

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**August 13, 2025**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 13, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Chair; Councilmember Laura Dent; Heja Alsindi; Shannon Porter; Kenneth Kettler; and Randy Seitz. There is one vacancy. Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Wesley Russ, Deputy City Attorney; Meg Rupkey, Planner; Nyrma Soffel, Planner; and Anastasia Montigney, Development Support Specialist/Secretary.

Chair Baugh called the meeting to order.

Chair Baugh asked if there were any corrections, comments or a motion regarding the July 9, 2025, Planning Commission minutes.

Commissioner Porter moved to approve the July 9, 2025, Planning Commission minutes.

Commissioner Alsindi seconded the motion.

The motion to approve the July 9, 2025, Planning Commission meeting minutes passed by voice vote (6-0).

**New Business – Public Hearings**

***Consider a request for a special use permit to allow a restaurant at 1710 Country Club Road***

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant operates the onsite vehicle repair and service establishment and is requesting a special use permit (SUP) per Zoning Ordinance (ZO) Section 10-3-97 (1) to allow restaurants in the M-1 district. The +/- 25,190-square foot parcel is addressed as 1710 Country Club Road and is identified as tax map parcel number 72-A-12. If approved, the applicant plans to continue operating a mobile food truck on the property.

In May 2025, staff became aware of a mobile food truck operating illegally at this site and issued a notice of violation to the property owner. After the notice of violation was issued, staff began working with the property owner to apply for a SUP. While reviewing the site, staff learned that the property owner had completed work behind the vehicle repair and service building in the floodway without proper approvals. Community Development staff is working with the property owner to correct this violation.

The property is almost entirely located within the 100 year-floodplain and the floodway. Staff has determined that as long as a food truck remains mobile it can park and operate within the floodway. (No jacks, blocks, or anchoring that would make it immobile.) However, it is unclear whether seating, tables, and other structures related to the mobile food truck can be located within the floodway without completing an engineering study. Staff has reached out to the Virginia

Department of Conservation and Recreation (DCR) for guidance, but has not received a response. In the absence of guidance from DCR, staff has determined that seating, tables, and other structures are not allowed and staff will work with the applicant if a different determination is made by DCR.

The applicant is aware that, if the SUP is approved, the mobile food truck will need to meet all the requirements associated with Mobile Businesses and Food Trucks, which are located on the City's website at <https://www.harrisonburgva.gov/mobile-businesses>. It will be the responsibility of the mobile food truck/trailer owner/operator to work with the Harrisonburg-Rockingham Health Department and the City of Harrisonburg's Public Works, Public Utilities, Fire, Community Development, and Commissioner of Revenue Departments to ensure all requirements are met.

### *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.

Given the planned designation of Mixed Use for the subject site and the many other parcels within this section of Country Club Road that are planned for Mixed Use or Commercial uses, a request to operate a mobile food truck in this location is in line with the Comprehensive Plan's Land Use Guide.

### *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 mobile food truck

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.

Per the ZO, the vehicle service and repair use requires six (6) parking spaces and mobile food trucks do not have a minimum parking requirement. Although not required, but beneficial, the applicant informed staff that they have an agreement with the neighboring property owner to use the gravel lot, located to the southeast of the subject property and identified as tax map number 72-A-14, for mobile food truck-related parking.

How and where individuals are parking vehicles in front of the existing building is of concern. Attached within the packet is the 1989-approved site plan for the construction of the vehicle service and repair establishment, which shows no parking spaces between the building and the property entrance along Country Club Road. The 1987 ZO (which was likely the ordinance in place in 1989) prohibited using the public street right-of-way (ROW) to maneuver vehicles in and out of parking spaces—this same regulation remains in place today. However, without a physical survey of the property, the exact location of the public street ROW line as well as where the building is located on the property is unknown and thus it is difficult to know whether vehicles are maneuvering within the public street ROW. Based on field observations and information available to staff, it appears vehicles could be using the public street ROW when individuals park in front of the building. This is problematic because the front of the building is also the location to access the service bays and to potentially park to access the mobile food truck. All of this vehicular activity in such a small area of the parcel could cause unsafe maneuvering along this section of Country Club Road. Staff believes a condition should be added to the request that prohibits parking between the existing building and Country Club Road. If the applicant is later able to demonstrate that they can provide parking spaces and travelways within this area that meet the Design and Construction Standards Manual, staff maintains the recommended condition that as long as a food truck operates on the parcel, then no parking shall be permitted between the existing building and Country Club Road.

According to Google Earth Street View images, the existing entrance curbing along Country Club Road has been buried over time due to the accumulation of gravel in the parking lot. Staff recommends a condition requiring the property owner, in coordination with the Department of Public Works, to replace the curb or remove existing gravel at the entrance along Country Club Road to delineate the previously designed entrance as shown on the 1989-approved ECSP.

Staff believes that prohibiting parking in front of the vehicle service and repair building and providing curbing at the entrance will reduce unsafe traffic movements.

Know that staff discussed whether the current location of the mobile food truck is the most appropriate location on the parcel given the concerns as identified above. Providing the curbing as was previously designed at the entrance will better delineate the vehicle travelway for any use operating on site. Additionally, the applicant is aware that the mobile food truck shall be positioned so that it does not impede sight distance for individuals driving onto and off the property.

#### *Public Water and Sanitary Sewer*

The applicant is aware that liquid waste must be properly disposed of into a sanitary sewer system. It is the responsibility of the mobile food truck operator to ensure that they are meeting the regulations that are put in place by the Department of Public Utilities and the Department of Public Works.

*Conclusion*

With the prohibition of parking in front of the vehicle service and repair building and the addition of curbing at the entrance along Country Club Road, staff believes that the mobile food truck use should have no adverse effect on the health, safety, or comfort of those working and living in the area. Staff recommends approval of the SUP with the following conditions:

1. The special use permit is limited to one mobile food truck/trailer.
2. No vehicle parking shall be located between the existing building and Country Club Road. The only vehicles permitted to be located between the existing vehicle service and repair building and Country Club Road are the mobile food truck and vehicles positioned in front of each service bay in preparation of being serviced or repaired. Within 60 days of approval of the special use permit, the property owner shall install signage or install other measures acceptable to the Zoning Administrator to prohibit parking as described.
3. Within 60 days of approval of the special use permit, the previously existing curb will be rebuilt or existing gravel removed to maintain curbing that is six inches in height, or to another standard acceptable to the Department of Public Works in the area as shown on the approved-1989 site plan.
4. If any of the above conditions are not met within 60 days of approval, then operations of a mobile food truck/trailer must immediately cease until the conditions are met. However, upon request from the applicant and if the applicant has demonstrated diligent pursuit to complete the above conditions, the Zoning Administrator may grant one, 60-day extension allowing the applicant a maximum of 120 days from special use permit approval to complete the above conditions.

