



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, June 12, 2024

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, June 12, 2024, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

2. Roll Call/Determination of Quorum

Members present: Brent Finnegan, Chair; Adriel Byrd, Vice Chair; Heja Alsindi; and Kate Nardi. Vice Mayor Laura Dent, Richard Baugh, and Valerie Washington were absent.

Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Meg Rupkey, Planner; Wesley Russ, Deputy City Attorney and Anastasia Auguste, Administrative Specialist/Secretary.

Chair Finnegan called the meeting to order.

Present 4 - Brent Finnegan, Adriel Byrd, Heja Alsindi, and Kate Nardi

Absent 3 - Valerie Washington, Richard Baugh, and Vice-Mayor Laura Dent

3. Approval of Minutes

3.a. Minutes from the May 8, 2024 Planning Commission Meeting

Chair Finnegan asked if there were any corrections, comments or a motion regarding the June 12, 2024, Planning Commission minutes.

Vice Chair Byrd moved to approve the May 8, 2024, Planning Commission meeting minutes.

Commissioner Alsindi seconded the motion.

The motion to approve the May 8, 2024, Planning Commission meeting minutes passed (4-0).

A motion was made by Byrd, seconded by Alsindi, that this be approved. The motion carried by a voice vote.

4. New Business - Public Hearings

4.a. Consider a request from Yanahina Montoya Centeno to rezone 448 Kelley Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a +/- 9,171-square foot parcel from R-2, Residential District to R-8C, Small Lot Residential District Conditional. In the applicant's letter they explain that they want to rezone the property to R-8 to be able to add a porch to the front of the home. The required front yard setback of 30-feet in the R-2 district prohibits the property owner from building on the front of the home.

Proffers

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

1. The minimum setback for principal structures along Kelley Street shall be 20 feet.

While the R-8 district allows for 10-foot front yard setbacks, the applicant's submitted proffer would restrict the front yard setback to 20 feet, which would provide the flexibility the applicant needs to build a porch on the front of their home. Structures along Kelley Street have varied, established front yard setbacks, and thus staff does not believe the reduced setback for this property would be inconsistent with this established neighborhood.

Land Use

The Comprehensive Plan designates this parcel as Neighborhood Residential and states that:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings, and, in special circumstances, by special use permit townhouse units. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can at times work well within areas designated as Neighborhood Residential.

Additionally, while the R-2 district allows duplexes by right, the lot does not meet lot area and dimensional requirements to allow construction of a duplex. However, if the property is rezoned to R-8, the existing structure could be modified to become a duplex or the property could be redeveloped with a duplex. Staff has no concerns with this possibility.

Transportation and Traffic

A traffic impact analysis (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. Water service size will be reviewed during building design.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high

income earning households, large volumes of housing sales and lower population growth.” The Housing Study further notes that houses in these markets are quick to sell and that “[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.

Public Schools

If the rezoning is approved, at this time, since no additional dwelling units would be added to the property, the student generation is zero. Based on the School Board’s current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing on this property.

Recommendation

Staff believes that this request does not have any major adverse effects on the surrounding properties and is consistent with the Comprehensive Plan’s Land Use Guide. Staff recommends approval of the rezoning request.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said I was looking along the entire street, would 20 feet as a setback apply to even those houses that are the closest to the street?

Ms. Rupkey said this proffer would only be for this property.

Vice Chair Byrd said I know it is only for this property, but this is a rezoning to a R-8 and these tend to pop up more when people hear “oh, I can actually add on a porch” and they start doing more of the...I am just thinking about the future of that neighborhood. Is 20-feet a reasonable distance as a setback as opposed to if that was not added as a proffer? You said it would be 10 [feet]?

Ms. Rupkey said the houses kind of vary around this area. They are setback between generally about 20 and 30 feet from Kelley Street. With this proffer it would remain consistent with the surrounding neighborhood and the surrounding structures.

Chair Finnegan said I do not know the setback on some of the other houses along the street but there may be some nonconforming properties that were closer to the curb than...

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

Yanahina Montoya Centeno, the applicant via Andrew Klausen interpreting, came forward to speak to the request. Ms. Centeno said I want to do a regular porch and I want to do everything to conform to the law.

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.

Hearing none, he closed the public hearing and opened the matter for discussion.

Amy Washington, an adjacent property owner, called in to speak to the request. She said just like the gentleman staff was mentioning, with the porch being built my concern is how that will impact the look of the neighborhood moving forward if other would want to do the same? I do understand that it is just for that specific property to be zoned to R-8, but that could also be a potential for others that want to do the same.

Chair Finnegan 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.

