

MINUTES OF HARRISONBURG PLANNING COMMISSION

February 8, 2023

The Harrisonburg Planning Commission held its regular meeting on Wednesday, February 8, 2023, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Brent Finnegan; Adriel Byrd; Jim Orndoff; Vice-Mayor Laura Dent; Dr. Donna Armstrong; Richard Baugh; and Valerie Washington.

Also present: Thanh Dang, Assistant Director of Community Development; Adam Fletcher, Director of Community Development; Wesley Russ, Assistant City Attorney; and Nyrma Soffel, Office Manager/Secretary.

Chair Finnegan called the meeting to order and said that there was a quorum with all members present.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the January 11, 2023, Planning Commission minutes.

Commissioner Byrd moved to approve the minutes.

Commissioner Orndoff seconded the motion.

Five members voted in favor of approving the January 11, 2023, Planning Commission minutes. Vice-Mayor Dent and Commissioner Baugh abstaining.

New Business – Public Hearings

Consider a request from City of Harrisonburg for a special use permit to allow public uses which deviate from the requirements of the Zoning Ordinance

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the Comprehensive Plan designates this site as Governmental/Quasi-Governmental. These lands include properties owned or leased by the City of Harrisonburg, the Commonwealth of Virginia, the federal government, and other governmental /quasi-governmental organizations. Examples of entities included in this category are City Hall, City administrative and support facilities, Harrisonburg City Public Schools, James Madison University, Rockingham County Administrative Offices, Rockingham County Public Schools, and the Massanutten Regional Library. Properties within this designation may already include uses supplied by the entities mentioned or are planned to be used by such public entities for any type of uses necessary for their services. Some Governmental/Quasi-Governmental uses, such as James Madison University, other state agencies, and the federal government are not subject to some of the City's land use regulations. City parks are included in the Conservation, Recreation, and Open Space Category. Furthermore, it should be understood that properties that are owned or leased by the

City, which may not be designated as Governmental/Quasi-Governmental by the Land Use Guide, may be developed with public uses, as defined by the Zoning Ordinance, to operate and provide services supplied by the City in any zoning district, which as of the approval of this document, is every zoning district in the City.

The following land uses are located on and adjacent to the property:

- Site: Department of Public Works facilities, zoned M-1
- North: Concrete manufacturing and storage yard, zoned M-1
- East: Across Beery Road, Single-family detached dwelling, zoned M-1, and Sentara RMH Wellness Center, zoned B-2C
- South: Department of Public Utilities facilities, zoned M-1
- West: Across the Norfolk Southern Railroad, self-storage facility, zoned M-1

The City of Harrisonburg Department of Public Works is planning for the construction of a new Public Works Administration Building and is requesting a special use permit that would allow public uses to deviate from the requirements of the Zoning Ordinance (ZO). Specifically, the City is requesting to deviate from the required number of off-street parking spaces and to deviate from the requirements to provide either a parking lot landscaping border that is at least 10 feet wide or a fence that is at least 3 feet in height.

As explained in the application materials, the property would include Public Works operations, Fire training, and Police operations. The ZO requires 152 off-street parking spaces based on current plans. The Department of Public Works believes that providing 110 off-street parking spaces is “sufficient to meet the needs of the operations located at the subject property.”

The City is also requesting to deviate from the ZO’s parking lot landscaping regulations that requires either a 10-foot wide landscaping buffer or a wall or fence of at least 3 feet in height when a parking lot is located along a side property line. Specifically, the City is requesting to deviate from this requirement near the southwestern corner of the building and along the length of the drive aisle/ramp extending from the building. The application materials explain that if the City were to add a 10-foot wide landscape border in this area, the building would be forced into the floodway or the building footprint would have to be modified “to a point that may limit the ability for the building to be placed in the proposed location.” The property also shares a property line with the Norfolk Southern railroad. At this time, the need to deviate from the parking lot landscaping border and fence requirement has only been identified next to the walkway on the western side of the vehicular ramp; however, since the project is still in design, the City is requesting for the ability to deviate from the parking lot landscaping border and fence requirement along the entire length of the vehicular ramp as identified in the attached layout.

Staff believes that both the request to deviate from minimum parking requirements and the specified landscaping standards do not adversely impact the surrounding properties and recommends approval of the special use permit with the following conditions:

1. The site is required to provide at least 110 off-street parking spaces or shall comply with the Zoning Ordinance’s off-street parking requirements, whichever is less.

2. The site may deviate from Section 10-3-30.1 (2) for the new Public Works Administration Building in the area generally illustrated in the submitted application.

Chair Finnegan asked if there were any questions for staff.

Commissioner Byrd asked does Norfolk Southern Railway own the strip for the railroad? I noticed on most of these maps that area is in white. Is that because they own the space around the rails?

Ms. Rupkey said yes.

Vice Mayor Dent said the premise is to move the building up and out of the floodway. What mitigations are being done because the parking is in the floodway? Is it going to be raised? Is there a danger to the cars?

Ms. Dang said no. The parking will be at grade, whatever the newly established grade is. There is no requirement from the floodplain regulations to raise a parking lot above the one-foot base flood elevation that you might hear us talk about with buildings.

Vice Mayor Dent asked would that be a danger of damage to people's vehicles in the event of a flood?

Mr. Fletcher said the floodway is often downtown, those areas around Blacks Run. The floodway is in an area where you can park. Vehicles are not considered structures.

Ms. Dang said, having worked at Public Works, the few times where it has rained a lot, they will move equipment out of the floodway.

