



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, February 14, 2024

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, February 14, 2024, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

2. Roll Call/Determination of Quorum

Members present: Vice Chair Adriel Byrd; Heja Alsindi; Richard Baugh; Vice Mayor Laura Dent; and Dr. Donna Armstrong. Commissioner Washington joined during the presentation on the Capital Improvement Program. Chair Brent Finnegan was absent.

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

Vice Chair Byrd called the meeting to order.

Present 6 - Adriel Byrd, Valerie Washington, Richard Baugh, Vice-Mayor Laura Dent, Heja Alsindi, and Donna Armstrong

Absent 1 - Brent Finnegan

3. Approval of Minutes

3.a. Minutes from the December 19, 2023 Planning Commission Meeting

Vice Chair Byrd asked if there were any corrections, comments or a motion regarding the December 19, 2023 or January 10, 2024, Planning Commission minutes.

Commissioner Baugh moved to approve the December 19, 2023 and January 10, 2024, Planning Commission meeting minutes.

Commissioner Armstrong seconded the motion.

The motion to approve the December 19, 2023 and January 10, 2024, Planning Commission minutes passed (5-0).

A motion was made by Baugh, seconded by Armstrong, that the minutes be approved. The motion carried by a voice vote.

3.b. Minutes from the January 10, 2024 Planning Commission Meeting

A motion was made by Baugh, seconded by Armstrong, that the minutes be approved. The motion carried by a voice vote.

4. New Business - Capital Improvement Program

4.a. Consider the FY2024-2025 through 2028-2029 Capital Improvement Program

Please refer to attachment 9 in Legistar for the full minutes extract.

A motion was made by Baugh, seconded by Armstrong, that this PH-Action Item be recommended for approval to the City Council, due back on 4/9/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Armstrong

No: 0

Absent: 1 - Finnegan

5. New Business - Public Hearings

5.a. Consider a request from Flor Asuzena Bautista for a special use permit to allow a major family day home at 1451 College Avenue

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

Ms. Rupkey said major family day homes (MFDH) are defined in the Zoning Ordinance as: *“A child day care program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.”* MFDHs are permitted only by SUP in all residential districts, except the R-5 district, where they are not permitted.

When considering a MFDH it is helpful to know how they differ from minor family day homes. Minor family day homes are allowed by right within all residential districts and are defined as: *“A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.”*

The applicant has been advised by staff to work with the Virginia Department of Education

(VDOE) for licensure requirements. The VDOE regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDOE require an applicant to maintain compliance with local ordinances and laws. VDOE requires applicants to submit a form signed by the locality's Zoning Administrator to verify that the use is allowed at the requested location. Approval of the SUP would allow for the applicant to operate as a MFDH at the subject location with the proper licensing from the VDOE.

The applicant is requesting a special use permit (SUP) per Section 10-3-40 (6) of the Zoning Ordinance to allow a major family day home (MFDH) within the R-2, Residential District. The +/- 7,167-square foot property is addressed as 1451 College Avenue and is identified as tax map parcel 51-I-21.

The applicant describes that they plan to care for a maximum of 12 children and would operate Monday through Friday from 7:30 am to 4:30 pm. At this time, they do not plan to hire employees. Staff is not recommending conditions on the hours of operation or facility schedule, and therefore, if the request is approved as submitted, the hours of operation and facility schedule may change at times.

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.

Transportation and Traffic

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

The applicant's letter describes that families would "park on the side of the street or on the driveway to drop off their children through the basement entrance." Staff does not have concerns with this arrangement.

Public Water and Sanitary Sewer

Staff has no concerns with the special use permit as it relates to water and sewer matters.

Recommendation

Staff has no concerns with the operation of the MFDH at this location. Staff recommends approval of the SUP request with no conditions.

Vice Chair Byrd 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

Flor Asuzena Bautista, the applicant, came forward regarding the request. She said I am currently a teacher at HeadStart and I am looking to do my own family daycare at home and provide the services that I can do. I love working with children and it is a great opportunity.

Vice Mayor Dent said I really appreciate what you are doing. I wonder if you are aware of one of the ARPA programs that we funded about education to help with the certification for a childcare program.

Ms. Dang said we can get information to her.

Vice Mayor Dent said if you need help, that can be beneficial to you.

Vice Chair Byrd 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.

Commissioner Baugh said we are still at the point where we do not have a whole lot of these. If I remember correctly, the existing legal structure is about 35 years old. It creates three categories basically, if you are small enough, you are unregulated. If you are large enough, you are heavily regulated. There was this mid-tier major family day homes that for the longest time it sort of scared everybody off, it was slightly regulated. I think somewhere between time and the need we will see more of these. I did not want to say anything to jinx it, but I will just say the ones that we have as far, as I know, have been successful. I have voted for every one, that is what I am doing. With that, I will move approval of the special use permit as requested.

Vice Mayor Dent seconded the motion.

Vice Chair Byrd called for a roll call vote.

- Commissioner Armstrong Aye
- Commissioner Baugh Aye
- Vice Mayor Dent Aye
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Vice Chair Byrd Aye

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on March 26, 2024.

A motion was made by Baugh, seconded by Vice-Mayor Dent, that this PH-Special Use Permit be recommended for approval to full council to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Armstrong

No: 0

Absent: 1 - Finnegan

5.b. Consider a request from Edwin E. Joya to rezone a portion of 705 and 707 North Main Street

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

Ms. Rupkey said in 2015, City Council approved rezoning the subject property from R-2, Residential District to M-1, General Industrial District. There were no proffers associated with the 2015 rezoning. The minutes of the 2015 rezoning reflect that staff communicated that residential uses on the property would no longer be allowed once the property was rezoned to M-1.

