of how the Fire Department views that alley access and how Erin Fisher views cars going in and out of there in relation to what the City would want. There is parking at

the Rockingham County administrative offices, and I know quite a few people park there to go to the Chop House and whatnot, and it is literally another block away to get here. There is a lot of on street parking on North Liberty and then North Main Street over there is the parking deck right near the Friendly City Co-Op. I think for four one-bedroom apartments and being very walkable, I do not believe that parking will be an issue there. In terms of the retail on the bottom, we are not 100 percent sure yet but again the mercantile, complete retail. Sage Bird draws a lot of people. Magpie, if you go by there, I use to run by there on Sunday mornings there are probably 30 people waiting for it to open up and they are able to get there. I do not think that will be a problem as long as we do a good job getting a business that people want to come to and residence that people want to live in.

Chair Finnegan said the Bird neighborhood is kind of up right up against the industrial [zone]. You have George's just up the hill. You have a feed mill across the street. Do you have any concerns about putting residential there? I know there are some residences along there already that were probably there predating when George's was built. I did not know if that is a concern for you.

Mr. Snyder said they just built five residences there.

Mr. Martin said where Sage Bird is and at the Chop House. Most of the stuff coming out of that feed mill then goes on up north to all the other poultry places out there, just from what I have seen in all the time I am down there. I do not really see much coming out and going left. All of those trucks and everything tend to just come load up or drop off and just pull right up and go right all the way out through. Right meaning north.

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

Kristen Moore, owner of Magpie, the Perch, Liberty Street Mercantile, and the Loft at Liberty Street, came forward to speak to this request. She said we are a very busy restaurant, serving between 200 and 450 people a day. An additional coworking space, a retail center with 12 shops and an event space that can hold 300 people on the corner of Liberty and Gay Street right next to this parcel. Let me start off by saying that I am all in favor of anything that creates positive proximity in our corner of town. I am not speaking out against this project trying to squash it, quite the opposite, I very much welcome this, but I am here to challenge the no proffered parking. I am proud that Magpie has encouraged people to walk further from their parked cars to a destination then almost anything else in town. Parking on all of the surrounding streets and lots within several blocks is already at a premium. Mr. Martin was incorrect in that the trucks do go south and not north when they come out of there, so it is a congested highly complicated area with some of the jankiest street intersections I have ever seen. I also 100 percent support the idea that cities should be walkable and bikeable and I appreciate the Elizabeth Street proposal as well but to me, and likely most others in the City, that means I have the choice to walk or bike safely to a destination. It does not mean that I do not own a car and I think that is something that we are forgetting when we talk about these developments without parking for residents. We are also...I know the

Keezell building has been a good example but they are very close to a parking deck and we are at an end of town where there is not anything really great and adjacent to us. Without proffered parking for those apartments, and with the potential for having two residents per apartment, that is about 8 cars per person plus the commercial space and the patrons of whoever is on the first floor, employees, etcetera. They will need to find a place to park and there just is not any. If the Planning Commission wants to lean away from requiring developers to proffer parking and continue to create safe bike and walkways around town, it also has to get very serious about the parking situation that is available. Flex parking, finding ways to...the County Administration Office is a great example of that. It has 300 spaces that are never all in use. Taking three of those rows along Gay Street will give us 100 public parking spaces and also be a great connector to the northeast neighborhood for that traffic. Getting serious about fixing the parking decks and using their vertical space. Finding long term parking solutions for residents who do choose to park their car for longer than 4 to 10 hours so they are able to bike and walk like the gentleman that spoke earlier around downtown as a means of regular transportation. I just wanted to voice my concern for that I think our end of town is unique in that it was not set up for what it is now and it is getting tricky in the addition of something without parking proffered is tricky. We have 12 spots behind the Mercantile, there are 8 spots on the street that are always full and overflowing. People have made their own spots right there next to this property. There are 18 spots in front of Magpie between that and Sage Bird and there are 22 spots in our Magpie lot. That is to service all of those things plus employees, of which I have 62. Again, I support this project but just wanted to raise my concern about the no proffered parking.

said I just wanted to briefly note that a lot of what the previous speaker was saying is true with respect to how we use parking, particularly at the north end of Downtown and how that is allocated and how it can be used. I do want to also note though when we are talking about alternative transportation options, which should be the main transportation options in Downtown Harrisonburg, there is a large degree to which a lot of times in order to make those options more viable you also have to make it a little bit more inconvenient to be driving places. There is also a reason why in that corridor that the owner of Magpie put up more bike parking there and uses the space up front as quite a lot more space for outdoor dining area. There is a reason why last night City Council approved rezoning for using part of the parking lot at Sage Bird for a food truck, formalizing the situation that was already there. Everyone recognizes that to one degree or another that space that is currently being used for parking often times has better uses. A lot of folks, particularly in this corridor as the previous speaker suggested, are now walking and biking to that area. Every time I go to Sage Bird and every time I go to Magpie, I am walking because it is not convenient to drive there and that is not always a bad thing. Thank you.

Barry Kelley, Hillcrest Drive, Harrisonburg, said we have a property right behind that property, it is in a residential neighborhood on Collicello Street. I support the idea of building infill, and those types of things, and I do not want to get into the parking situation. I am more concerned for that Collicello Street neighborhood is a very well-established neighborhood is going to abutting a business area where a lot more night activity will be taking place. My concern I particularly I am a big fan of alleys but in this particular case where B-1 would abut a residential neighborhood and

you have late night activity. You have people going up and down alleys, it can create a situation. I have seen it in other cities where you have bars and night life that mix into a residential neighborhood and where you have alleys they tend to create opportunities of mischief, that is my concern. I would be 100 percent in support of it if we had a way to address that drive through. I know they were saying “well we are not allow drive through” but unless you put up a barricade, you are going to have people going through. That is the only concern I have with this, how it affects the Collicello neighborhood and how that alley creates that opportunity.

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

Chair Finnegan continued saying I would note that I personally have lived at three different locations in Downtown Harrisonburg in my tenure in Harrisonburg and none of those three had parking. I think there will be conflict. I agree. I live just on the other side of [Route] 42 and walk to the Mercantile and I do think there will be conflict. Whether this gets approved or not, the way the things are going with the Downtown 2040 plan, I think we are going to see more conflicts like this. I think we are going to see more conflicts like this and we are going to have to get to a point where we as a City say parking has value, a nine by eighteen foot space piece of land is worth more than five dollars, which is what the residential zone permitting cost, that does not even cover the cost of processing the permit. I think it is going to come up now, it is going to come up next month, and a year from now. As we continue to increase density, I think we are going to see this conflict between land, is land downtown and other walkable spaces, is it for people or is it for automobiles and what are we prioritizing.