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

Chair Finnegan said I think this is a long overdue request. This is something that the City has been talking about doing for at least a decade. It has been in the CIP. It is a facility that is long overdue for an upgrade. I support this request.

Commissioner Byrd said I see no issue with changing the variance to enable the new building to be constructed close to the rails and farther away from the floodplain area.

Vice Mayor Dent said I am excited that the Public Works building is finally coming to fruition.

Commissioner Armstrong made a motion to recommend approval of the request, as presented.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on March 14, 2023.

Consider a request from 251 Garbers Church Farm LLC to rezone 251 Garbers Church Road

Commissioner Baugh said the Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I choose not to participate. Therefore, I make the following disclosure I choose not to participate in this matter due to ethical requirements to which I have to adhere as a member of the Virginia State Bar.

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the following land uses are located on and adjacent to the property:

- Site: Vacant, zoned R-1
- North: Single-family detached dwellings, zoned R-1
- East: Across Garbers Church Road, single family detached dwellings, zoned R-1
- South: Single-family detached dwellings, zoned R-1
- West: Single-family detached dwellings, zoned R-1

The applicant is requesting to rezone a +/- 3.77 acre site from R-1, Single-Family Residential District to R-8C, High Density Residential District Conditional. The R-8 zoning is intended for medium- to high-density residential together with certain governmental, educational, religious, recreational, and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. The conceptual layout shows 27 single-family homes with a density of just over 7 dwelling units per acre.

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

1. Duplexes are prohibited.
2. All single family detached home parcels bordering the western and southwestern property boundary shall be a minimum of 5,000 square feet in area. Such lots shall have 10-foot side yard setbacks and 25-foot rear yard setbacks.
3. The development shall provide at least one common, open space area totaling 2,000 square feet in size.
4. At least two 5-ft. wide sidewalk connections shall be provided that connects the internal sidewalk system with the City's sidewalk along Garbers Church Road.

5. 10 large deciduous trees, 2 inch in caliper and ten feet in height at the time of planting, shall be planted and maintained along the Garbers Church Road frontage.
6. Only one full access street connection is allowed on Garbers Church Road at a location acceptable to the Department of Public Works. If a second street connection is allowed by the Department of Public Works, it shall be limited to right in/right out only.

Note that the submitted conceptual layout is not proffered.

In R-8 zoning, duplexes are allowed by right, however, the applicant has prohibited duplexes on this property to be consistent with adjacent uses. The applicant has also proffered that the single-family detached dwelling parcels bordering the western and the southwestern boundaries shall be a minimum of 5,000 square feet and shall have minimum side setbacks of 10 feet and minimum rear yard setbacks of 25 feet, which mimic the R-1 side and rear yard setback regulations, in order to create a transition from the larger lots of the adjacent neighborhood. All other lots within this development would meet the minimum dimensional requirements allowed by the R-8 district.

The applicant proposes to provide a private street, thus if the rezoning is approved, at some point the developer must complete a preliminary subdivision plat, where, among other things, they must request a variance from the Subdivision Ordinance to allow lots to not have public street frontage. During the preliminary plat process, the developer could also request other variances of the Subdivision Ordinance or Design and Construction Standards Manual (DCSM) that might be needed to build the project.

The Comprehensive Plan designates this area as Low Density Residential. These areas consist of single family detached dwellings in and around well-established neighborhoods with a target density of about 4 dwelling units per acres. Low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

As previously stated, the conceptual layout shows 27 single-family homes with a density of just over 7 dwelling units per acre. When comparing the planned density of the Low Density Residential designation to the proposed development, while subjective, the proposed density of 7 units per acre for the project could be considered “about 4 dwelling units per acre.” Additionally, the applicant has proffered to construct only single-family detached dwellings, which is the same dwelling types of surrounding properties.

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 will not generate 100 or more peak hour trips, which is the threshold for the City to require a Traffic Impact Analysis (TIA).

The Department of Public Utilities noted they have confidence in the existing water infrastructure to support the more intense use. They also noted they recently studied the downstream sewer and

estimates that it is adequate to support the increased density. As part of the normal development process the developer will ultimately be required to provide a Preliminary Engineering Report to study the water and sewer capacity to support the development.

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

Per Harrisonburg City Public Schools' (HCPS) student generation factor calculator, 27 single family detached homes could generate about 10 school-aged students. HCPS staff noted that schools are over capacity in many of the schools. The new Rocktown High School is under construction and purchasing land for a new 7th elementary school is planned in the City's Capital Improvement Program (CIP).

Staff appreciates the efforts the applicant is making to provide more single-family detached homes that could be "more affordable" for people who want to reside in the City. Such efforts are associated with Objectives 4.3, 5.2, and 6.2 of the Comprehensive Plan. Overall, staff believes the rezoning is in conformance with the Comprehensive Plan and recommends approval the rezoning and accepting the proffers provided by the applicant.

Ms. Dang said that we received some public comments recently, which have been emailed to you and printed copies have been placed in front of you.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent said I want to make sure I understand. The applicant is proffering only one full-access entrance, and if approved by Public Works, a second entrance that is right-in, right-out. That second entrance may or may not happened depending on Public Works?

Ms. Dang said correct.

Commissioner Armstrong asked are these all for sale?

Ms. Rupkey said that is my understanding.

Chair Finnegan said we can ask the applicant.

Commissioner Byrd asked what is the height of the R-1 houses surrounding the property?

Ms. Dang said 35 feet, and three stories.