In August 2023, Building Inspections staff observed that a deck had been constructed on the rear of the building addressed as 707 North Main Street without building permits and informed the applicant that they would have to apply for building permits. While reviewing the building permit, Zoning staff learned that the first level of the building was being used for storage while the second level of building was being used as a residence. Staff met with the applicant to discuss options for correcting the illegal residential use violation. The applicant decided to pursue rezoning a portion of the property to B-1, where residential uses are allowed by right. Note that the work without permit violation for the deck is still open and waiting for zoning violations to be resolved before the building permits can be issued.

The applicant is proposing to rezone a +/- 2,338-square foot portion of a +/- 20,300-square foot parcel from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel is addressed as 705 and 707 North Main Street and is identified as tax map parcel 40-T-8. If the rezoning request is approved, the applicant plans to convert the building addressed as 707 North Main Street into a duplex with dwellings on each level.

Note that the applicant does not intend to subdivide the property to create a new parcel, but that if the rezoning is approved, the parcel will be split-zoned with a portion zoned M-1 and a portion zoned B-1C.

Proffers

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

1. 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.
2. Drive-through facilities are prohibited.
3. No parking lot (including travel lanes and drive aisles) shall be located between any building and North Main Street.

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 Downtown 2040 Plan identifies the northern boundary of the Downtown Study Area as the intersection of West Washington Street and North Main Street. Although the subject property is outside of what is generally considered downtown, the property is located along a gateway into downtown and is within the North Main Street Corridor Enhancement Area identified in the Comprehensive Plan. The uses and design of this corridor should be taken into consideration while fostering this transition area.

As noted above, the property is designated as Mixed Use in the Comprehensive Plan, which, among other things, 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. Proffers #2 and #3 promote pedestrian friendly design by prohibiting drive-throughs and restricting vehicle parking areas and drive isles from being located

between buildings and the public street. Note that the B-1 district has no off-street parking requirements.

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 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. “[This market type] 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

The student generation attributed to the proposed two 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

With the proposed proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

Vice Chair Byrd 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.

Edwin Joya, the applicant, came forward to speak to this request. He said as you saw we are trying to rezone this property from M-1 to B-1. If you have any questions, I will be happy to answer them for you.

Vice Chair Byrd 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.

Commissioner Baugh said I have a question about this for staff. I was trying to pull up the

zoning map here... I think this makes sense. We are in the Mixed Use area, we are going to run into things like this. I guess there is some gap between where this is and where otherwise the northern edge of B-1 is, right? Are we anticipating maybe looking favorably at B-1 rezonings up that corridor? I think that is the furthest away from the central business area that we rarely ever approve to do rezoning.

Ms. Dang said except for the one next door. Yes, in the last two months these two sites are not...there was another one, not as far away, but North Liberty Street comes to mind.

Mr. Fletcher said to maybe provide a direct response to your question, I do not know that I would affirm that we are looking to rezone properties to B-1 along this stretch and further up into North Main Street. I think we had to take them on that case-by-case basis about what is the use. Is it mixed use? What makes sense? I mean, we have other opportunities in our current zoning. Like with R-5 where you could have nonresidential on the first floor and sort of has been this mishmash of a mixed use zoning districts. Sometimes we as staff are in this middle period where we are still in the existing zoning, but our minds now are so much in the future zoning that we are working on and meeting on and talking about. We are hopeful that there will be a zoning district that will be that middle point between B-1 and something like a B-1. We definitely talk about these leap frogging of zoning district issues. We would not offer a favorable recommendation if we did think it was problematic.

Commissioner Baugh said I thought it was worth noting more than anything else. It is sort of affirming that right now, with a lot of the areas that we have said we are favorably inclined to mixed use to accomplish it with the existing Zoning Ordinance, is a little bit of a round peg in a square hole to make it work. Just sort of confirming that is what we are talking about here. If that is the case, I will go ahead and move approval of the rezoning as presented.

Vice Mayor Dent seconded the motion and said there is not a particular mixed use zoning.

Mr. Fletcher said there actually is but there are no properties that are zoned MX-U. I think it is one of those results of being a master planned community that makes it problematic sometimes. I think the MX-U district was approved in 2015. No one has taken advantage of that.

Commissioner Armstrong said what are the minimum dwellings per acre there?

Mr. Fletcher said I want to say 20 units per acre is the density and you have to have two acres.

Ms. Dang said a minimum of three acres.

Vice Mayor Dent said I hope we will make something that fits better for the Zoning Ordinance rewrite.

Vice Chair Byrd said me personally, when I am reviewing mixed use, I go we have been in favor of business and residence being in the same space, it does not work with manufacturing so I can understand the change.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong Aye
 Commissioner Baugh Aye
 Vice Mayor Dent Aye
 Commissioner Alsindi Aye
 Commissioner Washington Aye
 Vice Chair Byrd Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on March 26, 2024.

A motion was made by Baugh, seconded by Vice-Mayor Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Armstrong

No: 0

Absent: 1 - Finnegan

5.c. Consider a request from PRR 1 LLC to rezone 1211, 1225, 1245 & 1261 Port Republic Road

Please refer to attachment 12 in Legistar for the full minutes extract.

A motion was made by Vice-Mayor Dent, seconded by Washington, that this PH-Rezoning be recommended for approval to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Byrd, Washington, Vice-Mayor Dent and Alsindi

No: 2 - Baugh and Armstrong

Absent: 1 - Finnegan

5.d. Consider a request from PRR 1 LLC for a special use permit to allow townhomes at 1211, 1225, 1245 & 1261 Port Republic Road

Vice Mayor Dent said all right, Mr. Chair, I move that we approve the special use permit to allow townhomes at the same address as on Port Republic Road as presented and discussed.