Chair Baugh asked if there were any questions for staff.

Commissioner Seitz said it is very clear from the maps that it is in the floodway and floodplain, do we know what the elevation of the floodway or floodplain is?

Ms. Rupkey said it is between 1403' and 1406' base flood elevation based on the maps that we were looking at.

Commissioner Seitz said the 1989 site plan shows the building elevation at 1408', has there been any surveys to confirm the elevation of the food truck is and the picnic tables and other stuff?

Ms. Rupkey said I am not aware of any at the moment. That would be a question to ask the applicant to confirm. We have been working with them to correct the existing floodplain issues that will likely require that in the future.

Commissioner Porter said staff has no concerns about the parking area that is to the south of the 1714 [Country Club Road] lot that open space that is right next door, there are no concerns about the same issue of cars coming in and out or how deep the cars need to park in there versus...

Ms. Rupkey said that site is not apart of this request. They are using it, but they are not the property owners. Additionally, it visually appears to be the space to turn around without having to use the right of way.

Commissioner Porter said I guess my question is if we ban the parking in front of the service building and in front of the food truck where will the people who are visiting the food truck park?

Ms. Dang said they can continue to have the agreement with their neighbor. Let's say their neighbor decides that is not an agreement that they want to do anymore, we feel that the subject property has enough parking on the rest of the property. They would just have to change how they do business. They have more than enough parking to satisfy zoning's minimum parking requirements and they would have to make a business decision of whether they have enough parking to support both of the uses.

Ms. Rupkey said additionally on the screen, the [area in the] red box, they have their parking blocks that delineate parking spaces that are in that area that meet that requirement of six.

Commissioner Porter said staff currently has no concerns about the seating being where it is currently in relation to the roadway?

Ms. Rupkey said the concern that we have with it right now is in relation with it being in the floodway that it needs to be removed or go through the process to get a development plan with proper parking and everything for it.

Commissioner Kettler said when there is a nonconforming use and the applicant is working with staff to try and correct that, is there a particular set of criteria of whether that nonconforming use is going to continue to be allowed during the pendency of that process?

Ms. Rupkey said I would say it is very specific on the request. Do you mean if there is an existing nonconformity and they are changing a different aspect of their business?

Commissioner Kettler said currently this is a nonconforming use...

Ms. Rupkey said it is an illegal use.

Commissioner Kettler said currently it is an illegal use and for the pendency of the time when we are working through this process that is temporarily allowed? I do not know if there are certain criteria for that being allowed or disallowed depending on the particular type of illegal use that is present.

Ms. Rupkey said for this specific use, with the food truck being on this site, staff did not have any concerns to shut down the business while they were going through the process of requesting this special use permit. With the understanding that if they continue to operate and the special use permit gets denied, they would have to cease operations immediately after City Council's decision. Correct me if I am wrong, but typically if there is not a safety issue and they are continuing to work with us to correct the violation, we will do our best to allow them to continue operating on the site. Certain things may trigger us not allowing someone to operate.

Councilmember Dent said when they rebuild the curbs is that going to restrict access to what the yellow star area that they are using now as the parking lot?

Ms. Rupkey said the yellow star [referring to the screen] is on a different site. The curbing that is being referenced is, if you can see on the screen, kind of in between where this blue square is and the red square. They can access this parking through here.

Councilmember Dent said they can turn around, so staff does not have a concern with that. The other comment was... this sounds familiar... "If the above conditions are not met within 60 days they can get an extension." I remember we worked that out with somebody before.

Ms. Rupkey said we did model that one off of that condition extension off of the 201 South [Avenue] food truck request.

Commissioner Porter said I have not seen any changes at that site as of yet.

Chair Baugh 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.

Christian Kevin Arostegui, the applicant's representative, came forward to speak to the request. He said I am the son of the owner. My dad is the owner of the property, Ignacio Arostegui. We have been operating there since I think 2016. In December we decided to kind of expand on the food truck to bring more diverse food into the community. It has been going pretty well, not too bad. We have not had many concerns with the public in regards to the seating. Other than the zoning and stuff...we jumped through hoops and then zoning was not there. I am not sure how we got that far, but I got approved with the Fire Marshall and the other kind of parts but zoning I think I missed on the application. Do you guys have any questions or concerns?

Commissioner Porter said what is the nature of the relationship with the lot that people will be parking in now. Do you have some sort of formal agreement with the owner? What does that look like?

Mr. Arostegui said the gentleman next to us, the lot right adjacent? His name is Brandon, we have talked to him, and he has allowed us to park there temporarily. He allows our customers to park there. If he says not to then I have a decent amount. I mean pretty much the majority of the lot to park on the left-hand side of the building. I just have to kind of organize it in accordance to that. If he says no. and then we cannot park in the front. I have enough space on the left-hand side. I just have to probably accommodate really well. The parking should not be an issue, but I think it is more of directing the flow of traffic that way.

Chair Baugh 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.

Panayotis Giannakouros, a city resident, called in regarding the request. He said I am calling today first and foremost to celebrate what looks like a new era on Planning Commission where we are

back to deliberating technical details in order to send forward recommendation that can be useful to our elected officials for making decisions. Particularly harden to see in the consideration impressions of safety coming from staff and a weakening of the general welfare cause to comfort, which I yet to figure out how that is going to play out. With regard to this item, you may recall that a couple of years ago there was a similar application for a food truck that was denied. It was denied to City Council on the basis of strictly adhering to rules. I look forward in this new era to flexibility to adapt to the needs and realities of our residents and go forward with a favorable recommendation with rich information that your deliberation would provide that may then be followed by the City in approving this one. Regardless of who the applicant is. On the merits, rather than connections, the decisions of land use and zoning in our City can be made.

Chair Baugh 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 Porter said I would only state that I applaud staff for working with a business owner to try and get this corrected. I think no different than the food truck case that was before us a couple of months ago. The fact that there is an effort to actually try to foster the business and keep it moving forward is a positive thing.

Councilmember Dent said could staff explain again what needs to be done about the floodway?

Ms. Rupkey said that is being handled separately from the special use permit. The work within the floodway that was done, our building inspections and zoning divisions are working with the property owner. They are going to set up a meeting to talk about what is required. It will likely involve getting an engineer to do engineering work for what has been built in the floodway.

Mr. Fletcher said floodplain matters are quite complicated. We will have to take a closer look and try to figure out what exactly was done in the floodway, the materials that were used, if there was filled used, there is quite a bit that needs to be evaluated with regard to that. Were you asking about floodway with regard to the table locations.