Vice Chair Byrd said considering that it is an empty lot right now I always feel like unless it is going to be a park, a building should be there at some point. I would be in favor of that for that purpose. Remembering that it was mentioned earlier about the parking issue, as a person who lives literally on the edge of the City, I always have to drive downtown somewhere and then park somewhere and then enjoy the amenities downtown. I am one of those people who do park in the County spots. Whether I am supposed to or not I am still unsure about. Especially when I want to take advantage of the businesses at this corner. Hearing what people were saying about that corner, if someone was able to live there, their only concern is when they have to move outside of that, they are there. Parking for them should not be an issue. I also have friends that have moved to places where it is hard to park and they are going “well I have all of these other ways to get around, I got rid of my car.” Then I have gone to visit them, and they were like “you need to park three blocks that way and come and visit me.” I went “if I ever moved here, I would sell my car as well. I understand the concept.” People have found ways to survive and live and prosper in an area. Providing every option I do not see as necessary, especially if someone is considering building a residence at a location. If they are considering a major commercial entity there I always feel like parking is commercial businesses concern not the City’s concern. If they want more customers that they feel come there by driving, then they will find a way to make sure more parking is built somewhere. I would be in favor of it because of those views.

Vice Mayor Dent said in another sort of tangential reminiscence for me, I lived in San Francisco for five years after college without a car and never missed it. Would occasionally rent a car to go to the Wine Country. Now and then people would visit and spend the first fifteen minutes complaining about how hard it was to find parking because I lived on the top of Russian Hill with the cable cars. Now I think why did you bring a car here then? Another more pertinent, to here, comment is this is exactly where the shared used bike bath is going to be.

Chair Finnegan said it would be on Liberty [Street] not on Noll [Drive].

Vice Mayor Dent said on Liberty right here up to Noll. The shared use path goes on Liberty to Noll and from Noll down to the triangle.

Chair Finnegan said the shared use path will not be here.

Mr. Fletcher said it is not on this section of Liberty.

Chair Finnegan said it would be the next block down. Like in front of the City Exchange building.

Vice Mayor Dent said anyway, it is nearby and handy for anyone who wants to use that as their transportation.

Commissioner Washington said in the past I have asked for creativity. A lot of our applicants and applications for housing have been boring and very just not imaginative. No parking for this application and the previous is the most creative I have seen since I have been here, A plus for that. It is also kind of sad to say to say that no parking is creative especially in a downtown area where people want to live, work and play. I think this looks good for this particular parcel amongst the City. I know there were some concerns about parking from a public comment but it seems to me if this applicant is willing to work towards a more pedestrian bike friendly community, I think that fits in with the vision of the City and what we want to promote versus car centric spaces. I think if that is the type of housing that we want to promote folks in the City should be able to promote that as well.

Chair Finnegan said I will also say I live about two blocks away from Collicello Street and I did ask a couple of members of City staff to help me identify how many on street parking spaces there are in that single family neighborhood around Waterman Elementary and they did a block-by-block analysis. My question when we did the CIP was of the 2.4 million [dollars] or something like that per year to repave, what percent of that 2.4 million goes to personal property storage on the public street. To my point earlier about the renter's tax, I agree with Mr. Kelley I do think this will potentially cause conflicts with the neighbors on Collicello who are used to parking in front of their house. The question in my mind becomes who property is that? Is that public street property belongs to that house that it is closest to or is that public street? Is it for the private property storage of the residents of that street or is it for anyone to use? I think these are the questions that we are going to be getting more and more of as we get applications like the one



that we saw on Elizabeth Street. When people ask where are people going to park, they are going to park where they are allowed to park. If we expand the on street residential parking permit program, I really hope that we right price it so that we are not charging five dollars one time. I do not think you can find a slice of real estate eighteen feet by six feet or whatever the on-street parking is for five dollars anywhere. It has more value than that and we are currently privileging people that live in single family neighborhoods with City provided on street parking. That at the core is an inequity [unintelligible]. I would support this request.

Commissioner Washington said as we talk about equity, I really hope to see that without parking things become less expensive because I would hope that while these places are going to be great locations, hopefully with cheaper cost to build that also means that a whole wide variety of folks who do not have cars can live here. I am kind of skeptical because it is cute now, it is a trend to want to bike places which is great, but hopefully spaces like this can attract more than the targeted audience.

Vice Chair Byrd said I would like to make a motion to approve the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

- Commissioner Baugh       Aye
- Vice Chair Byrd         Aye
- Vice Mayor Dent         Aye
- Commissioner Washington   Aye
- 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 14, 2024.

**A motion was made by Byrd, seconded by Vice-Mayor Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

- 4.e.** Consider a request from Hurstwenger Properties LLC to rezone portions of 1011, 1019, 1021, and 1023 West Market Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in July 2022 the property owner purchased the property not knowing that the existing uses are in violation of the Zoning Ordinance (ZO). During a conversation with staff in

February 2024 the applicant was requesting information on how to apply for a building permit to add an office use, staff learned of the existing uses on the site and determined that the following uses are in violation of the ZO because the applicant was unable to prove they were nonconforming: 1) single-family detached dwelling in the building addressed as 1011 West Market Street, 2) one residential dwelling within the larger building on the property, 3) a storage/warehousing use that is not accessory to any on premises uses, and 4) two contractor businesses (C&E Carpentry LLC and Valley Waterproofing).

In addition to the above violations, there has been an expansion of the parking area that is in violation of the ZO's parking lot landscaping requirements, which the applicant is working to address.

After discussing options with staff, the applicant is requesting to rezone portions of the property while also simultaneously requesting approval of three different special use permits (SUPs) to bring the property into compliance. This staff report addresses the rezoning request while three different SUPs will be addressed in a separate staff report.

The applicant is proposing to rezone a +/- 7,305-square foot portion of a +/- 1.8-acre parcel from B-2, General Business District to R-8C, Small Lot Residential District Conditional and to rezone a +/- 900-square foot portion of the same +/- 1.8-acre parcel from R-1, Single-Family Residential District to B-2, General Business District. The parcel is addressed as 1011, 1019, 1021, and 1023 West Market Street and is identified as tax map parcel 37-A-4. The applicant believes that the existing home was built in the 1930s and has been used as a rental for at least the past 30 years. This property was annexed into the City in 1983.

#### *Proffers*

In connection with the rezoning request for the +/- 7,305-square foot portion of the +/- 1.8-acres from B-2 to R-8C, the applicant has offered the following proffer (written verbatim):

- More than one dwelling unit 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 within the R-8-zoned area.

#### *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.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed rezoning 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 rezoning request.