Vice Chair Byrd said I was thinking about the proffered 20-foot setback and it got me thinking about if I should mention that during this rezoning and I want to remember in the future if this neighborhood comes up again what I thought about the 20-feet. That was my main reason of bringing it up. As I was driving down the road there were houses that appeared to be closer and I was going “well, if we allow those will we let the houses that are much closer have it as well if they wanted it?” In my mind I was going “no” because at a certain point it would change the neighborhood too much for front yards, but I feel as though the 20-feet as opposed to if the proffer was not there, it would end up being 10-feet. 10-feet felt to me like a very significant change if that caught on. Especially since they are very long pieces of property anyway. My thing was extending the back as opposed to the front in that case. At a certain point, I was thinking 20 [feet] sounds like a good number for me to go... I will go with this arbitrary number as a line to be drawn in the sand for the front and then try to encourage people in the future to consider their back being where they can extend instead. I would be in favor of this application.

Chair Finnegan said I would caution against...each neighborhood is different. To your comment about what about houses that are already sitting nonconforming closer to the street, the setback is still the setback. If we draw a line, they might be able to add a porch. It might be a six-foot porch instead of a 10-foot porch. The setback is the setback. Your point is well taken.

Vice Chair Byrd said seeing that, I make a motion to approve the rezoning request.

Commissioner Alsindi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Alsindi, that this PH-Rezoning be recommended for approval to the City Council, due back on 7/9/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

4.b. Consider Zoning Ordinance amendments to allow and regulate urban honeybees

Chair Finnegan read the request and asked staff to review.

Ms. Dang said following requests to the City Manager's Office from community members, in 2023, City staff initiated an interdepartmental working group to discuss the keeping of honeybees in the City. The group initially included representatives from the City Manager's Office, the City Attorney's Office, Community Development, Public Works, and Police. The group discussed what regulations might be appropriate for the City, which department might be best suited to administer and enforce the regulations, and in what section of the City Code the regulations should be located. Once it was determined the regulations should be within the Zoning Ordinance, staff from Community Development, the City Manager's Office, and the City Attorney's Office took the lead to draft the ordinance as presented herein.

The following Virginia localities were identified as allowing and regulating the keeping of honeybees: Bristol City, Chesapeake City, Fairfax City, Roanoke City, Manassas City, Petersburg City, Salem City, Suffolk City, Virginia Beach City, Albemarle County, Fairfax County, and Prince William County.

Currently, the Zoning Ordinance (ZO) prohibits the keeping of honeybees as it is considered an agricultural use, which is not permitted in any zoning district. If the ZO amendments are approved, keeping of honeybees would be allowed as an accessory use on any property occupied by a single-family detached dwelling and any property determined to be a nonconforming agricultural use subject to the regulations set forth in proposed Article FF.

The entirety of the proposed ZO amendments is provided within the attached document titled "Proposed Zoning Ordinance Amendments Regarding Urban Honeybees." New definitions are proposed for "beehive," "colony," "flyway," and "swarm" and a new Article FF is proposed, which includes: limits on the number of beehives, requirements for the location and maintenance of beehives, and a requirement to apply for a permit that shall be renewed annually. Proposed Article FF was modeled after the "Backyard Chicken" regulations and permit process (<https://www.harrisonburgva.gov/chicken-permit>).

In addition to creating Article FF and the definitions to allow the keeping of honeybees, Article BB of the ZO, which regulates Business Gardens, would be amended to allow the keeping of honeybees as currently Section 10-3-190 (e) clearly identifies the prohibition of apiculture.

Staff recommends approving the ZO amendments.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said you said you spoke to a lot of the different parties that would be involved, is that how we came to 10,000 [square feet] or less for two [boxes]?

Ms. Dang said I have to admit that our prior Zoning Administrator was the one who led a lot of this and maybe Mr. Russ can help me fill in the blanks. I believe a lot of this information was created from research of other localities and best practices that were researched, as far as the keeping of bees in an urban area.

Mr. Russ said he spoke with a number of larger localities that might have more expertise on staff to assist.

Chair Finnegan asked if there were any more questions for staff. 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.