Mr. Fletcher said the maximum allowed is 35 feet. Whether or not they reach that maximum height would have to be researched. The maximum allowed in R-1 is 35.

Vice Mayor Dent asked there is a request for a height of 40 feet? Is that right?

Mr. Fletcher said 40 is allowed by-right in R-8.

Vice Mayor Dent asked what is the difference between 35 and 40 in practical terms? Could that allow another story?

Mr. Fletcher said typically not. Generally speaking, heights of floors or stories can range between eight and 12 feet. It has to do with the architectural design. Minimum height of floor to ceiling is seven feet, six inches. A five foot difference in height is not going to get you an additional story. That height perspective is a number of stories. If you grade in a certain way and do walk-out basements and so forth, you might be able to attain an additional story. The R-8 allows a maximum of three stories. The limitations are similar to R-1. You just get five feet additional height. I guess it would be a question for the applicant. What is the purpose of the extra height.

Ms. Dang said it is that the R-8 zoning district allows, by-right, up to three stories up to 40 feet in height.

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

Joel Wolters, 251 Garbers Church Farm LLC, came forward in support of his request. This is my project. The property is zoned R-1, which allows four houses per acre. It allows for 15 houses as it is. We are asking for 27, which is an increase of 12 dwellings. I understand it is an R-1 long-standing neighborhood. I increased the sizes of southwestern pieces of properties and mimicked the setbacks of the R-1 neighborhood, so that the spacing in between the houses would match the neighborhood nearby. We also have stormwater management. There is a large piece of land that is going to space things out as well. We gave the greenspace in the center to help space things out at the same time. The goal behind the project is to build smaller, more affordable homes than the three or four story, three or four thousand square foot homes that are very costly. With the smaller lot size, that is going to allow us to do that. A smaller chunk of land keeps the cost down. It is R-1, so if it does not get rezoned to R-8, we are going to come back with an R-1 subdivision application. We are going to have to build bigger houses to make the project work. I think that the smaller, around 1700 square foot, houses fit into people's budget. When you look at the seven or eight percent interest rates, it can be a payment of \$2,100 per month, which is less than renting in Harrisonburg. The only way we can do that is with smaller houses and smaller lots.

Commissioner Armstrong asked these are for sale then?

Mr. Wolters said yes, they will be. We are going to build out a portion and sell a portion.

Commissioner Armstrong asked you are going to rent a portion and sell a portion?

Mr. Wolters said no. We are going to sell. We are not going to rent any of them or retain any of it. What the initial plan is, these first lots where the entrance is on, after the engineer gets ahold of it,

we are going to build out the first six or eight homes in the subdivision, get those sold and move on to the next phase. Some of the lots, like the ones at the top of the hill, have better views and have bigger lots. We will sell off some of those so that people can build their own individual designs. It will be a mixture. There are some lots, like lots number one, two and three, are in a dip and are by the stormwater. They are not going to be the most desirable. The only way for those to be developed and get the neighborhood finished is for us to build them out, get a dwelling on them, and get them sold.

Vice Mayor Dent asked you will sell of the lots for the bigger lots in the back and let people build their own?

Mr. Wolters said we will sell off a portion of them. It depends. These lots at the western boundary, the higher lots, are going to be worth a little more money. They are bigger lots, so you can put a little bit larger house on them. Some of those we will sell. A good portion we are going to build out ourselves.

Vice Mayor Dent said my question was about the height. You were asking for 40 feet instead of the 35 feet? As Ms. Dang clarified, the 40 feet is what is allowed by right in R-8.

Mr. Wolters said we were not asking for that. That was just something that a neighbor pointed out. We do not need the 40 feet. We are really zoned in on two-story homes that have one bedroom on the ground floor, two bedrooms on the second floor, and one bathroom on the second floor. There are few developments around, they kind of cater to older folks. They are affordable. It is hard to buy off a \$500,000 house from those people these days.

Chair Finnegan asked, when you say affordable, if the land is market rate, and the materials are market rate, and the labor is market rate...

Mr. Wolters said you are asking me how we can make it happen? Are you familiar with the Greenport Subdivision over by the hospital in the County? Those homes are 1,600 to 1,700 square feet. They are built on a slab instead of being built on basements, which if you build a house, you know that is a substantial difference. They are built on slabs. They have second story trusses. They do not have dormers or lots of curves. They are efficient and they look good. They get somebody a three-bedroom, two-bath. They are selling them at the low \$300,000. Where can you buy anything at the low \$300,000 that is not in need of a full rehab?

Vice Mayor Dent asked what are the numbers of dwellings allowed per acre in R-1 versus R-8?

Mr. Fletcher said 15 units per acre is what is permitted in R-8, but they are not building 15 units an acre. They are building just over seven units an acre. Typically, in the R-1 district, when you do the calculation, usually you end up with four per acre. What Ms. Rupkey was pointing out earlier with the low-density residential designation, what that description says in the Comprehensive Plan is you target for around four dwelling units an acre. That around four is because R-1 allows for four. It is rare that you maximize your density in subdivisions like this. Even with the adjacent properties, we did some comparisons last month to show what densities were in different areas. The Park Lawn subdivision and other sections over here was two-

something an acre. When you build in utilities and wider streets and things like that, you end up not being able to maximize your density. This allows them to make their project work.

