

MINUTES OF HARRISONBURG PLANNING COMMISSION

September 10, 2025

The Harrisonburg Planning Commission held its regular meeting on Wednesday, September 10, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Chair Baugh called the meeting to order.

Chair Baugh asked if there were any corrections, comments or a motion regarding the August 13, 2025, Planning Commission minutes.

Commissioner Kettler moved to approve the August 13, 2025, Planning Commission minutes.

Vice Chair Porter seconded the motion.

The motion to approve the August 13, 2025, Planning Commission meeting minutes passed by voice vote (6-0).

New Business – Public Hearings

Consider a request from Anicira Veterinary Center to rezone 910 North Liberty Street

Commissioner Seitz stated the Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosures:

1. The transaction involved is the item taken up on the April 09, 2025, Planning Commission Agenda as Item 5(b), a request for a SUP to professional office.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of the Planning Commission in this matter.

He then recused himself from the request and left Council Chambers.

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 26,800 square foot parcel from M-1, General Industrial District, to B-2C, General Business District Conditional. The property is addressed as 910 North Liberty Street and is identified as tax map parcel 40-B-2. Anicira

Veterinary Center currently operates on the site. If the rezoning request is approved, the applicant intends to lease the property to Little Roots Early Learning Center, a childcare center.

The applicant plans to remodel the 2,300-square-foot facility to accommodate childcare for a maximum of 30 children ranging from 12 weeks of age to 6 years old. They plan to operate from 6:45 a.m. to 6:00 p.m., Monday through Friday, with staggered drop-off and pick-up times.

Proffers

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

1. In accordance with the B-2 zoning restrictions and guidelines, the following uses are prohibited on the Property:
 - a. Funeral homes.
 - b. Vehicle fuel stations, bus terminals or facilities designed for vehicular convenience.
 - c. Drive through facilities.
2. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The conceptual site layout is not proffered.

Land Use

The Comprehensive Plan designates this site as Commercial and states:

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

The proposed rezoning from M-1 to B-2 conforms with the Comprehensive Plan's Land Use Guide.

Property Entrance and Parking Lot

The existing entrance width is about 100 feet, which exceeds the City's allowable maximum of 50 feet in width for commercial entrances per the Design and Construction Standards Manual (DCSM). Reducing the single access width or reconfiguring the access to create one-way ingress and egress can enhance safety for vehicle maneuvers and decrease potential conflict points. In addition, if the current configuration of the parking lot utilizes 90-degree parking space design perpendicular to the public street, such a layout appears to use public street right-of-way in order

to back out of the parking spaces. The Zoning Ordinance (ZO) Section 10-3-25(5) does not allow on-site parking to depend on the public right-of-way to maneuver into or out of parking spaces.

With regard to off-street parking, the ZO requires a childcare center to provide one (1) off-street parking space for every 300 square feet of gross floor area. For the existing 2,300 square-foot facility, a minimum of nine (9) parking spaces would be required. The applicant expects to have four to five staff on-site during a typical day, and they plan to have contractual drop-off and pick-up times to control the traffic and number of vehicles in the parking lot at any given time.

At staff's request, the applicant submitted a conceptual parking layout demonstrating how the property might accommodate the required entrance and parking requirements. During staff's review of the layout, staff identified several matters that will need to be addressed prior to any redevelopment or change of use on the property. While the existing parking lot is presumed to be nonconforming to parking lot landscaping regulations, any expansion of the parking lot will require compliance with parking lot landscaping regulations per ZO Section 10-3-30.1, which has not been accounted for in the layout. Additionally, it appears that a passenger vehicle would not be able to make the righthand turn from northbound North Liberty Street into the proposed one-way drive aisle in front of the building. Section 10-3-29 of the ZO requires "all off-street parking spaces, loading areas, driveways, travelways, parking bays and entrances shall comply with the city design and construction standards manual." The conceptual layout shows the separation between the two entrances as divided by a fence or chain. Staff is concerned that post and chain is not sufficient. Furthermore, installing a fence in this location presents concerns due to the floodplain because a fence can obstruct the flow of water, can trap debris, and can lead to increased damage of properties. A raised concrete or landscaped island is one option that could better delineate the entrances and potentially prevent issues related to developing in the floodplain.

Upon submission of an engineered comprehensive site plan and/or building permit application that results in a change of use, the property owner will be required to bring the entrances and parking lot into compliance with the ZO and DCSM. If necessary, the applicant is aware that they have the option of meeting minimum parking requirements by entering into a recorded shared parking agreement with an adjacent property owner per ZO Section 10-3-26(b).