Dorn Peterson, a resident at 1822 Smithland Road, came forward to speak to the request. He said I started being a beekeeper 10 years ago and because I could put my hives out in the County I never really worried about the City's ordinance. I have developed an expertise and I live in the City and I figured maybe I could provide some information to the Council. I am very much in favor of this. I will sort of comment to Commissioner Byrd that in fact I thought that the two hives for the smallest lot was a bit small. Beekeepers are continually fighting the problem that there has been some diseases and pests that have come into the Americas from Asia and Europe that do make keeping the hives going more difficult. One of the ways that a beekeeper manages that is that if a hive is dying or losing its way, you want to raise new queens to start up a new hive. It is entirely possible that you might lose both of your hives. If you have four that is less likely to happen. The main reason I came here today was to actually suggest that a slight modification should be made to the ordinance that would make an allowance for beekeepers who want to raise new queens. That is really one of the principal benefits of having hobbyists raising bees as far as I am concerned. Right now, if a beekeeper loses the queen to the hive, the hive is going to die unless they have another queen to put in it. If they cannot raise their own queens, they have to buy queens. Where they come from is California or Georgia, which are not local genetics. Whereas if they are raising their own queens here, you can develop local genetics that is better adapted to the area. What I think should be added is that in that smallest zoning, under 10,000 square feet, I think the number was more usable if it was three [hives] at least or maybe even four. I think two is a bit too small for if I was trying to bee keep on such a small thing, I would say that is going to be really hard to do. The second thing I would recommend is that you not count small hives that are...inside the boxes of a hive there are these things that are called frames and that is where the bees live and they lay eggs inside the honeycomb and they put honey in there. If I am raising new queens, I have specific small boxes that only hold five of these frames and I call them nucleus hive. When the queen has actually shown she has hatched out, gotten bred, come back, and has started to lay eggs, then I know she is fine for me to add back into a hive that has lost its queen. Quite often before that happens, I will have wanted to expand this to not just five frames but up to ten. I

would say that hives that are smaller than ten frames should not be counted in those limits. Maybe reading the proposed ordinance if you added a section 2 (c) that said that hives that are 10 frames or smaller would not be counted, that would be in those limits that would be a, I thought, reasonable addition. Those would be the two slight additions that I would make to it. One that allows for these small hives where beekeepers are raising queens to keep their production colonies going. They are allowed to have those in addition and too that we would increase the number on the very smallest one to three at least. That would make it a lot easier for someone to maintain their hives. Just to give you an idea by the way, a production hive will have five or six boxes with ten of these [frames] in each box. So, they will have 50 or 60 of these frames and I am talking about having five or ten in the boxes where you are raising the new queens.

Vice Chair Byrd said does it take more than 30 days for that...

Mr. Peterson said yes it does. If you are trying to raise a queen, the way you would do is to take a few frames from a going hive that has some eggs in it, and you would set them in this small five frame hive. The bees in that five-frame hive will notice they do not have a queen and they need to raise a queen. They can use the eggs and they know how to then feed that egg when it hatches royal jelly. It takes 20 days for the queen to hatch. Another two weeks for her to become adult enough to then fly out, get mated, and come back and start laying eggs. It is about a two-month process. Six weeks to two months.

Commissioner Alsindi said were you able to participate at the community engagement or the public meetings? Have you reached out to convey your messaging?

Mr. Peterson said when staff sent something out, I sent an email. I think it is one of the things listed in the document there.

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 continued saying one thought that occurred to me while we are hearing from someone who does beekeeping...I do not think that we are...one thought is do we table this? Do we feel good voting on it now and doing amendments on the fly or because work has gone into it, is this something that we would want to get more information on, table it, and get it right? I am open to thoughts here.

Commissioner Alsindi said I am not sure at how urgent this matter is. If it is not that urgent then there is public benefit out of the [unintelligible]. I would suggest tabling it. I appreciate all of the efforts that have been put into it but if there is no matter of urgency then that would make a significant difference.

Vice Chair Byrd said I guess the new article FF and 2 (b) says "temporary housing of a swarm"...what are we considering a temporary housing?

Mr. Russ said that section has to do with a beehive that essentially is overpopulated that you can set up a secondary structure nearby and guide a portion of your overgrown hive into that.

Chair Finnegan said technically the public comment period is closed but for the minutes if we could capture your comments into the minutes.

Mr. Peterson said I did write down thoughts and that would be in section 2 add a subsection C and just say “for the purposes of subsection “A”, hives that are principally for the purpose of raising new queens and that contain 10 or fewer frames will not be counted.”

Chair Finnegan said the reason I am hesitant is because I am not an expert in bees, and I know that City staff has worked on this...the only reason I suggested tabling was just so that we do not rush into an amendment that might have...

Vice Chair Byrd said my only concern is it that says temporary housing and as I was reading through the rest of the ordinance I was going “well what is a temporary housing?” because it is in connection to something that gets excluded. If we are clearer on what that is then we are clear on what is excluded up to the 30 days.