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

Jason Calhoun, 240 Garbers Church Road, came forward in opposition to the request. I live at 240 Garbers Church Road, directly across from where this is supposed to be. I have been there for 19 years. This proposal goes from a density of two to a density of seven, which is four times the density. When this land was up for auction, I talked with the auctioneer. He let me know of his realtor's intention to buy this and put eight houses on it. That map that I just gave is what was passed out back then when it was for auction. It was also there on your website as late as yesterday. My neighbor asked me for the map. I got it off the website and sent it to her yesterday morning. Today, I went up and found this new map that has 27 units instead of eight. In fact, if you look at the proposed rezoning request, it says that there are 10 lots proposed, parcel 5,000 square foot lots to allow the project to blend in with the existing R-1 neighborhoods, and so forth. So, someone went from eight to 10 to 27 since yesterday. This is obviously concerning. It is an entirely wooded area right now, and we are talking about putting 10 large deciduous trees, two inches in caliper and 10 feet in height. They might as well not plant anything. Obviously, for the density to go from two to seven is a significant concern. No one knows about this yet because this map was just put up on your website this morning. You can bet that before the City Council meeting, I will have 50 people there because I will go pass these maps out to everybody in the neighborhood. The Comprehensive Plan designates the area as low-density residential. This application goes on to say the proposed density of seven units per acre for the project could be considered about four dwelling units per acre. No, seven cannot be considered about four. It just cannot. If you make \$70,000 a year, would you consider is about \$40,000? If you have seven kids in the classroom, would you consider it about four? No, seven and four are not the same thing. They are saying that 27 single-family detached homes are going to generate 10 school-age students. I do not think so. Most places have two adults. If you look City-wide, there is an average of probably two kids per household. It is not going to be 10. I witnessed you a few weeks ago where there were dozens of safety and health, financial, economic, and legal objections to the BTC, also known as the Bluestone Trailer Park Center. A lot of us presented to you, followed by your blatant disregard for those concerns and further unanimous approval of the Bluestone Town Center, whatever you want to call it. I think that it is ridiculous. It would be ridiculous for me to come in here tonight and expect anything other than a unanimous approval of this project, as well. I am not coming here to ask that you disapprove this project. That is not going to happen. I came here to ask that six months from now, once I find a new home elsewhere, that you show me the same consideration and courtesy that you showed Michael Wong, a few weeks ago, and Mr. Wolters, today, and that you will unanimously approve rezoning my house across the street as R-8 as well so that I can build a twelve-unit apartment building and I can collect twelve times the rent that I would if I just rented out my house. Thank you.

Chair Finnegan said, as Ms. Dang mentioned, we received two emails. One from Allison Ortnier saying that they do not support this, and also from Aaron and Jennifer Shirkey. Those are the letters that are here asking that this be limited to a 35-foot rather than a 40-foot.

Chair Finnegan read a portion of the email from the Shirkeys.

The Commission and applicant are respectfully requested to consider imposing one additional dimensional condition—a maximum dwelling height of 35 feet. The City’s R-8 zoning ordinances appear to allow a 40-foot maximum height for single-family dwellings, compared to a 35-foot maximum height in R-1. It isn’t clear why this distinction was adopted. However, a 35-foot maximum dwelling height condition would be consistent with the applicant’s proffered setback conditions...

Jenny Reid, 1830 Rhianon Lane, came forward in opposition to the request. This is my backyard. It is directly behind my home. I had no idea that this is what was proposed. I can tell you that I feel sick to my stomach. The first thing I thought was, “I guess we have to move.” I do not want that behind my house where my children play. I understand that a job is a job, and you are going to do what you are going to do, but I feel really sick to my stomach thinking about that. We have lived there for 10 years. It has been one of the best things having that beautiful field. I know that is going to change, and that is fine. Houses can go in there, but to think that I am going to look out my windows and now... I do not know. There is going to be so much there. It is really sad to me. I do not have anything sophisticated to say other than I hope it does not get rezoned to R-8.

Angie Osinkosky, 140 Leonard Court, came forward in opposition to the request. This is also in my back yard. Twenty-six years ago, when Bob Ham came up with this idea to develop Hampshire Estates, he came to the City to try to get it rezoned, to try to get a few more houses in there to make a little more money. The City, smartly, said no. I am hoping that you will do that again and keep this R-1. They purchased it knowing that it is R-1, knowing that they could build 15 houses in there. If it financially not going to be a good plan, then they should not have bought the land. My husband is a builder. We know all about the building industry. We want it to stay R-1. Fifteen neighbors would be plenty. I also have a lot of concerns about the traffic on Garbers Church Road because we have added the high school. We have added the elementary school. We have a lot of traffic. If you look at that entrance that he is wanting to put on that blind hill that is so dangerous when we are trying to come out in the morning, it is going to add a lot of problems. Twenty-seven homes is a huge difference from fifteen.

K.C. Kettler, East Water Street, came forward in support of the request. I submitted a written public comment this afternoon, but it sounds like it did not quite make it in time. It is not clear to me the extent to which this is affordable housing, but there being a variety of housing options, other than very large single-family homes that are much more expensive, is still good for housing options. Even if it is not townhomes, a modest increase in density is also desirable here. In conversations that I have had with at least one neighbor who is close to this project, he had been alright with smaller, single-family homes on smaller lots that he would be with townhomes.

Jon Osinkosky, 140 Leonard Court, came forward in opposition to the request. I have run a construction company since 1999. We were the first to build in that neighborhood. To take it from four houses per acre to seven, there is no comparison at all. It would definitely degrade our neighborhood. We live directly behind it. It will definitely degrade our neighborhood as far as the value of our home. I think that is what everybody else feels like, here. Keeping it four houses per acre is desirable and it matches everything else that is around the neighborhood.