#### *Public Water and Sanitary Sewer*

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

*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*

While the single-family detached dwelling is in violation of the ZO, it exists today. If the rezoning from B-2 to R-8 is approved, no additional dwelling units would be added to the property.

Therefore, the student generation attributed is zero. Based on the School Board's current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

*Recommendation*

With regard to the R-8C rezoning portion, while the Comprehensive Plan designates the entire parcel as Commercial, given the small size of the area to be rezoned, the location of the structure, its history of being used residentially for some time, and that rezoning this area should not have an adverse effect on the surrounding properties, staff is not concerned with allowing this small portion of the property to be rezoned from B-2. Furthermore, the Housing Study places the subject site within Market Type B, where appropriate policies include the preservation of affordable housing.

In addition to the area requested to be rezoned to R-8C, there is a +/- 900-square foot portion in the rear of the property that is being requested to be rezoned from R-1 to B-2 to match the zoning district of the remaining acreage of the site. Staff has no concerns with this portion of the request as it conforms with the Comprehensive Plan's Commercial designation.

Staff recommends approval for the rezonings as requested.

Vice Chair Byrd said is this one of the ones that has to be done separately?

Chair Finnegan said the next section is for the special use permits. The rezonings are to be done together and it is only one motion and one vote.

Ms. Rupkey said correct.

Chair Finnegan said even though it is two parcels.

Ms. Rupkey said it is all one parcel. Just two portions of one parcel.

Vice Mayor Dent said and two slight rezoning differences.

Chair Finnegan said so we just need one motion and one vote for this item.

Vice Chair Byrd said the proffers is referring to the B-2 to R-8C rezoning?

Ms. Rupkey said correct.

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

Chris Wenger, applicant and property owner, came forward to speak to the request. He said we are just trying to maintain this property as a rentable option with some affordable housing in Harrisonburg. We currently have it rented. A mother and her daughter live there and are happy there. Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Ms. Rupkey said there was a letter that was submitted to me right before the meeting and I printed it out and put it in front of you.

Chair Finnegan said it was from Mike Zook?

Ms. Rupkey said yes.

Chair Finnegan said just for the record it was a letter in support of the request. This is an interesting slice of property between [Route] 33 and the quarry. It is a disconnected piece of property, it is not really connected in any neighborhood there.

Vice Chair Byrd said I would like to make a motion to approve both rezoning requests.

Vice Mayor Dent seconded the motion.

Vice Chair Byrd said I think it would be odd for someone to have a housing issue just because it is not zoned right.

Chair Finnegan said I viewed this as the applicant is making a good faith effort to bring it into conformance.

Chair Finnegan called for a roll call vote.

Commissioner Baugh       Aye  
Vice Chair Byrd        Aye  
Vice Mayor Dent        Aye  
Commissioner Washington   Aye  
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 14, 2024.

A motion was made by Byrd, seconded by Vice-Mayor Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**4.f.** Consider a request from Hurstwenger Properties LLC for a special use permit to allow warehousing and other storage facilities at 1011, 1019, 1021, 1023, and 1031 West Market Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in July 2022 the property owner purchased the property not knowing that the existing uses are in violation of the Zoning Ordinance (ZO). During a conversation with staff in February 2024 the applicant was requesting information on how to apply for a building permit to add an office use, staff learned of the existing uses on the site and determined that the following uses are in violation of the ZO because the applicant was unable to prove they were nonconforming: 1) single-family detached dwelling in the building addressed as 1011 West Market Street, 2) one residential dwelling within the larger building on the property, 3) a storage/warehousing use that is not accessory to any on premises uses, and 4) two contractor businesses (C&E Carpentry LLC and Valley Waterproofing)

In addition to the above violations, there has been an expansion of the parking area that is in violation of the ZO's parking lot landscaping requirements, which the applicant is working to address.

After discussing options with staff, the applicant is requesting to rezone portions of the property while also simultaneously requesting approval of three different special use permits (SUPs) to bring the property into compliance. The rezoning requests are presented in a separate staff report. This staff report will address the three special use permits.

The applicant is requesting three special use permits (SUPs) within the B-2, General Business District to allow:

1. Warehousing and other storage facilities per Section 10-3-91 (2).
2. Building material sales and storage yards, contractors equipment sales and storage yards and other similar uses per Section 10-3-91 (6).
3. Multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17).

The +/- 1.8-acre site is addressed as 1011, 1019, 1021, 1023, and 1031 West Market Street and is identified as tax map parcels 37-A-4 and 5. A +/- 900 square foot portion of the site is zoned R-1, Single Family Residential District and the remaining portion of the site is zoned B-2, General Business District. The applicant is concurrently requesting to rezone the +/- 900 square foot portion of the site from R-1 to B-2, and to rezone a +/- 7,305-square foot portion of the site from B-2 to R-8C, Small Lot Residential District Conditional. The rezoning requests are described in a separate staff report.

During review of the requests, staff discussed concerns regarding the close spacing between the

existing three entrances. Spacing between entrances and intersections is important for access management and transportation safety; close spacing between unsignalized entrances forces drivers to watch for ingress and egress traffic at several locations simultaneously. To address staff's concerns the applicant has offered a self-imposed condition to all three of the SUP requests:

- Within six months of approval of the special use permit, the entrance shown in Exhibit A shall be closed. Parking blocks, posts and chains, or other materials approved by the City may be used to control access to the site.
- The first SUP request is to allow warehousing and other storage facilities within the B-2 district. The existing warehousing use is not in connection with any by-right uses on the property and thus is considered a separate use. The existing warehousing space is +/- 1,540 square feet and is used to store furniture that is bought at auction and then later resold. Although the applicant does not plan to provide self-storage on the site, staff has concerns that in the future a different owner may choose to create a self-storage facility. If the SUP is approved, staff recommends it only be permitted with the following conditions:
  1. Storage and warehousing operations shall only occur within the existing building and shall be limited to 2,000 square feet or less.
  2. Self-storage facilities are prohibited.
  3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

The second SUP request is to allow contractors in the B-2 district. There are two existing contractors that operate on the site. The existing tenants are C&E Carpentry LLC and Valley Waterproofing. In the applicant's letter they state that they are not planning to allow outside storage or materials on the site and go on to state that if outside storage is needed in the future, then they will provide appropriate screening. If the SUP is approved, staff recommends the following conditions:

1. The special use permit shall be limited only to contractor businesses.
2. Uncovered or unenclosed storage and display of building materials and contractors' equipment shall be located in the rear of the property behind any principal buildings and shall be screened from view with a fence, decorative wall or other physical or structural enclosures that is opaque to obstruct the view of storage materials, with the finished face facing outside, and shall be at least six (6) feet in height.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

The site is located along a busy, east-west corridor and at a secondary gateway into the City as indicated on the Gateways and Corridor Enhancement Areas map within the Comprehensive Plan. The quality and character of these routes strongly influence the City's attractiveness and economic vitality and therefore, careful consideration should be given to land use, development and streetscape. Condition c is intended to keep outside storage of materials out of view of the general public.