Ms. Dang said adding to what Mr. Russ said, I took temporary housing as when a swarm were to split into two and with an additional swarm on the property, it does not make the person noncompliant while they are figuring out what to do with that additional swarm that they may exceed what is in the table there. Or that they do not meet the flyaway barrier or some other requirement of the ordinance that they have 30 days to move the bees either elsewhere on their property or off the property.

Chair Finnegan said it sounds like the potential options available to us other than if we want to take action on this tonight. Change two to three [hives] for the 10,000 square feet or less properties. Introduce language about frames but...

Mr. Russ said I do not know that I know enough about how standardized things are to know what I would be describing on the fly, but it is something we could figure out I am sure.

Chair Finnegan said there is not an applicant waiting to build a building?

Ms. Dang said there are community members that are interested to keep bees or if they are keeping bees now want to become compliant. There is no urgency as far as...I mean the City is the applicant. I am not concerned if you all decide to table this request for staff to work on amending some of the language.

Chair Finnegan said if we do table it, we should get specific about what we would like to see ironed out.

Vice Chair Byrd said I am also curious, when people who have applied and had their application accepted, would they be required to inform the City of the date the swarm was acquired? Or

would this be oh the City has not noticed there is a third in your yard because I always had two and that is when the 30 days counts?

Ms. Dang said I was envisioning that it would not become a problem until a neighbor were to complain that there were too many swarms. We would then inquire with the property owner what is going on and work with them to address it. I do not expect that they would have to inform [Community Development] every time.

Chair Finnegan said I am in favor of making it legal to keep bees, I just want to make sure we get the regulation right. I feel like I do not have enough information. There has been some suggestions and some good points brought up by Mr. Peterson that we want to make sure we are getting it right.

Commissioner Nardi said I suggest we table it. I am in favor of beekeeping. I appreciate the expertise. It makes sense to me from the descriptions and why we might consider modifying and it would be nice perhaps to have a next draft to look at all the language based on what we heard. I feel like then I would be ready [to vote].

Chair Finnegan said we do not want to table it with no direction. We want to table it and get direction or clarification on minimum hives, hive starting, how many days can you have these...is that what you meant?

Commissioner Nardi said right. Clarification based on the input or expertise and how that language would read and that would then come back to us and we would look again and have a conversation based on what we heard tonight. We know how much outreach was done and how much community involvement has already happened. This is a matter of massaging the language.

Vice Chair Byrd said my focus has been 2 (b) because it is the exception to subsection a. "Temporary housing", I am not sure we are clear on exactly what that is in the ordinance. As was mentioned before, the date the swarm was acquired, what do we mean when we are saying that? My first reading of this I had no issue with it because I was going this section there is a lot of great lines between two and three and one and two and so forth. If we are not clear about what that section means in practice, then...I do not like vague terms that can be later interpreted another way with new staff. I am not saying anything against the current staff. I am just saying once it is in the [Zoning] Ordinance 20 years from now, in theory there would be new staff and they might look at it and go "oh, I think that means this". Those have been my only concerns about what are we exactly saying to people that the City can actually enforce.

Chair Finnegan said I would like to see an amendment that would address the comment that was made about starting hives. That the necessities to starting hives is the best course of action to increase that from a minimum of two to three with the best course of action being staff adding a section 2 (c) and add the suggested amendment language.

Ms. Dang said we can work on that.

Commissioner Nardi said I see it like one, two, three, maybe four things to consider based on what is here, what we have talked about, the background that learned.

Ms. Dang said I will summarize here, consider in subsection 2, increasing the number of allowed beehives to two to maybe three or four. Work on clarifying subsection 2 (b). Consider adding subsection c about the raising of queens and then there was another matter about the number of frames. Hives that are less than 10 frames or smaller should not be counted as a hive, so we will research that.

Vice Chair Byrd said I make a motion to table this ordinance amendment request.

Commissioner Nardi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi Aye

Vice Chair Byrd Aye

Commissioner Alsindi Aye

Chair Finnegan Aye

The motion to recommend tabling the Zoning Ordinance amendment request passed (4-0).

This PH-Zoning Ordinance was recommended to full council.to the City Council due back on 7/9/2024

4.c. Consider Zoning Ordinance amendments to modify regulations associated with the location of private refuse collection facilities

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in early 2024, staff internally discussed the idea of modifying regulations associated with the location of private refuse collection facilities. Initially, the intent was to modify the location requirements within townhome developments because they are currently held to the same location and setback requirements as accessory buildings per Section 10-3-114, which we observed was burdensome to where private refuse collection facilities were able to be located and then accessed for service.