Commissioner Washington seconded the motion.

Vice Chair Byrd called for a roll call vote.

Commissioner Armstrong No

Commissioner Baugh No
 Vice Mayor Dent Aye
 Commissioner Alsindi Aye
 Commissioner Washington Aye
 Vice Chair Byrd Aye

The motion to recommend approval of the special use permit passed (4-2). The recommendation will move forward to City Council on March 26, 2024.

A motion was made by Vice-Mayor Dent, seconded by Washington, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Byrd, Washington, Vice-Mayor Dent and Alsindi

No: 2 - Baugh and Armstrong

Absent: 1 - Finnegan

5.e. Consider a request from Aldi (N.C.) LLC to rezone a portion of 2028 East Market Street

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

Ms. Rupkey said in January 2016, City Council approved Spotswood Country Club Inc.’s request to rezone an 8-acre site from the R-1, Single-Family Residential District to the B-2C, General Business District Conditional. At that same time, City Council also approved a requested amendment to the Comprehensive Plan’s Land Use Guide designation from Conservation, Recreation, and Open Space to Commercial for the 8-acre site. The 2016 rezoning included proffers with a list of permissible uses that are very similar to the by right permitted uses in the B-2 district; however, there is some variation. The proffers had omitted the sale of vehicles, recreation equipment, and trailers; the repair of vehicles, recreation equipment, and trailers; radio and television stations and studios or recording studios; warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district; and funeral homes. Additionally, property owners would be allowed to apply for special use permits that are available in the B-2 district. Lastly, there was a proffer addressing traffic and street improvements. A copy of the 2016 proffers is attached herein.

The applicant is requesting to rezone a +/- 1.68-acre portion of a +/- 4.91-acre parcel from R-1, Single-Family Residential District and B-2C, General Business District Conditional to B-2C, General Business District Conditional. Existing proffers associated with the B-2C portion of the parcel would be amended. The parcel is addressed as 2028 East Market Street and is identified as tax map parcel 73-B-4. The purpose of the rezoning is to allow the repair of vehicles, recreation equipment, and trailers, which is a listed by right use of the B-2 district, but a use that is currently prohibited by the regulating 2016-approved proffers.

Although not yet approved, the applicant has submitted a minor subdivision that would create two parcels, the first parcel would be +/- 1.68-acres, and the second parcel would be +/- 3.23-acres. If the rezoning is approved for the +/- 1.68-acre area, the 2016-approved proffers would remain on the +/- 3.23-acre parcel.

Proffers

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

1. Only the following uses allowed in the B-2 General Business District will be allowed:
 - a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
 - b. Governmental, business and professional offices and financial institutions.
 - c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
 - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
 - e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
 - f. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.
 - g. General service or repair shops permitted by right in the B-1 Central Business district but without the limitations as to the number of employees.
 - h. Pet shop or pet grooming establishment and animal hospitals however no outside space shall be permitted.
 - i. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
 - j. Public and privately owned parking lots and parking garages.
 - k. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
 - l. Plant nurseries and greenhouses provided any outside storage of

- materials, other than plants, must be screened.
 - m. Public uses.
 - n. Vehicle fuel stations. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - o. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.
 - p. Accessory buildings and uses customarily incidental to any of the above listed uses.
2. Special use permits shall be permitted as approved by City Council.
 3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Gorove Slade, dated December 5, 2023, shall be constructed and implemented as required by the City of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the City of Harrisonburg.

The conceptual site layout is not proffered.

Regarding Proffer 1, there are two differences. First is a minor spelling error in 2016-proffers that has been corrected in item “n”, and the second difference is the proposed amendment to add item “f,” which, among other things, is to allow for the repair of vehicles, recreation equipment, or trailers. Item “f” mimics the existing text of Section 10-3-90 (7) - Uses permitted by right in the B-2 district. This use is necessary as the property owner is arranging to locate the business known as Discount Tire on the +/- 1.68-acre portion of the property. If rezoned, while Discount Tire does not provide larger scale automobile repair, if Discount Tire did not locate at the property or relocated in the future, other vehicle repair businesses could operate at the site.

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.

The site is located along East Market Street and Country Club Road and is adjacent to other commercial uses. Staff believes that the proposed proffer amendment to add the additional use conforms with the Comprehensive Plan.

Transportation and Traffic

The existing regulating proffers require developers of the subject property to construct traffic and street improvements required by the original traffic impact analysis (TIA) completed in 2015 as well as to construct any improvements recommended by revisions to that TIA or any future TIA. A new TIA was completed and accepted by the City in December 2023.

The proposed Proffer 3 requires the developer to complete any improvements recommended by the TIA as required by the City. The proffer statement is essentially the same as the 2016 proffer except that the name of the engineer who completed the most recent TIA and the completion date have been updated. The City expects that these improvements be constructed or bonded before new uses are issued a certificate of occupancy.

Public Water and Sanitary Sewer

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

Recommendation

Staff recommends approval of the rezoning request and the proffer amendments.

Vice Chair Byrd 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.

