



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes Planning Commission

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Wednesday, November 11, 2020

6:00 PM

Council Chambers

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, November 11, 2020 at 6:00 p.m.

Chair Colman called the meeting to order and said that there was a quorum with all members present. This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19. This meeting will be conducted by the following electronic communication means: electronically through GoToMeeting and Granicus. The public had the opportunity to provide comments in advance via email and will have the opportunity to provide comments by phone at designated times during this meeting. Because calls are taken in the order that they are received, we ask that the public not call the comment line until the item you are interested in is being presented or discussed.

### 2. Roll Call/Determination of Quorum

Members present by electronic, video communication: Gil Colman, Chair; Brent Finnegan, Vice-Chair; Jim Orndoff; Deb Fitzgerald; Adriel Byrd; Kathy Whitten; and Sal Romero.

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

**Present** 7 - Gil Colman, Brent Finnegan, Kathy Whitten, Sal Romero, Jim Orndoff, Adriel Byrd, and Deb Fitzgerald

### 3. Approval of Minutes

Chair Colman asked if there were any corrections, comments or a motion regarding the October 14, 2020 Planning Commission minutes.

Commissioner Finnegan moved to approve the October 14, 2020 Planning Commission meeting minutes.

Commissioner Orndoff seconded the motion.

Chair Colman called for a roll call vote.

Commissioner Byrd                      Aye

Vice Mayor Romero           Aye  
 Commissioner Orndoff   Aye  
 Commissioner Fitzgerald   Aye  
 Commissioner Finnegan    Aye  
 Commissioner Whitten   Aye  
 Chair Colman                Aye

The motion to approve the October 14, 2020 Planning Commission minutes passed (7-0).

**A motion was made by Finnegan, seconded by Orndoff, that this be approved. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 7 - Colman, Finnegan, Whitten, Romero, Orndoff, Byrd and Fitzgerald

**No:** 0

**3.a.**

**4. New Business - Public Hearings**

**4.a.** Consider a request from Waseem, Nadeem, and Sohail Alfridi for a special use permit to allow multiple family dwellings at 728 Foley Road

Chair Colman read the request and asked staff to review.

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

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

Site:           Single-family detached dwelling; zoned R-3

North:        Across Foley Road, single-family detached and multiple family dwellings; zoned R-3

East:         Single-family detached dwelling; zoned R-3

South:       Single-family detached and duplex dwellings; zoned R-3

West:        Single-family detached dwelling; zoned R-3

The applicant is requesting a special use permit (SUP) to allow multiple family dwellings of up to 12 units per building on a +/- 22,380 square foot parcel addressed as 728 Foley Road. If approved, the applicant desires to convert the existing single family detached dwelling structure into a multi-family (apartment) building with four dwelling units. In the past nine years, there have been several SUP requests, of the same nature, approved along Foley Road; however, those requests have all been for the construction of new structures within new developments and not a

change of use for an existing structure, such as this request.

With this request, the parcel has sufficient lot area for the property to contain seven dwelling units, but as described in the applicant's letter, only four dwelling units are planned.

When converting a single-family dwelling structure to a multi-family dwelling structure, the Zoning Ordinance (ZO) does not allow parking spaces to be located within the established front yard area between the front property line and the building. Parking regulations within the R-3, Medium Density Residential District also requires that when any parking lot containing five or more spaces is to be constructed within an established single-family or duplex neighborhood, such as this, such parking lots cannot be located between principal buildings and public streets. These parking requirements are being met, as illustrated on the conceptual site layout submitted with the request, where a new driveway is planned along the western boundary of the property with parking in the rear. Additionally, the ZO requires that parking lots in the R-3 district that abut single-family detached or duplex parcels, must be screened from such parcels by a minimum 5-foot buffer containing either a 6-foot high masonry wall, solid wood fence, or evergreen hedge. The submitted conceptual site layout illustrates a 5-foot wide buffer along the western boundary, which will need to contain the wall, fence or evergreen hedge.

Although not shown on the submitted conceptual site layout, staff has discussed with the applicant that the existing driveway entrance will need to be removed, because, if approved, the ZO would not allow parking in the front of the structure. The applicant is also aware that all parking lot landscaping requirements within Section 10-3-30.1 of the ZO must be met.

As part of the requirements for obtaining a SUP for multiple family development in the R-3, Medium Density Residential District, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in Section 10-3-48.6 (e) of the ZO consist of the following:

1. Existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide, is located adjacent to, across the street from, or in close proximity to the proposed development;
2. The applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities:
  - currently serve the site; or
  - are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
  - will be provided by the applicant at the time of development; or
  - are not needed because of the circumstances of the proposal.
3. The applicant has demonstrated that the proposed multiple-family development's design is compatible with adjacent existing and planned single-family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning,

landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

4. The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.

The applicant has addressed each condition within the letter attached herein.

Specifically with regard to Section 10-3-48.6(e)'s condition #2 as stated above, staff would typically expect for the applicant to construct street frontage improvements of curb, gutter, sidewalk, and any other necessary improvements at the time of development to meet the condition of adequate pedestrian facilities. The conversion of the existing structure into multi-family units rather than demolishing the existing building and constructing a new multi-family structure, and thus disturbing more property, however, brings in to question whether the circumstances of the proposal negate the need for such improvements to be made as is allowed in the last bullet of condition #2. If the applicant demolished the existing structure and constructed a new multiple family dwelling structure, the scale of the project would likely require an engineered comprehensive site plan (ECSP), and therefore, frontage improvements would also be required. The current plan to convert the existing building would not necessitate an ECSP. If curb, gutter, and sidewalk were to be constructed, the existing fire hydrant in front of this property would likely need to be relocated, creating the need for more financial investments in design and construction. While staff contemplated whether the applicant must construct curb, gutter, and sidewalk along the frontage to meet the requirements of condition #2, and further debated whether a condition should be attached to the SUP to achieve the same, in this particular case, staff believes the circumstances of the proposal do not warrant such improvements.

The character of this neighborhood, consisting of properties along Foley Road and Ridgeville Lane, has changed over the past two decades from a neighborhood consisting of only single-family detached dwellings to now include duplexes, townhomes, and multiple family dwelling units. As proposed, the units within this application are consistent with the surrounding parcels.