Kim Griffith, 120 Leonard Court, came forward in opposition to the request. My house will definitely be affected. It is right in my backdoor, literally up to my fence. We have been there 21 years. I chose that spot to build my house, first off on the west side. Secondly, green space. Thirdly, nice neighborhood. It was zoned a certain way a long time ago for that. Why is it being able to be rezoned? If someone has already made that decision, why is this decision coming up? Because somebody bought the property. You bought the property knowing what you could build there, but now you want to rezone the property. At first, you had a plan of how many houses. That went with what was around there. Now you want to squeeze in 27 homes? That is insane and it needs to be out there in the public for folks so that people can talk about it because nobody knows about this. Very few people knew about this. This was like, "let's just get it done," like Bluestone. I like you (gesturing towards Commissioner Byrd). You are the only person that listens. I like you a lot. I do not mind that you build homes. I want those homes to look and feel like they belong with the rest of everything else around there. That goes for all of Garbers Church Road. Consider it. Let me ask you a question. What if you built a house knowing that it was zoned a certain way and hoping that is what that property would go for? But no, we are going to get rezoned, and we are going to throw 27 houses in there. I really want to see pictures of what these things are going to look like. You have not gotten to see anything. Nothing. Except what was shown here tonight. I know that you would not want this in your back yard.

Janice Fitzgerald, 1800 Glanzer Court, came forward regarding the request. For 24 years, I lived at 491 Garbers Church Road. I do not live there anymore. I sold the bed and breakfast to my daughter and son-in-law. Certainly, I have interest in what is happening on Garbers Church Road. I had not planned on commenting. I came here tonight for information because I was absolutely floored by the change from the preliminary plan, what we had seen. We do take notice of the little notice on the road. I have not seen any notice that said we had changed. That was really... How do you do that? I know you do not answer questions, but that does not give us time to ponder. Sitting here, I have heard a couple of things that are of interest. Mr. Fletcher said that it is rare for the maximum number of houses to be built out in the zoning area. Well, that is interesting because if it is currently zoned R-1... I do not know anything about zoning. I just learned that you can have eight houses. Is that right? How many houses can you have on the acreage? Is it 15? Is that the maximum as in R-1 on the amount of acreage they have here? Is it 15?

Chair Finnegan said 15 in R-1.

Ms. Fitzgerald said I hope you will consider that, if they are not going to maximize the use of the property by building 27, 15 is a lot and hopefully can be done in an affordable manner for people that need homes. My old house is probably the biggest house on Garbers Church Road. I am sure it is. I do not care if I have a lovely home next door to me that is small and affordable. That does not matter. We already have that. We have that at the end of the street. Tim Lacey years ago, put up a very nice development surrounding us. The value of my home is not of concern. The precedent that you are setting is of concern. When you come into an R-1 and you approve unanimously 27 houses on this acreage instead of 15, you should be careful about the precedent you are setting. It is very dangerous when you make a left-hand turn off of Route 33 onto Garbers Church Road and you proceed down that hill. It is very dangerous to make a turn, whether you are coming up a hill and making a left or coming down. The reason I know that is because the property that my daughter

lives in, the one that bought the bed and breakfast from us, you have to turn right, if you are coming from Route 33. Every time we go there, we are afraid someone is going to rear-end us when we are making a right-hand turn into 411 Garbers Church Road. If you would take a chance on what I am telling you and look. If someone is coming up the road, turning left. It is a short hill. I know you have turned this over to Public Works or something. It is not your decision. All you care about is the lot. Is that correct?

Chair Finnegan said we are not traffic engineers.

Ms. Fitzgerald said as you consider this, if there are 15 instead of 27, that is at least... Maybe you would not have to put a turn lane. I think probably what is going to happen is that it is going to get very expensive for the City because they are going to ask you to put a turn lane in. If you know the road and you drive it, this might be meaningful to you. I am not opposed to it. I am not for it. I would like to see it done in a way that, in the long-term, you will be proud of the decision you made and glad you did it. If he can build 15 houses there, no disrespect, we are in business and I understand business, but if he can build 15 and he is not going to max out on 27, 15 could be a nice community.

Mr. Calhoun said I want to add one or two other things. If you look at the houses that are there right now... I have lived there for 19 years. I am not worried about the value of my house. I bought the cheapest house in the neighborhood. In fact, my land is 0.42 acres and is probably the smallest one. I probably have the smallest house and probably have the smallest yard. The houses that have been built there over the last 19 years are predominantly larger houses with larger yards. This is not going to fit in. Not at all. If any of you go there and look around, you will see. The latest house was finished maybe six months ago. It was across from the entrance to Rhiannon Lane. I am not sure. It is a huge house. I think it is 5,000 square feet. Those people will be concerned about tonight. Part of the proposed rezoning request says, "the 10 lots proposed are to be zoned as approximately 5,000 square foot lots to allow the project to blend in with the existing R-1 neighborhood lots. We believe the City's future plans to reduce the lanes on Garbers Church to include a centrally located shared turn lane will greatly assist this project along with the already existing community." I am confused. You approved the Bluestone Town Center project for 900 units to go in at the end of Garbers Church Road. How are you going to condense Garbers Church Road to three lanes, with one turn lane, when we already have more traffic than we can hold right now. It seems unimaginable to me that we are going to reduce it from four lanes down to two and then one turning lane when we are going to have a lot more traffic over there. It is so dangerous now. I call the police at least every other week and so does my neighbor who is a former fire chief because the cars go at least 80 to 100 miles an hour up and down there every single night. The people taking their kids to school late are flying. The people leaving the school because they get agitated sitting in the parking lot. They are flying. There was a police officer in my neighbor's driveway today pulling people over. He does that every couple of weeks. Every time he does it, he pulls no less than three people over in excess of 65 miles an hour. I have been to City Council and to the School Board. I have begged people to please change that speed limit to 25 on that road all the time instead of just during school times. It obviously needs to be 25 miles an hour. Even the school zone is ridiculous because we are still getting out an hour early every day for COVID, but we have not changed the signs. The signs actually tell you to go 25 miles an hour an hour after school gets out. I do not know. These are things you probably should consider. Thank you.