Lori Schweller, applicant's representative, came forward regarding the request. She said I am an attorney with Williams Mullen in Charlottesville and I am representing Aldi incorporated, the applicant. With me here tonight in the room is Laurie Griffin, who is an Aldi real estate manager, Derek Reardon with Bohler engineering, Michael Bailey with Gorove Slade, who is the traffic engineer for the project. This is a relatively simple request, especially after what you have seen this evening. What we are requesting is a simple rezoning. Simply to change the proffers for an existing rezoning. We are not changing the actual rezoning, which is B2 commercial, we are just changing the proffers that apply to a portion of the property that was rezoned in 2016 and some of you are familiar with that rezoning. The Country Club decided that 8 acres along East Market Street was appropriate to change the designation in the Comprehensive Plan. This is the entire 8 acres here. You can see the Aldi grocery store at the top of your screen, that exists. Then the bottom part of the screen is a 4.91-acre parcel that will be developed and so that is what we are talking about. In 2016, City Council approved the rezoning that the Country Club requested, and you can see those 8 acres here. It was, first of all, a Comprehensive Plan amendment from Conservation, Recreation and Open Space to Commercial, which is consistent with everything across the street on Market Street and north of the site, then a rezoning from R-1 to B-2, so all of that property is B-2. The proffers associated with that 2016 rezoning were number one, all the uses that were permitted are exactly the same as all the uses that are permitted in the Zoning Ordinance in B-2. The same by right uses, except these five that were carved out and one of those is vehicle sales, one is vehicle repair, and then the others that Ms. Rupkey mentioned. Another proffer was that anything that can be approved by a special use permit in B-2 can still be approved by special use permit and then traffic and street improvements were required based on the 2015 Traffic Impact Analysis done at that time. Any future Traffic Impact Analysis that apply to the property would

have to be considered for future changes.

As Ms. Rupkey mentioned, the 4.91-acre parcel is being subdivided. The upper portion on the image you are looking at is being developed right now. Site planning will move forward shortly for a Wawa convenience store and fueling station, that is a by right use and site planning will go forward on that after we move forward on this rezoning. The lower half, which is the 1.679-acre parcel, is where we are proposing a Discount Tire store. That is the sole subject of the rezoning request. We would like the proffers to be amended so that a Discount Tire store may be built on that 1.67-acre portion of the original 4.91 acres. Discount Tire stores is a chain, a national chain of retail stores. They are clean, well lit, they sell tires. In those bays that you can see there, and enclosed spaces where the public cannot see it, they put the tires on. It is a retail store. All they do is sell tires and put them on. They also do free rotations and tire air checks and inspections, but they do no engine work, no mechanical work, no breaks, no shocks, no transmissions, no batteries, and no oil changes. It is a very clean business. All work would be indoors in the bays. This use is not permitted under the current proffers. We hoped that we could persuade staff that this was permitted use because it is a retail use. B-2 permits retail uses. It also permits general service or repair. It even permits vehicle fuel stations as you see from the Wawa that is going in next door, which is a full more intense use. Staff determined based on this list of what a Discount Tire store does, that it is actually more akin to a vehicle repair use. That is the reason for the request for the rezoning. What we are requesting tonight is to add back in to the permitted uses on this 1.6-acre portion this use, repair of vehicles etcetera, which is exactly the language in the Zoning Ordinance right now. This is the by right use in the Zoning Ordinance. We just want to put that back in so that the Discount Tire may be developed. This is the zoning plan. So again, just the portion outlined in red, is what would be affected by this change and the portion to the left there, that is where the Wawa convenience store would be, would be subject to all the same proffers that were approved in 2016. Mike Bailey can talk to you about this if you have questions, but his firm did do a Traffic Impact Analysis and Public Works evaluated that and some changes do need to be made, primarily because of the Wawa. The Wawa and the Discount Tire are on one parcel and all of that was analyzed together, the TIA is for the whole 4.91-acres. 95% of the traffic impact is from the Wawa. Even if the Discount Tire store were to be a regular sort of automobile repair service center, it still would not have any more traffic than the Discount Tire store. It is the Wawa that is driving the improvements. This is what we have today. We have two lanes that several intersections were evaluated, but the one that needs attention is the Country Club Road coming out on East Market Street. So today you have one left turn lane going south on East Market and then one that can go in any direction. What Public Works has determined needs to be done is to put in a new lane so that people can go straight or right into existing lanes would be left turn only and that would take care of the traffic impact from this proposed development. That is our request and I am happy to take any questions.

Vice Mayor Dent said I am just curious about the connections among these various companies. Are they all under Aldi, Wawa and Discount Tire?

Ms. Schweller said all the property is owned by Aldi. Though Aldi is a grocery store chain, and

Ms. Griffin can speak to this in more detail, but they normally own only the property they need for operating their grocery stores. They did purchase this entire 8 acres and subdivided it and as we showed will subdivide it again so the Wawa and the Discount Tire will be ground leased to those entities to operate.

Vice Chair Byrd 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.

Commissioner Baugh said there are, or have been, some identical, at least similar probably identical, businesses in that stretch. I guess what you would say of Route 33 from the interstate up to there. It is kind of on the edge, but I mean it looks to me like it is consistent with what you have out there. The fun one is going to be those next parcels moving forward as they edge closer to the residential, but that is not before us right now. It seems to be consistent with everything. I will go ahead and move approval of the proffer amendments as presented.

Commissioner Armstrong seconded the motion.

Vice Chair Byrd called for a roll call vote.

- Commissioner Armstrong Aye
- Commissioner Baugh Aye
- Vice Mayor Dent Aye
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Vice Chair Byrd Aye

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on March 26, 2024.