Staff recommends approval of the special use permit to allow multiple family dwellings on the subject parcel with the following conditions:

1. The SUP shall be limited to the existing structure and no more than four multiple family dwelling units. (Note: Small additions to the existing structure for housing improvements may be allowed at the discretion of the Zoning Administrator.)
2. The existing driveway and entrance shall be removed; however, portions of the paved area may remain and be repurposed.

Condition one is proposed because other ideas and scenarios for multiple family development on this parcel were not discussed and staff believed it was appropriate to limit the SUP as proposed in this application. This condition also allows for consistency in the understanding for the surrounding community to know what development could actually be allowed under the approved SUP. If in the future, the property owner wishes to add more dwelling units or to redevelop the site for other multi-family development, then a SUP will be required.

The second condition requires that the existing driveway and entrance between the structure and the public street be removed to comply with Section 10-3-25(3)a. and acknowledges that portions of the paved area may remain and be repurposed for things such as, but not limited to, a paved area for a walkway or a patio.

Chair Colman asked if there were any questions for staff.

Chair Colman asked if handicap parking and handicap accessibility to the units would be required.

Ms. Banks said that there will be the requirement of handicap accessibility.

Chair Colman said that it looks like a shed that is on the property line will have to be removed.

Ms. Banks said yes.

Vice Mayor Romero asked if there has been any concern within the community. There have been multiple applications in that area. We recently approved a larger housing development there. Is this close to that?

Ms. Banks said that we approved an R-5 development earlier this year, which is closer to the intersection of Foley Road and Reservoir Street. Slightly over two years ago, in August of 2018, this body reviewed an R-3 SUP like this one for a proposed development at 753 Foley Road. That is further up at 753 Foley Road, almost all the way to the end and across the street from this one. It is closer to the Angle development that you see up there. They have not started construction on that development. I did not check to see if they their SUP has expired.

Vice Mayor Romero said that he wondered if there has been any sort of pushback from the community. When we approved that one project, there was the whole neighborhood that came out in strong opposition. That application was approved. That is why I wanted to have a sense of whether there was any pushback from the community and how close this was to that project.

Ms. Banks said I had a phone call with the directly adjacent neighbor to the west and with their family. They were asking about what the buffer would be between the driveway and their property. They understood that the driveway would be coming along their property. They were not opposed to the SUP, but they did have questions about the buffering. I also had an email from someone who was asking questions about the parking lot. I did not receive any in opposition.

Commissioner Finnegan said that this is different from that other application. They are using the existing structure. They are not knocking this house down and building something new and taller. It is different in that way, as well. They are repurposing the house that is there.

Chair Colman said that some of the things that we discussed when the large development was proposed, was traffic issues, increased number of cars coming through Foley Road and some people going around to Ridgeville Lane instead. This area has been changing for a while. It has been evolving from single-family homes and duplexes into multi-family structures. At least in this case, it is a repurposing of a single home into four units. It is nice that it is not so many, but hopefully that makes it more affordable for the property owner to do that and provide housing for more than just one family. I do not know that the traffic would be impacted significantly by this, but it is one more development in this area that is generating more traffic onto Reservoir Street, where it is difficult to turn on to. Those discussions were there when we talked about the large development. It just adds to the numbers. I am not opposed to it. To the contrary, I think it is a great idea, but I do want to bring up the fact that we had a significant discussion about how traffic was flowing there based on a lot of the people from both neighborhoods there that came out to speak about it.

Chair Colman 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.

Waseem Alfridi, 1831 Jenny Lane, Rockingham called in support of the request. I am glad to be part of this. I was trying to see the video, but I am getting some error. I am waiting for a decision to be made with the committee. I have discussed most of my plans with staff and we are hoping everything goes well in the committee.

Chair Colman asked if there were any questions for the applicant. Hearing none, he asked for the next caller.

Seth Roderick, Monteverde Engineering and Design Studio, the applicant's engineer, called in support of the request. I am available to answer any questions related to any engineering items. I did hear the concern regarding the traffic. The Traffic Impact Analysis (TIA) determination of needs showed only two additional trips in the morning peak hour and three additional trips in the evening peak hour.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller.

Frank Gordon, 3354 Lawyer Road, Rockingham, called on behalf of Foley Road, LLC, Ridgeville, LLC, and Devon Lane, LLC, which are adjoining properties. I am calling in favor of this application because it is consistent with the Comprehensive Plan and because recent zoning actions by the Council, which include two R-5 rezonings, not one, on this street make clear that

Foley Road is no longer a single-family neighborhood. In addition to the parcels zoned R-5, several others have already been granted the same SUP requested here, including the Angle property as previously mentioned. Allowance of increased density in proximity to public transportation has been demonstrated to improve housing affordability, which is a topic of great interest in our community and a stated goal of City Council.

I do have some concerns. First, this is proposed as four units, three three-bedroom and one two-bedroom. Are the units interconnected within the interior of the building? The significance is that some properties in other areas of the City, when the properties are laid out as duplexes, they will often have a perfunctory kitchen in one unit, so it becomes an eight-bedroom student rental. What I would like to see is improved housing affordability. I think this project has that potential, but I recognize that it also has the potential, if it has interior inter-unit connection, to become an eleven-bedroom student housing. That would not be as favorable from the perspective of property owners on this street.

The second concern is regarding the adjacent property that is one unit closer to Reservoir Street and is topographically downhill from this project, as you can see on the conceptual site plan that you have been provided. Water intrusion was occurring into the crawlspace under 722 Foley Road, which is the one I am referring to just down the hill. This was reviewed by Valley Engineering and as a part of their conclusions, they say that it was unequivocally clear that stormwater runoff from the house next door, which is the applicant's proposed house, was contributing to this stormwater. One of the concerns that I have regarding the property of Devon Lane, LLC, which is downhill, is that we are increasing the impervious areas by installing parking areas, which will be uphill from 723 Foley Road. I am concerned that unless that parking area is curved or angled, which I think the topography would allow, for that stormwater to be directed towards the street, otherwise it will significantly exacerbate the already existing stormwater problem we are having on the property just down the hill from this. I am hopeful that the City Engineer can address that when he is reviewing this plan, which I think is provided for in the Code that the City Engineer can indicate what, if any, additional stormwater problems might occur. This is a chief concern of mine, as the owner of that property.