Mr. Wolters came forward and asked to show a slide showing the aerial photo. If you overlay my current plan with the bordering houses that are on there, it matches the same density of the neighborhood that is around it. There are 10 lots there, and if you count that neighborhood, I believe there are 13 on that one side. In addition, the 10 houses, these are the 5,000 square foot houses that would border that neighborhood. There is also a stormwater retention pond that is going to add more greenspace with it. It is going to blend in with that neighborhood. The setbacks are the same. The houses are smaller. The number of houses on the perimeter are exactly the same as the neighborhood that is around it. The higher density is going to be in the center, which is going to have a center greenspace around it. That is going to be pushed down closer to the road. The City is proposing to do away with the one lane for a shared turn lane through there due to the low traffic amount. It was the City Public Works Department that suggested that we do the two roads and suggested that we do the right-in, right-out that is spaced off of Lendale Lane so that you do not have left-hand, right-hand conflict on traffic. The full access on... (Mr. Wolters asked to show the site plan slide.) The south entrance by the retention pond is a full access. The north entrance is a right-in, right-out. The reason for that is to prevent any conflict traffic of left-hand turns with people coming off of Lendale Lane. I do not think that traffic is going to be a concern on this project. I do think it is going to blend in. There is a lot of green space with it. The number of houses on the perimeter match the current neighborhood.

Chair Finnegan asked when you say the number of houses on the perimeter, are you talking about on the border lots?

Mr. Wolters said if you count the lots from the stormwater retention pond up around that border, those are the 5,000 square foot lots that also have the R-1 setbacks. Those do match the number of houses that are there in the bordering neighborhood right now.

Mr. Calhoun said the math does not add up here. If you count the houses across the street, there are only sixteen properties bordering 27. If you look at the top right here, there are only three properties. There are seven up there on the proposal. My point is that the average house over here has over a half-acre yard, and these are less than a tenth of an acre. There is the real math. Thank you.

Chair Finnegan asked if there was anyone else 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 Byrd said there are some things with this. Any layout you see that says it is not proffered, it is likely not platted, which means we do not know what the lines will actually be. We do not know where stormwater management will be located, or what that would actually look like. None of these pictures count. They are things that people hope in the future that cannot be enforced by the City. Only the things mentioned in the proffers. My issue is, for this property, that when I looked at it, it looked like a hole. It reminds me of another piece of property that we saw. I thought, I have to look at those plats because we need to know where actual things will be built and where property lines will be created, so that those properties can be sold. Most people do not come to those hearings. They really should. I would suggest to all citizens who are concerned about the actual makeup of their neighboring neighborhoods should come to the plat hearings so that they

know how those structures are going to actually be built. Where the powerlines are and how they adjusted for that, stormwater management, all those things. That is where all the lovely engineering talk is discussed. Concerning this zoning request, it is surrounded by R-1 completely. I heard no justification for needing to increase from the possible 15 to the possible 27. Where the water is going to go has not been decided yet. We do not know that. When I looked at the project, I thought I do not even know where the houses would go, unless I walked on the grounds and know where the water is going to go. The existing neighborhood over here, I am looking at somebody's house. Where their property line starts, their land is already dipping down into a hole. I have an issue changing it from an R-1 to an R-8 because I see nothing around to make it, as we like to say, similar to the surrounding neighborhood. Once something is built there, then we would know where roads could be, where the water can go. Unlike a previous project that was basically a force, this more infill property. I see no need to increase the density at this location because this whole area has not been settled yet. I do not know what is going to happen from decisions made down the road, how that is going to affect things. I see no reason to change this upper part of the road until those other things are settled.

Commissioner Washington said I have a question about process. I see these two that were given to us, the maps, where did these come from in terms of it not being updated on the website?

Mr. Fletcher said this does not come from us. This was not on the City's website.

Ms. Dang said this is on the website of the auctioneer.

Mr. Fletcher said I am not sure which website they are referring to, but it was not on the website that our department controls. What I think this is, is that this was the Spangler family probably hired a firm to layout what was a possibility when they went to auction, which is a very common thing to help people visualize what is potentially possible under the existing zoning.

Chair Finnegan said, to clarify, everything that we have been talking about today has been about one parcel, one lot, so it has not been subdivided. The drawing on here is conceptual of what it would be if it were R-1.

Mr. Fletcher said clarifying what Mr. Byrd was getting at is that there are three high-level phases of project. You look at a rezoning. Sometimes what you see is what ends up being built there. Sometimes it is not. Once you go through the rezoning process, if it is approved, then you would either begin your engineered comprehensive site plan or you can do your platting process. They kind of run together. They are very similar. Often times people do not even plat their lots until they get so far in their engineered comprehensive site plans, so they know physically what they are going to be able to do. They also do not want to establish lines until they know what is going to be built because they would be wasting their time. They will, ultimately, have to come back to this body. If they build private streets, they would have to go to City Council as well, to get variances from the subdivision regulations. To be clear, those hearings are not public hearings. Those are hearings for variances, although this body often allows public comment during those meetings. They are not public hearings.

