



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes Planning Commission

Wednesday, March 9, 2022

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 9, 2022, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

2. Roll Call/Determination of Quorum

Members present: Brent Finnegan; Adriel Byrd; Kathy Whitten; Richard Baugh; Dr. Donna Armstrong; and Laura Dent. Absent: Jim Orndoff.

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, Office Manager/Secretary.

3. Approval of Minutes

Chair Finnegan called the meeting to order and said that there was a quorum with six members present and asked if there were any corrections, comments or a motion regarding the February 9, 2022 Planning Commission minutes.

Commissioner Byrd moved to approve the minutes.

Commissioner Baugh seconded the motion.

All members voted in favor of approving the February 9, 2022 Planning Commission minutes.

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

3.a.

4. New Business

4.a. Consider approving the FY 2022-2023 through 2026-2027 Capital Improvement Program

Chair Finnegan read the request and asked staff to review.

Mr. Fletcher said the Capital Improvement Program (CIP) is a multi-year presentation of planned

capital projects of \$50,000 or greater with an appropriate financing plan to fund the projects. The CIP is prepared annually to facilitate planning and to set priorities among capital improvement needs over a subsequent five-year period. The CIP is designed to identify projects for all City departments, as well as for Harrisonburg City Public Schools, for which funding has already been committed or is being sought for some time within the five-year planning period.

Planning Commission's objective is to review and evaluate the CIP and, once the document is in an acceptable format, recommend the document for approval to City Council. Remember that the CIP is not a budget and inclusion of projects in the document does not guarantee that such projects will be funded by the City or by any external sources in the year presented or at the level proposed. The actual commitment of funds by the City for any capital item comes with the approval of the annual budget for each fiscal year. However, the CIP serves as an important planning tool for formulating the capital portion of the annual budget.

As can be observed by reviewing previous CIP documents, the CIP is not a static plan. It is part of annual planning and programming, where after each passing year, another year is added to the planning period to maintain the five-year forecast. Each year costs, needs, and revenue sources are reevaluated.

Staff emailed Planning Commission draft project information sheets in December 2021. In early February the full draft of the CIP was provided to Commissioners and uploaded to the City's website. Staff requested that Commissioners submit comments and questions to staff prior to the Planning Commission review so that responses could be prepared and provided in advance of the meeting. The questions and responses were included in the agenda packet.

Mr. Fletcher walked through some of the tables in the CIP, highlighting the various sections of the Project Request Form, explained how priorities may change over time, and how some of the projects might eventually be funded. He then offered to answer any questions.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said I have a question about ARPA (American Rescue Plan Act) funds. We have heard about, and it has been in the headlines, there is a meeting at Simms to talk about how to best use the funds. There is an online survey. Is there overlap between those ARPA funds and could they go to pay for some of this?

Mr. Fletcher said everything that is in the CIP does not reflect ARPA, at all. We did that on purpose to reflect if ARPA did not exist, this would be our demand. ARPA funds could be utilized and, in fact, one of those projects is already known, Fire Station 5, that we are hoping to use ARPA funds for.

Councilmember Dent said I put in a request to swap the order that we are now planning to build Fire Station 5 first and refurbish or replace Fire Station 4 later. I believe your answer was that we

are pretending ARPA does not exist, essentially.

Mr. Fletcher said that was the answer. I am trying to remember the date in which we were thinking that the physical construction of Fire Station 5 would begin. It is quite possible that once we allocate funding from ARPA, then we go through the request for proposals (RFP) and then the design, it might end up almost aligning with the dates that are shown. I think it was 2024 or 2025 for Fire Station 5.

Commissioner Whitten said you have to look at ARPA money just like a non-profit would look at grant money. You cannot make that part of your budget. You cannot plan on that because, hopefully, that is never going to happen again. I understand why we need to use those funds wisely, but we also need to not depend on that.

Councilmember Dent said my biggest question was, again, where is the solar? Where are the electric vehicles (EV)? We had that discussion about... I think you proposed putting something in the introduction to say that sustainability, renewable energy and so on should be considered with each City project that is brought to City Council.

Mr. Fletcher said it is an option if Planning Commission deems that detail to be warranted in the document itself.

Councilmember Dent said I would appreciate that just in the footnote. I understand that for the coming year, the CIP team is going to be embedding the Environmental and Sustainability Manager to be a part of the process of evaluating and proposing sustainability measures. I look forward to seeing that. I was starting to think, why would I even approve something that does not even have sustainability in it for the next five years when we really need to be taking strong measures. I understand that it has been developed over time. Some of these things have been carried over, over time. There are a few things in there that already are taking steps, like the electric school busses and planning overtime for expanding that. I can reluctantly support it for now and look forward to having more sustainability throughout all the projects next year.

Mr. Fletcher asked what specific type of statement would you like in the document?

Councilmember Dent referred to her notes and read

If desired, recommend that there be a statement included in the introduction that states that solar panels and other environmental resilient and sustainable infrastructure should be considered with all City projects.

Mr. Fletcher asked does that begin at the bottom of page eight?

Councilmember Dent said it is on page nine. I consider sustainability as a strong factor in approving any City projects that come before us.

Mr. Fletcher said if you give me leeway, I will work that into the introduction where it is appropriate in the context of the paragraph.

Councilmember Dent said yes.

Chair Finnegan said obviously this will be in the public record, but I wanted to draw attention to the question that I asked about speed cushions. That is something that comes up again and again on the requests that we hear, concerns about traffic. I share those concerns. Vehicles are becoming bigger and bigger. My neighbor has a truck that I can barely see over the hood, and I am six feet two inches tall. I think the City needs to do a better job of protecting pedestrians and cyclists, and making it a safe City to walk around. It is important for us to keep in mind, the cost to the City that they said in here (CIP), Public Works responded that the cost per speed cushion is approximately \$1,500 to \$2,000. If you are a parent of a child that got hit by a car, I am sure that is a low price. We need to make sure that people are not speeding through the neighborhoods and the developments that we are approving here.

Commissioner Baugh moved to recommend approval of the CIP with the additional language proposed by Councilmember Dent.

Councilmember Dent seconded the motion.

All members voted in favor of approving the CIP as amended. The recommendation will move forward to City Council on April 12, 2022.

A motion was made by Baugh, seconded by Dent, that this Action Item be recommended to full council to the City Council, due back by 4/12/2022. The motion carried by a voice vote.

5. New Business - Public Hearings

Consider a request from Northside LLC with representative Holtzman Oil Corporation to rezone four parcels at 1441, 1451, and 1477 North Main Street

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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:

Site: Formerly Harrisonburg Motor Express and now unoccupied, zoned M-1

North: Gravel parking lot, zoned M-1

East: Vacant land in Rockingham County, zoned A2

South: Across Mt. Clinton Pike, vacant land, zoned M-1 and R-2

West: Vacant land and the Harrisonburg Technology Zone/Park, zoned M-1

The applicant is requesting to rezone four parcels totaling +/- 4-acres from M-1, General Industrial District to B-2C, General Business District Conditional. The site abuts the City-County jurisdictional boundary and is located at the intersection of North Main Street and Mt. Clinton Pike/Vine Street. If approved, the applicant plans to “develop the parcels over time, constructing a gas station followed by a combination of restaurants and retail stores.” An adjoining parcel that is located within Rockingham County is also being considered for rezoning as part of the project site. The County Planning Commission held a public hearing for the rezoning request on March 1, 2022 at which they recommended approval (5-0) to rezone the property from A-2 - General Agricultural District to B-1C - General Business District with Conditions. The request will be heard by the County Board of Supervisors on March 23, 2022.

The applicant has proffered the following (written verbatim):

1. Pedestrian access:
 - a. External walks: The Owner shall construct a 5’ wide sidewalk with a 2’ wide grass buffer strip between the back of curb and the sidewalk along the Mt. Clinton Pike and North Main Street frontages of parcel 42-B-12, and if necessary, dedicate right of way to 0.5’ behind the new sidewalk. The proffered sidewalk fronting Mt. Clinton Pike and North Main Street shall be installed prior to the issuance of a final certificate of occupancy for the first use on the Property.
 - b. Internal walks: The Owner shall construct internal 5’ wide sidewalk(s) with private street crosswalks within the Property that connect the public sidewalks to each building on the Property as each use is permitted and developed.
 - c. Connection to signalized intersection: The owner shall construct a sidewalk connecting directly from the North Main Street/Mt. Clinton Pike intersection to the nearest building.
 - d. Crosswalks shall be painted to connect pedestrian routes that intersect drive aisles.
2. The owner shall construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, generally as shown on the Conceptual Plan of Development as prepared by Blackwell Engineering and submitted as part of this application (“Conceptual “Plan”). A 5’ sidewalk will be constructed on at least one-side of the loop drive/road. The internal private loop road/drive shall be substantially installed providing through access from North Valley Pike to Mt. Clinton Pike prior to the issuance of a final certificate of occupancy for the first use on the Property.
3. Roadway improvements:
 - a. Mt. Clinton Pike: A dedicated right turn lane into the Property with taper is to be constructed, generally as shown on the Conceptual Plan, along Mt. Clinton Pike. The existing entrance on Mt. Clinton Pike is to be moved to the west and the existing eastbound left turn lane is to be re-stripped, in accordance with the TIA

and as shown generally on the Conceptual Plan or as otherwise agreed during the site plan approval process.

- b. Inter-Parcel Connections: The owner shall provide for future inter-parcel connections both to the north and west bordering parcels. These two points of connections shall be provided upon request and coordination of the neighboring owners by easement access from the Property boundary to and across the private loop drive/road described in Proffer # 2 above. Final locations of the two connections shall be subject to development approvals and layouts of the connecting parcels and shall be subject to the negotiation of customary reciprocal easement agreements and cost-sharing arrangements with those owners.
4. Site Renewable energy resources:
 - a. Solar energy: The owner shall design and construct solar panels on the roof canopy over any gas pumps on the Property at the time of construction. Substantial panel coverage of the canopy will be designed and installed with final configuration subject to structural and regulatory requirements.
 - b. Electric car charging: Within six (6) months of the issuance of a final certificate of occupancy for any petroleum fueling station use on the Property, the owner shall install and maintain a minimum of four fast-charging/level 3 (or at least equivalent current technology) electric vehicle charging stations on the Property.
5. The buildings on the Property shall be characterized by varied roof lines and shall incorporate higher quality finishes such as stone, brick and stucco/EIFS. Lower quality materials such as corrugated metal, unfinished cinder block and low-grade vinyl siding shall not be permitted on building frontages facing North Main Street and Mt. Clinton Pike. The Property shall be maintained under unified developer or property owner association control with established architectural review standards contained in a recorded declaration or similar instrument.
6. Landscaping including tree plantings, shall be installed and maintained along the Property frontage along Mt. Clinton Pike and North Main Street under applicable City of Harrisonburg zoning ordinance to provide for a uniform landscaping frontage along both major streets. Such tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities located along these frontages. Street trees will be installed on one side of the internal loop drive/road consistent with zoning ordinance requirements for street trees along public fronting streets in the zoning ordinance.
7. An easement will be provided for a bus shelter at a location acceptable to Harrisonburg Department of Public Transportation (HDPT) along Mt. Clinton Pike. A concrete pad will be constructed within the agreed easement location to HDPT's bus shelter design specifications. HDPT will construct the actual bus shelter on the pad provided.