Lastly, I would say that while it makes sense to me while we are trying to propose affordable housing not to require development of the sidewalk and gutter, improvement of fire hydrant, which could all be very expensive actions, I would wonder if the Planning Commission would recommend to City Council that they ask for street frontage dedication of the property necessary to build that infrastructure in the future. Dedicating land to the City was done by 735 Foley Road, across the street, when the sidewalk was not built. It would at least facilitate the potential for development of sidewalks to go there in the future, should funding occur from some other mechanism. I would commend that to your consideration.

In summary, I want to emphasize that I am in favor of this project because I think it has the potential to develop additional affordable housing if not diverted into a large student house. This neighborhood, as has been alluded to by planning officials and members of the Planning

Commission, is no longer a single-family neighborhood. As the owner of two adjacent single-family homes, I am eager to see what comes out of the zoning revisions. I am thoroughly convinced and supported by previous statements by the Urban Institute that increasing allowed density near public transportation will improve affordability. I can foresee that for my two properties, as well.

Commissioner Finnegan said that he agrees with Mr. Gordon's last statement about the connection between affordability and increasing density in the single-family neighborhoods.

Mr. Roderick called into the meeting to address some of the comments made by Mr. Gordon and stated that as shown in the preliminary drawings, the impervious area is only about 6,000 square feet. It would not significantly increase stormwater for any measure. It is a relatively small impact and it is under the 10,000 square foot threshold that requires erosion control and stormwater to be looked at. By that metric, it would not have a major impact. I am not aware of the issues that they were talking about; drainage going into the basement of the neighboring property. There is a large backyard on both properties and I would expect that grading of that site potentially could shift that downstream, but again, that is not something I have looked at.

Chair Colman asked Mr. Roderick to speak to the concerns regarding the inner-connectivity of the building, if there were to be four units, are they going to be completely separated or are they going to be interconnected in such a way that they could be used for student housing?

Mr. Roderick replied the building plans have not been finalized. What I do know from my walkthrough with the applicant is that three of the units were going to be interior access. There would be a common hallway through the front door. The only unit that may have exterior access would be the unit that is being converted from the garage. That unit needs to have separate access for ADA purposes. The other three would have an interior corridor, common hallway, and they would branch off as separate units from there. They do have the potential of having their own, small kitchen area.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Ms. Banks said that the four units in the house will be required, by Building Code, to be completely separated. When Mr. Roderick mentioned a shared hallway, that is a common entry and then you would go into your apartment, which would be completely separate with no access into other apartments. You cannot go from apartment A into apartment B unless you physically leave apartment A, go into that hallway and then walk across to apartment B. They will not be allowed to have that internal access. Building Codes will not allow it.

Commissioner Finnegan said that there would not be a big shared kitchen.



Ms. Banks confirmed that there will not be a shared kitchen. Each unit will have customary kitchen facilities, they will have to have a sleeping area, bathroom and living area, as Building Code will require. It could be a requirement that they would have to be sprinkled, as well. It will not be one large communal house with a shared kitchen. The stormwater questions have been brought to the attention of the City engineer and he will be working to address Mr. Gordon's concerns and to discuss that with him.

Chair Colman said that there was a question about dedication of street frontage for a future sidewalk.

Ms. Banks said that when staff had the discussion of the improvements along the front, we also had the conversation of dedicating right-of-way only. We did not feel that the dedication of right-of-way was necessary at this time. We were not asking for street improvements to be put in, so we did not make that a condition of the request at this time. If you feel strongly about it, you have the right to make conditions as well.

Commissioner Whitten asked where is the school bus stop for Foley Road? Is it down at Reservoir Street?

Ms. Banks said that she did not know where the school bus stop was located.

Commissioner Whitten said that the more we add, the more opportunity for kids that are going to be walking and I do not think that a bus is going to pick them up door to door on that street. There must be a collection point or a bus stop. I think that makes sidewalks a concern for the future, for the near future.

Ms. Banks said that is something we can check on.

Vice Mayor Romero said that there are plenty of kids that go to our schools from that neighborhood, at least over the years that has been the case. I would anticipate that the bus does go in and does loop around to come back. We can look into that here. When I used to work at Stone Spring Elementary School, that was the case. The bus would go all the way. This is a pretty long way between Reservoir and the end of the street out there. We typically are at a block at most for kids to walk to the bus. I am pretty sure that it goes in there.

Chair Colman said regarding right-of-way, typically the City would require it if the property were to expand, they would have to submit a comprehensive site plan for review and go through that process. If they do not, then the City would not have the right-of-way to put a sidewalk on this property. I typically prefer an access easement, rather than a dedicated right-of-way because it allows for the setbacks to remain the same, compared to pushing the setbacks farther back. In this case, it may or may not apply. The other caveat here is that the setback can be the average front setback of all the units on that block. How do the other Commissioners feel about this issue?

Commissioner Byrd said that this whole area is medium density residential district. I am confused as to why people are referring to the neighborhood as single-family if it is zoned to be medium density for multi-family units. It sounds like, from the plan, that we are looking towards this area's population going up anyway. We might want to think about making sure that there is space for any future decisions on what will happen with Foley Road itself.

Ms. Banks said that the medium density residential district does allow by-right for single-family homes, duplexes and townhomes. The single-family homes are a smaller lot size than what you would find in the R-1 or R-2 residential districts. We refer to it still as a single-family or duplex neighborhood because of the definition within the R-3 medium density that says that if there is a single-family home next door or adjacent to the property we are looking at, then it is considered a single-family neighborhood or a duplex neighborhood. There are still scattered single-family homes throughout the area. They are allowed by-right. There have been R-3 neighborhoods that have developed utilizing the smaller lots for single-family homes.

Chair Colman said that Commissioner Byrd's point is valid. If we are going to be looking at this area to continue to develop into a medium density R-3 and some multi-family structures realizing that this area is moving in that direction, we do need to consider the long-term impacts to the infrastructure there, mainly the streets and sidewalks and things like that. We should consider what may be coming in the future. Perhaps it will be something like this, a single-home that is repurposed. If someone were to propose something next door to this, then they will have to provide the right of way or at least the access easement for the sidewalk, but this property will not have to because we did not ask for it. I think that it could be a good idea to do it. Is there interest in adding conditions or recommendations?

Commissioner Finnegan said that he is not concerned. This is a repurposing of an existing structure. It is increasing density and as the traffic analysis indicated, adding a few cars, but I do not feel compelled to add conditions.