Commissioner Armstrong said one thing is that would be eliminating a lot of green space and replacing it with the minimum required frontage planting. That is what I am interpreting. These 10 trees is minimum required frontage, is it not?

Ms. Dang said no. It is what the applicant has proffered.

Commissioner Armstrong said it runs pretty close to required frontage.

Ms. Dang said no. Our required parking lot landscaping requirements for frontage plantings has to do with where parking lots are established. Since this is not a development that has a parking lot, there is no minimum requirement by our Zoning Ordinance.

Chair Finnegan said, in other words, if this were developed by right as R-1 they would not need a certain amount of vegetative border?

Ms. Dang said they would not be required. Typically, we see the vegetative border requirement in a townhouse development that has a parking lot or some other non-residential use that has a parking lot.

Commissioner Armstrong said, that said, it is a very minimal replacement for the trees that are there. I realize that when I looked at it, they are not sophisticated urban forestry there. Nevertheless, it is a green space and I appreciate that is important. The other thing that bothers me is that the Bluestone project up the road was recommended, and it was partly recommended because it is dedicated affordable housing. It is not just that we say we are going to do it, they are actually intending to do that. That is going to add a lot of congestion to this area. I appreciate that is a lot of housing at the end of this road. For those two reasons, I would be inclined to leave it R-1 also. We have already put a lot more density at the end of that road. I do not think more is a good idea.

Chair Finnegan said, regarding the green space, this is currently zoned R-1. The applicant did mention that if this gets denied, it will be developed as R-1.

Commissioner Armstrong said that is fine, but as a planning body, we need to start weighing in on that. Green space is vital, especially when you are talking about stormwater management, whether it is required or not, we need to start weighing in on that and say, "this is influencing my decision" whether it is required or not. This is influencing my vote.

Chair Finnegan said I hear you on that. I have been pushing and have been talking with Mr. Russ about what the City can do to prevent trees from being cut down. There are a lot of trees in my neighborhood that are being cut down on private property. Currently, under Virginia State Law there is nothing that local governments can do to prevent trees on private property, whether it is trees in your backyard or an undeveloped lot. This is something that I have been advocating for at the State level to get local government more control over trees getting cut down on private property.

Commissioner Armstrong said restricting it to 15 rather than 27, there is a possibility that there would be more tree preservation than if we add more dense housing. If we have to work with those kinds of decisions at this stage, then that is what we are working with.

Chair Finnegan said I agree with you about wanting to protect trees. I think we need City-wide private property tree ordinances. That is what I would like to see.

Commissioner Byrd said to be fair to the applicant, they were not discussing affordability the way that we talk about affordability. They were just saying the idea that smaller houses are more affordable to people who are looking for a house. When we are talking about affordability up here, we are talking about specific terms related to AMIs and other stuff. I do not want the general use of affordable to be mixed up with the technical terms of affordable.

Commissioner Armstrong said I tried to make that distinction. North Main Street was doing a similar effort. They were building townhomes and single-family homes aiming to a similar intention of being more affordable but not a technical affordable housing unit. I think we have used that. We did with North Main Street.

Commissioner Byrd said I think they proffered that.

Commissioner Armstrong said I do not think so.

Chair Finnegan said, at the end of the day, if the land is market rate, the labor is market rate, the materials are market rate, and there is no LIHTC or other subsidies, then it is going to be market rate housing. I think that in this case, what we are talking about is a smaller square footage house and building on a slab. There are not subsidies to make this affordable by HUD standards. I do agree with some of the comments that were raised about speeding and traffic, the drag racing. That is something that I can hear from my house. What is being done, that Public Works is working on, is called "road diets." It forces cars to slow down. That is a concern City-wide that we have heard. You can put a 25 mile and hour speed limit on a wide road, and people will completely ignore it. If you engineer the road to be skinnier and force people to slow down, they will slow down.

Vice Mayor Dent said I like the concept of having the bordering houses match the neighboring lot sizes and extending the setbacks, and concentrating the smaller lots, and therefore more affordable. I would be inclined to support it in the philosophy that we need all of the above. We need housing, period. We need housing that is more affordable, at least in the single-family... I think that it is consistent with the neighborhood in that it is single-family home and not townhouses or high-rises.

Commissioner Byrd said the applicant mentioned that if this did not go through, they would likely return with for a plat hearing under R-1. That is another reason why I am more inclined to... I have been a person who has been approving changes in the R-1 district. In this situation, I am concerned about where this road will be. Until I see a real plan about where the road will be, I have a hard time voting to increase the density there. In a larger parcel, as in the past, there is more potential for where a road can be placed on the property. This is a much smaller and more contained area.

Commissioner Byrd made a motion to recommend denial of the request.

Commissioner Armstrong seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	Abstain
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	No
Commissioner Washington	No
Chair Finnegan	No

The motion to recommend denial failed (4-2).

Commissioner Byrd made a motion to recommend approval of the request, as presented.

Commissioner Washington seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	Abstain
Commissioner Byrd	No
Councilmember Dent	Aye
Commissioner Orndoff	No
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of resulted in a split decision (3-3). The recommendation will move forward to City Council on March 14, 2023.