Floodplain/Floodway

The building and entire property is located within the floodplain and a portion of the property is in the floodway. Several floodway and floodplain concerns have been identified on the property:

- According to the elevation certificate dated August 6, 2025, the top of the bottom floor is not fully elevated above the Base Flood Elevation (BFE), which may require floodproofing.
- There are fences on the property that were installed without a floodplain development permit. The existing fencing may need to be removed or replaced, and the applicant will have to obtain a flood development permit for the existing and any future fencing.
- In addition, any changes to the parking and entrance configurations, including landscaping barriers and other traffic control installations, must comply with floodplain regulations and may require floodplain development permits.

The applicant should be aware that floodplain development permits may require engineering analysis.

In general, staff does not endorse the idea of locating a childcare center on this parcel due to the flooding risks and knowledge that this area of North Liberty Street is prone to flooding. However, staff recognizes the great need for childcare in our community and further acknowledges that providing childcare in the City works toward the following Goal, Objective, and Strategy within the City's Comprehensive Plan:

Goal 7. To provide a wide, accessible, and equitably distributed range of educational opportunities for all.

Objective 7.1 To adopt a holistic approach to education that considers the academic, social, emotional, intellectual, and physical needs of individual children.

Strategy 7.1.2 To support quality and affordable public and privately-run child care and education for children under 5 years old.

The applicant has engaged in discussions with the City's Deputy Emergency Coordinator regarding flood alert systems and intends to implement safety procedures.

Transportation and Traffic

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

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Conclusion

While staff does not endorse the idea of operating a childcare center within the floodplain and floodway due to the flooding risks, the proposed rezoning of the property from the M-1, General Industrial District, to the B-2, General Business District, aligns with the Comprehensive Plan's Land Use Guide. Staff recommends approval of the rezoning request to B-2C.

Vice Chair Porter said do we have any information about the last time that area flooded?

Ms. Soffel said I do not know any particular dates. I did contact Public Works, and they said that North Liberty Street does regularly flood and they have to close it to traffic.

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

Erin Layman, the applicant's representative, came forward to speak to the request. She said I came to answer any questions that you might have but also to let you know Anicira and Little Roots, the

proposed daycare center, are very concerned about safety for the children that are going there. There are strict licensing compliance issues through the Department of Social Services in order to get their license. One of those is an emergency protocol. They are very aware of the fact that they are in the floodplain and they do want to make whatever necessary adjustments in order to make sure the children are protected safely. Nyrma did mention that the first floor is not above the baseline flood elevation, however, it is only five-hundredths of a foot off. That is something that we would address as part of this adjustment in the renovation of the building to convert it to childcare. Based on the public comments that I had seen submitted, I did also just want to indicate that this is a request rezoning mostly because of this childcare necessity. Even if things fell apart, the childcare opted out, the veterinary clinic is still authorized under either designation, the M-1 or the B-2. It is not like the property would be not used. Obviously, the goal at this point is to move forward so that the childcare center could open. When my clients originally approached me about this, they also indicated that they had called around other local daycares and there is a four-month waiting list for most of them. There was only one that said maybe in 30 days. I feel like this is addressing a need in our community and something that we hope that you guys would support. Did you have any questions for me?

Vice Chair Porter said where is Anicira going to move their operations?

Ms. Layman said they currently have their main office on Medical Avenue behind the Valley Mall. Right now, they are renovating that space and because they are doing renovations, they are using this facility again. Whereas before they were using it for other storage needs and things of that nature. They intend, once they get their renovations complete, to go back to the Medical Avenue location and continue their operations there.

Chair Baugh said they had not been conducting operations there for a good while...Other than where they are right now because of the renovations. When do you expect that to end?

Ms. Layman said I think within around six months from when they started. Probably into the next year. So about a month or two.

Councilmember Dent said I was just looking to see how many children. It says a maximum of thirty, twelve weeks to six years old. That would be separate rooms for the different ages as I have seen in other childcare centers, correct?

Ms. Layman said that was in the original drawing and plans, however, I think now I do not know how they would divide them out. I do not have all the ins and outs of that but it would be in compliance with whatever DSS [Department of Social Services] requirements are.

Vice Chair Porter said have we confirmed that DSS is aware or they have begun the process of seeking licensure that the site would be acceptable?