Commissioner Whitten said that when you do increase density that is part of the responsibility of development. It is like when we ask sidewalk to be built that does not connect, but we know that it will eventually connect. It is much harder to go back and ask for something after that possibility does not exist anymore. It is a much bigger problem. I think it is not a bad idea to ask for and it is not a lot to ask for. This is the time to ask.

Chair Colman said, to be clear, we are asking for an access easement for future sidewalk to be able to be built there. We are not asking them to build a sidewalk. We are not asking them to improve that. We are just asking them for an easement to have a sidewalk located there, when and if the properties adjacent to it develop. Is that what we are saying?

Commissioner Whitten said yes, that is what I would say, an easement, not for a sidewalk to be built.

Ms. Banks said which are you saying. You would want an easement or right-of-way dedication?

Chair Colman said easement.

Mr. Russ asked when does the Design and Construction Standards Manual allow for easements instead of dedication? I am looking at it now and it looks like we should be getting dedication not an easement.

Chair Colman said that it is not uncommon, in my experience, for Public Works to require an access easement instead of a right-of-way dedication for a sidewalk. The benefit of the easement, which we should look at when we revise the Zoning Ordinance, is that right-of-way dedication pushes the setback further back. It limits your property and your construction area. Your house needs to be 30 feet or whatever the setbacks may be. When you do the access easement, the sidewalk is within the property and without pushing the setback, the building, the constructability, farther back. As we are trying to bring buildings closer to the road or sidewalk, that moves things in that direction as well. Public Works has done that many times, Mr. Russ, but your opinion is highly valued.

Mr. Russ said I am worried that this will lead to applying different development standards to different properties without any rule for how we decide which property follows which standard. When we set the setbacks, it is with the presumption that the sidewalks are going to be on the public street.

Ms. Banks said that Public Works has said that they would rather have right-of-way dedicated instead of sidewalk constructed with this project.

Chair Colman said that, if that is the case, we should leave it alone because from the standpoint of property rights and what they can do with the property we are limiting even more if we say that we need to have right-of-way. If we are not asking anyone else to give right-of-way, then we should not ask it here either.

Mr. Fletcher said that along this stretch of Foley Road, right-of-way has been dedicated in piecemeal situations when development occurs. If you look at our GIS map and tax mapping, you will see indentations where right-of-way is dedicated. I agree with Mr. Russ that right-of-way dedication would be cleaner and generally more consistent with the expectations of how we apply those standards. There are times that the Department of Public Works will work with property owners and developers to do an easement if there is some type of special circumstance. In this case, if the Commission is going down the path of recommending that property be dedicated to the City, I would suggest wording it in a way that allows us to confirm with the Department of Public Works, the amount of space that would be needed for dedication. We would typically say from the centerline of the street, you would need to have at least 25 feet of right-of-way on both sides, which adds up to 50 feet of right-of-way. It could be of variable width depending on how the actual property line aligns with the public street. If the Planning Commission makes that

recommendation, or that suggested condition, I suggest that flexibility in wording. It is probably going to be at least the amount of distance from the centerline of the public street, equivalent to 25 feet of right-of-way. What you will see on that street is that it is often times five or seven feet that is dedicated on that side and the same on the other side. I could not tell you how much right-of-way is within Foley Road. It could be anywhere between 35 and 40 feet of right-of-way. That is why we need that flexibility.

Chair Colman said that the question would be how many properties have dedicated right-of-way along Foley Road? Staff did not recommend that right-of-way be dedicated, but the intention was, or the interest would be that, if that street is developed, that there is sufficient space for that to be built. Now is the time for the City to ask for this and not later.

Mr. Fletcher said that typically what we are looking at is scale and threshold. When you look at the right-of-way dedications that have occurred in the past along Foley Road, you will see redevelopment or substantial development that had triggered the need for an engineered comprehensive site plan. In this case, we evaluated and determined that we are looking at the reuse of an existing building and they are not increasing their footprint significantly, in fact they are removing some impervious area from the front and putting it in the back. There is some logic to the things you are talking about, but there is a threshold to consider. Had they proposed to demolish the existing structure and rebuild four or more units as permitted by density; they would likely have thresholds that require much more sophisticated evaluation into the overall development picture. It is one of those scenarios where you have to determine where you draw the line. We determined it is a small scale project and they did not trigger a big comprehensive site plan review; therefore, we did not add on those additional costs. There was a domino effect that would have been created.

Chair Colman said that he does not see the costs coming into play when it comes down to right-of-way dedication, unless you need a plat. That would be the main concern here. I am concerned more about setbacks in this case. I am fine with the way staff is proposing this.

Commissioner Byrd said that it is good that this was brought up now, so that if we approve this, and City Council looks at this, everyone will think about these things at that point as well.

Chair Colman said that when we think of development and expanding properties, taking right-of-way reduces the buildability of a property. That is what we need to be concerned with. There are pros and cons in each thing that we suggest. I want us to be conscious of that.

Commissioner Whitten said that she is glad we have had this discussion. I agree with Commissioner Byrd that we will leave this for City Council to think about. I do think that erring on the side of caution when it comes to future infrastructure is always well-advised.

Commissioner Finnegan moved to recommend approval of the SUP with conditions as presented.

Commissioner Fitzgerald seconded the motion.

Chair Colman called for a roll call vote.

Commissioner Whitten	Aye
Commissioner Fitzgerald	Aye
Commissioner Finnegan	Aye
Commissioner Byrd	Aye
Vice Mayor Romero	Aye
Commissioner Orndoff	Aye
Chair Colman	Aye

The motion to recommend approval of the SUP with conditions as presented passed (7-0). The recommendation will move forward to City Council on December 8, 2020.

**A motion was made by Finnegan, seconded by Fitzgerald, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 12/8/2020. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 7 - Colman, Finnegan, Whitten, Romero, Orndoff, Byrd and Fitzgerald

**No:** 0

**4.b.** Consider a request from Morgan Properties Investments LLC to rezone 3506 South Main Street and 32 Reedy Circle

Chair Colman read the request and asked staff to review.

Ms. Banks said that City records indicate that Truck Enterprises, Inc., which operates as an over the road tractor trailer truck sales, maintenance, storage, and office facility, received an approved Engineered Comprehensive Site Plan (ECSP) for their current location at 3440 South Main Street (Tax Map 105-B-1) in September 1984. A building permit to construct a maintenance shop, body repair shop, parts department, and corporate offices for Truck Enterprises, Inc. was approved in August 1985. The property was zoned B-2, General Business District, which, at that time, allowed the office, sales, maintenance, and storage uses by-right. In 2003, the Zoning Ordinance was amended, making over the road tractor trailer sales and maintenance uses allowable only by special use permit in B-2 and by-right in M-1. Therefore, the sales, maintenance, and storage uses of over the road tractor trailer operations of Truck Enterprises, Inc. became non-conforming uses.