A motion was made by Baugh, seconded by Armstrong, that this PH-Rezoning be recommended for approval to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Armstrong

No: 0

Absent: 1 - Finnegan

6. New Business - Other Items

6.a Consider a request from Northside Development Partners LLC to preliminarily subdivide +/- 5.23-acres addressed as 44 and 81 Wilson Avenue

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

Ms. Dang said in December 2022, City Council approved the following requests associated with the subject site:

- A rezoning of a +/- 3.8-acre site from R-2, Residential District to R-8C, Small Lot Residential District Conditional and a rezoning of a +/- 1.44-acre site from R-2, Residential District and M-1, General Industrial to R-5C, High Density Residential District Conditional.
- A special use permit per Section 10-3-55.4 (1) of the Zoning Ordinance on +/- 1.44 acres to allow multiple-family dwellings of more than twelve (12) units per building.
- A special use permit per Section 10-3-59.4 (1) of the Zoning Ordinance on +/- 3.8 acres to allow attached townhomes of not more than eight units within the R-8, Small Lot Residential District.
- A request to close a +/- 5,529 square foot portion of Wilson Avenue adjacent to tax map parcels 42-B-32, 33, 34, & 36, and a portion of 42-B-9A. The portion to be closed is +/- 10 feet wide and +/- 553 feet in length.

Note that the street closure has not been finalized, but the applicant recently submitted documents to complete the closure.

A copy of the approved 2022 proffers are attached herein.

The applicant is requesting to preliminarily subdivide +/- 5.23-acres of property by creating 58 townhome parcels, one multifamily parcel, and two common area parcels. The applicant plans to construct 58 townhomes and three multifamily buildings containing 34 multifamily dwellings. The preliminary plat also includes requests for variances to deviate from requirements of the Subdivision Ordinance.

Land Use

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

The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does

not measure commercial intensity in that way.

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

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed development was completed during the rezoning process and indicated that the project would not generate 100 or more peak hour trips, which is the threshold for staff to require a Traffic Impact Analysis (TIA). Therefore, a TIA was not required for the rezoning request.

Public Water and Sanitary Sewer

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat illustrates where water and sanitary sewer lines would be provided so that each new lot would have access to public water and sewer.

Subdivision Ordinance Variance Requests

Section 10-2-42 (c) of the Subdivision Ordinance requires all parcels to have public street frontage. Seven of the townhome lots would have public street frontage while the remaining 51 townhome lots would front along private streets, thus requiring approval to deviate from Section 10-2-42 (c). This Subdivision Ordinance variance has been approved multiple times throughout the City for many existing townhome communities and staff has no concerns for this project.

The second variance request is to Section 10-2-43 of the Subdivision Ordinance, which requires a 10-foot-wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot-wide public general utility easement centered on the sides or rear of lot lines. Sheet 2 of the preliminary plat illustrates the proposed locations of 10-foot-wide public general utility easements, where some of the locations are modified. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others deemed a utility by the City. The proposed public general utility easements would not preclude utility companies from negotiating alternative easements with property owner(s). The requirements, as specified in Section 10-2-43, are intended to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. Staff does not have concern with the proposed development deviating from this section of the Subdivision Ordinance.

The final three variances being requested are from Sections 10-2-41 (a), 10-2-61 (a), and 10-2-66, which are associated with public street design standards. Specifically, Section 10-2-41 (a) states that “[p]roposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual (DCSM) except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the city council when” particular objectives are met. Section 10-2-61 (a) states that “[t]he subdivider is required to make all such improvements to streets, including grading, subgrade, surface, and curbs and gutters, in accord with the requirements of the city's DCSM.” And Section 10-6-66 states “[a]ll utility, street and alley improvements shall be provided in each new subdivision lying wholly or partly within the corporate limits of the city in accordance with standards and specifications of the city.” In particular, the applicant is requesting to deviate from DCSM Sections 3.1.9.2, to allow for an alternate paved “tee” turnaround and Appendix F, to allow reducing vehicular travel lanes on Wilson Avenue from 15-foot-wide lanes to 10-foot-wide lanes, and to reduce the public street right-of-way width from 50-feet to 40-feet. The applicant has submitted supporting documentation explaining the reasons for the requested variances.

Staff supports all of the variances that have been requested.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which has “neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover.” Additionally, “[i]ncomes in different pockets vary greatly. Median household incomes across block groups in these neighborhoods have the broadest range: \$20,000 to \$91,000. This could point to a divergence of two conditions found within these neighborhoods: one of stable, high-income, low turnover neighborhoods and one of lower turnover in lower income neighborhoods.

Public Schools

The student generation attributed to the proposed 58 townhomes and 34 multifamily dwellings is estimated to be 52 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

Aside from the variance requests as described herein, the preliminary plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance requests and recommends approval of the preliminary plat.

Vice Chair Byrd 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.

Vice Mayor Dent said remind me where the street closure is.

Ms. Dang said it is not a full street closure, Wilson Avenue will still be accessible. It is basically on the...abutting the parcel on the top of the page, there is a 10-foot sliver that is going to vacated and closed by the City that will become part of that parcel.

Mr. Fletcher said the existing right of way of Wilson Avenue. There is a section along here that they are closing to narrow the width and then in exchange they are dedicating this section up here.

Vice Chair Byrd asked if there were any more questions for staff.

Vice Mayor Dent said looks good to me. I move that we approve the request from Northside Development Partners LLC to preliminarily subdivide ±5.23-acres. Address is 44 and 81 Wilson Avenue, as presented by staff.

Commissioner Baugh seconded the motion.

Vice Chair Byrd called for a roll call vote.

- Commissioner Armstrong Aye
- Commissioner Baugh Aye
- Vice Mayor Dent Aye
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Vice Chair Byrd Aye

The motion to recommend approval of the preliminary plat passed (6-0). The recommendation will move forward to City Council on March 26, 2024.

A motion was made by Vice-Mayor Dent, seconded by Baugh, that this Action Item be recommended to full council to the City Council, due back on 3/26/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Byrd, Washington, Baugh, Vice-Mayor Dent, Alsindi and Armstrong

No: 0

Absent: 1 - Finnegan

7. Public Comment

None.