Currently, the Zoning Ordinance (ZO) requires private refuse collection facilities, such as dumpsters, trash compactors, and the areas that might store multiple waste receptacles, to meet the same setback and location regulations as is required for accessory buildings per Section 10-3-114. In addition, these areas must be screened and meet the requirements outlined in the definition of *Screening* per Section 10-3-24. For reference, the definition of *Screening* and

Section 10-3-114 is attached herein. Note that the location requirements for these facilities in residential districts are different than the location requirements for them in business and industrial districts and the MX-U district.

The entirety of the proposed ZO amendments is provided within the attached document “Proposed Zoning Ordinance Amendments Regarding Private Refuse Collection Facilities.” There are multiple sections to be modified, many of which include the exact same text changes. In general, however, the proposal is to modify regulations associated with where private refuse collection facilities may be located by no longer treating them similarly to accessory buildings and by disassociating the screening requirements for these areas from the definition of *Screening*. Instead, within all zoning districts, the following statement would be added that would refer to a new subsection of Section 10-3-110, which is where the specific regulations for such facilities will be located in the ZO:

Private refuse collection facilities shall be provided at a designated point and shall meet the requirements in Section 10-3-110 (h).

The proposed new subsection (h) of Section 10-3-110 would state:

(h) Private refuse collection facilities (i.e. dumpsters, trash compactors, and areas storing multiple waste receptacles, etc.) shall meet the following requirements:

(1) The boundaries of the designated point of collection are considered the entire area that must be screened, measured from the outside boundary of the required screening.

(2) Location on parcels with principal buildings. Designated point(s) of collection:

(i) Shall not be located in any yard adjoining a developed public street; except on through lots, where it may be located in the established rear yard and meet principal building setbacks;

(ii) Shall be no closer than five feet from any property line not adjoining a developed public street, except in the B-1 district where there is no minimum distance from such lines; and

(iii) Shall not be located within the limits of a required fire lane.

(3) Location on parcels without principal buildings. Designated points of collection:

(i) On common area parcels shall be no closer to a property line adjoining a developed public street than the principal building closest to the property line adjoining a developed public street within the same development and shall be no closer than five feet from any other property lines.

(ii) Within the B-1 district shall be no closer than 20-feet from a property line adjoining a developed public street and has no minimum distance from other property lines.

(4) Screening. The designated point of collection shall be screened by opaque fencing, walls, or other structural enclosures that are equal to or greater than the height of the container(s) placed within the storage area. Such screening shall include a closable gate with a maximum 6-inch spacing at the bottom of the gate to the ground surface. The definition of Screening described in Section 10-3-24 does not apply to the requirements of this subsection.

To understand the intent of the proposed regulations above, one must also know how “yard” is currently defined in the ZO. “Yard” is defined as:

Yard: A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

The proposed ZO amendments would require private refuse collection facilities to meet the same regulations in all zoning districts, except in the B-1 district. For parcels zoned B-1 developed with principal buildings, there would be no minimum distance from property lines that are not adjacent to developed public streets. For B-1 properties that do not include principal buildings, the designated point of collection shall be no closer than 20-feet from the property line adjacent to a developed public street, but it would have no minimum distance from other property lines. Example site layouts showing where private refuse collection facilities would be prohibited are provided within the staff report packet.

With regard to screening requirements, the requirements remain similar to current regulations except that:

- Fencing, walls, or other structural enclosures must be equal to or greater than the height of the containers placed within the storage area. Currently, the requirement is a minimum of 6 -feet in height, regardless of the height of containers.
- Use of plant materials for screening purposes would no longer be allowed.
- Clarification that a closable gate is required and may have a maximum 6-inch spacing at the bottom of the gate to the ground surface.

These regulations would apply to all new private refuse collection facilities. If the amendments are approved, all existing, compliant private refuse collection facilities would become nonconforming and any existing, nonconforming facilities would remain nonconforming. Any property owner that has an engineered comprehensive site plan or a site layout associated with a building permit currently in staff review or any property owner that has approved plans prior to the effective date of the ZO amendment, but has not yet installed the private collection facility may continue to comply with the existing regulations; those facilities would become nonconforming on the effective date of the amendments herein proposed. Any plan submitted on or after the effective date of the ZO amendment shall comply with the newly adopted regulations.

Staff recommends approving the ZO amendments.

Chair Finnegan said the only question that I have has already been answered about the screening. I thought when I saw that part about no plant materials can be used for screening. We are trying to encourage more tree canopy cover, does that discourage it. To your point people can plant shrubs or trees outside of the fenced in area.

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.

Chair Finnegan continued asking in examples they showed some of them were nonconforming. Were all of them would become nonconforming?