The Comprehensive Plan designates this site as Industrial. These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

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

<u>Site:</u>	Vacant, gravel lots; zoned B-2
<u>North:</u>	Truck Enterprises, Inc corporate offices, sales, maintenance, storage facility; zoned B-2
<u>East:</u>	Trucking company, plumbing supply company; zoned B-2
<u>South:</u>	Across Reedy Circle, Waste Management facility, commercial building; zoned B-2
<u>West:</u>	Across South Main Street, vacant land; zoned B-2

The applicant is requesting to rezone two parcels located in the southern portion of the City along South Main Street and Reedy Circle and identified as tax map parcels 108-D-4 and 108-D-7A from B-2, General Business District to M-1C, General Industrial District Conditional and M-1, General Industrial District. As noted below, the submitted proffers are only associated with tax map parcel 108-D-4. Currently, both parcels are vacant, gravel lots, and if approved, Truck Enterprises, Inc. will expand its truck sales display area onto tax map parcel 108-D-4 (3506 South Main Street) and add storage of trailers onto tax map parcel 108-D-7A (32 Reedy Circle).

Within the M-1 zoning district sales and storage of over the road tractor trailers, served by a permanent building facility, unless already incidental to an existing building is allowed as a by right use. In this case, the future sales lot and the storage lot will be served by the existing permanent building facility of Truck Enterprises, Inc, located on the adjacent parcel identified as tax map parcel 105-B-1. Note that tax map parcel 105-B-1 will remain zoned B-2 with nonconforming uses on it. If tax map parcel 105-B-1 was rezoned to M-1, then a special use permit for business and professional offices for the +/- 21,000 square foot corporate headquarters would also be needed.

The submitted conceptual site plan, which is not proffered, demonstrates how Truck Enterprises, Inc. would incorporate each parcel into their current operations on the adjacent facility. This includes: removing existing fencing between the parcels and adding a new fence around the entirety of tax map parcels 108-D-4 and 108-D-7A; blocking the entrance from South Main Street into tax map parcel 108-D-4 with fencing; making adjustments for a grade difference between the parcels; paving tax map parcel 108-D-4; and providing a gated entrance along Reedy Circle into tax map parcel 108-D-7A.

Along with this rezoning request, the applicant has proffered the following (written verbatim):

1. The existing entrance serving parcel 108-D-4 on S Main St shall not be utilized until the entrance is improved (widened, etc.) to meet City Standards existing at the time of the improvement.
2. In effort to minimize conflicts with future road widening efforts along S Main St, no significant above-ground appurtenances (fencing, pole lighting, monument signage, etc.) shall be constructed along the S Main St frontage of parcel 108-D-4 within a distance of fifty-one feet from existing roadway centerline. Such restriction shall not apply to utility improvements

Proffer #1 addresses a concern staff has regarding the plan to fence off and not completely remove the existing, non-conforming entrance serving tax map parcel 108-D-4. The entrance does not meet current standards for a commercial entrance. By proffering that the entrance will not be utilized until it is improved to meet City Standards, ensures that the existing non-conforming entrance will no longer be used.

Proffer #2 recognizes that there are future plans to widen South Main Street and will ensure that no appurtenances associated with tax map parcel 108-D-4 will be placed in the planned right-of-way area.

As noted above, the Comprehensive Plan designates this area as General Industrial. These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. The proposed rezoning conforms with the Comprehensive Plan's Land Use Guide.

Staff recommends approving rezoning the two parcels from B-2, General Business District to M-1C, General Industrial District Conditional and M-1, General Industrial District.

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

James Hartman, Chairman, Truck Enterprises, 3440 South Main Street, called in support of his request. We have been here at this location in this City for 34 years. Our growth in terms of customer work and transportation on this part of town has made it necessary that we add the properties that you are looking at tonight. The front section that will be paved and fenced will be for additional truck sale storage. We have a sincere problem with not having enough storage for customer trailers in the back where we have them now, so that will be moved over to this back section. That will resolve a lot of potential safety issues for us, for people and equipment. We offered two proffers because we want to be good corporate citizens. We do not believe that there was a necessity for us to have that other entrance there that Pat Manor Homes had used. We will have new lighting on this lot for security purposes. Our engineer, Seth Roderick, will call in if you have any engineering questions.

Commissioner Whitten said that it is certainly nice to have a business to have a problem of growth and needing more space. We are happy about that.

Chair Colman asked if there were any questions for the applicant. Hearing none, he asked for the next caller.

Seth Roderick, Monteverde Engineering and Design Studio, called in support of the request. I am offering my assistance if there are any questions that relate to the engineering or construction of the site. Everything stated by staff is accurate and very descriptive, as well as Mr. Hartman's follow-up.

Chair Colman asked if there were any questions for the applicant’s representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten moved to recommend approval of the rezoning request, as presented.

Commissioner Byrd seconded the motion.

Chair Colman asked staff if they had received any calls, emails or concerns regarding this property.

Ms. Banks answered no.

Chair Colman called for a roll call vote.

Commissioner Orndoff	Aye
Commissioner Byrd	Aye
Vice Mayor Romero	Aye
Commissioner Whitten	Aye
Commissioner Fitzgerald	Aye
Commissioner Finnegan	Aye
Chair Colman	Aye

The motion to recommend approval of the rezoning request, as presented passed (7-0). The recommendation will move forward to City Council on December 8, 2020.

**A motion was made by Whitten, seconded by Byrd, that this PH-Rezoning be recommended for approval to the City Council, due back on 12/8/2020. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 7 - Colman, Finnegan, Whitten, Romero, Orndoff, Byrd and Fitzgerald

**No:** 0

**5. New Business - Other Items**

- 5.a.** Consider a request from Trenton, Inc. and Bernard, LC to close +/- 7,245 sq. ft. of public alley located between 435, 445, 457, and 473 South Main Street and 270, 276, 282, and 288 South Liberty Street

Chair Colman read the request and asked staff to review.