Councilmember Dent said it does not affect the food truck just the tables?

Mr. Fletcher said after Mr. Seitz's question I just double checked. Ms. Rupkey is correct, the building sits between Base Flood Elevation of 1406' and 1403'. The 2022 contours on our GIS show that 1406' is basically what is right at where the food truck is positioned and what is around the building. You are correct that the proposed elevation for the building was at 1408. Of course, this data is close but not 100 percent accurate. It is giving us a point of reference. Excellent question that could be further investigated.

Commissioner Seitz said my thought having visited the site is I would assume that it is an inconvenience not to have the tables there. If somebody shoots some grades and finds out they can justify them being there. Whatever the solution...there was reference to coming up with a solution that would somehow raise where the tables are in a way. It is one thing if you have to raise it a foot and it is another thing you have to raise it three feet.

Commissioner Porter said I would like to make a motion recommending the approval of the special use permit with the suggestions and conditions put forward by staff.

Commissioner Kettler seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on September 9, 2025.

### **Public Comment**

Panayotis Giannakouros, a City resident, called in for public comment. He said I would like to make one suggestion to this new Planning Commission, under a previous regime a three minute limit time was put in place, arbitrarily sometimes it was three minutes sometimes it was not depending on what the Chair thought of the person who was calling in the content. Restrictions were placed on public comment. I would like to suggest that Planning Commission consider removing those restrictions to be consistent with City Council. Even more so to be consistent with the fact this is an advisory body that benefits from pooling information for decision making. Therefore, relaxing time limits on comments and generally prioritizing correcting information for the benefit of our decision makers at City Council. Thank you very much.

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

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

Commissioner Alsindi reported on the August 5, 2025 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Public hearing for a request from B&A Group to rezone tax map # 95-9-1B from B-1 (General Business) to R-3C (General Residential with Conditions) - recommended denial
- Public hearing for a request to amend the Zoning Ordinance regarding electronic data storage and processing centers - recommended approval
- Unfinished business for a Zoning Ordinance amendment to Chapter 9 (Health and Sanitation) of the Rockingham County Code related to short-term rental operations - recommended approval

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



None.

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

Councilmember Dent reported on items from Planning Commission that were presented to City Council.

At the July 22, 2025 City Council meeting:

- Public hearing to rezone 310 West View Street - approved second reading
- Public hearing to rezone 810 Port Republic Road (The Vista at Forest Hills) - approved second reading

On the August 12, 2025 City Council meeting:

- Public hearing to rezone 320 S Main Street - approved first reading
- Public hearing to rezone 435, 445, 457, 473, 483 & 495 South Main Street and 282, 288, 294 & 298 South Liberty Street (The Link) - tabled

### **Other Matters**

#### ***Election of Vice-Chair and Board of Zoning Appeals member for 2025***

Councilmember Dent said I would like to nominate Commissioner Porter as Vice Chair as Commissioner Alsindi has declined the honor.

Commissioner Porter said normally I would like to defer to the person who has more experience but Mr. Alsindi said he had other commitments.

Commissioner Alsindi said I am already the Vice Chair on the Economic Authority Board. Plus, I might have some more teaching loads. I am afraid I have to decline that but thank you for the trust and recommendation.

Councilmember Dent said my hunch is that I should not be the Vice Chair as the council representative.

Chair Baugh said I do not think there is anything that says you cannot be. I think at one time way back there was a councilmember that may have been Chair. We tended not to do that. As someone who has been on that side of it I am like yeah it is probably not ideal. Are there any further nominations?

Shannon Porter was elected Vice Chair.

Chair Baugh said anybody interested serving on Planning Commission or other board and commissions, if you know nothing else contact the City Manager's Office and tell them you would like to initiate that process.

Ms. Dang said I will read out the URL if I could. It is [harrisonburgva.gov/boards](http://harrisonburgva.gov/boards) and then you will see an online application and if you have questions you can talk to the City Clerk.

Councilmember Dent a slightly tangential comment is that now is a good time to apply for the Citizen's Academy. That is a good training ground for learning all about how the City works and a good steppingstone to any of these boards and commissions.

Chair Baugh said we need nominations for somebody to peripherally consider and hopefully just volunteer to be the Board of Zoning Appeals (BZA) rep. It is a little more involved in that there are some statutory things where the good news is there has been kind of a lull and there has not been a lot of activity recently. We do want those positions filled because Mr. Russ and Mr. Brown have paperwork you have to fill out for the court to actually fill that position. Any natural tendency to start looking to the more experienced members of the commission to step up first may not really get us anywhere.

Vice Chair Porter said I came prepared tonight to offer myself up for that opportunity. I did not expect to be nominated for Vice Chair. I was hoping that Mr. Alsindi would take it. Again, if no one else is willing to do it, it actually piqued my interest at the recent training I attended in terms of its role. I think that would be something I would be interested in.

Commissioner Kettler said I nominate Vice Chair Porter for that position.

Councilmember Dent seconded the nomination.

Shannon Porter was appointed as the BZA representative.

Chair Baugh said I will just refer to the call. I will just sort of state the way I kind of look at the time limits for folks. I have always kind of defaulted to five minutes rounding up. If you can tell somebody is getting to the end of their comments, just let them go. If not, remind them that there is a five-minute time limit and invite them to do that. Which works well on a night like tonight, if you have a night like Council had last night, which we have had at times, that becomes three minutes instead of five minutes just to get people through. The other thing that I wanted to emphasize is I felt like there was a time when I could google and our names would pop up and I did not see that. I know it goes through the Granicus thing now somewhat. Worst comes to worst, you can always go to through the City Manager's Office. One of the things that has always surprised me a little bit is people focusing on these public comment periods as ways to reach out to us, which is fine, but we have email addresses and there are lots of ways to contact us. Most of do, we have communication with folks about relevant issues all the time. Some people sort of mentally get locked in of well "I did not get to say everything I wanted to say in a public comment period because I got cut off on time." Well, you can always reach out to us otherwise.

Ms. Dang said to help streamline, the public can email staff and we will distribute it to you all or City Council as that person has directed it to us. If they address it to Planning Commission, we

forward all of those to you and if they say City Council and Planning Commission it will be both and so on. We can help with that. If they want to contact you individually that is up to you all.

Commissioner Seitz said in my experience having hosted a lot of open-comment type meetings. Those time limits create more equity for everybody in the room because it is not uncommon for in large settings, comment type meetings those types of time limits actually create more equity for everybody in the room because it is not uncommon for in large settings one for the energy in the room to feed off the people and for demagogues to manipulate that as well too. I do not think it is in any way anti-democratic. To ask people to think through what they want to say make their points concisely and do it in a set time.