Ms. Dang said this is a tricky thing. I would say that on a case-by-case basis we do not have the ability to go and inspect every single property in the City, but we might find that there are some properties that put a dumpster in at a location that does not comply with today's current ordinance so they cannot claim nonconformity. They might be illegal today. They could either become conforming to the new regulation or they would become illegal depending on circumstances or they would continue to be illegal.

Chair Finnegan said most of these parking lots are designed with fire truck access in mind, so I would imagine if you can get a fire truck through there you can probably get a trash truck into these spaces.

Ms. Dang said I think it depends also because sometimes the Fire Department depending on the structure, what is stored there, what the use is. Fire Department may be comfortable with access to just the front of the structure and maybe somebody is trying to put a refuse facility closer to the back. I think it just depends on the circumstance where those two areas are one in the same.

Chair Finnegan 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.

Vice Chair Byrd said an example of a fire truck cannot fit in the parking lot is where I live. The fire truck cannot fit in that parking lot. If there was a fire and everyone who lives there has their cars parked, it is not going to get in. Whereas at the end we have a big circle and our dumpster is there and a truck can get in there and maneuver itself in the circle. I know that because if you park in there the landlord will get on you about that. That is just an example of...

Commissioner Nardi said it depends somewhat on the design and the turning radius, the particulars.

Vice Chair Byrd said I will make a motion to approve the Zoning Ordinance amendment.

Commissioner Alsindi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the zoning ordinance amendment passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Alsindi, that this PH-Zoning Ordinance amendment be recommended to full council to the City Council, due back on 7/9/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

- 4.d.** Consider a request from Farhad Koyee and Bahar Mikeal for a special use permit to allow manufacturing, processing and assembly operations on a portion of 50 Baxter Drive

Note: During the meeting, two special use permit requests and a preliminary plat request for 50 Baxter Drive were presented together by staff and public hearing and comment was received at one time.

Ms. Rupkey the applicant is requesting two special use permits (SUPs) within the B-2, General Business District on a +/- 1.14-acre site addressed as 50 Baxter Drive and identified as tax map parcel 1-C-10A. The SUP requests include:

1. A +/- 0.52-acre portion of the site to allow manufacturing, processing, and assembly operations per Section 10-3-91 (1) of the Zoning Ordinance (ZO), and
2. A +/- 0.65-acre portion of the site to allow multiple-family dwellings and/or mixed-use buildings per Section 10-3-91 (17) of the ZO.

The applicant is also requesting to preliminarily subdivide the +/- 1.14-acre site into two parcels with a Subdivision Ordinance (SO) variance request to allow a parcel to not have public street frontage.

Special use permit for manufacturing, processing, and assembly in B-2

The first SUP request is to allow for manufacturing, processing and assembly in the B-2 district. The applicant is proposing to construct a new building for the manufacturing component for a

dietary supplement business. The proposed facility will primarily be a production center with mainly online sales and direct to store sales for brick-and-mortar stores. If approved, staff recommends the following conditions:

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit

As is already controlled by the ZO, this particular SUP limits the number of employees to no more than 15 people on a shift and requires that all storage and activities are conducted within a building. The applicant plans to have no more than two or three employees on a shift. For deliveries to the property, most ingredients that are planned to be used will be delivered by smaller delivery trucks on a weekly or biweekly basis.

Special use permit for multifamily dwellings in B-2

The second SUP request is to allow for a multi-family building in the B-2 district. As required by Section 10-3-93 (d) of the ZO, the applicant has submitted a development plan. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure the multi-family and/or mixed use project that was evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, then the property owner must amend the development plan by going through the SUP process again.

Features of the development plan submitted with the SUP that would be used as the basis for engineered comprehensive site plan and/or building permit approval include, but are not limited to:

1. The general location of buildings and structures.
2. The general number of stories within proposed buildings and structures.
3. The general location of parking areas.
4. The general location of pedestrian connections.

As previously stated, the applicant is concurrently requesting to preliminarily subdivide the site. The applicant has submitted one drawing for both the preliminary plat and for the multi-family SUP development plan. The development plan for the multi-family SUP only applies to the area labeled as Lot #2 where the multi-family building is proposed and for the proposed private access easement that encroaches onto Lot #1 where parking spaces are proposed to support the multi-family building.