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

Site: +/- 7,245 sq. ft. of public alley, zoned R-3



North: City Hall, green space, and city parking lots, zoned B-1  
East: Funeral home and parking lots, zoned R-3  
South: Funeral home and parking lots, zoned R-3  
West: City parking lot and vacant parcels, zoned R-3

The applicant is requesting to close an alley located in the downtown area. The alley is paved, is +/- 37-feet in width and runs parallel to South Main Street and South Liberty Street. The entrance to the alley begins at Warren Street and runs +/- 211-feet south until it reaches a dead end. Nine parcels abut the alley. Two of the nine parcels (tax map parcels 25-J-19 and 20) are owned by the City and are used for parking for City Hall. Five of the nine abutting parcels (tax map parcels 25-J-5, 6, 7, 16, 17, and 18) are owned by Trenton, Inc. and one abutting parcel (tax map 25-J-4) is owned by Bernard LC. The applicant's representative describes that Trenton, Inc. and Bernard LC are related entities.

The applicant's letter describes that "[t]he requested closure will also allow the Applicant to add the land comprising the existing alley to its adjoining parcels to foster future development opportunities."

Both the applicant and City staff agree that if the alley is closed, then an access easement would be reserved by the City to serve the parcels identified as tax map parcels 25-J-19 and 20, where the City parking lot is located. Staff recommends reserving a 20-foot wide access easement for two-way vehicular traffic and for the length of the access easement to run from Warren Street to include the limits of the current entrance into the parking lot (approximately 75 feet in length).

Within this alley is a public sanitary sewer line that had served structures that are no longer existing on the adjacent parcels. As part of staff's review of the subject request, the Department of Public Utilities investigated and confirmed that the public sanitary sewer line is inactive, and therefore, an easement for the sanitary sewer line is not necessary. There are no other utilities within the public alley.

The applicant is aware that if City Council votes to approve closing the alley (first reading at City Council), the applicant is responsible for having a survey and plat prepared in order for the City Attorney to draft the ordinance to finalize the closure (second reading). The plat should show the portions of the closed alley being added to adjoining parcels and the access easement. Once the applicant has submitted the funds to buy the public alley and the ordinance is drafted, the second reading can occur to finalize the closure.

Staff recommends approval of the alley closing request with the condition that the City reserve an access easement as described above.

Chair Colman asked if there were any questions for staff.

Commissioner Byrd asked is the length of 75 feet to maintain two-way vehicle traffic?

Ms. Dang said no and then referenced the slide show to further answer the question She said that the 20 feet width is for the two-way vehicle traffic. The length from Warren Street going south is 75 feet in length. The entrance to the City's parking lot is in this location. The intent is that it would be whatever length is necessary to incorporate the full width of the current entrance so that the public access easement would touch it so that the City and anybody using this lot could maintain access from Warren Street to get into the parking lot.

Commissioner Byrd said that is what he intended to say. The length enables maintaining the current use of the lot.

Ms. Dang said that is correct.

Commissioner Whitten asked if the easement also takes care of the access to the compost drop-off location.

Ms. Dang said that this would not have any impact on continued plans to have that compost drop-off there. Community members would still be able to use that access easement to access the City parking lot. I did follow up with the person who made the comment, Ms. Voors, who had emailed. I discussed this with her, and she understands, but I still wanted to include her comments in the packet.

Commissioner Whitten said that is essential and so important as an environmental program for our City.

Chair Colman asked what impact of this alley dedication would have on the future park that is planned for that area. How does the sale of this City property impact the future of the planned park?

Ms. Dang said that the staff review process took longer than the usual week to review this application because we had several questions. One regarding the sanitary sewer investigation as well as the question of the impact to the park. I consulted with representatives of the City Manager's office who had been involved in the Build Our Park discussion. They did not have any concerns that this alley closure would impact future park plans.

Commissioner Fitzgerald said that over the past number of years we have seen a lot of requests to close alleys and have been in favor of some of them, especially the ones that do not look like they are used very much, are overgrown and are effectively part of someone else's property. I am uneasy about closing something without a really good balanced positive use for the City that would come about for giving up this piece of land that is adjacent to a busy area and an area that gets a lot of use. We have a lot of alleys that are alleys on paper and alleys that are full of brush and grown over, where it is difficult to tell where the alley is or is not. This is an actual alley that is used fairly frequently to the point where the map deliberately showed what would have to happen

to preserve the current uses of the alley. I do not ever mind voting in favor of closing an alley that is not used, but I am not sure that this one qualifies. I am not sure that this uncertain potential use in the future balances out the use that we would give up and the complication for how it is used right now.

Commissioner Finnegan said that those are good points. Part of my concern is that we have received a lot of alley closure requests. Always in the back of my mind is the setting of precedent. Applicants like to mention that we have closed alleys or done the same for other applicants. I am hesitant at this point.

Commissioner Byrd asked if the joint applicants surround the entire end of this alley.

Ms. Dang said that is correct. Except for the two parcels that are owned by the City, the applicants own all of the other parcels. They are the only ones that need access to the alley, other than the City which the access easement would be reserved for.

Commissioner Byrd said that he is not downtown enough to observe the travel that people use of this alley. Is most of that travel a get-around to City access through this alley? Or is it to get to the parcels owned by the applicant?

Ms. Dang said that her observations are that only City staff use it to access the gravel parking lot. I do not see much funeral traffic, other than when a funeral is occurring, to access that one large parking lot that is on Main Street. People might use the alley to get in and out from that point. I have not observed cut-through traffic from the general public.

Chair Colman said that according to the plat provided, it shows the alley abutting to property that has an easement that appears to be an access easement. Is that also owned by the applicants?

Ms. Dang showed another image. The applicant owns all the properties that are bounded in yellow.

Chair Colman said that it appears that the alley serves the applicants more than anybody else. Does the City maintain that alley or is it maintained by the applicants?

Ms. Dang said that what she recalls from discussions with Public Works is that we maintain the snow removal. I think that Mr. Hartman, Director of Public Works, said that it is whoever gets there first. Public Works would have to plow to get City Staff access to that lot. I do not recall having any discussion regarding other types of maintenance such as paving maintenance.

Chair Colman said he wondered how the maintenance is handled and whose burden it is. As much as I agree with preserving City alleys, I wonder if this is a burden for the City. It may be a good idea to let them have it, while allowing access to our parking lot. On the other hand, I agree that setting precedent of closing alleys that are being used is counter to what we have done. The

users of the alley are the ones requesting this.