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

Vice Chair Byrd said February 6, 2024, they met and discussed a rezoning of B-1C to B-1C. This was a conditional change to remove the garage motor, vehicle sale and repair restrictions that they had from the first condition. They felt this was needed due to the County Ordinance that was changed and a residence across the street no longer exist. So, there is some other things in that neighborhood that changed in 2004. There were a lot of rewording proffers, kind of related to our last one. I did learn about site line easements relative to bends in roads and entrances. It took them by surprise because they were like what is this about just...

Mr. Fletcher said we just say sight distance easement.

8.b. Board of Zoning Appeals Report

None.

8.c. City Council Report

Vice Mayor Dent said there were two meetings since we met, last night and then previously January 23rd, looking back at the agendas. January 23rd, first thing was a work session that we did about the City Council Priorities Action Plans, which we then approved in the regular meeting. The public hearings were Cobblers Valley out on Pear Street, which, last I recall, we approved the rezone and townhomes, and the two neighboring sites we approved both of the combined rezoning and special use permits. Update on the Zoning and Subdivision Ordinances update project. That was refreshing to hear. We adopted the priorities action plans. Anything else you remember, Adam?

Ms. Dang said that was Cobblers Valley and Zephyr Hill. There were two rezonings two special use permits very similar.

Vice Mayor Dent said public hearings, the only one was 715 North Main Street that we heard last month that the former Vine and Fig, now transitioning to Strength in Peers. Related to that, skipping ahead, we did amend the Zoning Ordinance to amend the definition of family and add recovery residence use. City Attorney Brown did some excellent research into what the implications of minor children in recovery residences are. The gist of it is that is on a special case basis as determined by the certifying authorities, which are either Oxford House for their own properties, or Virginia Association of Recovery Residences, VARR. The good news that I heard was that a representative that he talked with from Child Protective Services said that is a very good thing, because otherwise the child would have to be separated from their parent if they had to go to the recovery house or stay in jail if that was the option. Another comment they made, I had not really registered, was that there was some question that people were being forced into recovery houses, and City Attorney explained nobody is sentenced to a recovery house. It might be a condition of probation that they live in one, which would mean that their alternative is to go

back to jail. Typically, these are not a treatment center. It is typically people who have been through some degree of treatment and are living together with the pledge to stay sober. Strength in Peers was there we are supportive of them. With all those concerns addressed, we felt good about going ahead and passing it. That was related to the Strength in Peers now taking 715 North Main house.

The Blue Ridge Community College update, that was excellent from Doctor Downey about their career and associate degree and transition to JMU programs. I raised the point about their childcare education program that was part of what we approved with ARPA. That is beneficial for all concern for the people who need the childcare services, the people who are being trained to work, that is what I mentioned to the woman who was here tonight, Bautista, that program is available for help with the very complicated licensing project. Doctor Downey raised the point that in workforce discussions, one of the key issues is childcare. So, having education and the pathways to meet that need is really beneficial to the community as a whole. We approved the preliminary plat for one segment of Bluestone Town Center. The proposed BJ Searles' development that was out on Mosby Road that we had approved to be designated as a revitalization area. What that is about is typically, to get LIHTC credits, the City Attorney explained this to me, an area has to be either designated as blight, if it is like downtown blighting urban that needs to be refurbished, or if it is an open field, it is not blight, so they call it a revitalization area to show that we do need affordable housing in this area and for workforce and other uses, so that is what that was about. The ARPA Pedestrian Project update, that was about some funding that we would approved for a Sterling Street sidewalk, \$566,000, that had become unfeasible because some people did not want the sidewalk in their yard. Public Works put together a series of proposed sidewalks still in the Northeast neighborhood and we had some discussion about that. The big news, of course, was the ceasefire resolution. Advocates again in discussion about that kept us there a while.

Commissioner Armstrong said could you specify what is that? Is this Gaza? There is a proposal that the City support a ceasefire resolution?

Vice Mayor Dent said so far, we have been hesitant on that, because is it really the City's job to do international relations, and not wanting to do something divisive in the community. Some are for and some are against. I came around to saying we need to say something, we just need to resolve what, and we have just been handed a resolution on the spot and we were sort of blindsided by this. That discussion will be continuing was quite heated at times. Anyway, so that was relevant to here.

Commissioner Armstrong asked was there a lot of public comment on that?

Vice Mayor Dent said yes.

Vice Chair Byrd said when I was at the Rockingham County meeting, they were talking about how they had just come out of meeting for the Comprehensive Plan before the meeting. Just to remind us all as we were discussing thoughts about the Comprehensive Plan. As the Zoning Ordinance gets settled, one way or another, we are going to move into that thought space. If you need more time to discuss things that we could have the consider that.

9. Other Matters

9.a. Update on Public Notice Signage

Ms. Rupkey said there is an update on the public notice signage that was brought to you all in 2023. Community Development staff, with the guidance of Mike Parks, the Director of Communication, has worked to address concerns and suggestions from both Planning Commission and City Council regarding the original sign design that staff shared in 2023. There is a mockup on the sign. If you notice the one that Thanh is bringing out right now, the top portion has the white with red writing. We are considering going with the red with white writing that is on your screen now and in the packets that were given to you. Then additionally, the old signs that we use today, both the corrugated sign with the post and the wooden with the metal stakes. Mike Parks here is here tonight, helping answer questions that you guys may have as well.

Mike Parks, Director of Communications, came forward. He said I am happy to answer any questions you might have.

Vice Mayor Dent said I see that in this the metal binding it half obscures the website address.

Mr. Parks said one of the things I should have mentioned as soon as I got up here is once we printed out this sign, I realized that the thickness of the frame that these are going in a little thicker than I was anticipating. We know one change that will be coming is to kind of shrink this in half an inch on all margins. This is not the finalized product, but all of the content would stay the same. It would just shrink in on the edges and along the top.