The development plan shows that they intend to build a two-story building with 18 one-bedroom residential units and that there will be 36 parking spaces for the multi-family use. The development plan shows that one row of parking spaces will straddle the proposed new property line. The applicant plans to provide a shared access easement and shared parking agreement that would allow for access for both lots to use the parking spaces, which is identified on the development

plan as "proposed private access easement." The ZO requires multi-family units within the B-2 district to have at least one off-street parking space for each dwelling unit. While the applicant shows that 36 parking spaces will be provided for the apartment use, staff recommends the following condition to provide clarity of and flexibility for parking requirements:

1. Between 18 and 36 parking spaces shall be provided.

Subdivision Ordinance Variance Requests

The applicant requests a variance from SO Section 10-2-42 (c), which requires "[a]ll lots shall front on a public street and no lot shall embrace any portion of a street or alley." While Lot 2 would not have public street frontage, the property is party to a street maintenance agreement with the surrounding property owners that allows them the right to use the access easements along Tasha Circle.

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.

Given the size of the planned facility and the type of manufacturing, staff believes the use would have no more adverse effect on the health, safety, or comfort of persons living or working in the surrounding area. Staff is comfortable recommending approval of the manufacturing, processing, and assembly SUP with conditions.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form ("TIA determination form") for the proposed SUP is attached. The TIA determination form indicated that the 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 by staff for the SUP requests.

The plat shows that along Baxter Drive a sidewalk will be built and that up to 7.5 feet from the back of the curb will be dedicated as public street right-of-way. The applicant is also showing that a private sidewalk connection would be built along Tasha Circle (a private street) to connect to Baxter Drive, where sidewalk would be built across the subject property's public street frontage.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

Housing Study

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

Recommendation

Staff recommends approval both SUPs with conditions as noted for each request.

To allow manufacturing, processing, and assembly operations per Section 10-3-91 (1) of the Zoning Ordinance (ZO):

1. The special use permit shall only be applicable for a dietary supplement manufacturing operation or a substantially similar operation.
2. The special use permit shall be restricted to no greater than 6,000 square feet of gross floor area.
3. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit

To allow multiple-family dwellings and/or mixed use buildings per Section 10-3-91 (17):

- 1 Between 18 and 36 parking spaces shall be provided.

Regarding the SUP to allow for multi-family units, the Comprehensive Plan states that Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as: having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school.

As identified, by Section 10-3-130 (c) of the ZO, unless City Council specifically grants a time period for which the SUP must be established, the default time period is 12 months after City Council's approval of the SUP. Staff is comfortable recommending an extension from 12 months to 24 months as requested by the applicant for both requests.

With regard to the proposed subdivision variance request, aside from the deviation requested, the plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance request and recommends approval of the preliminary plat.

Chair Finnegan said I did have a question about the 18 to 36 parking spaces, is that something that...that is putting an upper limit on that.

Ms. Rupkey said they shall have between the 18 and 36 [spaces]. 18 would be the minimum. That would be one parking space per bedroom ratio. Then they are showing the 36, that is what they would like to provide. It would not allow them to build that 37 for this portion.

Chair Finnegan asked are both Tasha Drive and Baxter Drive private or is Baxter Drive public and Tasha Drive private?

Ms. Rupkey said Baxter [Drive] is public, Tasha [Drive] is private.

Chair Finnegan asked if there were any more questions for staff.

Chair Finnegan said can we hold one public hearing? Open the public comments for items 4d and 4e and then close it so it would be for both of those.

Ms. Dang said if you would like to entertain comments about the preliminary plat too, you can do that as well even though it is not technically a public hearing.

Hearing none, he opened the public hearing for the special use permit requests and invited the applicant or applicant's representative to speak to their request.

AK Koyee, applicant's representative, came forward to speak to the request. He said I have been working with staff to address all of our design concerns and I am here to answer any questions that you guys have.

Chair Finnegan said I think there were some questions on the site tour yesterday about the nature of the manufacturing of dietary supplements. I think we are mostly concerned about if we have residential there, are noxious fumes involved?

Mr. Koyee said basically it is a very highly regulated kitchen. It would be an FDA certified dietary supplement facility with Good Manufacturing Practices [GMP] standards. It really is just a glorified kitchen. In that space you can make supplements, topical products, anything that is for human consumption. That opens the door for branding on the company level but also potential white label for citizens and residents of the surrounding area who want to launch their own companies. They are able to use this space as well and or contract the business. That is the general gist of the business model. There is no big fume concern. Really no hazardous materials because everything is edible, other than cleaning agents, but none of that should be going in the products so there are no concerns there. The noise would be very minimal. Most of the equipment is tabletop equipment. It would be a shell space basically. Very clean operations, very quiet, no smell, minimal employees really working any shifts. You should not see any big uptick in freight or 18 wheelers coming in and big delivery trucks or vans going out. The products are very small. You can fit a lot of product in small boxes and most of that is going to be going to the post office and/or direct business to clients who are wholesaling. I know that was a potential concern for that building space.