Councilmember Dent said I agree, it is slightly odd that we have two different time limits, three minutes in Planning Commission and five minutes in Council. Now, should they be the same one way or the other.

Chair Baugh said I just ask because I should have looked, that is not a bylaw issue is it?

Ms. Dang said we do not have it in our bylaws in that way, but when we last updated the Rules of Procedure earlier this year in January, what we used was...

Mr. Fletcher said it says under procedure for public comment generally speakers are allowed up to three minutes to speak, however, time limits may vary at the Chair's discretion.

Chair Baugh said and I just told you what my discretion tends to be. Again, I think you would be hard pressed from my experience finding any organizations that really state any differently than that. If for no other reason than what we have covered; which is you have nights like tonight where you can kind of take on what you do at a relaxed pace. Where we are not home free yet but we got a fighting chance of still being done within an hour. Then you have meetings like last night where it just really is important to keep people on task. You know you want to hear from people, you want to get the input but you are just not going to be as fresh at 2:00 AM as you were at 8:00 AM. That is just kind of the way it is.

Councilmember Dent said one person thought they had three minutes and finding out they had an extra two ad-libbed a little.

### ***Review Summary of next month's applications***

Chair Baugh said fair enough. Alright, how are we doing for next month?

Ms. Dang said before I lose a thought; in talking about BZA I want to put in a plug that we also have two vacancies on the BZA. If anybody who is watching would like to join the BZA or have interest in it go to [harrisonburgva.gov/boards](http://harrisonburgva.gov/boards) and you can contact our Zoning Administrator if you have questions about that position. You can also contact me or other staff and we can answer questions before you apply if you want.

For next month's applications, we have 3 items on the agenda. The first one is a rezoning with the Bluestone Town Center; it is a proffer amendment. It is a rather minor change and I want to overshare this a little bit because I do not want people to think that there are significant changes to the Development Plan that they had seen in a few years ago and that got approved. This has to do with one of the proffers where it says that something to the effect of any new home that is sold would have to be sold to 80% to 120% of the area median income (AMI). The way the proffer is written is that if somebody was in the 78% AMI they could not buy but that was not their intention. They are going to be modifying the proffer.

Chair Baugh said you are supposed to have a ceiling but not a floor.

Ms. Dang said that is correct. That is going to come and then we have the Anicira rezoning. I had talked about it at last month's meeting and the applicant had postponed it after receiving comments from staff and just wanted some more time. They are going to be ready in September. Then we have an alley closing request for a property on North Main Street where an alley bisects a property that is owned by the same person on both sides.

Councilmember Dent said that is one meeting worth, right?

Ms. Dang said I recommend one meeting. I do not think we need to have two meetings for September.

Councilmember Dent said come to think of it, that was one of the questions I was wondering. If we were to go to that second meeting in the month, does that affect when it goes to City Council?

Ms. Dang said I guess it would depend on what Council and the City Manager decide to do as far as what gets placed on which Council agenda. Historically, if we have decided we needed a second meeting because we anticipated a long meeting, like the Bluestone Town Center was on a different night at Planning Commission and a different night on Council meeting from the other agenda items in that month. It is maybe not the same situation, so I do not know yet until we know more.

Councilmember Dent said I just do not really quite know whether there is a requirement of a gap of 30 days.

Mr. Russ said no there is no requirement. Largely it comes down to can we get the advertisement published in time and usually we do not have that sent to the newspaper if we are not sure if Planning Commission may table something.

Chair Baugh said yeah that would be the rule. The rule is you have to advertise each public hearing separately. If Planning Commission takes action that is already inside the window for the next Council meeting then it cannot be the next Council meeting.

Councilmember Dent said the scenario I was trying to think of was for October. If Planning Commission is October 8 and the Council meeting is the following Tuesday, likely we would not be able to do it until the second meeting in October.

Ms. Dang said this is a weird one because the way the calendar is in October as you mentioned the first is on a Wednesday, the second Wednesday is the 8<sup>th</sup>. However, the 3rd Tuesday, which is in our bylaws as a meeting option, is the 21<sup>st</sup>.

Councilmember Dent said I mean something going to Planning Commission the 8th [of October] could go to Council on the 28<sup>th</sup> [of October]. Right, there would be sufficient time?

Mr. Russ said I believe so yeah there is.

Mr. Fletcher said there is the short turn around for minutes.

Chair Baugh said well, and this is all hypothetical, this point the City Attorney and the City Manager's office will figure that out. I think that does circle back to the point that that that has been I think the main driver on the handful of times when they have decided to deal with it with a joint council Planning Commission meeting.

Mr. Fletcher said typically, the City Clerk is working with multiple departments, including ours at times, trying to get the agenda completed a week before the actual meeting. That meeting would be one week from the meeting date which also complicates it as well.

There was discussion about when agendas are submitted to the City Clerk and City Manager's Office for review and when agendas are published publicly.

Commissioner Porter said just at the risk of not extending this too much longer, but in light of the issue related to The Link and all of the interest in the community related to The Link. I have had several people reach out to me about the process of the applicant's responsibility to notify or be engaging with the community prior to coming to the Planning Commission. Several people stated to me that no one knew about the process up until it came to Planning Commission and then obviously it got a lot of attention and there was that gap there. Just for the for the interest of the public and I think it is, also with new members of the Commission, whether it be staff or Chair Baugh who has been around a while, to explain that process to make sure that...because it was implied to me at times that there was almost an effort to suppress that application or not put as much attention to it. I think it is important to state that process and just make sure that the public is aware of what that looks like.

Mr. Fletcher said I was asked yesterday afternoon to put a slide together to do almost exactly that for City Council last night. Which was more of a more of an explanation of how does one initiate a rezoning, how do they go about doing it, what are the timelines, how does the information get shared with the public. I do not know how long I talked, I tend to talk long, but five to ten minutes of that explanation and going through those steps. If that is something that you would

actually like maybe Thanh to do at a future meeting that that can be done. Were you wanting that to happen like right this minute?

Commissioner Porter said just a brief I think would be helpful and just for the record more than anything because again some of the things that I was hearing were mildly concerning. I think that it is important that the community understand our role and what we can do and cannot do. But also what the applicants are required to do and what that communication process would look like within the law. Applicants can choose to be much more vocal or much more engaged. Some are very engaged and reach out to the neighbors and are very engaged in the process and some are less so. Just understanding what those minimum obligations are and how that process looks I think would be helpful just for the record.

Ms. Dang said Mr. Fletcher, do you want to pull up the PowerPoint? I am happy to go through it or you can.

Mr. Fletcher said I was going to say if you want to show them the screen we can do that. I have it on mine [referring to his laptop] but if you want to pull it up that is fine.