Commissioner Finnegan said that the same is true for every alley in the City. It is up to the adjacent property owners to maintain it. It falls into this weird category between public space and private space in terms of City maintenance. I do not think that the City has any more obligation to maintain that than they do any other alleys in the City, unless downtown alleys are treated differently.

Chair Colman asked staff if there are revenues that the City receives based on paved alleys? Is the City putting an effort to maintain this alley where we could let the user maintain it? Other users in other alleys have to maintain the alleys themselves, so why would the City be maintaining this one?

Ms. Dang said that the City would not receive any funding for this alley. It would not meet the criteria to receive funding. The City's maintenance of alleys throughout the City is on a case by case basis. In this case, I do not know the specifics of how Public Works might treat this alley different from other alleys, if they do at all, other than to serve the interest that the City has for staff to have access to that gravel lot.

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

Todd Rhea, Clark and Bradshaw, the applicant's representative, called in support of the request. The Lindsey family, who are the principles of the LLC, which is the same Lindseys, who previously owned and operated Lindsey Funeral Home on this site and has leased it for 28 years, own all of the parcels surrounding this alley other than the City parking lot, which fronts on Liberty Street. The Chairman pointed out an access easement at the terminus of this alley. That is a private access easement that no longer exists because it was in favor of the funeral home use. Since ownership is now consolidated, that is no longer a valid easement. The alley does not terminate on any other public street or alley, nor does it serve any other private parcels other than the applicant's parcels. There is no public transport or public circulation use of the alley. People cannot legally go to the end of that alley and go to any other parcel other than those owned by the applicants. Is there a fiscal benefit to the City? These are not cheap square footages, being prime downtown parcels. One of the impetus for the applicant at this time is that the applicant has some funding in place where they could justify making the application and paying the purchase price. It is correct that there are no current redevelopment needs for the alley vacation, since the funeral home lease is still current and ongoing for most of the parcels in question. It certainly is possible, over the next five years, to see some redevelopment come before the Commission for these parcels and that alley is a very awkward configuration as it currently exists. Vacating it would allow that land to be incorporated into productive plans. We concur with staff's recommendation to provide access to the composting drop off and the City parking lot from Warren Street onto the City lot. There used to be houses along Liberty Street that this alley accessed, but those

houses have all been torn down. There is no longer a private use need for the alley as it currently exists. Those are the reasons and justifications behind the application for closure. You have raised great questions and I will stay on the line for anymore that you may have.

Chair Colman asked if there were any questions for the applicant's representative. Hearing none, he asked for the next caller. As there were no more callers, he closed the public comment period and opened the matter for discussion.

Commissioner Whitten moved to recommend approval of the alley closure request with conditions as presented.

Commissioner Orndoff seconded the motion.

Commissioner Finnegan stated for the record that he will vote against the request. The reason is that I do not see the benefit to the City, and I see this as not a great precedent. I do not have a problem with the applicants or the request in general. I intend to vote against it for those reasons.

Commissioner Fitzgerald stated for the record that she will vote against the request. I align myself with my earlier comments and with the comments Commissioner Finnegan made. I am not convinced that the tradeoff, giving up this land, is the best thing for the City.

Commissioner Byrd said that he does not see why the City needs this long alley if someone else has taken the time to acquire all the land surrounding it. The City is maintaining the alley for what purpose, to aid this one property owner? I do not see the value in that.

Commissioner Whitten agreed with Commissioner Byrd. This is an alley to nowhere except to the applicant's property. It does not make sense for the City to hold on to the property. I think it should be part of the taxable property that they own.

Vice Mayor Romero said that the alley had a use at one point for the residents that lived there. It is outdated. It is no longer there for the reasons that it was put there. It leads to nowhere. I have seen it many times and I always thought it was a driveway, a part of the property. I do not like the precedents either. I do agree with Commissioners Fitzgerald and Finnegan, but I also do not see why get in the way of allowing the owners to take care of it and make it useable for them and still benefitting the City by providing the access we need. It does not have the intended uses it was designed for, so I will be voting in the affirmative.

Chair Colman said that he will be voting in the affirmative. I am torn, also, because of the way we have voted before and setting precedents. At the same time, I consider the property, with an alley in the middle of the property, it limits the potential development of that property. It will be taxable property for the City, as well. Leaving it there provides more of a limitation to that property's development than a benefit to anybody else. I agree with Vice Mayor Romero that the benefits to the City have expired.

Commissioner Fitzgerald noted that she would have been willing to vote in favor of this if they would be interested in closing half of the alley, the half that does not abut right next to the City property. I would have voted yes for that without any problem at all.

Chair Colman said that is important that we express that opinion because we are protective of our alleys. We want to see them used. This is one that is nicely kept, and wish would be used more, but it is not to the public benefit at this point.

Commissioner Fitzgerald said that it highlights the need to talk about this in the [Zoning and Subdivision Ordinances Update Project’s] Ordinance Advisory Group where we are thinking through some of the big picture items about how judgements should be made about issues like this.

Commissioner Finnegan said that the alleys in my neighborhood were ultimately designed for coal delivery. We do not use coal anymore to heat houses. I use the alleys in my neighborhood quite a bit, except for the ones where I think bad decisions were made and parts of the alleys were closed. Once you have done that, there is an argument to close the rest of the alley. I am voting against it on principle that I do not think we should close alleys in general.

Commissioner Byrd said that the City parcels are next to two streets and the only access is to this alley. To me that is a strange use of the property relative to a street.

Chair Colman said that is a leftover from what was there before.

Commissioner Orndoff said that if we were not requesting the easement, the City could have access to its parking lot directly off Warren Street. This is just convenience to the City not having to create a different entrance.

Chair Colman said that it does not increase cost to the City by having an access easement.

Chair Colman asked if there was any more discussion. Hearing none, he called for a roll call vote.

- Commissioner Fitzgerald No
- Commissioner Orndoff Aye
- Commissioner Whitten Aye
- Vice Mayor Romero Aye
- Commissioner Finnegan No
- Commissioner Byrd Aye
- Chair Colman Aye

The motion to recommend approval of the alley closure request with conditions as presented passed (5-2). The recommendation will move forward to City Council on December 8, 2020.

A motion was made by Whitten, seconded by Orndoff, that this Action Item be recommended to full council to the City Council, due back on 12/8/2020. The motion carried with a recorded roll call vote taken as follows:

**Yes:** 5 - Colman, Whitten, Romero, Orndoff and Byrd

**No:** 2 - Finnegan and Fitzgerald

**6. Unfinished Business**

None.