Note that the submitted conceptual site layout is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on proffer numbers 2 and 6. With regard to Proffer #2, the owner would be required to construct a private internal loop drive/road from North Valley Pike to Mt. Clinton Pike, along with sidewalks on at least one-side of the loop drive/road. (Note: North Valley Pike is the continuation of North Main Street/Route 11 into Rockingham County and the proposed entrance to the private internal loop road onto Route 11 would be located in Rockingham County.) There was discussion among City staff, County staff, Virginia Department of Transportation (VDOT) staff, and the applicant on whether the loop drive/road should be a private or public drive/road/street. There was also a request from City and County staff for the applicant to consider dedicating public right-of-way for a future street connection between the subject site and the future County fire station to provide street connections to future development to the north. While City staff believes that the area would be best served by a public street with public street connections into other adjacent properties, and likely designed and located at different connection points than the conceptually shown private road, staff understands the applicant's hesitation to commit to dedicating and building public streets at this time and is appreciative of the applicant's proffer in Proffer 3.b. for future interparcel connections. Staff also believes this development would be best served with sidewalks on both sides of the private drive/road and, if approved, hopes the applicant will consider constructing sidewalks on both sides of this lane.

Proffer #6 refers to the City's zoning requirement to plant trees within the landscape border between parking lots and public street frontages. The applicant proposes to provide for uniform landscaping along the frontage and states that "...tree plantings may be modified as required to avoid interfering with existing overhead and underground utilities..." Know that there is no provision within the Zoning Ordinance to reduce the number of required trees or the required minimum size of trees at the time of planting. Also, the Zoning Ordinance does not require trees to be installed uniformly by species, size, or spacing. Trees may be spaced at different intervals or clustered together to avoid conflicts with utilities. In actuality, the only portion of proffer #6 that is outside of typical requirements is the offer to plant trees along the private road similar to the Zoning Ordinance's parking lot landscaping requirements, which is appreciated.

With regard to the Comprehensive Plan's Land Use Guide, the properties that are across Mt. Clinton Pike and across the intersection of North Main Street are all designated Mixed Use. The subject site and properties to the north and west are designated General Industrial. Properties to the northwest are also within Harrisonburg's Technology Zone/Park with operating businesses and technology firms and the property to the northeast in Rockingham County is where a new County Fire Station will be located (See Exhibit A). While the Comprehensive Plan's Future Land Use Guide designates the subject property for General Industrial, staff believes that commercial uses could be appropriate at this location if the site layout was supported by more urban and traditional neighborhood design (TND), which is what the Comprehensive Plan promotes for the North Main Street corridor rather than the car-centric design illustrated in the applicant's

conceptual site layout.

Staff suggested that the applicant consider reversing the design as shown on the conceptual layout by proffering to locate the convenience store along the public street frontage and for the gas/pump island to be located behind that building. Such a layout would promote and establish an urban, TND design for this corridor, which is more accommodating to pedestrians and bicyclists who will be walking and biking to this location. Moving the convenience store closer to Mt. Clinton Pike and North Main Street creates a pedestrian friendly design and a sense of place for people walking, biking, and driving to and past the site.

While the conceptual layout demonstrates the applicant's intent to provide a sidewalk to the convenience store, staff believes it is in the best interest of the City's plans and for all of the people who will walk and bicycle to this site to eliminate the unsafe, large parking lot and gas pump islands adjacent to the public street, where vehicles constantly crisscross through the area in all directions. While much of the concern in conversation is regarding the convenience store location, staff believes that the public street frontage of the site should be constructed with buildings along the frontage and to locate parking to the rear of those buildings. If parking lots must be constructed in front of buildings, to the greatest extent possible it should not occur along the public street frontage. In response to our suggested site layout design, the applicant noted that they have constructed a similar design at another location that they operate. However, if staff understood correctly, they stated that this layout does not economically perform as well as their other sites and they prefer the conceptual layout. While this could be true, the economic performance of that other site could be due to a number of other factors and not necessarily due to the site layout.

Ms. Dang said she would walk through examples of gas stations that she e-mailed to the Planning Commissioners late afternoon acknowledging that some Commissioners may not have seen the e-mail yet. She walked through powerpoint slides of aerial photos and street views of gas stations that had the convenience store at the public street frontage and the gas pumps in the rear. The locations included:

20008 W Catawba Ave, Cornelius, NC 28031
18635 Old Statesville Rd, Cornelius, NC 28031
101 S Statesville Rd, Huntersville, NC 28078
644 Davidson Gateway, Davidson, NC
20671 Catawba Ave, Cornelius, NC 28031
3585 SW Mapp Rd, Palm City, FL 34990
9 W Union St, Jacksonville FL 32202

Exhibit B is an image showing a half-mile radius from the corner of the parcel at the intersection. This half-mile radius includes a tremendous number of existing residential units and there are more residential units forthcoming with the Vine Street Townhomes project. Know also that the City will be constructing sidewalks along the east side of North Main Street from Holly Hill Drive to

the intersection with Mt. Clinton Pike and Vine Street. The Department of Public Works also submitted a Community Development Block Grant (CDBG) application (which has not yet been awarded) to construct sidewalks from the southern corner of the North Main Street and Vine Street intersection to the western most entrance of the Harris Gardens community. In emphasizing our position and stressing the need for the site to accommodate pedestrians, staff asked the applicant if they would be willing to contribute in some way to assist the City in constructing the previously mentioned sidewalks along Vine Street. The applicant noted they might be interested but are not ready to proffer such details. If the applicant was able to contribute in some way, then the CDBG funding, if awarded, could be utilized to extend the sidewalk even further along Vine Street, which would serve more people.

Staff is appreciative of the efforts and proffers that the applicant has made up to this point. Redeveloping this site should assist in developing and redeveloping other properties along this corridor. However, staff believes that the site layout is very important. Placing the buildings (especially the convenience store, which appears to be the use most likely to be constructed first) closer to the intersection would be safer for pedestrians to be able to walk directly from the public sidewalk to the building, more aesthetically attractive from a streetscape perspective, and it would set the expectation of how the other corners should develop. Chapter 15, Revitalization of the Comprehensive Plan identifies North Main Street as a Corridor Enhancement Area and the area around the intersection of North Main Street and Mt. Clinton Pike/Vine Street as a Secondary Gateway. Among other things, Chapter 15 describes that “[t]he Gateways and Corridor Enhancement Areas map [in] this chapter, highlights the important local and regional travel routes into and throughout the City, many of which are commercial destinations. Their quality and character strongly influence the City’s accessibility, attractiveness, and economic vitality.” Chapter 15 goes on to recommend that “a special study of each corridor enhancement area be carried out to address issues such as land use and design quality; streetscape improvements; vehicle, pedestrian, and bicycle circulation; access management; development, redevelopment and reuse opportunities; conservation of special features; improvements to utilities and public facilities; and signage.” While there have been no specific plans conducted by the City to speak to these issues, staff believes that the City should not disregard the known design ideas of how this corridor should be built and to take the opportunity now to have the proposed development assist in setting the precedent of how this section of North Main Street should be developed and redeveloped. Allowing the car-centric design as illustrated on the conceptual layout would set the wrong precedent and send the wrong message of how we hope to serve the people in this area of the City.

Staff recommends denial of the request.

Chair Finnegan asked if there were any questions for staff.

Commissioner Whitten said I am not clear about the email that you said was sent late. I am not sure that I received that.

Ms. Dang said at about 4:30 p.m., and I apologize that it came so late, it was a response to a request that Chair Finnegan had made on Monday afternoon asking whether there were examples that I could share of other gas stations that had the building closer to the corner or closer to the public street frontage. That is why I shared those images (in the powerpoint).

Commissioner Whitten asked do you know whether, in Florida or in North Carolina, those communities have had zoning changes that require a business to site their building like that?

Ms. Dang said I do not. I did not look into the zoning ordinances of those localities, nor did I call to ask if they required them.

Councilmember Dent said the impression I get is that it is analogous to our preference for multi-family buildings to be built towards the street and the parking in the back. Similarly, we want the gas pumps in the back to make it less car-centric and more pedestrian friendly?

Ms. Dang said that is correct.

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

Todd Rhea, Clark & Bradshaw, came forward representing the applicant. Along with me tonight, on behalf of the applicant, are Ed Blackwell, of Blackwell Engineering, Rick Koontz, Senior Vice-President with Holtzman Corporation, and the Moore family who are the current owners of the property.

Let us also go back and look at the history of development at this intersection, or lack thereof. In studying the history, it is telling that the proposed and City supported Wal-Mart Marketplace with fuel pumps development changed its location from this area almost eight years ago in 2014. That Wal-Mart Marketplace subsequently opened out on Port Republic Road in 2016 and nothing has happened to spur commercial or other development at this intersection for almost a decade. That Holtzman and the property owners have been willing to invest over two years' time, remediation and study in getting to this stage and are further willing to invest \$15 to \$20 million to fully develop this site speaks clearly to their commitment to the project. It also speaks to the level of risk they are willing to take in bringing those benefits to corridor commuters and nearby residents.

Speaking now to the specifics of the rezoning application before you. The applicant has made it very clear that, as the gas station component to the project is central to its business, it is not willing to hide its primary business pumps behind its secondary convenience store use. We believe this is justified based on real world business considerations, as opposed to well intentioned, but overly idealistic, planning goals.

I will point the Commission first to the newly constructed Wawa facilities at the entrance to the Charlottesville, Albemarle Airport on Route 29 and on Pantops Mountain in Charlottesville and

the new Sheetz store also being constructed at the Albemarle Airport intersection. These are both gateway corridor locations under much more stringent design controls than the present site, yet in all instances, the pumps are installed in front of the store next to the major roadways, as this is simply how the petroleum business operates. This is not a front facing static parking lot along a street, the pumps are the primary business use at the location and the driving rationale for the applicant to invest millions in the site to create jobs, citizen amenities and fiscal revenues to the City.

Second, the Northside Gateway project has been patterned on a very successful Holtzman development along Route 7 on the east end of the town of Purcellville in Loudoun County. [Referring to an image on the screen.] This project, named Catoctin Corner, built out successfully with a Holtzman station as its centerpiece, contains similar acreage to the Northside Gateway proposal and is located on a similar vehicular corridor to the Harrisonburg site. In addition to the new Holtzman station, the Catoctin site built out with a pharmacy, several restaurants, a bank and related commercial amenities and uses.

Holtzman has been very proactive in addressing staff, agency, and citizen concerns in its proffers. It has not simply drawn red lines where it is not critical to their business model. The applicant has utilized a proffer set very similar to that at Catoctin Corner, containing upgraded pedestrian improvements and circulation, sustainable commitments to solar panels on the station canopy, four fast charging electric vehicle ports, and a bus stop for easy mass transit access along this busy corridor. The applicant has also provided for inter-parcel access to both the north and west, and high-quality architectural and landscaping design features for the entire site.