The third and final SUP is to allow for a mixed use building in the B-2 district. As required by

Section 10-3-93 (d) of the Zoning Ordinance (ZO), the applicant has submitted a development plan. Section 10-3-93 (d) 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 the multi-family and/or mixed use project that was 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 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 engineered comprehensive site plan and/or building permit approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

The applicant’s development plan shows that there is an existing two-story apartment with vacant space on the first floor. The development plan shows that there will be only one dwelling unit in the building. The applicant noted they are not interested in adding additional dwelling units to the site-essentially, they want to maintain the existing dwelling unit.

#### *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.

Given their size and how the current warehousing and storage and contractor businesses operate, the property’s location along West Market Street, and the surrounding land uses, staff believes that substantially similar operations would have no more adverse effect on the health, safety, or comfort of persons living or working in the surrounding area. Staff is comfortable recommending approval of the warehousing and storage and contractor business SUPs with the previously suggested conditions.

For the SUP request to allow mixed use buildings within the B-2 district, while the Comprehensive Plan designates the site as Commercial, staff recognizes that the community is in need of more housing and that while the applicant cannot prove that they meet the criteria to be considered nonconforming, it appears that a residential use has operated from this site for a number of years without much disruption to the onsite or surrounding land uses. The development plan submitted by the applicant limits the location and number of units that would be allowed on the site to no more than one dwelling unit.

#### *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.

*Public Water and Sanitary Sewer*

Staff has no concerns with the requested special use permits regarding water and sewer matters.

*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."

*Recommendation*

Staff recommends approval of all three SUPs with conditions as noted for each request.

1. To allow warehousing and other storage facilities per Section 10-3-91 (2):
  - a. Within six months of approval of the special use permit, the entrance shown in Exhibit A shall be closed. Parking blocks, posts and chains, or other materials approved by the City may be used to control access to the site.
  - b. Storage and warehousing operations shall only occur within the existing building and shall be limited to 2,000 square feet or less.
  - c. Self-storage facilities are prohibited.
  - d. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
2. To allow building material sales and storage yards, contractors equipment sales and storage yards and other similar uses per Section 10-3-91 (6):
  - a. Within six months of approval of the special use permit, the entrance shown in Exhibit A shall be closed. Parking blocks, posts and chains, or other materials approved by the City may be used to control access to the site.
  - b. Uncovered or unenclosed storage and display of building materials and contractors' equipment shall be located in the rear of the property behind any principal buildings and shall be screened from view with a fence, decorative wall or other physical or structural enclosures that is opaque to obstruct the view of storage materials, with the finished face facing outside, and shall be at least six (6) feet in height.
  - c. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.
3. To allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17):
  - a. Within six months of approval of the special use permit, the entrance shown in Exhibit A shall be closed. Parking blocks, posts and chains, or other materials approved by the City may be used to control access to the site.



Chair Finnegan said on the site tour yesterday my question was about the screening of the outside storage. Would that be screened from [Route] 33 like if you are looking from West Market Street up will be screened off?

Ms. Dang said can you ask your question again, I am sorry.

Mr. Fletcher said you are talking about because when you travel [Route] 33 you can basically see all around the property.

Chair Finnegan said when you say screened from view...

Ms. Dang said they would have to have a fence or something that would make it opaque where you could not see it from West Market Street.

Mr. Fletcher said it is enclosed.

Vice Chair Byrd said staff might not know, but do you know what the current square footage of the existing large building is?

Mr. Fletcher said the applicant may know. He [the applicant] is indicating that he does not know the exact square footage.

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

Chris Wenger, applicant, came forward to speak to the requests. He said the only thing else that I would want to add, and it might be in some of your letters already, is just the fact of the property we have there, the way it is being used we are trying to maintain a nice property and keep materials enclosed and keep it pretty so to speak. We are backing up to the park and I know there is a wooded section there between us but we are trying to maintain a nice property. The tenants we have in the apartment, once again, very satisfied to be there, they do not mind the mix of the commercial folks there as well. Everybody seems to be getting along well.

Chair Finnegan said for that back structure are you planning on putting a fence or how are you going to block [it out]? Are you planning on putting a fence?

Mr. Wenger said that is actually a RV carport I call it. My in-laws actually park their RV underneath there and I actually have applied for a building permit for that structure and I just got that permitted the other day. That is not going to be enclosed nor will it house anything but a vehicle.

Chair Finnegan said that is not for equipment storage?

Mr. Wenger said no, just the RV is what its current use is.

Vice Chair Byrd said 2,000 square feet this will limit that property to that, is that enough to account for any potential need of more space?

Mr. Wenger said currently that is very satisfied. With Valley Waterproofing on the end and then C&E Carpentry, my business, next then the rest of the front section is that warehousing space. It is quite adequate for what that is being used for. Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said when we start discussing these, is it easier to refer to them as one, two and three? Or do you want us to be more specific about it?

Chair Finnegan said as long as we are identifying allow warehousing as one, allow building material sales and storage areas as two...as long as we are...

Vice Chair Byrd said as you just said it was my understanding of what one, two and three are. I was just curious to those who are present commissioners and such if a motion was brought up...

Ms. Dang said on the first cover page of the memo it might help to use that table the special use permit requests. You can say would like to make a motion to allow warehousing and other storage facilities with the conditions recommended by staff. If you use those three bullet points it might help to guide you.

Vice Chair Byrd said in light of that, concerning the warehousing driving by it all the time that is what I thought it was. The family dwelling was the only surprise to learn but I am not one to ever be against housing. The building storage materials as a long as the applicant understands that it will be held accountable for making sure that they have those areas enclosed. I would see no issue with any of the three. I would like to make a motion to allow warehousing and other storage facilities in B-2 with the conditions recommended.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh       Aye  
Vice Chair Byrd         Aye  
Vice Mayor Dent         Aye  
Commissioner Washington   Aye  
Chair Finnegan         Aye

The motion to recommend approval of the special use permit request to allow warehousing and other storage facilities passed (5-0). The recommendation will move forward to City Council on May 14, 2024.