Vice Mayor Dent said in general, I remember we had some discussion, I think Commissioner Washington... do we feel this is adequate to inform people? I can see that it must be labor intensive to print out whole paragraphs to put there, but will it be enough to let people...? I mean, even if they do not have a smartphone and a QR code, can they figure out the website and is that enough? We are giving them several avenues of communication, is that enough?

Mr. Parks said that is one reason we wanted to have four means of contact on here, the phone number, address, web address and QR code. Whatever someone is uncomfortable with, they have a number of different options to go with. Honestly, with signs like this, it is more about a brand. You see a brand and you recognize it. You know that okay, that is where I need to go for information. Most people are not going to stop and see the sign and be reading it for all the information that these past signs might have had. They are going to recognize it as a land use sign because they are going to see these all over the City and they are going to get used to overtime, through these signs, through an education campaign that we would do. They will know that okay, I need to go to the City's website, or I need to go to City Hall. I have seen the sign now, I know where to go for information.

Commissioner Armstrong asked does it go into the ground easier?

Ms. Rupkey said I have not actually tried to put that into the ground, but it has to.

Ms. Dang said it is much lighter than the wooden paneled sign that you see. I would imagine we would probably buy a rubber mallet to mallet it into the ground.

Commissioner Alsindi said I have a reservation with regard to the proportional disperse of how it is being designed and I appreciate the work and effort put in it. I think the text for “Public Hearing or City Action pending” is smaller than, for example, “for information”. Which, I think that is what is important for people to capture their attention besides the word rezoning. I understand, you are saying for information, go there, which is important. Equally important, if not more, the public hearing thing and we are trying to send that message there, please come and let us hear what you have to say. Yes, the information is going to show it is a little bit crowded over there as well, but I would say to push the public hearing more and make the fonts larger. People would know definitely that this is information. [unintelligible] We are kind of diminishing the role of the public hearing in the city as well as a communication message, I see that.

Mr. Parks said that is a very good point. We did discuss that we thought about. Were there some ways to shrink the number of words we are using in the ‘Public Hearing or City Action pending on this property’? Especially with the Spanish translation there, it does take up a lot of space. I believe we talked about “city action pending” you know something smaller that we could use a larger font for. We can definitely take another look at that. I do not know that “for information” is needed, but we want to let people know that if you do have questions, this is the next step that you take. Putting that translation on there obviously takes up some space, but we wanted to try to get the English and Spanish onto the same sign. Putting two signs in these locations, I do not know if that would be the best option for us and doing it one on one side and one on the other would not work because of how these signs are angled. That is something we can take another look at and see is there a way. I feel like the City Seal does need to be on there. We can look and see if maybe there is another phrase that we could use that would not take up so much space so that we can increase the size of that font.

Commissioner Armstrong said you could just use a different color for public hearing.

Mr. Parks said to draw attention to it? The color of the font or the background?

Commission Armstrong said the color of the font just for public hearing.

Mr. Parks said we are limited on what other colors we can use just for ADA accessibility, how easy it would be to read those fonts on the blue background. If we could take off the background and use two different font colors for that whole sentence. We could say “Public Hearing/City Action pending” and take “off on this property”. As long as there is going to be a colored background, it would be difficult to use another color just for readability reasons.

Vice Chair Byrd said comment wise, “on this property”... I do not know if that is really necessary. I think that would be more implied, if I saw the sign. The other Commissioner said highlighted that there is a public hearing, is the point really. If it is a sacrifice of “on this property” over trying to find a way to highlight the public hearing aspect, I see no issue with making that type of compromise. Barring any legal requirements. I like the “rezoning”, especially the change to a red background. I have seen signs before and it is very hard to read something that has a bright background. Mostly because I am looking at it as if I was driving by because a number of the properties we see on major roads.

Mr. Parks said I know we did have a conversation specifically about the terminology of public hearing or City action, because I feel like just saying public hearing maybe does not cover everything.

Ms. Dang said in our attempt to standardize the signs to be used for all the different application types that we have, not all applications are public hearings. Preliminary plats [are not public hearings] and street closures that come to you all, they do not become public hearings until they go to City Council. I suppose we could attempt to have two different signs. I like the standardization because then we could just have a stack of them. It is really for the ease of staff in getting these signs out. We can discuss whether maybe one sign is public hearing and the other is City action.

Vice Chair Byrd said I definitely understood keeping it “Public Hearing or City Action”. My concern was do we really need “on this property”? That was the only of my personal concerns. For information in both languages, the size of its space, if the inside space was smaller maybe to the same size as the address and website and that gave you more space to use. Those are just my observations.

Vice Mayor Dent said I was just sketching it out and it looks like if we limit it to “Public Hearing or City Action” that can fit across and then in Spanish across and then smaller print for information slash then in Spanish, that should make it fit.

Commissioner Alsindi said as much as I understand and appreciate the red color being the background, which is much better than having it right here with the rezoning. Yet, I would still be cautious on using the red color. That indirectly sends a signal of alert. Are we sending a message of this as rezoning is a critical issue? To be careful or you are welcome to debate in here and discuss and know about rezoning. Is there a possibility it would make sense to write rezoning, use a background with a different color to boost and magnify the word without going to red?

Mr. Parks said I will say one of the reasons that red was picked is you see all five of our City colors. We did a city branding about six years ago and the colors were this dark blue, this light blue, the yellowish orange, the green and the red. That is one of the reasons that red was picked because it is one of those five colors, but we can certainly go with any color. I definitely see that it is an alert.