Finally, you do not have to rely upon promises with this applicant. You simply have to drive around the City and County and look at the high-quality properties it has constructed in the community to understand its commitment to safe and visually appealing sites and to the pride with which it operates its business. We are not deaf to the issues surrounding what the staff has referred to as “car centric design” however, the applicant operates a car centric business, and as discussed, their fuel pumps are the primary initial use on the site which require visibility. This is an arterial gateway at the edge of the city and not a core urban area, it is chronically underserved and begging for investment and upgrade. We appreciate the Commission’s understanding of the risk realities and business justifications behind the application and site layout in front of you - we are not here simply playing chicken with site design preferences. Concurring in the staff recommendation for denial may be a pure approach to ideal urban design, but it does not reflect the realities of this site and the operational business model for these uses. A denial would likely leave this site vacant for additional years to come as the zoning process, at a minimum, reboots, leaving commuters and citizens in the area without sorely needed conveniences, forcing them to drive, bike or walk further distances to access commercial amenities.

Thank you for your time in allowing me to present the merits and rationale behind the rezoning request and we ask for your favorable recommendation for approval to City Council in making Northside Gateway a reality for the City. We will be happy to field any questions that the

commissioners may have.

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

Councilmember Dent said I see that you have solar panels on the canopy over the pump. That is a good move. What would that be powering?

Mr. Rhea said that would be powering the station. It is for onsite use.

Councilmember Dent asked for the station itself, the pumps?

Mr. Rhea said yes, it is all tied into the same electrical system.

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

Chair Finnegan said I agree with staff about desiring more pedestrian-friendly design, but it is a car-centric business. I do not want pedestrian infrastructure or pedestrian safety to be an after-thought on any of these. I know that right up the hill from this there is public housing. A lot of people do walk. We need to keep all of these things in mind. Obviously, there is a new poultry plant just around the corner. There is a lot here to unpack. I would also say that, as someone who lives on the northwest side of town, all my family lives on the north side of Rockingham County, I pass through that intersection quite frequently. There is no gas station between the old neighbors and the truck stop over by the I-81 entrance. It is underserved in that regard.

Commissioner Byrd said I also understand the City's concern. On the edge of the City, when the City cannot expand any farther, it does not ring as true in my ears as a bit farther down Main Street to me. This is about rezoning the property, so discussion of where the buildings go sounds new to me, since we are not discussing any other possible future buildings.

Chair Finnegan said we are talking about proffers. We have seen proffers in the past about the massing of the buildings. That is what they are talking about. There is no proffer to mass the building along the sidewalk.

Commissioner Byrd said adding sidewalks to the area would, at least when someone gets to that point along these undeveloped roads that lead to this intersection, it would at least add sidewalks to add on. It looks like, in the future, we will have sidewalks that lead to that intersection. Those pedestrians would just be dealing with a large intersection.

Chair Finnegan said they would be dealing with a large intersection and the parking moat, as I like to call it.

Commissioner Byrd said I have been in larger cities and walking around a parking lot, if you do

not know how to walk around a parking lot... Also, what we have suggested with this, in proffer number 2, that there is going to be an internal loop, suggests that we have another sidewalk path that is not being considered when we are discussing a pedestrian walking path. If we do not know if these other future buildings will actually build there, they could decide to build and make an easy path to get to the building as the convenience store part relative to the pumps. I was not understanding how that would justify a denial.

Commissioner Whitten said if you are going to get gasoline, or fuel, your car is going to be in that area. Of course, there will be cars across the whole lot, but if the large number of vehicles are going to get gas, then you are putting them away from the rest of the pedestrians. The pedestrian would have no reason in the gasoline area. Whereas if you put the store in the front and the gasoline behind, if you park back here to do anything else, then you are going to cross that area which is more in and out traffic with gas pumps. That is the way I see it. As a travelling person, if you are coming down the road and looking to get gasoline, you are looking for those gas pumps. You are not looking for the store. If the first thing you see is the store, then my husband is going to say, "Do you see any gas pumps?" That is the reality. While I understand staff's concerns, I would ask, the 7-Eleven on Mason Street, that City Council approved but we did not think was a good idea for the central business district, are those gas pumps going to be out in front? I think they are.

Ms. Banks said they did not submit a site plan, but the conceptual plan had them out in front.

Commissioner Whitten said that is in our Central Business District.

Mr. Fletcher said that site was quite different. There are homes that were directly behind the convenience store. There was a significant amount of discussion about what we wanted to do with that site. I would not compare them apples to apples as they were very different sites. I would not compare those two. With regard to this area being car-centric, we are talking about planning this space. It might appear car-centric today, but that is not what we want it to be. That is what we have to be imagining here, and what we need to set precedent for.

Commissioner Byrd said as it turns out that, as things are changing, I now have to go back to the office which will place me in the neighborhood of this facility. It reminds me of when I was in the office, at lunch we would gather to decide who is going to car-pool to Food Lion or another location to get food. We have to drive away, in an office full of people, who on National Bike Day, many people would bike to work. A lot of people live in an apartment complex near there and it was easy for them to bike to work. I am very familiar with that area. That side of the street is industrial, but we know that is land waiting for industrial uses to be there. If you have office space or a factory, those employees, once those facilities are built, we would also require them to put sidewalks in. Then they could walk their sidewalk and connect to the sidewalk built here. I am not seeing how future planning, if the edge of the City is already going to be marked for industrial use, where all these pedestrians come from who are not going to already have the sites built that provide walking access to this site? The area needs something and unless we are talking about

ending gas stations in the middle of the City... When we talk about the future, if you think cars are not going to be there, that is not going to happen. If you think we are going to switch to electric, guess where those places are going to be switched to at gas station areas, places that are already designed for cars to be there. If, on the edge of the City, as you are leaving, is not a place suitable for cars, I am not understanding what we are planning to do in the County? Are we expecting the County to build residential facilities behind this area and everyone is going to need somewhere to walk to? I am not seeing that. So we have this internal loop, which if people are going there, then at least that traffic is not at the intersection directly. That does bring an issue for the upper landowner, how they are going to deter people from using that loop to skip the light. But they proffered the loop. I was just mentioning that because they proffered the loop. The solar panels are nice to see.

Commissioner Armstrong said it felt a little contradictory in the presentation in that there is an emphasis on it being a car-centric business, but then the presenter flips over to say this will serve nearby walkable communities and we do see housing in this locality. As a walker, in areas like this, it is rough on these big, major arteries to get around. I use South Main Street. I walk it. It is hard. So, we say that we need this because it will serve nearby walkable communities, but this is car-centric. I have to beg the question, when do we stop business as usual. We go year after year, but this is the way it works, or this is the way we have always done it. This is the way the model is, so we should just keep doing it. We are unquestionably in a climate crisis. Now we are in a petroleum crisis. It is a reality. I feel compelled by this. It is a nice design. I know the reality of trying to walk this would be a lot harder than the statements that are here because it is not a short distance when you are walking it. I am mixed on this. I think that having these amenities, having this store here, is a plus for these local walkable communities. It is unquestionably a plus. I miss the Rite Aid that was on South Main Street. That served the Purcell Park neighborhood. I keep coming back to, we cannot keep voting for business as usual. We have to make a commitment to a different vision for our future. It is so compelling what is happening. I am split. There are positives, but the idea of committing to a different vision is also compelling.

Chair Finnegan said I tend to agree with Commissioner Armstrong on that. I think that both the staff and their recommendation for denial made some good points. Mr. Rhea made some good points. I am split on this. Sometimes these requests are easy. This one, for me, is not.

Commissioner Baugh said I do think it checks a lot of boxes. I like that. In some respects, since the locations are not proffered anyway, there is a level in here where I keep coming back to, we are really not in disagreement about anything other than pumps go in the front or pumps go in the back. I find myself leaning slightly in favor of it because I am not quite sure that feels right to... If that is all we are disagreeing about, is that enough of a break... We talk about the need for a break from business as usual, and yet it is this little thing that we are wrestling with. The rationale for opposing is kind of along the lines of what staff is talking about. It is this corridor idea. We have been planning the idea of paying attention to the esthetics. We do not get to weigh in on esthetics, generally. The short list of things where there is an exception is your primary corridors which we have never done anything with. Staunton, for example, has a corridor overlay district.

Charlottesville, I believe, has a corridor overlay district. We do not. We have never taken the step to try to regulate that further. You are right, once you get this here, on the one hand you say that once you get something like this, you better be prepared to be looking at something like this for a long time. On the other hand, it is a good-sized tract in what long-term is probably a pretty desirable location. There is probably potential to do all sorts of things with it in the future. Compared to a 7-Eleven crammed into a small lot, like at Gay Street and Mason Street, this one has potential to do two things with it in the future that market forces might even allow for.

Chair Finnegan asked you are saying the actual site, not the site plan?

Commissioner Baugh said yes. Given this location and the size of the parcel, I feel less that a vote in favor of this is casting something in stone that we will hate 25 years from now than I do most of the time. Or I get concerned about those types of things. Usually, you do. Once you rezone it, you are probably not going to get another chance to rezone the property or do anything with it. If you vote for it, you ought to be prepared to live with what you are voting for, potentially until the end of time. My slight nudge in favor of it is that we have never really said that much about what we mean about enhancements in the corridors. I think this a piece that, it is a City-County parcel. I looked up the Sheetz in Charlottesville. Charlottesville is different because all that is in Albemarle County. It is close to the city but if you know the history of Charlottesville, there is a whole split between the development in the city and the development in the county. Those were county properties. This one is City. Someone tell me what I am missing, and I will go from there.

Commissioner Whitten said if you have driven to Cornelius, North Carolina, and I have, how many people have gotten off the interstate and gone into those areas that we saw pictures of? Their gateway or their streetscape is a corner store on every corner. I do not think it is attractive. One of their ideas, probably 15 years ago, was signs should not be as big. You could not find anything there because they made this ordinance that signs were going to be smaller, and they could not be very tall or very high off the ground. Sometimes those ideas are not the best and they have to be reversed. I do not see how this plan versus the pump in the back is going to affect climate change at all. It is an esthetic. As I have said, for people who are driving and looking to buy gasoline, it is nice to see where that is and to be able to there and not have to deal with the store at all. I understand that is a mechanical common sense design. My dad was a civil engineer. He would think this is great because it keeps you out of the store and it keeps you out of the fast food drive-thru lines. I think that we are into the weeds on something that boils down to, do we want to rezone it for this use? Are we so upset about gas pumps out in the front? I usually agree with what staff recommends. I understand the Comprehensive Plan says this, but as we all know, we do not always have to listen to the Comprehensive Plan. Sometimes we can do what makes sense outside of those recommendations. I would be willing to vote in favor of this.

Commissioner Whitten made a motion to approve the request.

Councilmember Dent said I would start way out of the weeds and say how I would love to say, no new fossil fuel infrastructure period. We are not there yet unfortunately. What I did say, when

we approved the Mason Street 7-Eleven pumps, is since we have revised the ordinance to allow that and it has to apply across the City, what I said was, anybody else thinking about a gas station in the City do not even bother talking to us unless you also have EV chargers, which you do. It checks that box. As much as I am philosophically opposed to it, I have to be more realistic and maybe there is a need for it that we should consider. That is a hard one for me.