Ms. Layman said yes.

Chair Baugh said I am familiar with that system. There is considerable state regulation on this.

Councilmember Dent said the number of staff to children per age and so on.

Chair Baugh said they look at the building and they think the way you have set it up will not accommodate the number of children that you would like to have then you are going to have the amount they say you can have.

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

Chair Baugh closed the public hearing and opened the matter for discussion.

Vice Chair Porter said I would certainly be inclined to support this based solely on my understanding that there is going to be a lot of oversight and scrutiny that is going to go into this process before we get to the point where children are actually on site. Between the building permit process, the flood permitting and obviously the rigorous oversight from DSS will ensure that this is going to be a safe site for kids, I do not have any doubt of that. I will say what I think is probably going to be repeated and seconded several times here is we are very much aware of how important these childcare slots are to our community and we definitely need more childcare in our community.

Councilmember Dent said it is reassuring to see facilities cropping up because they know we have the need.

Commissioner Kettler said I concur with that. I move to approve the rezoning request as presented by staff.

Commissioner Alsindi seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on October 14, 2025.

Consider a request from EP Harrisonburg Owner LLC and Cook Creek Church of the Brethren Cemetery to rezone (proffer amendment) 1010 Garbers Church Road, 1645 Erickson Avenue, 1781 South High Street, and South Dogwood Drive (Bluestone Town Center)

Chair Baugh read the request and asked staff to review.

Ms. Dang said on February 28, 2023, City Council approved to rezone +/- 89.75-acres for the Bluestone Town Center from R-1, Single-Family Residential District, R-3, Medium Density Residential District, and B-2, General Business District to R-7, Medium Density Mixed Residential Planned Community District. In connection with the rezoning approval for the property, the following documents together are the approved Master Development Plan for the development known as Bluestone Town Center:

- Master Plan Zoning Requirements for Bluestone Town Center, revised February 24, 2023.
- Bluestone Town Center Rezoning Request Proffer, revised January 13, 2023.
- Street Improvement Agreement, dated March 1, 2023.
- Master Plan Layout, revised January 10, 2023.
- Typical Manufactured Home, Single Family Detached, and Townhome Landscape Plan, dated February 24, 2023.
- Page 2 of the Conceptual Site Layout, revised February 24, 2023. (Note: This layout is conceptual and not part of the master development plan, except for the reference from the Master Plan text in Section F, Other Regulations, Subsection (3) to general locations of park areas shown.)

A copy of the approved Master Development Plan is attached and additional information on the 2023 rezoning is available at: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=6041039&GUID=AC21AE3C-5425-4D02-8432-1A30AA805A11&Options=&Search=>. Additionally, a document titled *What is an R-7 Development? Information Sheet* is attached herein for a reminder as to how R-7 zoning is implemented.

The applicant is requesting to amend the existing proffers as described below. All other documents will be readopted as part of the Master Development Plan.

Proffers

The existing 2023-approved proffers will remain the same except for an amendment to proffer 1.a.ii and removal of two proffers that were not approved by City Council on February 28, 2023. Attached within the applicant's supporting documents are two versions of the proffers; one with tracked changes and a clean version.

The applicant is requesting to amend Proffer 1.a.ii. as shown below (written with changes tracked):

1. ***Provision of Affordable Dwelling Units. Provision of Affordable Housing.***

Where the Master Plan indicates residential uses, the residential dwelling units within the Project are two-fold: a) for-purchase units; and b) rental units. The Project will incorporate affordable housing components as set forth below:

- a. For-Purchase Units (single-family detached dwellings, manufactured homes, and townhouses):
 - i. Term: The For-Purchase Units affordability period shall only be upon the initial sale from the Developer to the initial homebuyer.

- ii. Income Restrictions: 100% of the For-Purchase Units will be initially sold and restricted only to households with incomes ~~below~~ ~~between 80% and~~ 120% of the Area Median Income (AMI), as established and updated regularly by the U.S. Department of Housing and Urban Development (HUD).
- iii. Compliance and Monitoring: Upon request from the City, the Developer will provide certification of household income eligibility for all For-Purchase Unit sales.

A summary explanation of Area Median Income (AMI) is available at the following Housing Forward Virginia webpage: <https://housingforwardva.org/news/fwd-b06-area-median-income/>.