Commissioner Porter said I appreciate you indulging the request. Thank you.

Mr. Fletcher said not a problem. If you do not do it all the time, if you are not a developer or an engineer or an attorney or somebody that doesn't do it all the time or you do not know the process. I am sure, you know, there is concern there about not understanding the process. I can fully appreciate wanting to know. [Referring to the powerpoint slides] This is not really a timeline but sort of a step by step of what happens. You begin the process with communicating with staff. It can be you stop in the office, you call us, or you e-mail us and we just kind of talk on the phone. There is usually like "hey, we would like to request a meeting." Many times, especially if it is somebody who has gone through it before, will say to Thanh, "hey, could we meet with just you or could we meet with you and your planning staff?" Maybe for some reason they want me in the meeting. It could be that they are basically just saying let us just have a sit-down meeting, we have this idea and the zoning of the property is not the way we need it, we have a particular use. There is some reason that the zoning of the property they are interested in developing on or having a particular use on does not work for them. They just engage to us "hey, tell us what you think. Are we way off the mark here? Is this in line with Comprehensive Plan ?" and you know we get those very challenging questions usually right up front. People want certainty and they challenge us. They are like "hey, what do you think?" and we are not going to just say "oh, we are going to support this," or "we are going to recommend denial." The things that we try to be helpful for we will say well you know what might be to your favor is your request does line up with the Land Use Guide. Your particular use does seem to speak to the ideals of that particular land use category or if it does not we may say this could be tricky, you might have an uphill battle. There are reasons why you know we have this area planned or this corridor of a street planned a certain way. Your ideas might not line up perfectly but of course we will entertain any application you want to put before staff. We have these sort of impromptu

conversations or maybe more official meetings to sit down with folks. When they are telling us this there is no timeline. They do not have to say now that we have asked this question we have to act in a certain time period. Sometimes we hear from them the very next day or the next week or months or years or we just never hear this idea ever again, it just goes nowhere. If they do decide to move forward, then there is an official pre-application meeting. Thanh and the planning staff have set meetings that occur on the second and fourth Thursday of every month. There are time periods allotted in the afternoon and the people that are applying for that request are giving staff a narrative description or conceptual layout or whatever they have available to help describe to other staff members what it is they want to do so that when we go into this meeting, we try to get it ahead of time. Is it like a week ahead of time that you are getting this information together?

Ms. Dang said that is correct.

Mr. Fletcher said so that planning staff along with all these other staff members... we have Planning and Zoning Engineering, Public Works, Public Utilities, the Fire Department, Harrisonburg Electric Commission, the Housing Coordinator. Then Building Inspections and Harrisonburg Department of Public Transportation (HDPT), they seem to be there more often than not anymore. They used to be this sort of like "oh if you are ready to talk about building code matters, let us know we will get the Building Official there." Or if you are ready to talk about bigger picture issues regarding transportation, we will have HDPT there. We are talking about do you need a Traffic Impact Analysis (TIA). If you need a TIA then you have to have it completed before you can submit a rezoning application. We are not perfect, we are trying to anticipate what the community might be concerned about. We might say "oh goodness, this is going to be contentious, you really need to reach out to the community." Because we meet the minimum state requirements. We do not want to be arbitrary in who we are trying to inform in neighborhoods. We do what the State tells us we have to do. We will say "hey you really might want to just literally go out and communicate with people on the street or in the adjacent neighborhood or if there is some way that you know a group that can get you connected to people." If they are well known neighborhoods that we have at least had interactions with we will offer suggestions and we will say "oh, you are in that neighborhood you know who you might try to contact this person and they might be able to help you but you have to do it on your own." There is this sort of tug and pull when that does happen if they actually do engage the community that we will get invited. We have struggled with whether or not staff should really be there because it starts to create a different environment and we have chosen that no, we really should not be there. Let us let you engage the community and then we will continue with our typical process. All of these things are happening at this pre-application meeting. We are having these discussions with them and again there is no timeline and it is entirely up to them whether they want to come back to us with further questions or more information to understand the complexities with a particular site.

If it is a brand new development you usually have situations where an individual is in contract to buy property only if they get the special use permit or the rezoning or whatever it is [approved].

The contract purchaser says “yep we are entering into a contract and we are going to move forward and then that is when they either want to engage with us again and say “hey, we have refined our idea a little bit more. Now what do you think? What concerns do you see? What improvement can we make?” then we start that iteration again. They at this time if they are required to do a TIA or they are submitting a document that says here is what our use is, here is the reason we do not have to do the TIA. It is a TIA determination [form] that they communicate with the Department of Public Works. They will run the calculations and if they hit the threshold, which is a hundred vehicle trips in the AM or PM peak hour. Then staff can say “okay, yes you do have to do a TIA or maybe an abbreviated or modified TIA.” Maybe it is just turning movements or sight distance issues, then they will start that process. A TIA can take quite some time. It can be quite expensive but they are going through that process. You are hiring a traffic engineer essentially and then there is a whole process of how you go through a TIA, a pre-scoping meeting with staff. One of us is usually in the meeting and we are working with Public Works, HDPT is there at times.

Ms. Dang said and sometimes VDOT [Virginia Department of Transportation]

Mr. Fletcher said VDOT is there depending upon whether or not we are impacting streets that VDOT maintains. That begins that process. Again, no timeline but in our experience, usually when you are starting to do a TIA you are wanting to keep moving because it is expensive and it takes time and you are on the clock for your own contract to buy property. Know that the TIA has to be “accepted.” Accepted is there in quotes by Public Works because they are not approving your TIA. What they are doing is they are accepting that you modeled the traffic impact as best practice based upon the ITE manual. It is the [Institute of] Traffic Engineer’s Trip Generation Manual. It is a manual that describes a bunch of different things, which includes different types of uses. It could be like a high turnover restaurant or like a higher end restaurant with or without drive throughs, is it a coffee shop? Is it a donut shop? Then it is giving you calculation rates based upon employees or square footage of the building. It is Public Works saying you did what you were supposed to do and we have accepted your study as complete and we have accepted what the mitigations, if there were any, that were recommended out of the Traffic Impact Analysis. Then they can submit their rezoning application because we do not want to start reviewing a project and then already have questions about traffic. We want to know what those results are before we even start to get into the official review. They submit their rezoning application and that is when the timeline begins as to when we have to meet certain scheduled timings for public notices and all of that kind of stuff. We are pretty efficient. It takes three months from the time you are submitting, presuming it is at the deadline time period, to get through the staff review, the Planning Commission review and then City Council’s approval if you get that far.