Commissioner Byrd seconded the motion.

Chair Finnegan said that we have all made our positions clear as to why we would vote the way we would. I will add that I am 50-50 on this one, but I think I break on the side of staff. I would like to see more pedestrian friendly massing of buildings. I understand that I am in the minority here.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong No
 Commissioner Baugh Aye
 Commissioner Byrd Aye
 Councilmember Dent No
 Commissioner Whitten Aye
 Chair Finnegan No

The motion to recommend approval resulted in a split vote (3-3). The recommendation will move forward with a split vote to City Council on April 12, 2022.

A motion was made by Whitten, seconded by Byrd, that this PH-Rezoning be recommended to full council to the City Council, due back on 4/12/2022. The motion resulted in a split vote with a recorded roll call vote taken as follows:

- Yes:** 3 - Byrd, Whitten and Baugh
- No:** 3 - Finnegan, Armstrong and Dent
- Absent:** 1 - Orndoff

5.b. Consider a request from Turkey Properties LLC to rezone a +/- 2.32-acre portion of 797 Chicago Avenue

Items 5b and 5c involve related requests and were heard simultaneously.

A motion was made by Byrd, seconded by Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 4/12/2022. The motion carried with a recorded roll call vote taken as follows:

- Yes:** 4 - Finnegan, Byrd, Baugh and Dent
- No:** 2 - Whitten and Armstrong
- Absent:** 1 - Orndoff

Consider a request from Turkey Properties LLC to for a special use permit to allow multi-family dwellings of more than twelve units per building

Chair Finnegan read the request and asked staff to review. He also noted that this would be Ms. Banks last presentation before Planning Commission before her retirement.

Ms. Banks said a portion of the subject site was rezoned from M-1, General Industrial District to B-2C, General Business District Conditional in May 1995. The existing proffers are attached with this application.

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

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

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

- Site: Undeveloped acreage, zoned B-2 and B-2C
- North: Commercial retail use, zoned B-2C
- East: Commercial retail and business uses, zoned B-2
- South: Single-family detached dwellings, zoned R-1
- West: Across undeveloped North Dogwood Drive right-of-way, undeveloped parcels, zoned R-1

The applicant is requesting to rezone a +/- 2.32-acre portion of a +/- 2.5-acre parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional. In conjunction with the rezoning request, the applicant is

requesting a special use permit (SUP) per Section 10-3-55.4 (1) of the Zoning Ordinance (ZO) to allow multi-family dwellings of more than 12 units per building in the R-5, High Density Residential District. If both requests are approved, the applicant intends to construct two buildings, each containing more than twelve multi-family dwellings, as illustrated on the attached preliminary conceptual site plan.

With this request the applicant has proffered the following (written verbatim):

- Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
- A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
- The owner will design and construct a 5' wide sidewalk or a 10' wide shared use path connection from the rear of the property to the city's public trail/shared use path to connect the apartment project with direct access to the City's public trail/shared use path.
- A 6' ft tall opaque fence, the full length of the property line separating the apartment development from the properties identified as tax map parcels 39-P-6, 7, 8, & 9 to the south of the property.
- Exterior site lighting shall be designed so that the light is not directed off the site and the light source is shielded from direct offsite viewing. Light fixtures in the parking areas shall not exceed 15' in height.
- The development will contain one area, totaling 500 s.f., of recreational area for use by the residents that will include picnic table or tables, play areas or play structures, and gazebo, and exercise area.
- The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of 10-ft. of the property line shared with the City's public street right-of-way in which the public trail/shared use path is located, shall be undisturbed to maintain the vegetated buffer, or an evergreen and deciduous vegetative buffer shall be created within a minimum of 10-ft. of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than 10 feet on center and 6 feet in height at the time of planting to fill in and reestablish a vegetative buffer within the area. This evergreen and deciduous tree vegetative buffer shall not be required in the areas of the proffered connection to the public trail/shared use path or any required stormwater management areas.

It should be understood that the preliminary concept plan is not proffered.

While most of the proffers are self-explanatory, staff offers additional information on the first and seventh proffer.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. The first proffer reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With the first proffer, because the minimum off-street parking

requirements of Section 10-3-25 (7) allow for reduced parking when occupancy is restricted, the development only requires one parking space for each dwelling unit. The applicant understands that parking and parking lot landscaping requirements, among other elements, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Proffer seven is intended to preserve and maintain the area along the western boundary of the property as a vegetated area. The proffer states that the area shall be undisturbed within ten feet of the property line or, if the area is disturbed, then evergreen and deciduous trees shall be planted at no less than 10 feet on center and 6 feet in height at the time of planting to fill in and reestablish a vegetative buffer within ten feet of the property line.

The Determination of Need for a Traffic Impact Analysis (TIA) (attached) shows the development is estimated to generate 24 additional trips (based on 48 dwelling units) in the PM peak hour and does not meet the 100-trip peak-hour threshold that gives City staff the ability to require a TIA. When a development reaches or exceeds 100 trips in the peak hour, this threshold is what typically causes concern for traffic safety and delays and would require the need for a TIA study. Thus, a TIA study was not performed.

If the request to rezone the subject property to R-5 is approved, then the maximum number of multiple-family dwelling units allowed would be 56, which equates to a density of 24.2 dwelling units per acre. The Comprehensive Plan Mixed Use designation states “[r]esidential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre.” Thus, if constructed to the maximum density, the development would still be around 24 dwelling units per acre. While the applicant has not proffered a maximum density for the development, they have demonstrated on the concept layout and within the Determination of Need for a TIA to construct 48 multiple-family dwelling units.

Within their letter, the applicant has requested that the City allow them 36 months from SUP approval to obtain any necessary land disturbing permit or building permits for the multi-family buildings due to the typical time frame required for the completion of site planning and financing. Section 10-3-130 (c) of the ZO states that “[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit.” Staff is comfortable recommending an extension from 12 months to 36 months by conditioning the following for the SUP:

The special use shall be established, or any construction authorized shall be commenced and diligently pursued within 36 months from the approval date of the special use permit.

If the SUP is approved with this condition, the property owner should plan their submission schedules accordingly for engineered comprehensive site plan review and/or building permit review to ensure that the special use is established or the construction of at least one multi-family

building is commenced and diligently pursued within 36 months.

From a design and site layout perspective, staff is comfortable with the applicant's proposal to create multi-family structures with more than 12-dwelling units per building at this location. Therefore, staff supports the SUP request to allow multi-family dwellings of more than 12 units per building.

The Land Use Guide states that "[t]o the greatest extent possible, all developments throughout the City shall include [Traditional Neighborhood Design] principles." This includes having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school; and having a variety of housing types provided at a range of densities with heterogenous mixes of residences, among other things. Staff believes that the proposed rezoning and SUP allow for this project to blend well within the existing neighborhood while providing more housing choices for people who want to live in the City.

Staff recommends approval of the rezoning and special use permit request with the suggested condition.

An email came in at late hours. We have placed it in front of everyone.

Chair Finnegan asked if there were any questions for staff.

Commissioner Armstrong said I am a little confused because it seems to be the norm now that the SUP's are requesting extensions from 12 months to 36 months. Why that big leap? Why not 24 months? It is odd because it seems to be the norm, now? Does it tie up properties because they have this permit in place for 36 months and it elapses if the project falls apart? That means that for 36 months...

Ms. Banks said that a lot of it is because with our design standards for the City, a project like this is required to submit an engineered comprehensive site plan for review. Although that has been submitted and is being actively reviewed by the City, that is not considered the trigger point for diligently pursuing their project. That process alone could take many months to get through the entire review process. After that is done, then the applicant has to post bond and get all of the stormwater management quantity and quality in order and signed off on. Then the site work can begin, and the applicant can apply for his building permits. Depending on how many months it takes for all this to occur, quite often it can extend beyond 12 months. It provides the applicant a cushion so that they can get their site plans approved and work with the City on getting their bonding in place and moving their project forward to the building permitting process.

Ms. Dang said I thought we considered they were "diligently pursuing" if they had submitted the comprehensive site plan. I understood the extension was because of their need to get this designed, financing and whatever they need to do to then submit for the comprehensive site plan.

Mr. Fletcher said that we do consider that the submission of an engineered comprehensive site plan is a diligent pursuit. The section states: "Whenever a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit." There are different kinds of SUP. There are those that are immediate. You get a SUP and start right away. Then there are SUPs that are like this, that take time to go through the process. Over the years, regulations have increased. Stormwater management is one of them. It used to be just quantity, not quality. There are other things that come into play, especially for someone like Mr. Park who might have multiple projects going on at a time. They stage them as they move forward through the development processes. If we did not think it was acceptable for the 36 months, we would have noted so.

Commissioner Baugh said my recollection is that we, at one point, we did less of this, and we tended to default to the one year. If you throw in a market downturn or something... Am I right that at one point we were finding that what we were getting was people having to reapply for a SUP.

Mr. Fletcher said I think you are thinking of the preliminary plat. Preliminary plats also used to be 12 months. They would expire, then the applicant would be going through the engineered comprehensive site plan, and we could not approve the site plan because the plat expired. We did an amendment to change it from 12 to 24 months. Other things that come into play too is that as the state has been doing since 2009 is that they have extended time periods for plats, SUPs, engineered comprehensive site plans, originally because of the housing crisis. Then it was the pandemic. A great question to ask, but there are differences in the types of SUPs.

Chair Finnegan said I do not know how much of it is construction worker shortage and these types of delays, but there was a time in Harrisonburg when, if you wanted work done on your house, you could have it done next month. Now you are on a waitlist for a year, at least.

Councilmember Dent said that to me it sets an unsettling precedent that it takes that much longer because we need housing now. I agree that it is an odd leap from one year to three years, with two years in between. Why would that not be the next extension?

Mr. Fletcher said I do not know that I share the same unsettling precedent simply because circumstances are different with different projects. It depends. There are so many different things going on. The applicant may be able to speak to their even grander plans because I believe there are plans for the extension of the parking lot for La Morena next door. I think it has a lot to do with how they mortgage things, how they finance things. There are a lot of things that come in to play.

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.

Fred Bosserman, architect with APR Associates, came forward representing the applicant. Gil Colman is the civil engineer on the project. Staff has already spoken to the history of this site. The site got converted 27 years ago to a B-2 zoning district with a number of proffers for limited use. It has also had a mixed-use designation for that many years. It has also been owned by Lumos all those years, with a large real estate firm from Charlottesville attempting to market that property for a good many years. Lumos owns the little house there in front, right next to La Morena. That is all they need. They need that and two parking spaces to do what they do there. The rest of that property has been vacant. It has been subject to occasional lack of maintenance. It has been subject to misuse, other people parking back there and doing things on that property that is not good for the land or the neighborhood. Five or six years ago, the La Morena property began, because of its business acumen, developing additional business opportunities through food service and other opportunities which made them have an interest in operating a full-fledged restaurant. Its current sized property was not such that they were allowed to do that because of insufficient parking. They spent a number of years trying to negotiate with the Red Front property owners next door and with Lumos for small purchases of what was there. Eventually, it got to the point where they were not able to make a deal on a small piece of property on either side to satisfy their parking requirements. There was at least a year to a year and a half of negotiation with Lumos to subsequently conclude the purchase of the entire property that Lumos did not need. That is what has happened up to this point. We have laid out the amount of land that needs to be designated and turned over to La Morena. There is a minor subdivision in the works to have that happen. The balance of the property is what we are here to talk about today and its use and a project for that location.