The following paragraph, quoted from a letter submitted by the applicant, describes the reasoning for the proposed proffer amendment:

In 2023, at the time of the original rezoning application, the Owner had not selected a developer/contractor to construct the for-purchase residences. Nor did the Owner think it would be economically feasible for a developer/contractor to construct quality homes for sale to persons with an AMI of below 80%. Since that time, the Owner has contracted with NVR, Inc. (“Ryan Homes”) to develop and construct certain for-purchase single-family homes and townhouses. During contract discussions, Ryan Homes stated that it would be able to construct and offer some of these residences for sale to families with an AMI at 60% and above while maintaining the quality required by the Project and Owner. Ryan Homes is also offering financing for these home purchases.

In addition to the above proffer amendment, the original text for proffers 2.b. and 4 are both proposed to be replaced with the statement “Not Approved by City Council on February 28, 2023” as neither proffer was accepted and approved by City Council in 2023. Lastly, the Property Information section within the proffer letter has also been updated but is not shown in tracked changes.

Conclusion

Staff has no concerns with amending proffer 1.a.ii. This amendment does not cause any changes to planned land uses, transportation facilities and traffic, public utilities, or projected school enrollment. Amending proffer 1.a.ii. could allow a larger pool of homeowners (to include those below 80% AMI) the opportunity to purchase a home. As noted earlier, all other components of the development would remain as approved in 2023. Staff recommends approval of the rezoning request by amending the described proffers.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said I see in this letter from the applicant's representative that Ryan Homes is also offering financing for the home purchases for the lower income range. That does open up for more affordable housing.

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

Michael Wong, the applicant representing the Harrisonburg Redevelopment and Housing Authority, came forward to speak to the request. He said we are codevelopers of this property with Equity Plus LLC. It has been a long three years of getting to this point, but we feel like we are very close to be able to start construction and building some affordable homes in our local community. This adjustment is due to analysis that identify that overall within our community that three-bedroom rents were approximately \$600 a month and that if at the pricing we are looking at with Ryan Homes these townhomes would be sold for \$220,000 to \$240,000. Which is about \$1,600 a month to mortgage payments. It does allow us to be able to serve low-income level individuals and create more affordability. We did go out and interview a number of different local owners and builders and we go to potentially building these townhomes to sell separately. But after we received the proposal from Ryan Homes with the ability to finance homes, they say they are the third largest builders in the nation. They have pricing powers to be able to bring these units in at a cost effective rate. The Board of Commissioners signed off on a letter of intent to engage them for these homes. We are excited about bringing the opportunity to serve individuals or families at that 60% AMI. Which you are talking about \$63,000 to \$64,000 minimum if you are a family of four. That could be a single parent working with children. So it would cover the cost for a very broad spectrum of residents within our local community. I would be happy to answer any questions you have.

Commissioner Alsindi said I have been there once and twice, I have children that go to the high school there. Sometimes there is a smell and an odor because there is an agricultural project over there. I do not know wind wise has that been taken into consideration given that this is going to be a residential project. If there is constantly an odor or smell that is not pleasant to live with is that considered?

Mr. Wong said being a native from this area and growing up in a poultry farm, my dad used to say that smell is the smell of money. We definitely recognize implications of that. Our understanding is that the potential, for in the long term, of that poultry farm continuing for an extended period of time is very minimal. We do not anticipate as we go through the phases of construction that it would be a long-term issue or impact.

Vice Chair Porter said I remember during the initial process there was going to be some single-family homes on the site. Those were going to be factory-built homes, is that still the plan?

Mr. Wong said that is correct, manufactured or modular homes. We are still pricing it out and determining who is going to be the provider for that but that would be part of this phase too as we move forward.

Vice Chair Porter said which phase or which part of the development will be begin first? I am just interested in terms of whether it is going to be the town homes, the rental homes, the single-family homes.

Mr. Wong said the infrastructure is kind of the key function. Where to put the water and sewer, electrical connections in and coming off of Garber Church Road. We anticipate that would be the townhomes, that would be created first. We also need to extend the infrastructure to the senior and multi family housing that we are proposed building on this site. We have received a [unintelligible] submittal here about \$11 million in soft monies and grant funds to support this project and receive the 9% credits for the senior housing. We are trying to do these in as much of a comprehensive approach as possible. For the base answer, it will be the townhomes initially that will be built, and it will probably be a year before we have the road to the multifamily housing.

Vice Chair Porter said I am probably just speaking more on behalf of some of those that were expressing concerns during the initial process. Can you speak to any assurances you are going to get from Ryan Homes in terms of the quality of the building and that these are going to be high quality homes that will stand over time?