Mr. Fletcher requested a repeat of the votes on both motions. Ms. Dang read the results of the votes.

Commissioner Baugh returned to the meeting.

Chair Finnegan called for a brief recess to address technical issues related to the sound. The technical issues were not fully resolved, but as there was still some opportunity to hear the meeting, he called the meeting back to order.

Public Comment

None.

Report of Secretary and Committees

Rockingham County Planning Commission Liaison Report

Commissioner Armstrong said I read the description in the agenda and then I listened to the engineer, but I read something completely different in the newspaper. The first item was the Capital Improvements Program. They reviewed it and recommended nine projects to the Supervisors and gave reasons for that. They heard request from Valley View Village LLC to rezone 12.8 from R-2 (Medium Density Residential) to PMF (Planned Multi-Family). This out Reservoir Street in the vicinity of the hospital. It is across the street from Fieldale Place. They are proposing 420 units. I thought the engineer said one-, two- and three-bedroom family, single and townhouses, but that does not seem correct. It is multi-family housing, so it maybe it is one-, two- and three-bedroom units. It is 420 of them, which is a lot of new housing out towards the hospital.

Chair Finnegan asked is it student housing?

Commissioner Armstrong said it is not intended for student housing.

Chair Finnegan said if they are leasing by the bedroom...

Commissioner Armstrong said it is unit lease, which does not preclude students. There were issues about school bus safety and access. The road access and entrance access on Reservoir Street out of that area was questionable. It was tabled, unanimously, to work out those VDOT requirements. They went on to unfinished business. They un-tabled this Ridgeview Development. This was a request to rezone 4.4 acres from A-2 (General Agricultural) to R-3C (General Residential with conditions). This is Spotswood Trail and Stone Spring Road, again out the east side of town. I heard two different numbers. I got 53 units. They approved it, unanimously. We have a lot of housing coming in, on the market that is pretty close to Harrisonburg. We should be aware. Then there was a staff-generated ordinance amendment to require a SUP in the B-1 and B-2 areas for certain application or uses. They were concerned about auto repair and some auto parts uses in these B-1 and B-2 neighborhoods. They wanted to make those uses subject to SUP approval. That passed (3-1).

Chair Finnegan asked is that in the UDA (Urban Development Area), all that area by the hospital?

Mr. Fletcher said yes.

Chair Finnegan said they are planning for higher density there.

Commissioner Armstrong said that is what I remarked. All these access roads coming into Harrisonburg, Port Republic Road and Reservoir Street are going to get even heavier.

Chair Finnegan said and none of the tax dollars from those houses will go to the City.

Board of Zoning Appeals

None.

City Council Report

Mr. Fletcher said that this month the Planning Commission meeting occurred before the City Council meeting. It will happen again next month.

Other Matters

Capital Improvements Program (CIP)

Mr. Fletcher said the CIP is in front of you. I hope that the memo is sufficient for you to understand what your objectives are. These are all of the projects that we intend to include in the document. Your objective is to review. It is comprehensive and includes projects from all the different departments. If you have any questions, comments, or suggestions, email us. You may call us for more simple questions, but if you want them on the record, email your questions and we will get the written responses to you.

Chair Finnegan asked is there a particular format for the questions that is helpful for you, such as page number, request number?

Mr. Fletcher said there are page numbers on them, so it is easier for you to state the page number, you can use that. It will all make sense to me, so it does not really matter. If I cannot answer, I will filter to the appropriate person. For those of you who have not done this before, what you see again next month is not only the projects, but you will also get the summary sheets. The summary sheets are the calculations showing what the summaries are for each of the five year horizons. It is more of the financial tool. This is more of the actual capital plan. This is meat of what you are to look at per the Code of Virginia. You offer any suggestions or advice and vote on a recommendation for City Council.

Vice Mayor Dent asked do we not typically get this in a binder.

Mr. Fletcher said we could punch holes in it if you want us to and provide a binder. What we will do next month, instead of printing out all of the pages, we will send it to you digitally. You do not need to have all of it. Unless you specifically want it, but it will the same projects and the additional 15 or so pages for the summary sheets. If you have any questions, you may call me.

Review Summary of next month's applications

Ms. Dang said next month we have seven items to be considered, including the CIP. Two of the items are for the site at 1205 West Market Street. Staff's recommendation is that we hold one meeting to consider all the items.

Chair Finnegan said last month we had a sense that there would be a lot of public comment. Do we have a sense of that this month.

Ms. Dang said I do not, but I could be wrong. The Dorval Road rezoning is basically the same as the Crossings one that you had reviewed before. They are adding another lot that they meant to include. It seems straightforward, but that can change.

Commissioner Byrd said you were correcting me when I was talking about the plat hearings, saying that they are not open to the public, however, we do open public hearings.

Mr. Fletcher said to clarify the terminology. They are open to the public to come and listen. They are not technically a public hearing. We do not advertise them as such. This body often times allows people to speak, just like the public hearings, but legally the Chair does not have to allow people to speak.

Commissioner Byrd asked the public does not know when the plats are happening?

Mr. Fletcher said no. Unless there is a variance that is being proposed. In this case, if they are approved and continue on with their project, the only thing that we would do, by City Code, is we would post the sign, like we have out there for rezonings, that says there is a plat variance. Somebody wants to subdivide their property and they want to deviate from some code requirement of the Subdivision Ordinance. Public notices are not sent. It is not advertised in the newspaper. They are not required to do that.

The meeting adjourned at 7:23 p.m.