Turkey Properties owns other rental properties. The general area around this has been, and is, residential to some extent in one direction. To do so, if it involves apartments, is very much something that is up their alley of experience and interest in working and managing such a thing. It is a relatively small piece of apartment if you look at what is going on in other parts of town with multi-family opportunities. The rezoning is what we need. We started this project, as we do for small clients, as a project where we had to determine feasibility. That feasibility is a matter of determining how many units we can get on this property, what the maximum expenditure that it is going to cost, whether we have enough land left over to accomplish the required erosion and sediment control and water quality treatment that is now dictated that we deal with. We are at that point. We have established 48 units, three story. We have established a desire for more than 12 units per building. The end result is that we are looking for a rezoning. At the conclusion of the rezoning we would move into some of the preliminary planning, more detailed planning that you saw that the Holtzman group has already gone into before they even got here. As a small, personal business client, our goals on the front end of this are to minimize their expenditures until we get to the point where we know we can do the project. That is where we are today.

Our next step in this project is to figure out what it takes to make this a nice project. Mr. Rodrigues has some ideas from his personal experience. The 48 units are not the goal. A nice

project is a goal. A nice project where tenants want to stay there. His goal is not to have a frequent turnover. The result of that is intended to be probably fewer units, but there is also the 12 unit per building opportunity might let us get to 48, but by virtue of additional storage rather than specifically needing the land to do more. Mr. Rodrigues' goals include possibly, after minimal parking is dealt with, having additional parking that is covered and maybe additional parking that is included in garage structures, so that it would have an opportunity for families that might need a second car. We are looking to acquire the rezoning, then going to work to make it a nice project.

Gil Colman, Colman Engineering, spoke representing the applicant. Thank you for hearing this request. Thank you to Ms. Banks for all her work and dedication to the City for many years. I have heard some of the issues that you have had here. There are lot of things to consider, and they can be difficult at times, especially when you have conflicting interests coming together. Here, perhaps, we have the same type of situation. There might be some conflicting interests in terms of what is going on in this area, but you are well aware of the need for housing. We are trying to come at different angles. Right now, we have a crisis, and we have to respond to it. We need to do what we need to do to address this. Some of the issues that perhaps have been presented, and many times are presented in these cases, are our schools are filled to the max. That is true, but the people that we are trying to house are already here. They are living in situations that are very poor or very crowded. I say that not only making a statement, but in my experience in working with Habitat for Humanity. We are trying to get people who are crammed into a small space into a nice house. It allows for furnishing. It allows for the family to move forward, to health, to contribute to the community. There are many aspects. Mental health is associated with housing and a place to sleep, a place to live. If we can provide housing for our City, right now, because right now there is a time of crisis, and we need to be responsible and responsive to that. That does not mean we allow just anything. We want to make sure that everything fits within our plans and is appropriate.

What we are talking about in this case is a cluster of apartments that are on the border between commercial, industrial on the other side and some single-family residential on the south side. That is one of the reasons why one of the proffers is to maintain some kind of buffer or separation so that they are not infringing into the single family homes to the south that we want to protect. That is something that we care about. We want to do that. At the same time, we are clustering those units there. There is only so much property to work with. There are many requirements that are part of the comprehensive site plan which might reduce that number, might adjust it one way or another. In this process, we have met with City staff, the Fire Department, Public Works, and Public Utilities, trying to figure out what is all that we need to do here to bring this site to fruition. There are many things that need to happen and many requirements that we need to meet. As much as we see a very simple plan there right now, there is a lot more that goes into it.

Regarding the extension of the SUP, a lot of the comments are true. The issue is that it takes a long time to get to the point of construction. I was under the same impression as Ms. Banks was that the SUP diligent pursuance kicked in when you get the permits, not when the site plan is submitted. That is good to know. Even with that, it takes a long time to get to that point. Other projects are in between. The planning starts early on. This is part of the planning of building this.

As much as we would like to have this project built tomorrow, it is not possible for many reasons, not the least of which the fact that construction workers are hard to find. We could have a plan ready to go, but not have the excavator, the builder or the materials with the supply chain being affected by so many things right now. It is probably a good idea to consider changing base from 12 months to 24 or 36 months. I ask for your support on this. Know that this is not a proffered layout. This is an initial layout. It is likely to change in some ways to allow for some of the requirements of the comprehensive site plan.

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

Councilmember Dent said I realize this is a conceptual layout. I was wondering where the recreational area that you are proposing might be?

Mr. Bosserman said that is subject to more judging of where we are putting things. There is square footage already in there in the front, across from the parking lot. It is behind the Lumos building. We are at the stage of trying to find the land area that it takes to do the project. We were juggling with some very simple diagrams of a building area, just to figure out how we could fit it on there. We have land set aside knowing that there is square footage there for it. It is just not shown where it is going to end up.

Mr. Colman said the plan itself has shifted in different ways. In working with staff, they pointed out the fact that we can get higher density. Initially we were looking at a certain density. We are trying to work on what works best and what can actually be there. Some of the recommendations were can we group the buildings together instead of having them separate. That is the direction that we went with. This is preliminary in many ways. We will have to reconfigure things to make sure we fit the proffers and the requirements of the site plan. If we have a recreation area, we will make sure that it is accessible to the apartments themselves. If it is in a back corner, it is no good to anybody. It goes back to housing and mental health and having a place to live and a place to enjoy. We work on putting it in a location that is accessible to the tenants.

Councilmember Dent said when you say an opaque fence along the edge, because there are single-family residences there, my fellow Councilmember, Chris Jones, often says add trees too.

Mr. Colman said initially we were expecting to have a ten foot buffer there, but the requirement from the Fire Department is to be able to circulate through that. The drive comes too close to the property line. All we can do is to have the fence. I expect that we will also have trees. Typically, that is what it would be, within ten feet you need to have trees there. I think that it is in everyone's benefit to have privacy there, for the apartments and for the houses. We do not have the buffer area because of the requirement. We have to juggle all these things and make them work. The reason it came up that we need to have a fence there, at least along where the drive is, is to make sure that you can have the drive for the Fire Department. The consensus was to take the fence all the way across. It makes sense to have it all the way across.

Commissioner Whitten said as far as the play area, you probably have, per capita, twice what the Lucy Drive development is proposing. You have a lot more play area for recreation.

Chair Finnegan said there is a gap in the fence somewhere to access that path, the shared use path?

Mr. Bosserman said that is in the back.

Chair Finnegan said that was a question I asked in the CIP review, I think two years ago, was about the turn radius of the fire trucks. They are keeping them standard-sized, so we have to design the parking lots to accommodate the fire trucks.

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.

Nicole Hostetter, 1018 Waterman Drive, called in regarding the request. I sent in an email earlier, too. We just learned about this today, through the Facebook group. I was very shocked because it seemed like a 48-unit complex is a huge deal for the neighborhood. We have lived here about four years now, but my husband has lived in the neighborhood for almost 40 years. Having lived here and walked here, in this neighborhood, I just have trouble picturing what they are discussing putting up, especially seeing that it is going to be two three-story buildings to accommodate that number of units. Some of the concerns, when we are looking for the SUP, why not just two buildings with 12 units each? Are we trying to cram as many people as we can into one space? I know that there is a housing shortage, and it is obviously an issue, but as the City plans and moves ahead with that, are we just putting up sardine cans to put people in? Or are we really looking at the neighborhood? Some of the issues I have with this, just looking at what is happening to the Chicago Avenue corridor, will this, if approved, coincide with improvements on the infrastructure, sidewalks, accessibility down to EMU, so that people are not biking in the middle of the road or having to walk on the dirt on the side there? There is a sewer issue that is going on. I am thinking about the elementary school. If you have four people per unit, two kids and two parents, that is 192 people that are going to be living in this small place. Is the school able to accommodate that? They already have their mobile learning units there. I am also thinking about the empty space over at Red Front and over at the Traditions Shopping Center over at Mt. Clinton Pike and Route 42. This seems like a very big project. When I look at our neighborhood, I try to think about how this is going to impact us. It seems like there are a lot of other pieces that need to be considered for a project this size. It seems like a lot of apartments and is a bit shocking. I wanted to bring up some of those things so that you could hear what somebody in the neighborhood is thinking who lives down the street from it. I understand that the traffic study says that it is not going to create that much of an impact, but I also do not think that each unit is only going to have one vehicle. We already know that the intersection at Waterman Drive and Chicago Avenue is the problem intersection. We live right on it and every day we see people getting into near accidents. There are so many things to consider. Having two three-story units right there, I have trouble envisioning what that is going to look like as a neighbor.

Cheryl and Marlon Foster, 520 Third Street, came forward to speak to the request. My husband and I live in the residential houses that would be, the property would be right behind our house. I would have to agree with Ms. Hostetter a bit regarding the three-story and compacting so many residences in that area, in that small space in our neighborhood that is mostly single-family homes. With the three-story, I know you are building a six-foot fence. A six-foot fence and a three-story building, that is not quite so much privacy for the residents, including ourselves. I would ask for you to consider two stories with less people. I also wanted to know if it was planning to be affordable housing or luxury homes? I wanted to know if it was within the affordability range that we are more in need of for the City, as opposed to more upper end housing and how they plan to accommodate that. I was also wondering, with the amount that they are presently proposing, if a traffic light will be needed there because of the in and out, and with the La Morena and Family Dollar. As Nicole said, the Waterman Drive intersection that is just another intersection where there will have more traffic with more housing. That is a concern of mind. I would agree with Councilmember Dent, more trees, please. If you are going to have a fence buffer, I would prefer more beautified buffer as well with the trees.

Chair Finnegan asked if there was anyone else in the room or on the phone wishing to speak to the request. Hearing none, he invited the applicant to respond to the concerns regarding housing affordability. The question about where these fit on the market from luxury apartments to affordable housing units.

Mr. Bosserman said we do not know the answer to that at this point. At this initial stage of the project, it is a matter of determining feasibility, getting zoning and looking at what the market needs and will bear. Turkey Properties and Mr. Rodrigues are not in the business of ownership of multiple, large, multi-family projects. We are just beginning the investigative stages of what they want to build. At this stage, there is not a way to say.

Councilmember Dent said in other words, I understand you mean to say that it will be market rate. There are not any special tax credits for affordable housing, but the question is what level in the market and that is of yet to be determined.

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.