Mr. Fletcher said the yellow or green might be a better option.

Mr. Parks said the problem with the yellow is that is harder to read the white writing, it does not pop out as well. There is a number of different colors we can use.

Commissioner Washington said I like the red. When you talk about alert, yes alert. Bring your behind here if you want to know what is going on in your community.

Commissioner Alsindi said if it does not make people reluctant, that is fine if it does not. I was just thinking alright be careful.

Commissioner Washington said I do not like QR codes. To me, the folks that usually come to Planning Commission meetings are....who are we reaching with QR codes? Like you said if you are just passing by, I do not know how fast I can read something.

Mr. Fletcher said I really hope no one is driving by trying to capture the QR code. A lot of times people are walking or they will park and walk up to it. The option for the QR code sends you directly to the website where you can get a whole bunch more information. The one thing I was going to add now seeing all of this, I would not be offended if we get rid of our [department] logo and all that kind of stuff. I think the point there was to say talk to Community Development.

Mr. Parks said for the QR code, I know it is divisive. I am certain there was a time ago where a Communications Director was talking to their Planning Commission about not including the website because it was a new thing that people might not have been comfortable with, and I understand that. I did a little research on QR codes, there are a number of other municipalities that are starting to put these on their planning signage, Raleigh, North Carolina is a big one that is using these now; Greenville, South Carolina, Palm Beach County, Florida. There are number, I would be happy to send a list if anyone is interested. It is really about letting whoever wants to connect with us, what is the easiest way for them to do so. I believe QR codes have certainly become more popular. Especially since the pandemic, every restaurant started handing out QR code menus instead of a hard copy, but I know that is something that some people are unfamiliar with. That is why we wanted to make sure the phone number was as large as possible. If you stack that phone number in three tiers, it would be about the same size as the QR code. If you are walking by on the sidewalk, that is what they desire, the easiest way to go there as possible.

Commissioner Washington said based on the QR code question, I do like that the sign is in two languages but when you get to the website I do not know if that is based on folks phone to interpret or to translate immediately. When folks call that number, are there different languages?

Ms. Dang said in our office we have individuals who can interpret Spanish but for those languages that we do not have a staff member who speaks this other language, we have what we call internally "the language line" that we can call into to have somebody do the interpretation in other

languages.

Mr. Parks said our website it has the widget for Google Translate, which is not always perfect, but it is the best technology we have without providing pages in every language that we would need to do in the City of more than 60 different languages, but you have to choose that when you get to the page.

Commissioner Alsindi said are there any regulations with regard to the signage where to be placed exactly? I imagine if people you know do this, someone else on the other side might think we are taking pictures of the property rather than doing the QR here, would that create anything? Unless the location of the signage is somewhere that does not...Not everyone would expect that you are going for the QR rather than taking a picture for the property once or twice.

Ms. Dang said just a couple of thoughts, it is our own local regulation that requires the public notice signs be posted along public street frontages in the front of the property. As far as like, if you were taking a picture of the sign and the property is there... I hope this does not come off insensitive. Yes, I want to respect people's privacy, but their property is under scrutiny with rezoning or their special use permit or whatever request. I think we would all be respectful. The sign is to draw attention to the property.

Vice Chair Byrd said I would hope so too because the outside of your house is accessible to public eyes. If you need privacy, that is inside your house. That is one of those things, I am a scientist, so I like to see how the humans act. When you are talking about a distance, people claim that we are a Friendly City, so I hope that is the case. You mentioned the City of Harrisonburg Community Development, that takes up a lot of space. If you were looking for space, that might...I am just thinking of places where if you needed space for other things where you could pull space from. I use QR codes mostly so I could just bring up the site and then I am okay and then I go away from it and go about my business. I have now looked up the site and then I can check it out on the free time. When I am looking at the sign, I am thinking of it as grabbing people's attention as soon as possible. The red does have some negative connotations to it. I would prefer since the community does not come out to these meetings often, to feel them alerted to want to be inquiring into what is going on in their neighborhoods. I want them to feel more alerted. That is how I view that. I see the concern that there might be a negative.

Commissioner Alsindi said not just a negative but also a bias. It has a bias as if do not do it.

Mr. Fletcher said he is saying that the rezoning is a bad thing so you should be opposed to it.

Mr. Parks said something wrong has happened here, it is a red alert.

Commissioner Alsindi said as I said, besides that it has a [unintelligible]. It is not the red here and that sense and that context is taking a side eventually. It is not standing in between both sides of do or not do.

Mr. Fletcher said at the same time, green could be a sign of this is a positive.

Ms. Rupkey said it is not going to be the bright red that is on there. It would be closer to darker red where it says the address that is on there. Which are the colors that are on here, it just prints a little darker.

Commissioner Alsindi said I would honestly put it in blue and keep the background white and neutrality and it is big and it shows it sends the message clearly.

Vice Chair Byrd said I still feel that from the public experience I still want them to feel. If that is how they feel then good, I see no problem with that, even if they think it is a bad thing. We are Americans, we are used to red, white, and blue on everything anyway. There is blue on here, there is white on here.

Mr. Parks said I am happy to look at some other options and maybe see what some other districts have used for their signs to see if there is any standard color that everyone falls back on for this, I can definitely do that research.

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

Ms. Dang said I still have one more item before we wrap up, so next month we have 9 items on the agenda, but given the type of items that are being considered, we are recommending one meeting. We think that would be appropriate.

Vice Chair Byrd said how do you feel we have five special uses? I think we are okay with one meeting.

10. Adjournment

The meeting was adjourned at 9:08pm.

NOTE TO THE PUBLIC

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

INTERPRETATION SERVICES

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

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

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

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

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

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

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

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