Ms. Dang said I will add that with the TIA is studying what we call a no build condition. It is like this is the traffic in this vicinity if this development does not build with the background growth. Then it plugs in that development with all of those uses that Mr. Fletcher had described and



projects what the additional traffic is for that development and then it determines what intersections or what parts of the roadway breaks or gets significant delays. Then from that is where the mitigations come. So how do we make the traffic have a better level of service so that traffic can move more smoothly and efficiently? The TIA will make recommendations of with this development and background growth, these are the additional turn lanes or new traffic signals or whatever it is that would help make the traffic not get worse.

Mr. Fletcher said it is adjusting time and sequences of lights or additional lane widths or turning lanes or deceleration lanes. There are so many different things that could be proposed to be mitigated to get the level of service you need to have.

Councilmember Dent said one of the things that came up with The Link last night and that we have talked about here before in Planning Commission was the three intersections on Main Street where there is a failed level of service. The Paul Street extension could potentially mitigate the Grattan [Street] cut through, which had a failed level of service. It does not touch the Martin Luther King Jr. Way and Grace Street [intersection]. That was a level of service that reminded me.

Mr. Fletcher said they may have to go out and get traffic counts or if our Public Works Department has received traffic counts recently, depending upon the time, that they could use those traffic counts. We also only allow them to do the [traffic counts] during the time period in which James Madison University (JMU) is here. We do not count them over Christmas break and we do not do it over the summer.

Ms. Dang said not during move in week or finals week.

Mr. Fletcher said whatever normal is during the semester is when we have people do those analysis. I have even told people standing at the front counter when they are asking these questions, you either start now or you are going to have to wait four months.

Chair Baugh said if they are meeting with you in May then you are really not going to start until September some time.

Mr. Fletcher said you got it. Also know that TIAs do not give mitigations about whether a use or certain entrance should not be here or here. The TIA is reacting to what the human told the software to react to. It is not saying do not put that use there. It is saying if you put this use here and this entrance here and this entrance here, this is what will happen to the traffic. It is not like the TIA failed, do not approve this, that is not what it does. It is really remarkable. If you have ever seen it, it is like watching a video game. You have the intersections and the little black dots that are representing the vehicles and so fourth. Thanh knows more about it than I do but it is quite fascinating. The document that you end up with is very technical. It is a 200-page document and if you want to get interested in it, by all means.

Commissioner Seitz said I want to go back to make sure I heard something right, particularly to Commissioner Porter's question. In the preapplication meeting, you try to proactively for lack of a better term, warn the applicant what the degree of public reaction might be and even go so far as to suggest people to talk to. It is at the applicant's discretion whether they want to do that.

Mr. Fletcher said that is correct.

Commissioner Seitz said statutory requirements for public notification...

Mr. Fletcher said I will get there.

Commissioner Seitz said another situation in town had this conversation with somebody about expressing the same kind of concerns that showed up in your thing.

Mr. Fletcher said I also want to point out that at any of this stage, anybody can know what we know if we have the information. They just have to know to ask. You have to balance the respect for both the private property owner and anybody who is asking about what people want to know. There is competition out there, if you have two different property owners looking to do a very similar development, they want to know what else is going on. The other people want to know what else is going on, but they do not want each other to know that they are actually going for a particular project. Anybody who is interested in their neighborhood, or in the City in general, want to know what is going on I always just say just call and ask. We respond to Freedom of Information Act (FOIA) requests and all that kind of stuff, we are as open as we can be. Once an application is officially submitted that is when it is very clear that anybody who wants to know can get copies of everything and all that kind of stuff. We have all been in meetings where you are looking at a physically printed out thing and they are like keep this and if you think of something let us know. I am like well I will, but if you do not want anybody to see this layout, then do not leave it with me. If it is in my possession and someone wants to see it, they can see it.

Ms. Dang said if I may add a different perspective. It is hard for me to imagine that we would have a list to communicate with the public about every time somebody asks us a question about purchasing, building on, or buying or leasing a property. As Mr. Fletcher said with the no timeline comment, it could be weeks, years or they never come back. We have a lot of conversations with different people and we do not know that it is moving forward until it actually becomes a formal submittal. Maybe at the TIA is when we are like okay, they are really putting some money into that. We have some confidence that they are likely to move forward with the rezoning. Prior to that point, it is hard to tell.

Mr. Fletcher said that is a good point. The TIA is really kind of a major point because that is public information as well. That is really facilitated out of the Department of Public Works. We are involved but it is more on their side of things and we are always kept in the loop about what is going on because we are in those [TIA] pre-scoping meetings. Once an application is submitted, however, then it is like we are on this official timeline. We are sending the application

out to all of the same groups of people and departments that we did at the pre-application stage but then we are also including folks like Mr. Russ, Economic Development, the Shenandoah Valley Electric Cooperative because they have infrastructure in the City, Verizon, Columbia Gas, Harrisonburg City Public Schools and Rockingham County. The Commonwealth requires us to give official public notice to Rockingham County when a request is within a half-mile of City limits. We are sending it to administration at Rockingham County that a rezoning is occurring. Every single month we send our application materials to Rockingham County's Community Development Department and they do the same to us so that we are sharing information and we know what is going regardless of it is that half-mile or not. They are getting comments back to us and then we are collecting comments to then distribute them to the applicant.

Thanh has probably heard me say this so many times and I did say it last night, I have this vision in my head where we are like a bike wheel and Community Development is the center of the bike and then we have all of these spokes that go out to all of the different departments and we are feeding information back and forth to keep the bike moving forward. It is not that we have all of the answers, but we rely on everybody, and all of the spokes, to make sure that we are sharing the information appropriately. It does all get funneled back to us. We are the keepers of the comments. We are sharing them with the applicant. This is all public information too so if you want to know what the Fire Department is saying, all of that is public information and then we are sharing that with the applicant to make whatever changes are necessary. We are talking in more detail about probably what we talked about at the pre-application stage but at this point we know more. Then we are sharing more information like what are the issues we might have with the site layout? Are there water and sewer pressure issues? Is the available fire flow matching the needed fire flow? Do you have to change your construction materials if this thing gets approved? What are the entrances? What is the stormwater management situation? It is not that they are figuring it out at that stage, we are saying "hey, if you get this rezoning approved and you get this development approved, these are the things you ultimately have to comply with. So, you better accommodate it now, think about it, make sure you are laying out your site appropriately and not overcommitting your density counts or how big or tall your building is going to be or any of those matters." This all kind of fits into the bigger picture of when we are writing the staff reports. This is also when we are more formally giving suggested proffers. As you all know, we cannot require people to proffer details of a property or a rezoning. We are giving them suggestions "hey, it might help your application if you proffer this improvement. Or you might consider removing these uses because while you are rezoning to this category these other uses that might be a little bit more intense is not really in line with what we are hoping to see in this particular corridor on the street." They will give consideration to that. We have had people take the suggestion, we have had people not take the suggestion and then we just go with what the application ultimately is. At this stage, kind of like what Thanh was saying tonight, we will have applicants that are like "you know what, all of these comments we hear you and we actually need more time." They delay their application at that point. Kind of like what Anicira did last month. They delayed their application because they are like "nope, we are not ready. We see all of your

comments, let us figure this out and come back next month.” That is the time they would do it because they are not expending the money to advertise. Which is the next step which is then when we give public notice. This is when people are finding out more publicly.