Chair Finnegan said when you look at the contrast between this meeting and the last. There were a lot of people in last month's meeting that cared a lot about changes to the Comprehensive Plan, and we did not hear that on the last request tonight. There was a question that was posed specifically to me, or to everyone on Planning Commission, of "Would you want this in your neighborhood?" This is my neighborhood. I walk past Third Street just about every single day. I walk there every morning and use the Shared Use Bike Path behind there quite frequently. I share the concerns of Ms. Hostetter about traffic. The traffic on Chicago Avenue is, depending on the time of day... There is not a sidewalk on most of Chicago Avenue. It is a section where we have a neighborhood anchor, the grocery store is no longer a grocery store. There are some missing

pieces. We cannot expect any one applicant to provide everything to the whole neighborhood. I do hope that, if this is approved, that this is part of thoughtful reevaluation of that neighborhood and the needs of that neighborhood. At some point, I do believe that the Red Front site will be redeveloped into, I do not know what. I hear the concerns. I also want to remind us that what we are talking about, the current site, is an open field. When we talk about neighborhood character, I used to go to that, what is now La Morena, I used to go to it when I was a kid, when it was a 7-Eleven. There was a man by the name of Quiet T. Please that lived in that field behind there. There has not been a whole lot of... If you walk in that neighborhood, that is an open field that you will not notice until you go to La Morena and look around that corner. It is a hidden flat spot. I would be a hypocrite if I voted for dense housing in someone else's neighborhood last month and voted against this, this month. I am planning to vote in favor of this request, with reservations that I do have concerns about, the traffic. I do hope that the City... We really do need to keep pedestrians and cyclists in mind.

Commissioner Whitten said three times City Council has approved, and Planning Commission on some of those has approved, apartments in or at the edge what is already affordable neighborhoods. I believe, the future will bear me out or not, to the detriment of the neighborhood. This is another one of those. This is a neighborhood that is affordable. Just because we need more and taller does not make it the right decision for the neighborhoods that are already there supporting the City. I do not know how many times I can say that and not be heard. I do not like the argument that I have heard at City Council that says, "the silent majority. There are so many people who agree with this. They want it." I do not believe that. Please do not believe that because I do not think it is true. I know what I hear people saying about how in a decision about whether to buy this house in the City or this house somewhere else, they might not want to buy a house in the City because they do not know what is going to happen. They cannot depend on what is going to happen next door or a block over. I do not think that is a good thing for a City. That is not a good thing for a neighborhood.

The sewer issue is real and that has not been addressed at all. This is a lot of sewer connections into an area of town that we know has a big problem. The school connection is a big deal too. They do have lots of mobile classrooms at Waterman Elementary School. It is a very old school building. I do not appreciate the fact that the School Board never does respond with any kind of comments about these. This is not a huge apartment complex. I do not appreciate that they are there. They know what their capabilities are, yet they do not respond. They do not give us any feedback. They should. That is irresponsible. It is hurtful to the school system if we are putting more children, building houses for more children in a school system that is already overstressed. I know that we are doing that in the Stone Spring area because my child goes to school there. And yet, no comment from the school system.

Those are some big issues that are very glaring to me. I can appreciate needing more housing and I can appreciate the thought behind your comments, Mr. Colman, about these perhaps are all families that are already here that are crammed in, living too close together someplace else. I do not think there is an easy solution to that. Recently, I have been doing research on modular types

of housing that really can be built quickly and attractively. I think that maybe that might make more sense. Chair Finnegan, you held floor for a while, so I am going to as well. We do not seem to have a connection between City Council and Planning Commission in terms of desiring, like Habitat [for Humanity], a path to home ownership. Most people that are in an affordable rental are probably not going to get out of it. Let us be honest. They are not. Because the rent keeps going up. That is not helpful either. I think that we need to have more of any eye on that as a goal. It should be a goal. In the Comprehensive Plan that should be a goal, that we want to see families have housing that they can afford and own. I would love to vote for this because I think it could be done responsibly and well. I think, on its face because of the complications that I have discussed, I do not think that I can vote for it.

Commissioner Byrd said I have only been on the Planning Commission a short time, but I have seen a number of these situations coming up. I am noticing a trend about housing where the City is concerned and that is if you have an R-1 property, and there is an open field near your property, you need to mentally get prepared for a building, larger than you think, going there. If the City needs housing, someone on City Council is going to argue that there is nothing there, and there has not been anything there for years, so we are going to put this here because someone wants to put something there. Since no one has put anything there for years, we are going with this. That is going to be a hard argument to fight against where there are people who have to run for reelection. I would just warn anyone who has future plans to actually look around your neighborhood, and ask yourself, how long has that field been like that? Who owns that? Why is it like that? If you have the resources, just buy it yourself and you can put what you want there. That is what I am seeing with this is that we have a piece of land, and I have argued for and against these pieces of empty fields and a large structure. If I am going to keep this running up against “we need housing” how am I going to say do not put housing on an empty field when the City cannot expand. The City is the size that it is and is going to be that size for the foreseeable future. If the City is growing in residents, then people need a place to live. That means is you have an R-1 property, you have to think about what around you is empty and mentally start thinking about what that means.

From the proffers presented, I can see how some of you are concerned about that six-foot wall, but then you are talking about putting trees on the other side. I do not think there are residents on the other side. I would hope the applicant thinks about the trees are more beneficial to residential housing than other housing as a buffer. Where the actual buildings will be placed is not part of this application, simply the size. I am not going to be discussing that any further. I would likely be voting in favor of this.

Commissioner Armstrong said it is one thing to say, would you vote for this in your neighborhood versus would you vote, as Commissioner Byrd is pointing out, to have three-story buildings put immediately behind your property. That is a completely different question than abstractly, this would be a plus in my neighborhood. We need sidewalks, sewer, schools are a consideration. This issue of a three-story building, we are evaluating a SUP to increase passed 12 units per building. In honoring this resident’s request to not go above two stories, we would be talking

about 32 units versus 48 units. A three-story building behind those residences there is a big deal.

I am a tree planter. I am a permaculture designer. I plant trees. We keep talking about these six-foot trees. If you see those in reality, they are sticks. It is a stick that is slightly taller than me. That is what that is and it does not look anything like these model renderings that we see that are these 40 foot high, fluffy tops. It does not look like that at all. On the other hand, this really, unlike a lot of the recent proposals, feels like family housing. It seems that there is a spirit here to make this family housing. We do not get that very often in the recent applications. They are not. They are disguised student housing, or they are blatantly student housing. This does not feel that way. I wish it was, but I know that the units are being proposed is because of building materials and the building costs are so challenging now that the need to put those units in there to afford the project. I know that is what smaller developers such as yourself are up against. This is like the last proposal. I am split on this. I think it could be really good if it were a little more modest. Maybe if it was a little more modest, you could not do it. I do not know. You may not know either. If it were 32 units and you could respect the two-story, I know for myself living in one of those houses, two-story would be easier to live with than a three-story that is looming over your whole back yard. With respect to these tree plantings, if this goes through, City Council is the real decider, you could work with these residents too, to offer them some trees. Trees are expensive. If you get a six-foot stick, it is less expensive than a real tree that is going to grow. You could offer to do plantings on the inside of that fence, in their back yard, if it would help with that buffer, too, and still give you the space on your lot. It is a way of being a good neighbor back there that would help with this buffering issue. I will wait and hear what others have to say. I wish it was two-story and I do not know if that feasible for you.

Chair Finnegan said a lot of the economics of this, we can say we wish it was a mixed-use something or other, we wish it was this, we wish it was that. The market forces really, in these cases, do dictate. That was an empty field ever since I was a kid.

Commissioner Armstrong said I am going to jump in here with this empty field. I am an environmentalist. We need empty fields in the City. There is nothing wrong with an empty field. That is stormwater management space.

Commissioner Whitten said let us not just fill it up.

Commissioner Armstrong said it is not just wasted area because we have not built on it yet. I want to dispense with the "well, it is just an empty field." It is our natural environment.

Chair Finnegan said that is not a natural environment. That is a monocultural grass.

Commissioner Armstrong said no, there is a treed area back there.

Chair Finnegan said there are trees along that path. What I am saying is, that property, as what was said, Lumos has had this for a very long time... I would love to bring up that photo of what

that field is right now. It is an empty field with trees along the edges. This is in my neighborhood. This is a place that I care about, and I care about...

Commissioner Whitten said that does not matter Chair Finnegan.

Chair Finnegan said it does matter, Commissioner Whitten. I am speaking and I will recognize you when I am done speaking. It does matter to me what we do with spaces when there are people who are looking for housing, who need housing. We have seen the Housing Study that shows that we are very, very short on housing. And we are short on housing in our neighborhood. If this could be turned into single-family houses, then great. The market would have already done that. The market has not done that. In my entire lifetime, the market has not, with that. Here we have a proposal to make sure that we have housing in this neighborhood, for more residents in a very walkable neighborhood.

Commissioner Whitten said Chair Finnegan, I think it is time to stop with "this is in my neighborhood." It is all our neighborhood. We are in this together. It is nowhere close to my neighborhood, but I care about it. I care about that school. I care about those children that are already there, that are crowded and going to school in mobile classrooms for their whole elementary career. I know what that is like because I have a little child that I am raising. It is near and dear to my heart. I do not want to be shouted down by you.

Chair Finnegan said you were trying to speak over me when I had the floor. I will recognize you and I did recognize you.

Commissioner Whitten said you are right. Thank you. This is the thing, "it is in my neighborhood." You have to stop. It is too much "it is in my neighborhood." The homeless walking to the shelter up the street every night. I can go back and tell you how many times you have said "this is my neighborhood." It is all our neighborhood. This is our City. This is our town. We need to care about. We need to care about the people who live here right now, as much as we do about the people that are going to come here. I heard at City Council, last night, the statement made "I am worried about those people who want to come and have those tech jobs and make a lot of money and live in those apartments." The heck with the people on Franklin Street, who already live in an affordable neighborhood. Must you go ahead and put a street through there. They will either like it, live with it, or move away. I do not agree with that. I think that is a very bad philosophy.

Chair Finnegan said you are 100 percent entitled to disagree with that and 100 percent entitled to vote for or against any of these requests. For you to say that you do not know how to say something because you will not be heard, you are heard. It is in the public record. You have been heard and your vote is recorded. The people that have spoken for or against this have been heard. We all get one vote and we vote for or against.

Commissioner Whitten said I think it is difficult when you continue to say "it is in my neighborhood." I think it puts pressure on other members to think, "It is in his neighborhood. We

need to...” That is not the way it is. We represent all of Harrisonburg. There are not any wards. There are not any districts. We are all here for the City of Harrisonburg. Let us try to remember that.

Chair Finnegan said I agree with that. I think you and I are on the same page with that. What I am saying is that when we have voted for these in other neighborhoods, I believe there is a way of looking at that and people saying, “Would you want this in your neighborhood?” That is exactly the question we got last month. What I am saying is yes, we need more housing in every neighborhood in Harrisonburg because we have an extreme shortage of housing. I do not love this request, but I will say that this is better than what it currently is. This does more for people who looking for housing, people who are currently double or tripled up in their living arrangements, which you have seen on this body that we have cracked down on over-occupancy. You have over-occupancy or new housing.

Commissioner Whitten said it is usually over-occupancy with students.

Chair Finnegan said there is over-occupancy with many families in this City.