**A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

- 4.g.** Consider a request from Hurstwenger Properties LLC for a special use permit to allow building material sales and storage yards, contractors equipment sales and storage yards and other similar uses at 1011, 1019, 1021, 1023, and 1031 West Market Street

Vice Chair Byrd said I would like to allow building material sales and storage yards, contractors equipment sales and storage yards and other similar uses in B-2 with staff recommended conditions for a special use permit.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh       Aye  
 Vice Chair Byrd            Aye  
 Vice Mayor Dent           Aye  
 Commissioner Washington Aye  
 Chair Finnegan            Aye

The motion to recommend approval of the special use permit request to allow building material sales and storage yards passed (5-0). The recommendation will move forward to City Council on May 14, 2024.

**A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

- 4.h. Consider a request from Hurstwenger Properties LLC for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 1011, 1019, 1021, 1023, and 1031 West Market Street

Vice Chair Byrd said I would like to make a motion for a special use permit to allow multifamily dwellings and/or mixed use buildings in B-2 with staff recommended conditions.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh       Aye  
 Vice Chair Byrd           Aye  
 Vice Mayor Dent          Aye  
 Commissioner Washington Aye  
 Chair Finnegan          Aye

The motion to recommend approval of the special use permit request to allow multifamily dwellings and/or mixed use buildings passed (5-0). The recommendation will move forward to City Council on May 14, 2024.

**A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

- 4.i. Consider a request from B & A Group LLC to rezone a 290, 294, and 298 Lucy Drive

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is requesting to rezone a +/- 1-acre parcel from R-3, Medium Density Residential District to R-8C, Small Lot Residential District Conditional while simultaneously requesting a special use permit (SUP) per Section 10-3-59.4 (1) of the Zoning Ordinance (ZO) to allow attached townhomes of not more than eight units.

The purpose of the two applications is to increase the number of townhomes that can be built at this location. The site’s existing R-3 zoning allows townhomes by right, but requires a minimum of 18 feet of lot width and 112 feet of lot depth and 2,000 square feet of lot area for each unit. The R-8 regulations require a minimum of 18 feet of lot width and only 60 feet of lot depth and 1,800

square feet of lot area per townhouse unit. In R-3, given the lot area requirements, the maximum density for townhomes could be 21 units per acre. In R-8, lot area requirements for townhomes could allow 24 units per acre. A conceptual layout provided by the applicant demonstrates 17 townhomes on the subject site. If the requests are approved, at some point the developer must complete a preliminary subdivision plat. To achieve a density similar to the conceptual layout, among other things, they must request a variance from the Subdivision Ordinance to allow some lots to not have public street frontage. The Subdivision Ordinance variance should be considered when making a recommendation for this project as approving the rezoning could be perceived as also providing an endorsement for the variance that would be requested during the platting phase.

Should the rezoning and SUP requests receive approval, the conceptual layout of the townhomes, which was drawn by the applicant, could change significantly. The submitted layout does not take into consideration the likely needed location for utilities nor does it accommodate necessary stormwater management infrastructure. Furthermore, staff has concerns about the disorderly dimensional lot configurations that are conceptually shown.

#### *Proffers*

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

1. No parking lot (including travel lanes and drive aisles) shall be located between Lucy Drive and Deyerle Avenue and the closest buildings to either public street.
2. All dwellings adjacent to a public street shall have their front facades face the public street.
3. There shall be only one vehicular access point along Deyerle Avenue.
4. If vehicular access is provided along Lucy Drive, no more than one access shall be provided and such access shall be either right-in/right-out or right-out only.
5. A minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Lucy Drive and a minimum of 6 small/ornamental deciduous trees shall be planted and maintained along Deyerle Avenue. All trees shall be at least 6 feet in height at the time of planting.

The conceptual site layout is not proffered.

#### *Land Use*

The Comprehensive Plan designates this site as Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

While parcels across Lucy Drive are designated in the Comprehensive Plan as Commercial, the parcel to the east is designated Mixed Use, and the parcels to the south and west are designated Medium Density Residential.

The Comprehensive Plan describes the Mixed Use and Medium Density Residential areas as:

#### Mixed Use

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

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

#### Medium Density Residential

These areas have been developed or are planned for development of a variety of housing types such as single-family detached, single-family attached (duplexes and townhomes), and in special circumstances, multi-family dwellings (apartments). Depending on the specific site characteristics, densities in these areas should be around 15 dwelling units per acre. Non-residential uses may also be appropriate.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning 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 rezoning request.

The conceptual site layout illustrates an entrance only access on Deyerle Avenue and an exit only access onto Lucy Drive. Proffers 4 and 5 do not hold the design to those details but rather restrict the total number and types of entrances that may be provided along the two public streets. At this time, staff has concerns about the conceptually shown access along Lucy Drive due to the nearby Lucy Drive and Deyerle Avenue intersection. Spacing between entrances and intersections is important for access management and transportation safety; close spacing between unsignalized entrances forces drivers to watch for ingress and egress traffic at several locations simultaneously. Staff encourages the applicant to consider site layouts that would have no access on Lucy Drive. If a Lucy Drive access point is ultimately desired, such access must meet all location and design criteria, which would be reviewed during the preliminary plat and engineered comprehensive site plan phases of the project.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development. The applicant has been advised that public water and public sanitary sewer extensions will likely be necessary to provide each townhome access to public water and sewer. This will be addressed during the preliminary plat and engineered comprehensive site plan review.

#### *Housing Study*

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

#### *Public Schools*

The student generation attributed to the proposed 17 residential units is estimated to be four students. Based on the School Board's current adopted attendance boundaries, Stone Spring Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City's Capital Improvement Program.

#### *Recommendation*

Although the subject site is designated Limited Commercial, given the site's location among existing land uses, the Land Use Guide designations of adjacent properties, and the by right land use permissions under the existing R-3 zoning district, staff believes that approving the rezoning and SUP to allow for increased townhome density does not detract from the overall goals of the City's Comprehensive Plan. Furthermore, the requests for the project utilize one of the Housing

Study's identified appropriate policies for Market Type A properties, which is to rezone properties for increased density.

While staff has concerns about the conceptual layout of the site, we believe townhouse development is appropriate and trust more details regarding the appropriate site layout will occur when the final site layout is completed.

Although the applicant has not requested an extension of approval for the SUP, staff believes consideration should be given to extend approval of the SUP from 12 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, the default time period is 12 months. Staff believes additional time is appropriate for this project.

Chair Finnegan asked why 48 [months], why not two or three years?

Ms. Dang said it can honestly be any number of months we were just considering that the last couple of townhome developments had requested 48 [months] and those were granted so that was my recommendation for staff to consider.

Chair Finnegan said it is just how long it takes sometimes to move things through?

Ms. Dang said I would say... I will not venture to guess how long individual projects might take to move through and it will depend on the individual circumstances that the property owner has to do to make their project.