Mr. Wong said we believe very strongly that the models of these townhomes are similar to what is being built south of town at this time. Beacon Crest I believe is a term of the development. Those have been a very quick and a large amount. I think they are very high quality. We are very impressed with the quality of the Ryan Homes.

Councilmember Dent said how does Ryan Homes construction interact or compliment the manufactured homes? Do they do the concrete layout for the foundation? Do they have a role with those as well?

Mr. Wong said no they do not. We have gone out and selected a contractor for the infrastructure activities and they will be constructing the pads for Ryan Homes and we will sell those individual pads and lots to Ryan Homes and the lot spaces for the single-family homes.

Councilmember Dent said as I recall from a process before, there was a phasing of no more than 100 units per year possibly except for the first year when you have more townhomes and the senior housing. Is that more or less still the plan?

Mr. Wong said it is but we may be back to amend those proffers. I think 150 was the requirement for us to build some of the transportation improvements. Since that time the cost for those transportation improvements has almost tripled from \$1 million to \$3 million and so that has impacted our ability to be able to potentially meet that. We are analyzing the traffic impact and may come back at a later point and amend our proffers for that.

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

Chair Baugh closed the public hearing and opened the matter for discussion.

Vice Chair Porter said I would almost say that in my present role as the Executive Director of Central Valley Habitat for Humanity, which I have been at for about a month now, I am beginning to fully understand how difficult it is to build homes that are high quality homes for folks that are under the 80% AMI. I am grateful to see that this is an option. I think it delivers on the promise of what Bluestone Town Center was supposed to be and what was presented to our community. I know that there was a lot of folks out there that had concerns about the development, but I think this is a sign that at least there is some effort there to try and deliver on the promise on providing high quality affordable homes and I am glad to see this proffer.

Commissioner Alsindi said I also see that the amendment to the proffers is expanding the value of the project. I would be in favor of voting for it.

Commissioner Kettler said I am also excited to see in the expansion of it being expanded so that folks of lower income are able to be included in that as well.

Commissioner Alsindi said Mister Chair I would like to make a motion to approve the request.

Vice Chair Porter seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request (proffer amendment) passed (6-0). The recommendation will move forward to City Council on October 14, 2025.

New Business – Other Items

Consider a request from GC & T LLC to close a public alley located between properties identified as tax map numbers 34-E-1 and 2 (530 North Main Street)

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to close a +/- 2,760 square foot alley that is adjacent to 530 North Main Street (tax map parcel 34-E-1) and a second unaddressed parcel along North Main Street and North Mason Street (tax map parcel 34-E-2). The applicant owns the parcels on either side of the alley and would like to close the alley to avoid potential concerns and questions relating to maintenance and access that may arise in the future. Vacating the alley would also help

with any future plans to construct additions on the existing building or for redevelopment of the parcels.

Staff believes it is possible the alley was originally a private access before becoming public; however, staff could not definitively confirm the alley's history. In cases such as this, where historical ownership is ambiguous, if City Council supports vacating the alley, they can vacate any claim the City might have in its interest. It is presumed, in this case, that the applicant holds the land beneath the platted alley, and if the City's interest is vacated, full control and ownership of the land would revert to the property owners.

Records demonstrate the 12-foot alley's existence since 1859 (Deed Book 33, Page 121). During Urban Renewal in the 1960s, a segment of the alley, which would have run through today's North Mason Street and would have been located on portions of the Roses property was vacated (Deed Book 296, Page 322). City staff reached out to the Northeast Neighborhood Association and the Shenandoah Valley Black Heritage Project to ask if they had concerns regarding the proposed closure of the alley. Representatives from both organizations appreciated that we reached out to them for feedback and noted they did not have concerns with the request.

The existing alley contains public power lines and a public culvert. If closed, a public general utility easement and a public storm drainage easement should be reserved for those facilities. The applicant is aware that easements will be reserved by the City. The final location of the easements will be determined prior to the required second reading.

Conclusion

Given the close proximity of alley to the North Main Street and North Mason Street intersection and existing vehicle and pedestrian facilities, and because the City has not plans to use the alley for anything other than the existing utilities described above, staff supports closing the alley with the following condition:

A public general utility easement and a public storm drainage easement shall be reserved in the necessary locations. The location of each easement shall be determined by a survey completed by the applicant for review by the Department of Community Development.