Councilmember Dent said as long as that is still within the three months to the Council meeting?

Mr. Fletcher said we are in the first month so we are in the staff review period. We give adjoining property owner notifications and that is set by State Law. We have to give all properties that are adjacent to the property which includes across the street. I would dare say that we literally apply this idea if it is like “where is that property line? Is it adjacent or is it not adjacent?” we are like include it so that we are covered. So that we do not miss somebody that should have been notified. We are giving those notifications, those are sent by mail.

Commissioner Porter said that occurred in the case of The Link?

Mr. Fletcher said yes absolutely.

Chair Baugh said no one who lives in Old Town behind the commercial here are adjoining property owners.

Councilmember Dent said you do have across the street but those are businesses across the street.

Mr. Fletcher said there are probably some properties across Liberty Street. I will tell you Mr. Porter, thank you for your question, I am meant to be like oh absolutely, we do it. We have caught our own errors and we have stopped our own process and we have eaten the cost. If there is ever a time that we were like “oh no we missed a deadline” or we did not give property owner’s notification, we stop it ourselves. We pause it, we inform the applicant this was our mistake, we do the correct advertisement or give adjoining property owner notifications and we reset the clock and we eat that cost. The application that people are filling out and then submitting fees for is covering the cost in the newspaper basically and then we end up doing that ourselves. It has happened very few times. I am very proud that we have been able to keep this efficient and be effective with it because it does not happen very often that anything like that happens. We have to advertise in newspaper. We advertise on our public hearing website and then we post signs on the property. Correct me if I am wrong, we do that in our own ordinance that we require posting of the property but it is not required by the state.

Ms. Dang said that is correct. If I may also add, the thing about the website is that it is the public notice that is posted on the website and not the application. The public notice says that if you want a copy of the application, come and contact staff. Part of the reason why, I am open to feedback too, is that application is still evolving so we do not post it on the website. We will give people the application in its current form at that time of the request. We advise them to check back with us at this other date when we expect the next submittal.

Mr. Fletcher said people come into the office and they will say can I get a copy of this, this, and this and we are like yup, here you go. We will say “we are still working on this and it will not be

until the Friday before the Planning Commission meeting that everything is finalized. I may not remember to call you back why do you call us on this date to get the most up to date. Or you can sign up to receive the agenda notification.”

Commissioner Porter said if I see one of those zoning signs in an area that would concern me, or I have an affinity for the Lindsey property, and could have walked over, scanned a QR code and gotten the information.

Mr. Fletcher said correct, the public notice. It would have given you the public notice and phone number to call.

Ms. Dang said the QR code goes to the webpage where City Council, BZA and Planning Commission’s public hearing notices are posted.

Mr. Fletcher said is our phone number on the sign?

Ms. Dang said that is correct, and our address as well for this building.

Mr. Fletcher said the QR code is an advancement, but it did not always exist on the sign. Our signs were not as fancy as they have been as recently.

Then the next thing is, now we are writing the staff report. This is where we are officially [evaluating] what are the pros and cons of the request? Although we have been doing this off of the application. I am trying to think of a perfect request, there is always pros and cons and trying to weigh those. If it is just saying what plans support this request and it is just not just the Comprehensive Plan, it is the Bicycle Pedestrian Plan, the Downtown 2040 Plan. We are relying on so many other staff members as well. Public Works has their own plans and documents and we are receiving feedback from them. We are asking ourselves are these aligning with our plans and then we provide that recommendation to you all. From there you know what happens. Planning Commission, you all make a voting recommendation based upon the motion that was made and then it goes to City Council. Then there is the first reading which is a slightly condensed version of the presentation that you all see is presented to City Council and then they vote or table or ask for more information. Then there is the second reading. It is a place on consent agenda. I think in my time with the City, I bet it has only happened two or three times, that an item was taken off of the consent agenda and discussed more. I could be wrong about that, but it is a handful of times.

Commissioner Porter said the Comprehensive Plan is also available publicly, correct?

Mr. Fletcher said yes sir.

Commissioner Porter said I appreciate you going through this process. I think it is extremely important that the community understands that there is significant process. That there is a high level of transparency. Again, the applicant’s decision to reach out or not reach out to a certain level or degree is really incumbent upon that individual or organization or that attorney who is

representing that property owner, not necessarily the City. They have State Laws they have to comply with. The City has State Laws that we have to comply with in terms of these notifications and those are consistently followed.

Commissioner Alsindi said thank you Commissioner Porter for bringing up this issue. Mr. Fletcher, is this a timeline or more of a process?

Mr. Fletcher said it is both. The bottom half of the screen here is more like methodical step by step in a monthly fashion. There are certain days of the week our staff knows notifications have to go out today, have to be in the mail, have to be at Daily News-Record.

Ms. Dang said [referring to the screen] in that second row, the first four boxes there are all in the first month. Then it is Planning Commission the second month and then City Council's the third month. That is how we describe it to people.

Commissioner Alsindi said all of us know that public participation is critically the spine of every plan. Is this going to be...to make it more effective public participation... it is probably going to even have benefit for public hearings. Is this going to be on the website? Could this be at some point be more electronic? People can find out at what stage has now been progressed for both equally for applicants and the public. People are more into the electronics.

Mr. Fletcher said internally we were challenging ourselves to come up with flowcharts for the many different processes that we have. That has been an idea for many years and it always gets bogged down because they are so detailed and there are so many what ifs. Literally on my desk there are drafts of different iterations from different processes. I chuckle to myself saying we have been working on this for so long and this is not that [referring to the screen] but it is a visual that helps people a little bit. We could probably make this much more official looking and put it on the website to help people if they are visual. This is what was discussed last night.

Councilmember Dent said I think that was much appreciated.

Commissioner Kettler said the point where I think a lot of folks might not have been as informed about this as they might otherwise have been have been is the adjacency thing. I am comparing with Bluestone Town Center which is over a huge geographic area. Where obviously a lot of residences are clearly aware of that. This is a small geographic area. Were there any residences adjacent?

Mr. Fletcher said across Liberty Street there were some.