Mr. Fletcher said it is very circumstantial. In fact, we will see projects like this and literally a month later they are turning in something. They are still working so high-level conceptual layout and we specifically talked about the number of months. The ones that have been recently approved that requested the 48 months had their personal reasons for it. They were like "well, this is sort of like a later phase", they just wanted to get their ducks in a row to have it lined up. We debated it a bit back and forth about the appropriate time. If you believe it is too much, by any means you have the ability to change that.

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

Bashdar Aziz, applicant, came forward to speak to the request. He said we are trying to build more affordable townhouses for the community. We appreciate your time.

Chair Finnegan said some of us were on the site tour yesterday, there was a neighbor that had a question, and that neighbor might call in, but it was about the slab of concrete, sidewalk, I am not quite sure what that is.



Ms. Dang said there is some kind of drainage structure under them.

Mr. Fletcher said it is an underground storage facility.

Chair Finnegan said on the property that is a little bit uphill from this where those other town houses are they were saying there is some incongruence between where this concrete slab is and where the property line is. I am assuming you will work with the neighbors to determine where the property line is.

Mr. Aziz said of course, yes.

Vice Chair Byrd said in line with that, because I was also out there and I saw it and even in these drawings it is drawn on here, it looks like it crosses multiple property lines, that is just a thing to be aware of. The idea of having an exit on to Lucy [Drive], that is tough for you. Mr. Aziz said that is why we would like to have the right out on that. We can make whoever resides there to just go right out. I think even for the fire department maybe it is better to have the access right out on Lucy Drive.

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

Vice Chair Byrd said I see no issue if we allowed this particular parcel of land to have the special use permit for 48 months so they can figure out if they can actually build the townhouses there. Especially with this odd thing that borders the neighboring property that they are going to have to figure out where they get their engineers. The roads, deciding how they want the road in which means how you want to put all of your parcels in place will be decided based on that as well. In light of that, I would be in favor of the special use permit. This is the first time I have seen a large lot that needed an R-8, I see no issue with that.

Chair Finnegan said I share staff's concern about this layout that was shown, it is kind of messy. I understand they were just trying to max out how many units could go in there. I am certainly hopeful that is not the final layout.

Vice Mayor Dent said I also see there is a substantial amount of land needed for the drainage easement. I saw there were kind of bowls in there.

Chair Finnegan said it is right at the bottom of the hill.

Vice Mayor Dent said my guess is they might not be able to build as many units once they really work out the engineering.

Vice Chair Byrd said which is why I am in favor of keeping the special use permit for that amount

of time to give them an idea of how to work with that density. In light of that, I will make a motion to approve the rezoning to R-8C.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Washington	Aye
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 14, 2024.

**A motion was made by Byrd, seconded by Baugh, that this PH-Rezoning be recommended for approval to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**4.j.** Consider a request from B & A Group LLC for a special use permit to allow attached townhomes of not more than eight (8) units at 290, 294, and 298 Lucy Drive

Vice Chair Byrd said I would like to make a motion to approve the special use permit with suggested conditions for allowing attached townhomes of not more than eight units in R-8.

Commissioner Baugh seconded the motion.

Ms. Dang said may I just ask for clarification that approval of the special use permit as well as staff’s recommendation to extend it to 48 months.

Vice Chair Byrd said oh, that was not in the conditions?

Ms. Dang said it is not a condition, it is just this added ability.

Vice Chair Byrd said I would like to amend my earlier statement to include the 48 months.

Commissioner Baugh seconded the amendment.

Chair Finnegan called for a roll call vote.

Commissioner Baugh       Aye  
 Vice Chair Byrd         Aye  
 Vice Mayor Dent         Aye  
 Commissioner Washington   Aye  
 Chair Finnegan         Aye

The motion to recommend approval of the special use permit request passed (5-0). The recommendation will move forward to City Council on May 14, 2024

**A motion was made by Byrd, seconded by Baugh, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 5/14/2024. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 5 - Finnegan, Byrd, Washington, Baugh and Vice-Mayor Dent

**No:** 0

**Absent:** 1 - Alsindi

**5. New Business - Other Items**

**6. Unfinished Business**

None.

**7. Public Comment**

None.

**8. Report of Secretary & Committees**

**8.b. Rockingham County Planning Commission Liaison Report**

Chair Finnegan said there was just one item and there was a lot of discussion. I looked at it and said one item I would be in and out of there and I was not. It was an ordinance amendment to amend supplemental standards for poultry operations in the County to include a maximum number of houses. So, they are talking about capping the number of poultry houses allowed on one parcel and also reducing the setbacks. Capping the number of houses that are allowed to be built at one time and then reducing the setback near residential areas. They tabled this and I want to say I was there the last time this came up because I remember this coming up and then they tabled it and they had a committee mostly of family poultry growers. The committee members did not have an issue with capping the number at four. They were saying most of the time you are taking out loans and you are really not going to build more than four. During the public comment Hobe Bauhan from the Virginia Poultry Federation was concerned about the caps. He said that Accomack County had a cap of 12 per parcel.

Vice Mayor Dent said what were they proposing here?

Chair Finnegan said a cap of four. Part of that has to do with, this was the most concerning part this is what I really wanted to talk about, there is not clarity around how much water is in

Rockingham County. Poultry operations tend to use a fair amount of water and there did not seem to be any data on that. Mr. Gettz, Zoning Administrator for the County, was saying that he was talking to someone at Department of Environmental Quality (DEQ) and that there was no way to monitor groundwater. They would need at least 15 test wells spread out throughout the County to try to see on the east side of the County... We are talking about groundwater, in the City you can go and talk to [the] sewer and water [department] and they will tell you how much water we have and how much water we can take. In the County, it is just what is below the ground. A little concerning that they are making decisions but not having the data. I am not sure the cost of doing 15 test wells but it seems to me that it would be really valuable data; to know how much water is in the County. They ended up tabling it. There was a request from the Virginia Poultry Federation to have someone from the Integrated Growers be a part of that conversation. There was a request from Kim Sandum from the Alliance for the Shenandoah Valley to make sure there were people that were neither poultry industry folks or family poultry growers be on the committee. Just other people in the County that have no stake in it but should be a part of that conversation. It is not 100 percent clear to me what the next move is. I think they are going to have a special hearing on this, separately.

Vice Chair Byrd said is it currently capped at any number?

Chair Finnegan said no it is not. The point came up are they capping poultry houses and there is no cap on hog farms, how many cows you can have at a dairy operation, there is no cap on other agricultural uses. The biggest thing that stood out to me was the water piece of it.

#### **8.c. Board of Zoning Appeals Report**

Vice Chair Byrd said the BZA did not meet [in April]. We will be meeting in May.