Commissioner Byrd said I just wanted to break this up a bit. There are going to be two things to consider. Those are the SUP pertaining to the density of the building and the other one will be changing the zoning. Since I spoke about my position on the zoning, I wanted to say something about the density. That is how a business wants to market their units. Us trying to project out, are these new people coming in from the County? I doubt it. Or new residents coming in from somewhere else? We do not know any if those things will actually affect... I also agree that the school should have some position, even if the position is we have no idea if this will be a rearranging of our students’ location. Some statement would be greatly desired so that we at least are not all coming with our own anecdotal positions on what we think is happening to the schools. The schools should, at least, tell us what they are observing so that we can argue about that. That would be nice to have. I can talk to the School Board members that I know and ask them if they have someone who could take 30 minutes to think about that for a moment.

Chair Finnegan said I agree with Commissioner Whitten. It would be nice if the School Board would weigh in on these and give some sort of feedback. In the CIP there was another elementary school planned. That is on the books. The City is growing and a lot of these students are already in these schools.

Councilmember Dent said what strikes me is the “empty fields” issue. Yes, we do need some natural environment. This is not a lovely natural environment. There is some weird paving and trash. I think it would be a vast improvement. The key issue, as I have said before, is we are a City and we have prescribed boundaries. We have to grow inward, and to some degree upward, in order to accommodate the growth in population and the influx of population that we hope to inspire. I do agree that a lot of the people moving here are already here and in over-crowded situations. It releases the pressure on the unsatisfactory housing situations that people are in now. I

plan to support this.

Commissioner Baugh said it is interesting to me, over the course of time, the “would you want this near you” does in fact come up. I will never forget one constituent in particular because there was an issue that came up and the neighborhood was split down the middle over it. The constituent was somebody that I know and I remember going up to him afterward. The project kind of died because the half of the neighborhood that was for it decided, because it was bother to the other half of the neighborhood, they would back off. I told him, you did not want me to make the decision based on whether I would be okay with it going next door to me because I would. I have a weird perspective on this. I tend to not be real sensitive, particularly where I am. I am always fascinated by the way people get so keyed up by their sense of place, that I have to have what I have right now the way I have it and everything that looks like a change seems threatening. I tend to think, things change, and you go on. It is not near me, but that really does not affect my opinion. If it was near me, it would not bother me because it was near.

We like fields and undeveloped property. It is a field that is zoned B-2. Dollar General found a way to do something with it. That is the thing that I always think of when I am looking at undeveloped property. There is always some set of uses that could go in and we would not be having a discussion about it. Particularly when people are against it, they want you to frame it, and I am talking generally, as a comparison between undeveloped property and what is being proposed. I always feel like I need to steer the conversation. It is not between undeveloped property and what is proposed. You have to factor in what could be there. Of course, what could be there could have all pavement that we did not have any say in. It is not that voting against this keeps it as an open space. It does not. I am talking about by-right uses. Every property has by-right uses. Now, let us not kid ourselves. This one sat here for a long time like it is. It has been through a rezoning. It does indicate that the current B-2 zoning is not attracting a lot of market attention. That is a reality.

I am mindful of a piece that Commissioner Armstrong brought up. That in one sense this is unusual because the pitch that is being made by the developer, and they envision that the market for this is a drastically underserved part of the market that we never hear anybody coming in and saying that they want to do. I do not have the answer to it. It has been my experience that with road projects, they do not come out evenly. They seem to go in fits and starts. Right now, there does not seem like there is a whole lot going on. There was a time not that long ago when Public Works was going from one to the other and things on the table and how they were even managing to do it with the people... What I do recall is that there was a time, and it was really about that time when things were booming, what was expected, at least among leadership, was that the next big one was probably going to be Chicago Avenue improvement. Which is right now in the CIP, sitting where it has been. That is a City Council level issue working with staff. I do not know the details why that has worked its way from one of those that was just a wish list to we recognize that there are real issues there at Chicago Avenue. I think that part of it is that there has been a little bit of a patch. We did a patch where we got some paths off to the side of the road. I think that has improved the situation and taken some of the pressure off. Part of the fact here is Chicago

Avenue, as it is right now, is not satisfactory for what is there. It would be nice if there was some way... Even a decision to make project like that at the front of the line and make it a priority, you are still years away from getting funding and having it done. That is worth mentioning.

The thing that troubles me, as we are all trying to look at the big picture not just silo ourselves on each one of these that is coming up, in some respects it is amazing how things do not change. Some of it really is the nature of this community. The nature of the market forces that have prevailed in this community over time and how, while the market that this developer says that they would like to go to gives a little bit of a unique stamp, the actual building looks like the same sort of stuff. You could point out differences all the time, but these are the types of buildings we are getting asked to build. To me there is a remarkable saneness about them. Forget whether one of them is targeted to affordable housing and one of them is targeted to the market. The physical structures themselves, to me are remarkably similar.

One of the reasons we keep up against three stories and twelve units is that is what used to be our high end. We have a lot of things in our code. That is why we have a lot of those buildings. There was a time before we expanded our Zoning Ordinance where it was not even called high density. It was called medium density. We did not have an actual high density. The highest density you could do in Harrisonburg was a three-story, 12 unit building, four units on three floors. Our market kept pushing us to build those buildings. I have a little bit of sympathy for the property owner here because on the one hand I am sorry I am looking at another building that probably looks like all these other buildings. In another sense, it has been remarkably consistent over time, that is where the market forces seem to push us with our existing rules. Unless and until we came up with a firm vision to do something else, this is what keeps coming back. As I think you have spoken before, Mr. Chairman, the recognition that for someone in the property owner's position, if this is where the market is taking him and you want him to do something else, if all you are going to do is say no, you are not addressing your housing issue. Are there carrots and sticks out there? All of which is beyond our ability to fix right this second.

I agree, this was a close call for me because of all of these things. I am leaning towards supporting it because I have this weird little vision here. When I look at this property where it is located. You do have that little commercial area over there. With Red Front gone, it is pretty dead. There is a rationale for that neighborhood supporting a mini-commercial district. Would putting some density in this spot help kick-start that? Would it make the undeveloped or badly in need of redevelopment B-2 property around it more attractive for B-2 development? I have this vision that I can see that happening here. If I knew that was going to happen, that would make me want to vote for it. The fact that I do not know that it is going to happen raises these other issues.

Chair Finnegan said that is the risk that we run. The system is that we say yes or no to requests. We do not get to pick the sites. We do not get to pick the applicant. We say yes or no to the applications that come before us. To your point, I think that having... The neighborhood anchor that is missing, that was the grocery store, it will at some point be redeveloped.

Commissioner Baugh said these people could walk to that grocery store.

Chair Finnegan said I will also say that if you look at communities where dollar stores move into, it kills local grocery stores. That is not my opinion. That is established precedent across the country. Grocery stores that do not have to sell fresh fruits and vegetables. I do want to take a moment to publicly apologize to Commissioner Whitten, not for what I said, but for my tone and volume. I do apologize. That was inappropriate. I think that we disagree on a lot of these requests, but I think the one thing that we do agree on is that we care about our community. I think that both you and I, and everyone here, has at times gotten emotional about the direction we think the City should head. We do have disagreements here, sometimes healthy disagreements. I do apologize to you and to Commissioner Armstrong for the volume and tone. That was uncalled for.

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

Councilmember Dent seconded the motion.

Commissioner Armstrong said this Housing Report has to be taken in context. The City cannot grow beyond its infrastructure capacity. If that means that it cannot grow until it catches up with some of that capacity, then so be it. It cannot be this focus on housing, housing, housing, to the neglect of real quality of life and services.

Chair Finnegan said I would agree with you on that. As I said last month, there is a prisoner’s dilemma around traffic and dense housing. I hope that the City gets to a point where more of these places are dense and walkable. I think we can agree that we are not there yet.

Commissioner Whitten said I would echo the comments about that. I also would say that it is very interesting to me the unrest and the war that has broken out in Ukraine. I heard the woman who speaks for Church World Service from the Harrisonburg area talking about resettlement in this area. She said and I quote, “We really love to use Harrisonburg because of the amount of affordable housing that is here for our people.” I thought, that is a different perspective. Apparently, their experience is different from what we are telling people it is from our Housing Study. I do not know what the disconnect is there, but they are finding housing for people. It was interesting to note.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No, for the same reason that I voted no on Lucy Avenue.
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Whitten	No
Chair Finnegan	Aye

The motion to recommend approval of the zoning request passed (4-2). The recommendation will move forward to City Council on April 12, 2022.

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

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	No
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Whitten	No
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (4-2). The recommendation will move forward to City Council on April 12, 2022.

A motion was made by Byrd, seconded by Dent, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 4/12/2022. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Baugh and Dent

No: 2 - Whitten and Armstrong

Absent: 1 - Orndoff

6. Unfinished Business

None.

7. Public Comment

None.

8. Report of Secretary & Committees

8.a. Proactive Code Enforcement

On hold.

8.b. Rockingham County Planning Commission Liaison Report

Commissioner Byrd said Rockingham County had an ordinance amendment to add language to a special use ordinance. It was approved. There was a request to rezone a property located off Silver Lake Road on Peter Paul Lane from R-2 Medium Density Residential to A-2 General

Agricultural. It was approved. The one that involves us was the Holtzman Oil Corporation request to rezone property off of North Valley Pike and Mount Clinton Pike from A-2 General Agricultural to B-1C General Business with Conditions. It was approved. There was a request to rezone a property on Indian Trail Road from A-2 General Agricultural to RV Rural Village and a SUP for a school. There were discussions about traffic. It was approved.

8.c. Board of Zoning Appeals Report

None.

8.d. City Council Report

Councilmember Dent said that on February 22, 2022, City Council discussed the development at Lucy Drive. It was moved up from the usual schedule because the applicant had hard deadline to get the tax credits to make the whole thing possible. Councilmember Hirschman proposed postponing the hearing or continuing it to March 8, 2022. We objected to extending a hearing to two meetings in a row. I raised the point that if we postponed it to March 8, the applicant would miss the deadline and that would kill the project. I was not willing to do that. We defeated that motion. During the public hearing, we had many comments. City Council emphasized workforce housing, to try to dispel the misconceptions that these were illegal immigrants and some of the other statements that were offensive. It is people who are making between 30% and 80% AMI, not just the very lowest. Not that it should necessarily matter, but it seemed to matter to the people. That was the case where we got the very strong “not in our neighborhood” and “would you want this in your neighborhood.” We passed it 4-1, with Councilmember Hirschman voting against it.

Last night was the usual cycle, where we get the Planning Commission recommendations. That included Franklin Street, Little Sorrell Drive, and the community buildings amendment. Franklin Street was a bit more of a struggle for us. We could see the dilemma of affordability. The Mayor was even more adamant than some of us did here about “do not call it affordable unless you are actually willing to lower the rents to be affordable.” The other issue was understanding where the neighbors were coming from with the abrupt change to suddenly being on a through street. There was some concern about bringing in a higher end housing development, ironically. It raises properties values and might actually put more economic pressure on the lower income people already there. It is the inverse of Lucy Drive. We had some reluctant yeses and it passed. Vice-Mayor Romero was the only who voted against based on the affordability question.

Little Sorrell Drive, with the parking lot behind the medical building, passed. The amendment regarding community buildings also passed.

9. Other Matters

9.a. Discuss Planning Commission Meeting Options

Mr. Russ said there are many communities across Virginia. Everyone has their own unique twist to their meetings. There are handful of common themes.