Chair Baugh asked if there any questions for staff.

Commissioner Seitz said the overhead powerlines do not exist currently, correct?

Ms. Rupkey said there are overhead powerlines. Where exactly they are located within the alley is, without a survey, hard to determine. If this does continue forward and City Council does agree to close it, they would get a survey at that time.

Commissioner Seitz said it is an easement to accommodate existing powerlines not new powerlines.

Commissioner Alsindi said the sentence that goes "If City Council supports vacating the alley, they can vacate any claim the City might have in its interest." Can you elaborate more on this?

Ms. Rupkey said there are three different types of alleys in short. There are alleys where we know who owns that land where it is a separate parcel.

Ms. Dang said in this particular case, what we believe to be the case is the land under the easement is part of each parcel and both parcels happen to be owned by the same people. Then there is an easement or the alley right-of-way that is laid over top of it. What we are unable to confirm is that easement dedicated to the private property owners or is it dedicated to the general public which the City has guardianship. The City is protecting the interest of the public easement. In either scenario, whether it is owned privately or publicly, this action we are going to be asking City Council to take is it does not matter who owns that easement. If you just vacate any potential interest that the City has in it and the property owner says they want to close that alley or said easement, then we are all good.

Commissioner Alsindi said the City closes it?

Ms. Dang said the City is saying we do not have a public interest in keeping the alley.

Chair Baugh said you could have a decent discussion on a law school exam about exactly what rights the City is giving up, which is where the complexity comes in. The bottom line is the City executes a deed releasing and conveying whatever interest it has in this property and we know from the title records that nobody else has any interest in the property other than the current owners, then you have cleared it up. The older ones tend to be these easements. The City does not own any land but the City owns the right to go over the land. About a 100 years ago, from then on, the City does own the land. That is what I think they are trying to say. The City will no longer retain any interest in it.

Commissioner Alsindi said specifically I had an issue with the word “they.” “They can vacate any claim the City might have.”

Ms. Rupkey said “they” is referring to City Council.

Ms. Dang said it can also be read as “if the City Council supports vacating the alley, then the City Council can vacate any claim that the City might have in its interest.”

Commissioner Seitz said that difference in ownership of an easement versus ownership of the land, is that why in some cases the City wants to be compensated for an alley versus not being compensated for an alley?

Chair Baugh said we are willing to give it up, but you have to buy it from us versus we do not own it or what we own is a right of use not the actual land.

Councilmember Dent said yet we retain the easement for the utilities that are already there.

Ms. Dang said we need access to maintain the facilities.

Commissioner Kettler said indicated in the notes, the City has no plans to use the alley for anything other than utilities. Has Public Works been consulted about any other use that they may have for it?

Ms. Rupkey said we reached out to them and there was not any concern with closing this.

Ms. Dang said in our typical review process know that everything that comes before you at Planning Commission gets reviewed by Public Works, Fire, Engineering, Building Inspections, and Public Utilities, it all has been reviewed by those departments.

Chair Baugh asked if there were any more questions for staff. Hearing none, he then said, this is not technically a public hearing, but we tend to treat them like public hearings and he request.

Panayotis Giannakouros, a City resident, called in to speak to the request, however, his call was unintelligible due to some technical difficulties

Chair Baugh opened the matter for discussion.

Vice Chair Porter said my standard on these is that I always try to weigh the public interest. In this, and in the alley closures that I have voted for in the past, it has been pretty clear that there has not been public interest that outweigh the need for the closure or there simply was no public interest. With the easement, I do not think there is any issue here at all and I do not see a problem with closing the alley.

Councilmember Dent said it is not like this is a well used path that people cut through between the streets. It is much more traffic oriented.

Chair Baugh said it reminds me of another one we had where this is even more true than the one with the cemetery where even if people were accessing it the inconvenience of not being able to use that path is so small because you are very close to a slightly longer way to get from point A to point B.

Vice Porter said this is probably closer to our alley to nowhere that we had...

Commissioner Kettler said my general inclination is to keep alleys open. I think in part because of the different kind of ownership interest, I tend to be more in favor of closing it. I think given the proximity to North Main and North Liberty I think other transportation options are very clear. It is the ownership status which makes the difference for me.

Commissioner Seitz said I think the usefulness and the fate of this alley was determined in 1960 with the Urban Renewal.

Councilmember Dent said if it continued at that point it might have been useful.