#### **8.d. City Council Report**

Vice Mayor Dent said City Council did meet, twice. The first public hearing on the project that we had recommended on Port Republic Road provoked lively discussion and did not pass, reasons included too elitest, houses should be bigger, too many townhouses.

Commissioner Washington said that was the reason for...

Vice Mayor Dent said for voting against approving it, two of us voted for it.

Commissioner Washington said can you remind me of which application that was.

Vice Mayor Dent said Port Road, the one that is sort of towards out of town from the CVS on that side of the road.

Commissioner Washington said this was the one that was like "oh no, too many townhouses."

Vice Mayor Dent said yeah, the one that I like because it is mixed density with single family detached around the outside, duplexes in the next rung and townhouses towards the CVS.

Commissioner Washington said one of the reasons that it was too elitest?

Vice Mayor Dent said that was one of many reasons they did not vote to approve it. Again, things changed later, I will get there. Requests for a family day home approved and she is already taking advantage of the Blue Ridge Community College daycare licensing program. Rezone a portion of 705 and 707 North Main Street was approved. Some interesting presentations, a joint legislative

audit and review commission report on K-12 funding findings. The gist of it was we are not getting the state funding for the schools that we need to, so it lands on the localities. An advisory organization to the general assembly proposing to counteract that. Update on the public notice signage, which we saw and commented on, and yes, they changed it from red to blue. Michael Parks and Thanh presented that. Wilson Avenue subdivision and closing part of the street, we did that. Nice presentation from Liz Webb on affordable housing fee waivers and recommendations for a pilot program. Essentially waving the capital improvement part of the water and sewer fee, that would need to be coming out of budget instead of the fee, we will figure out how to cover that. But it is a nice incentive for developers if we can work out how to do that for affordability and so on. A couple of bizarre things about hunting bear with a bow and arrow, which sounds pretty dangerous. Another one about having certain sewage prevention from backups into houses and when the houses lower than the sewer...

Commissioner Baugh said backflow prevention.

Vice Mayor Dent continued congressionally directed funding for the Suter Street drainage and another one for Liberty Street utility relocation. That has to do with under street utilities. Last night, the Capital Improvement Program we approved as Planning Commission had recommended. The convenience store on Charles Street, some discussion about that and parking in the back instead of backing out into the street that was approved. I was not here for the March 13 Planning Commission meeting so I was having to catch up along with everybody else. Short-term rental on College Avenue passed. Interesting one, 220 Reservoir Street for the tattoo parlor where they are buying their own building, that was approved and they were enthusiastic about that growing business. 325 and 335 North Liberty Street what was that?

Mr. Fletcher said that was the Sage Bird food truck proffer.

Vice Mayor Dent said yes, that was approved. [Zoning ordinance amendment for] mercantile establishments and having tractor trailer repair to be able to also sell the equipment, it passed. The fire station is keeping with the findings that the Planning Commission had found in the Comprehensive Plan as Planning Commission found. Subdivision on the Keezeltown Country Club Road thing, fine. Then we revisited the Port Road thing I just described with some changes of heart and some improvements we worked out with the developers to at least mitigate the density by limiting the size of the townhome buildings with a condition on the special use permit reducing them from eight to six as a maximum. That was my idea from looking at the map and saying "that looks awfully dense" and that might help mitigate some of the concerns about it is too dense or too many townhomes. It only reduces the number of townhomes by a handful or so, but I think it opens up some breathing room. They were agreeable and enthusiastic to get another chance at it. That passed, four to one. Some discussion, some confusion, some what are we doing but we did it. I was very pleased at that and so were the developers. Chair Finnegan asked for clarification and said that was voted down in March.

Vice Mayor Dent said it took some lawyering by Chris Brown to figure out what we needed to do to revisit it. He was at first saying that we needed to rescind it but then what he said was that we did not actively vote to deny it so there was not anything to rescind, it just did not pass, we could bring it up to vote again. Now, one concern I had was we do not want to set a precedent with that, in order to mitigate some of the concerns lets add some of these improvements to reduce the density. That is sort of how it resuscitated.

Commissioner Baugh said we also forget those things take two meetings. Just pull it off the consent agenda.

Vice Mayor Dent said we could have done that and revoted that way, but we just brought it back on the agenda.

Commissioner Baugh said it needed the second go to [unintelligible]

Vice Mayor Dent said come to think of it, will it need the second vote now since we brought it back.

Mr. Fletcher said it will. What happened was there was motion to approve the request originally and that motion failed.

Vice Mayor Dent said since that motion failed, we did not even get to the special use permit and once we passed the rezoning, we brought up the special use permit with reducing density conditions. Presentation on the fiscal year 2024-25 budget, that was the big thing of the evening, it was just the City Managers presentation. A key budget challenge is that the schools are asking for a 6.6 million dollar increase for ongoing operating expenses for running the new high school, which by the math would require an eight cent per hundred-dollar value tax increase. City Manager and the Mayor made clear that is the advertised rate. Could come down but the idea of the advertised rate is that it can come down but it cannot do up. We advertised it at the full amount requested. Consider adopting a resolution appointing Thanh Dang as interim Zoning Administrator. We adopted that; you get to be that again. Unfortunately, Evan Winkler left very soon after for family reasons as I understand it.

Ms. Dang said he is still here with us until Friday. We are actively working with the HR department now to hire a new Zoning Administrator and get that advertisement out there. If you know anybody, please encourage them to apply. In the meantime, state code requires that we designate somebody as the Zoning Administrator so in the time being I am serving as the interim Zoning Administrator, but I do want to give credit to other staff. We are just kind of redistributing workloads as best as we can to fill in this gap.

Vice Mayor Dent said this is again, right?

Ms. Dang said yes.

Vice Mayor Dent said they had an assurance that will not postpone the Zoning Ordinance update committee.

Ms. Dang said I will talk more about the schedule as we get into the next item.

Vice Mayor Dent said this item actually moved to the front because there were two young students that did a documentary on historical marker commemorating Federal Judge John Paul Jr. that they managed to get approval to put on the federal courthouse. He essentially overturned the segregation rules that they had here. I unfortunately felt that I needed to table the nominations [for a new Planning Commissioner] because I did not get to talk to all of the applicants. I hope to track down the third one to talk sometime before the next meeting. Stay tuned for those few items to be continued.