**7. Public Comment**

None.

**8. Report of Secretary & Committees**

**8.a. Proactive Code Enforcement**

Ms. Dang said that zoning staff will be resuming proactive code enforcement in November. We will have a report to share beginning in December. They will be in the Chicago Avenue area this month.

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

Commissioner Whitten said that she was unable to attend the meeting because they had changed rooms and did not have the virtual meeting set up where they met. I am not attending public meetings in person. I spoke with Mr. Dyjak, Director of Planning for Rockingham County for information regarding the meeting. I submitted my summary by email to staff.

Commissioner Whitten’s report was written as follows:

Rezoning:

1) Faraway Farms, Inc. Request to retain the R-5C zoning district with revised Overbrook subdivision Master Plan to alter layout and allow up to 230 total dwelling units (62 additional) without amending existing proffers. The property is the west side of Power Dam Road (Rt. 651) approx. 0.4 miles south of McGaheysville Rd. (The property comprises 43.77 acres of 102.57 acres) Commissioner Sheets was the applicant and recused himself and left the meeting during this rezoning. The request was found to be consistent with the R-5 district standards and the Comp. Plan. I am including the staff and department reports/checklists which I found to be extremely comprehensive and helpful. There was one property owner with concerns about increased traffic and flooding concerns. VDOT did not express concerns about the rezoning. Community Development staff recommended in favor. Commissioners agreed and voted unanimously in favor of the request. Commissioner Sheets abstained from the

vote.

2) The second advertised rezoning request was postponed at the applicant's request.

\*The 2021 Meeting Schedule was adopted and is included.

\*The Amendment to Rockingham County Code, Chapter 17 dealing with outdoor lighting remains tabled with work continuing. Mr. Dyjak, Director of Planning expressed gratitude for Gil Colman's input with this work.

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

Chair Colman said that there was a request to relocate a property line between two lots that were each 60-foot wide lots. The applicant was requesting that the property line be moved. The home on one lot has a walkway with a wall and the property line is against the wall. The applicant owns the two lots and wants to sell the vacant lot at 561 Ott Street. The applicant wants to retain a portion of the vacant lot so they can access the back of the property from that side. The property is on a corner, so he has access to the property along the back. The applicant wants to age in place and did not want to walk down the street or downstairs to get to the back to attend to his pets. The Board was split (2-2) so no decision was met. I believe there is a request to rehear the request because one of the members was not present allowing for the tie. We have no control over how many members will or will not be there. It requires a majority to approve it.

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

Vice Mayor Romero said that there were two applications. There was a joint application by Rock Homes LLC at 690 Pear Street. They were seeking a rezoning and a SUP. This is where there is going to be a series of townhomes near the intersection of Erickson Avenue and Pear Street. We had this application come before us last year. We had rezoned it, then it was sold. Both requests were approved (5-0).

### **9. Other Matters**

#### **9.a. Update on the Zoning and Subdivision Ordinances Update Project**

Ms. Dang said that since our last Planning Commission meeting, the consultant team interviewed representatives of James Madison University (JMU), Eastern Mennonite University (EMU), and Harrisonburg City Public Schools (HCPS) as a continuation of the stakeholder interviews that they held earlier in October. I will send out the agenda for the Ordinance Advisory Committee (OAC) meeting that is scheduled for November 18, 2020. Within that agenda packet, you, members of the public, and the OAC members will be able to see a summary of all the stakeholder's comments that were received through all the interviews.

The community survey results will also be made available later this week. 197 people participated in the survey. Within the OAC agenda packet for the November 18 meeting there will be the raw



data and all the comments.

On November 2 and 3, Brian Mabry of Kendig Keast Collaborative, visited and did a tour of Harrisonburg to get a better feel and understanding of what our community is like.

Next steps on this project:

On November 18 there will an OAC meeting to receive a presentation from the consultants of the Ordinance Diagnostic and there will be an opportunity for members of the OAC to discuss comments received from the stakeholder interviews and the community survey. The OAC meeting will be open to the public, however, there will not be time for public comment. Since the OAC will be meeting virtually, the public will be able to watch the meeting live online or on the Public Education Government Channel 3, the same way City Council and Planning Commission meetings can be watched. Additionally, the meeting will be recorded and available for later viewing online. Following the meeting the Ordinance Diagnostic will be made available and I will post it online and let Commissioners know when it is available as well.

Commissioner Colman asked if the number of people responding to the survey is a significant number. Is that low? Is that typical? What are your thoughts or the consultants' thoughts on that?

Ms. Dang said that would be a good question for the consultants to see what their experience in other communities is. I was pleased with the number. I always hope for more, but I was pleased to see almost 200 people taking the time to respond and to write as much as they did. When you have the opportunity to see it, there were a lot of people who spent time putting together some thoughtful comments in addition to answering the multiple choice questions.

On Thursday, November 19 from 6-7:30 p.m., there will be a virtual public meeting for the Comprehensive Housing Assessment & Market Study. The consultants will present findings of the initial draft and there will be an opportunity to receive public input. Details about how community members can watch or listen to the meeting on November 19 are available on the project website at [harrisonburgva.gov/housing-study](http://harrisonburgva.gov/housing-study). The three ways include watching on a computer or mobile device through GoToWebinar, by calling to listen by phone, or by watching the meeting on the Public Education Government Channel. During the meeting, community members can comment through GoToWebinar's chat function or they may call and submit questions by voicemail by calling a number provided on the City website.

Chair Colman asked if there would be opportunity for people to speak. It is just a presentation, right?

Ms. Dang said that depending on the flow of the meeting and how things go they may have time and be able to open it up for people to make comments during the meeting. I would encourage the public to call in by voicemail or comment using the chat feature. There will be people checking the voicemail messages during the meeting to filter the questions to the presenters.

## 10. Adjournment

The meeting adjourned at 8:05 p.m.

### NOTE TO THE PUBLIC

In accordance with the Emergency Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with the pandemic disaster, adopted on April 6, 2020, the public will not be able to physically attend the Planning Commission meeting.

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

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

Community members also may provide comment prior to the meeting by emailing: [Thanh.Dang@harrisonburgva.gov](mailto:Thanh.Dang@harrisonburgva.gov).

Community members will be able to watch the meeting live on:

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