Chair Baugh said most of them are owned by the Baptist Church.

Mr. Fletcher said remember that we are sending these to the listed property owner on the tax card. If you are in an apartment building, it does not go to the residents in that apartment building. That is unfortunate. We are meeting the State Code minimums. There is also a sign across the street.

Chair Baugh said I am going to throw this out there that I think this quietly had more impact on it, it is not something we effect directly. This is one that has come up when it is and maybe we are going to see more of this before we see less, it reflects the current media environment. There was a time not that long ago when you had a local print media person who covered local government as a regular beat who would physically be here at these meetings who would be reviewing the things on the Friday when it came out. The local television station would do the same thing. At times, we have had some local alternative media that was very engaged. We are at a lull in all of those things right now. I totally get it that if you are just a regular member of the community who hears about this and does not like it, you know you did not get enough notice about it and you think it should have been at least 90 days more than you got. I think there is a hole there and this one was until we acted on it and local media then picked it up, it was off the radar.

Commissioner Seitz said I think a minimal amount of civic involvement on any number of fronts be it the 2040 [Downtown] Plan, the Build Our Park, be it anything else, anybody around those issues knew that the Lindsey Property was for sale. It is not a big leap to think that is a prime property and something significant is going to happen there. I say that from the sense of I think city staff within this framework does a good of advocating for the public to the applicant, they have followed the requirements for notification. I think if you live in the City you have a responsibility to be aware of what is going on around you. I am not saying there could not have been something else done. I am not saying that there could not have been something else done. I do not know what effort the applicant made in the early stages of this. I have been apart of conversations and granted I am architect, I work in town, I have been involved in the Build Our Park, I have been involved in the [Downtown] 2040 Plan, and I have been involved in Harrisonburg Downtown Renaissance [HDR] but what is going happen to the Lindsey Property has been a topic of conversation for a long time.

Chair Baugh said I may be more philosophical about it than you are. The issue of what people should do about reviewing zoning and planning and what a normal person is likely to do. With that I will also throw in, this has been in the Land Use Guide as extension of the core downtown since 2011. There is an element of it. You get the reaction to it, but you have also got a building that is coming in where the planning kind of greased the skids for it fourteen years ago. Despite what you think about the height, it is not asking for a variance on height. I was thinking that maybe somewhere in there was a height limitation City wide that we got rid of.

Mr. Fletcher said the other point I wanted to make was that to be fair, it is not in every pre-application meeting or every application that we tell an applicant you have to communicate with your adjacent property owners. I doubt we suggested for the gentleman this evening to talk to his neighbors about getting a special use permit for a food truck. It is the ones we are trying to use our best judgement to say "this is going to get people interested, you better talk to your neighbors. You better go out into the community."

Commissioner Porter said thank you very much for the amount of time you have put into the process of explaining this but also I think it is vitally important that the community understands the amount of engagement that city staff has with this process and the level of transparency and protocol that is put in place that is not our choice as a community and is set forth by State Law. We comply with those laws as a community. I think that bared being set this evening just based on a lot of the reaction I have heard since the last Planning Commission meeting and related to the comments last night.

Mr. Fletcher said in [referring to Chair Baugh's building height comment] 1987 it was 75 feet.

Commissioner Porter said I also urge the community to get our Comprehensive Plan. It is very clear that density was something that we were planning for and hoping for in that area. Density was coming. If you have an interest in the community of wanting to understand the direction of the City is likely to go, the Comprehensive Plan is an outstanding document to do that in. That was a very exhaustive process that had a lot of community engagement in it that lead to that plan. I think it is encouraging that we have a document like that and the community to access it.

Councilmember Dent said we know also that we are also overdue for a renovation of the Comprehensive Plan. It is supposed to be every five years and now it is seven.

Ms. Dang said Planning Commission revisits and makes a decision on updating it every five years.

Councilmember Dent said we have decided to do the zoning reform first and that has been on hold in fits and starts for a while. If we have to do the zoning reform and then the Comprehensive Plan is that much more out of date to the point that we are going more or less in the direction of more density. Sometimes I have heard people say "oh you cannot do that it is not in Comprehensive Plan." I will say that the Comprehensive Plan is out of date, and we know what direction we want to go in. It is not a hard and fast rule, it is a guideline that evolves over time.

Chair Baugh said most of the principals go back to the 2004 Comprehensive Plan. At least for it first being articulated. The flip side of what you are saying Commissioner Porter is if you do not like what is in the Comprehensive Plan, then that is something to talk about. Whether it is getting engaged in the next writing or if that is not able to happen, maybe that is something that can come forward. We do use this as a guide. Some of these principals we are talking about is not something that somebody just invented out a whole cloth to grease the skids for a particular proposal. The idea of promoting density in the urban core, that has been around for 20 years.

Mr. Fletcher said Mr. Porter you said there was a lot of involvement in the last Comprehensive Plan and I believe that we did have a good number, but there is never enough. I was just showing Mr. Russ, there was no building height and story maximum for people in 1976.



Commissioner Seitz said to what extent is the [Downtown] 2040 Plan part of the official consideration relative to recommendations and actions by the Council? Obviously, the role of the Comprehensive Plan, there is precedent for how that is considered and so forth. Where does the [Downtown] 2040 Plan weigh into all of that? That document came out with a set of recommendations and was underpinned by a set of assumptions about how Downtown Harrisonburg should develop. I have never done a side by side between that and the Comprehensive Plan to see where they may butt heads. There was a fairly significant and well orchestrated set of community participation in that as well too. As I was reading the minutes from Mr. Rhea's presentation last time, they made reference to this being in line with that too.

Mr. Fletcher said it totally was. We recognized where we knew there was potential for redevelopment and have been pushing for redevelopment for quite some time.

Ms. Dang said Mr. Rhea did make that point in his presentation, but it was in the staff report as well.

Mr. Fletcher said we were just drawing on that. We are asking what did that plan say?

Commissioner Porter said my recollection is he did make a comment that it is consistent with the [Downtown] 2040 Plan.

Mr. Fletcher said he did, it was in his materials as well.

Chair Baugh said my experience is staff reviewing it saw a discrepancy between the [Downtown] 2040 Plan and the Comprehensive Plan, that would be in the report.

Commissioner Kettler said I just want to briefly echo, 2018 is an excellent Comprehensive Plan but quite a lot has changed since then. Among the various document we have discussed, there is the Housing Study, the Environmental Action Plan, Downtown 2040 Plan and then there is just the facts on the ground changing in terms of housing costs after COVID going up drastically.

The meeting adjourned at 7:43 PM.

---

Richard Baugh, Chair

---

Anastasia Montigney, Secretary