## 9. Other Matters

### 9.a Discuss future Planning Commission worksession for Zoning & Subdivision Ordinance Update Project

Ms. Dang said I want to give you some announcements and things and then to discuss with you all a future work session for the Planning Commission as we have begun the discussion at the last Planning Commission meeting. Announcement that the next Ordinance Advisory Committee meeting is scheduled for next week on Wednesday [April 17] starting at 5 o'clock. It will be in City Hall in the basement in rooms 11 and 12. You would access them through the back of the building. We are working on getting some technology in order so that we can stream the meeting and have it recorded as well. That would be available to the public. This meeting is open to the public to attend and the other [Planning] Commissioners who is not serving on the Ordinance Advisory Committee, if you would like to attend or watch the meeting you are welcome to. Just know that it is a work session effectively for the Ordinance Advisory Committee members and we are not taking public comment at the meeting on Wednesday. There was an announcement that was sent out with the agenda last week. Another announcement will be going out to the media. The website has already been updated with this information.

Just wanted to revisit and bring up the names of the individuals who are currently serving on the Ordinance Advisory Committee. You will recognize some familiar names here, three individuals who are serving on the Planning Commission. We have Commissioner Baugh, Chair Finnegan and Vice Mayor Dent who are members here and then we have other individuals who represent a variety of past and present Planning Commissioners, BZA members, Council members, real estate agents, architects, developers, and engineers. There is quite a variety of people and people who also have the double hat of living in this community as well. Those are the list of the individuals who were appointed by City Council to serve on the Ordinance Advisory Committee.

The next thing I wanted to walk us through is just anticipated project schedule and you can see beyond the first bullet there of next week I do not have anything firm. The Ordinance Advisory Committee meeting is next week on the 17th. I would like to propose that we have the Planning Commission work session in June or July. Chair Finnegan had brought up wanting an opportunity for the Commissioners to have the discussion without the pressure of agenda items. A work session that would be dedicated to talking about priorities that you all may see or have for the Zoning and Subdivision Ordinance and also to do it earlier rather than later in the game when we are further along with the draft. Thank you for meeting with Mr. Winkler and I, Chair Finnegan, just to kind of talk about some of the ideas you may have. We are thinking of June or July for a potential Planning Commission work session on a second meeting that we have on the books or we would anticipate having that on one of the second meetings of the month. I will get into a little bit more of some questions that I have for you all just to prepare us for that future work session.

Moving on, you can see sometime in the summer after staff and the consultants have gotten through Modules 1 and 2 of the Zoning and Subdivision Ordinance. We call them Modules 1 and 2 but they are effectively Parts 1 and 2. Those two modules effectively include everything in the Zoning and Subdivision Ordinance except the administrative and enforcement regulations. Modules 1 and 2 are the pieces that the public is primarily interested in. We [staff] are working through reviewing Module 2 and then also revisiting Module 1 that was presented to the public that we all had worked on in 2021, so it has been several years, and we felt we need to go back and look at that as well. Our plan at this point is to release both of those parts at the same time.

That would come with the public engagement period sometime in the summer. Do not know yet how many Ordinance Advisory Committee meetings and public engagement open house sessions we would have but I imagine there will be multiple ones occurring through the fall and the winter. Our hope originally was that we would have public hearings in early 2025. While this is the project schedule that I offer you all at this time, as we have just discussed, we are going to be without a Zoning Administrator after this week so I cannot commit to this schedule, but we are going to do our best to keep this moving as best as we can and we will have to adjust the schedule as we need to. Any questions about the schedule or what I have talked about at this time?

Chair Finnegan said thank you. I know it was a long time to get that position filled and it feels like a step backwards. I commiserate and appreciate your attempts to make this happen. Any questions for staff about that schedule? I just wanted to make clear, there are three current members of the Planning Commission that are on that committee and there are also three current members of the Planning Commission that are not. I want to make sure that we are engaging.

Ms. Dang said just looking ahead at the future Planning Commission work session and I think you, Chair Finnegan, had brought up this idea that it would be helpful to have some questions to help guide the conversation or some kind of agenda. I have some ideas but I would like to hear from you all and open up the opportunity for you to discuss or share with staff now some questions or general ideas that are on your mind but I also want to keep the invitation open that you can email me or call me and I will continue to accept things. That could help us provide information in advance or be prepared to walk through some questions or something during the work session so we have a productive meeting and have some specific things to work on.

Vice Mayor Dent said from what you said about the April 17 meeting that it is the committee and all of Planning Commission is invited, I would say I would like to encourage anyone who can come so that would help prime us for that work session later.

Ms. Dang said if you are not able to [attend], assuming technology all works, it should be recorded and available for people to watch after the fact.

Chair Finnegan said does that make sense to you all? We want to have Planning Commission talk about the Zoning Ordinance, your visions as the process is happening as opposed to waiting. Vice Chair Byrd said as I said before, my desire for the work sessions is because we are often talking about where the City is going and all these things but we are having those conversations in the middle of someone's application and sometimes I do not want to drag out a conversation. The applicant needs a decision on this, and this is a conversation that is a grander conversation to have. I know there is a concern with R-8 being used often, I am curious about that one.

Ms. Dang said I do not want to speak for Wesley and Adam, but I am just anticipating as we continue working it appears that there will be some questions that staff is just stuck on particular details of...I will give an example, when we did the public comment back in 2021 there were a lot



of comments received and I think it was because someone asked their friends and colleagues to comment about home occupations and wanting clients to be able to come to a home, maybe staff gets stuck on how many clients is that in a week? It is just an example of an idea we might bring something back to you all to kind of get a temperature check from you and from the Ordinance Advisory Committee. We have talked a lot about reducing parking but maybe there are particular scenarios we want to do a temperature check on. We can probably come up with some things but if you all have specific things, you can ask us those questions too.

Chair Finnegan said are there any questions or thoughts for staff? If we have a work session it is going to be limited by time in some way shape or form. What do we really want to focus on?

Vice Chair Byrd said even though it stopped, when I first joined the Commission there was all of those alleys and we had all of this impromptu discussion of alleys and then people stopped asking about alleys and then those discussions stopped.

Chair Finnegan said there is a lot of related stuff like alleys that would fall outside of the scope of the Zoning Ordinance. The alley is the alley regardless of whether it is next to an R-2 or whatever. There are other things like should the City expand or change the price of on street residential parking permits. That would fall outside the scope of the Zoning Ordinance.

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

Ms. Dang said I have left a handout in front of you all of the May 2024 applications. You will see listed there are six items, we recommend holding one meeting in May.

Chair Finnegan said any objection?

Vice Chair Byrd said this is a very efficient way to show it, that is all I ever paid attention to.

Chair Finnegan said who has the Rockingham Planning Commission?

Ms. Dang said Commissioner Baugh is assigned to attend the May 7 meeting.

#### **10. Adjournment**

The meeting was adjourned at 8:39pm

#### **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](http://www.harrisonburgva.gov/interpreter-request-form)

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

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

#### NOTE TO THE PUBLIC

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](http://www.harrisonburgva.gov/agenda-comments)