There are some communities that will set a particular time, such as 11:00 p.m., when they will no longer hear any new items. Some will have a second optional meeting that is scheduled that week to ensure that they satisfy their notice requirements. Their newspaper ads will list the meeting date and say “any items not heard that day will be heard at the meeting two days later at 5:00 p.m.” The downside is that members of the public may not appreciate waiting until 11:00 p.m. whether they need to come back tomorrow or the next day.

Some communities will set limits on the number of agenda items that will be heard at any given meeting. They will have a backup date for anything else. The downside is that you may wind up with one meeting that is very short and one meeting that is still very long.

I do think we have a more appealing alternative. The way our schedules work, there is always one Planning Commission meeting between your application deadline and the meeting where the application is first heard. Staff could start sending a supplemental memo to Planning Commission on the day of or before the meeting with a list of the applications that have been received, the location of the property, the request, and a brief project description. It would give you an opportunity to decide whether you think it is something that you need to break up into two meetings. You would decide which items you want on which meeting. If you schedule them closely enough together, you can still get them to City Council around the same time. It might not throw off the schedule too much for developers. There is no guarantee that every application will be heard. Sometimes applications are withdrawn, or they are pushed back a month or two depending on staff’s comments. There would be an opportunity to make some informed estimates. If we were to go that route, staff would need to look at some days to try to avoid for that second meeting, to make sure that we are not overloading anyone with BZA, Planning Commission, and City Council all in one week. Those are Monday, Tuesday, and Wednesday.

A lot of communities will do their staff presentations and questions from Planning Commission at a separate work session. Sometime before Wednesday evening, Planning Commission could meet just with staff and the applicants. It would be open to the public, but they would not be participating in. We would do the presentations. There would be an opportunity to ask questions. Then Wednesday at 6:00 p.m., we would hold the public hearings. We would introduce a sentence or two summary and let the public come in and provide their comments.

Chair Finnegan asked are you saying, for example for tonight’s meeting we had one item that was not a public hearing? Anything that is not a public hearing, is that what you are saying?

Mr. Russ said for items that are public hearings, the staff presentation would be on a separate night. You would not have all of it together at the same meeting. Depending on how far in advance you did that, the public would have the opportunity to watch live. If we are able to get online in time, they would be able to watch just the portion that was relevant to them, to see if their concerns were addressed. It also breaks up the questions asking portion and the opinion giving portion. Sometimes, they bleed together before the public hearing starts.

In watching some Planning Commission meetings elsewhere, a number of communities have a consent agenda. There would be certain types of items where there would not be a staff presentation. They do not really have discussion. In Virginia Beach, with most short-term rentals, unless they breach a certain threshold of objections from neighbors, they forego staff reports and discussion and go with whatever staff has suggested. A lot of communities do that with subdivision variances. Most of our townhome communities, where we typically will approve the subdivision variance that they are requesting, where it is fairly technical and not very controversial as long as the applicant and staff have agreed on appropriate conditions. A lot of communities will forego lengthy presentations and debate and approve those. If any member of the Planning Commission disagreed, you could remove it from the Consent Agenda and discuss it as a group. The intention there is for items where no one has objected to anything. It may be a type of item that they see recurring on a frequent basis and have not had the opportunity to update their zoning ordinance to match expectations for development today. That is an option you can consider. I do not know how much that would actually help us cut down on time. I do not know that the staff reports eat up too much of a percentage of the meeting each month.

It is up to you, what you are comfortable with, and how you want your meetings to be run.

Mr. Fletcher said I wanted to make an observation about something that we have lost over the last two years because of COVID. When we would do tours, that would be a whole afternoon. A lot of the questions that you might be asking here, that then takes 15 minutes to answer and then the conversation back and forth, happens at tour. We advertise that we are doing a tour. If people want to go to the tour, they can go to the tour with you. It is rare, but it happens. A lot of those questions happen at the tour, and it condenses a lot of the conversation. You have been there with staff and that helps frame yourself to what is going on. That has been lost.

Chair Finnegan said I agree with that. When we used to go on tours, the site visits, that gave us an opportunity to have these conversations on the site. I go to these sites on my own, in my car. I worry about getting yelled at for trespassing. It is not the same as when you show up with a group of vehicles with City tags on them. I agree. I would like to start doing those when staff feels comfortable. Could an alternative to those tours for anyone who does not feel comfortable riding in the same vehicle, provide their own transportation? We are outside when we have these discussions.

Commissioner Byrd said the whole time that I have been on the Planning Commission, I have never been on these tours. I do not remember it being discussed. I do not remember it in my training.

Commissioner Whitten said we always did that. Can we resume those? We really need them. There is a lot of conversation that happens and understanding.

Councilmember Dent asked do we have any of the same kinds of constraints that City Council

does that we are then a meeting.

Commissioner Baugh said that is why it is advertised.

Ms. Dang said that what we do is list it on the previous agenda, that the Tuesday before the next meeting there will be a tour starting at this time. The meeting will begin at City Hall. If anyone wants to join us, they can. At times, we have had applicants meet us on the site, at their property.

Councilmember Dent asked what day is it typically?

Ms. Dang said typically it was on the Tuesday before the Planning Commission meeting.

Councilmember Dent said I do not want to do that because it is City Council day.

Commissioner Baugh said I have bad news for you. Every councilmember up to now has had double-duty on Tuesday.

Mr. Fletcher said at those tours, you are not really discussing your position. It is a question and answer to understand what you are going to be talking about.

Commissioner Whitten said it is typically an hour.

Mr. Fletcher said it depends on the agenda. There are times that it was dark, where we were working into the evenings for the tour. It is an important component.

Chair Finnegan said this is important and I do not want to lose this. Maybe we should talk about it under Other Matters. I do want to turn our attention back to what Mr. Russ was saying. Does staff have a preference? Is there a preference among staff for the options that Mr. Russ discussed? Did you talk about it?

Ms. Dang said we have. We did not jointly come up with a recommendation. We wanted to hear what would work for you. I like that you are talking about the tour again. That is an important component that could help to reduce the meeting time. Should we try that out before setting another second meeting date of the month? Or, if you did want to do a second meeting, then I liked the idea of presenting the agenda for the next month's meeting for you to discuss before the end of the current meeting. You could have a discussion as to whether you think it needs to be two meetings. The other tricky thing to think about is, when is Council Chambers available for a second meeting to be scheduled at a regular time so that we can tell applicants that, if the item is not heard on the usual Wednesday meeting, then it will be heard the following Thursday or the next Tuesday or whatever it might be. I did look at the schedule for the Council Chambers availability. The second Thursday, the third Tuesday and the third Thursday of the month are available. I would not want to push it back to the fourth week because it would compress time too much to get the extracts and the minutes together for the City Council meeting.

Chair Finnegan said I do like the idea of thinking about it like a rain-date. Something where we are obviously going to meet at our regularly scheduled time. If it is a full meeting and we have received a lot of emails about the request, we could propose a second meeting time.

Ms. Dang said it would have to be advertised. I usually submit the ad on Thursday of the next week [after Planning Commission meets]. A decision has to be made well before we start getting emails for public comments. The other option, but I think that there is a negative side to it. If the review schedule is longer, internally, before it is presented to the Planning Commission, but that ends up dragging out for the developer or the property owner. It would be much longer for them if we are trying to account for getting notices out, public comment, then deciding what the meetings would be, whether there would be one or two.

Chair Finnegan said we would have to decide a month in advance. On that topic, how many requests do we have lined up for next month?

Ms. Dang said another tricky thing is that sometimes an item that staff thinks is not contentious, and we are surprised when people start to call in.

Commissioner Baugh said the reverse happens too.

Ms. Dang said that for next month there are three items. One is a SUP request for a STR on Newman Avenue. There is a SUP to reduce parking at 716 and 722 Foley Road. This was the property that Mr. Frank Gordon was looking to add apartments behind the two existing single-family homes. He is coming in to make a request for a reduction in the number of required parking spaces that he would have to construct for that project and reserving the open space. The final request is an alley closing adjacent to JMU properties between Fairview Avenue and Port Republic Road.

Chair Finnegan said I think we can keep that short.

Commissioner Whitten said are we going to stay at 6:00 p.m.?

Ms. Dang said that is already in the bylaws. Mr. Russ, as we think about this, I did not expect a decision to be made today because we do also have to make a recommendation to amend the bylaws.

Mr. Russ said that is right. It would be a process of a couple of months to make any changes.

Chair Finnegan said we do not need to take action on that tonight.

Councilmember Dent said I like the idea of no new items after 11:00 p.m. That might add some pressure for people to be more concise.

Ms. Dang said the negative side would be that either the applicant or the members of the public who have been waiting to see if their item would be heard before 11:00 p.m. would have wasted their entire evening. I would not recommend that option.

Councilmember Dent said when you are asking whether staff could make some changes, I wonder if you could omit some of the boilerplate that we hear each time, such as what traditional development means or what mixed-use means? Is it important to repeat it every time to the public?

Mr. Fletcher said that we say those things for the public's benefit.

Ms. Dang said that there is a bit of debate regarding defining that for the benefit of the public. On the other hand, should we expect that people read the staff report?

Mr. Russ said we are very much unusual in doing that. In a lot of communities, their staff presentations are like the conclusion paragraph of our staff reports. Maybe a little bit longer if it is a complicated matter.

Chair Finnegan said tonight was a good example. Staff needs to make an argument for the position that staff is taking. Then, you will have people speaking for or against, trying to tear that argument apart. I do not think that telling staff to keep it brief...

Commissioner Baugh said you are going to get different results if you do it that way.

Chair Finnegan said the important part to me is "why is staff recommending for or against this?"

Ms. Dang said contact me with what we can do to improve our staff reports, what we can omit or what we should focus on.

Mr. Russ said that he would send a summary of the options to the Planning Commission.

Chair Finnegan said that Commissioner Whitten wanted to talk about site visits.

Ms. Dang said that if you want to resume vehicle tours, we can resume that. I will send a poll to determine a time that we can agree on.

Mr. Fletcher said I want to convey my appreciation to Ms. Banks. I have learned so much from Alison. We have been a team for a long time. When you have a workspace and you enjoy the people you work with, then you enjoy coming to work. Alison has made that for me. It has been a wonderful experience getting to know her and her family. The last few years have been different. The camaraderie that we would have, pre-pandemic, yelling down the hall, the conversations and meetings, I just wanted to share my appreciation for Alison. I wish her the best of luck. We will

absolutely miss you.

Chair Finnegan said thank you, Alison, for your years of service to the City and to the Planning Commission. We appreciate it. We will miss you.

10. Adjournment

The meeting adjourned at 10:26 p.m.

INTERPRETATION SERVICES

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

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

NOTE TO PUBLIC

Residents/Media will be able to attend the meeting according to best practices and procedures associated with pandemic disaster.

1. Masks are not required but encouraged
2. Social Distance rules will apply

The Public can also view the meeting live on:

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

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

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

Residents also may provide comment prior to the meeting by visiting this page www.harrisonburgva.gov/agenda-comments or by e-mailing: Thanh.Dang@harrisonburgva.gov.