Commissioner Seitz said there was an existing traditional grid system. An esteemed traditional pattern of development of homes. All of which has been superseded.

Commissioner Kettler said I also think that approving the alley closing opens it up to possible future redevelopment in a manner that can better utilize the land.

Commissioner Alsindi said I am also inclined to approve the request given the way of managing the easement and not keeping it alive and robust enough.

Commissioner Seitz said I will move that we approve the alley closing request.

Vice Chair Porter seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the alley closing passed (6-0). The recommendation will move forward to City Council on October 14, 2025.

Public Comment

Panayotis Giannakouros, a City resident, said I know it is past the previous discussion, but I will make a general statement about publicly owned land. One good principle to follow is asking if giving up a piece of land in the public interest. Of course, the person asking to vacate or asking to receive a piece of property will be getting something. I think the better litmus test to place on that is what is the public getting? What is the City getting? And considering also that that can be a point of negotiation if the City wants to nudge development in a certain direction. And the final thing I would add is that in the case of alleys, I recounted some of that history at City Council yesterday and there was a time when the City wanted to give up all public alleys, all paper alleys. We stopped that because it would have entailed putting maintenance requirements on owners who may not have planned on having an alley in addition to whatever lot they plotted out. That was the argument that won the day back then at that time. I believe Mr. Baugh was also on Council at the time. The final thing to consider with regard to that is that we also added protections to paper alleys. That is, we exempted them from the tall grass and weeds ordinance. Know that a paper alley comes also with a protection for future owners. I know we have the three types of paper alleys, but it might be interesting to look up what protections attach to a future owner if they would like to, for example, take out a parking lot and put in the green space or in general do something other than bike/ped, because we have been talking about bike/ped accessibility, that was an afterthought. If we go back to how it actually played out. Thank you so

much. I hope it helped testing out the phones. It seems that there may be some technical problem that needs to be addressed.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Vice Chair Porter reported on the September 2, 2025 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Public hearing for a request from Highway 81 LLC requests to rezone (tax map # 95-A-1) 20.885 acres from B-1 (General Business) to BX-C (Business Interchange with Conditions). - recommended approval
- Public hearing for a request from B&A Group LLC requests to rezone (Tax Map # 94-A-91) 4.19 acres from B-1 C (General Business with Conditions) to I-1 C (Industrial with Conditions) - recommended denial
- Zoning Ordinance amendment to Chapter 17 (Zoning) of the Rockingham County Code related to supplemental standards for certain land uses, to amend the supplemental standards for single-family detached dwelling with independent living quarters - recommended approval

Board of Zoning Appeals Report

None.

City Council Report

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

At the August 26, 2025 City Council meeting:

- Public hearing to rezone 320 South Main Street - approved second reading

On the September 9, 2025 City Council meeting:

- Public hearing for a special use permit at 1710 Country Club Road - approved first reading

Vice Chair Porter said can you provide us with an update on the deliberations and the interactions related to The Link because I know that is germane to the Planning Commission and I know there was some discussion about possibly getting together for some discussions.

Councilmember Dent said Ande Banks, City Manager, in our other matter section gave an update on that. Basically, that the City has a very limited role in this just convening the meeting of some potential facilitators and the developer. It will be up to the developer to enlist the facilitators and

plan the discussion. It is likely taking a little longer than we thought. By September 23, we will just have an update on the process not a final word on when it is going forward. The meetings will likely happen late September or early October and then a report back to Planning Commission at the October 14 meeting. That is the current timeline.

Other Matters

Discuss November 2025 Planning Commission Meeting Date

Chair Baugh said that the next agenda item is something that he became aware of after City Council moved their November meeting because of the Veteran's Day holiday. City Council had to move their meeting to the day after their normal date due to the holiday. What is staff recommending?

Ms. Dang said the two proposed dates that we have that I have emailed to you all is Thursday November 13 or Tuesday November 18. Based on the responses that I have received, we will have a quorum for the 13th with the four responses that I received. That is my recommendation.

The commission approved to move the November Planning Commission meeting to Thursday November 13 via voice vote with Councilmember Dent abstaining because she would not be present at the November meeting.

Review Summary of next month's applications

Ms. Dang said next month we have two items on the agenda. A rezoning on Reservoir Street and a rezoning on Chicago Avenue. Our recommendation is just one meeting.

The meeting adjourned at 7:18 PM.

Richard Baugh, Chair

Anastasia Montigney, Secretary