Chair Finnegan said no retail associated with that?

Mr. Koyee said that is not the intention. Again, it is a manufacturing business. There may come a day when we do accessory retail within the space but mostly it would serve as an office space for potential clients or things of that nature. No intention of putting some sort of store front there where customers would come in and shop.

Commissioner Nardi said is this an existing business? Do you already operate, or would this be new?

Mr. Koyee said no, this would be a new business. There were questions about whether it would be Pure Shenandoah, my business in Elkton, but that is not the case. This is just an additional manufacturing space similar to the Manufactory Collective that they have now. Except this is really focused on food grade lab grade production of supplements and things of that nature.

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

Mr. Koyee said should I address the other [request]...if there are any questions about the apartments? Questioning of the positioning or the layouts. We wanted the industrial to face Baxter [Drive] because that is the public road and that is the requirement. The apartments we felt were okay to rotate and it just kind of tucks in really well. We know that it might seem a little weird with industrial and then residential right next to it. We felt that in that area specifically there are a lot of retail options for retail spaces there that are not necessarily so hot with that area. When we were making our decision, we had ultimately decided that there is a church there, it is a little tucked away it is pretty quiet and reserved, and we felt that apartments or housing in general would be a good option.

Commissioner Nardi asked what would cause you to need 36 parking spaces for 18 one-bedroom apartments?

Mr. Koyee said so if you look at the site plan you can see that the apartment also falls to the back of the industrial building. In our minds, we figured it could be potential overflow for an employee or things like that. We always feel the more the merrier, but I know that parking is always something that... I do not know whose opinion is what on it. I do not know if more is better or if less is better, but we feel that the minimum would not be enough. In our opinion, limiting one space per person and two of those are handicap access then technically we would need to build 20. We felt like this let us fit the most that we can and if we need to reduce it, that is something that we can do just convert it into greenspace. We felt that was a comfortable number.

Chair Finnegan said a follow up question to Commissioner Nardi's question about the parking is, and I know we have done this for certain other requests, that there be space that is designated to be turned into parking if needed at a later date. It is almost like a reserve if someone wants a reduction in parking requirement. Maybe there is a reserved section of greenspace in the back that could be converted to parking if and when that becomes available. I do not know if that is something that you considered.

Mr. Koyee said do not hold me to this but the plans are to first begin on the apartment building project and so we would build that parking on both sides of it. We would spend less money not doing the additional parking so that definitely is a possibility. We figured flexibility is better than no flexibility.

Commissioner Nardi said is there a possibility for any greenspace or other alternative because there is a big difference between 18 and 36 spaces but I hear you on the handicap spaces.

Mr. Koyee said just the apartment building alone has about 22 plus 2 handicap spaces. That would make us feel better having just a couple of visitor spaces. If it is 18 units and everybody has cars that would make 18 parking spots filled and you are just preventing any sort of anything from happening. We do not want overflow parking to potentially stub the street or go anywhere else,

we have the 22. It is doable, we have the flexibility to.

Commissioner Nardi said 18 one-bedroom units, I assume that is economies of scale on the site. I am just curious how you provide 18 one-bedrooms and what I am thinking about is that area of the time during this transition period of time and how things will go and how this being what seems like a first-generation development that would go in that area. How would what you are interested in doing reflect the Comprehensive Plan...I am doing some thinking out loud so bear with me.

Mr. Koyee said I think I understood your question. I addressed it briefly earlier. Apartment buildings in this area where there is a new Tractor Supply, we felt that, again, residential was a good move for this specific area. More density is better. On previous projects with the City, the staff recommended very high amounts of density in which we were reamed by the neighborhood. We went with more density. These units are going to be about 600 square feet each. Through researching other rents available in Harrisonburg, we found that was fairly average, could be slightly subaverage. The apartments in Harrisonburg range anywhere from 450 square feet packed into their buildings all the way up to about 1,200 [square feet], I am sure there are some that may be higher. Again, that pricing is also very expensive as well. We wanted to go with the most practical amount of density shared with practicality, so we arrived at 18 units.

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. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said I like one-bedroom apartments because I am paying for a two-bedroom apartment and I have a second bedroom that is a storage space because I do not need a second bedroom. More one-bedroom apartments favor a person like me who is like I am paying for all this extra space that I cannot use.

Chair Finnegan said I cannot recall, I do not have the Housing Study in front of me, there was mention of the market study and that Market Type B. I seem to recall in the housing study they talked about the different sizes of apartments and that there was a shortage of one-bedroom apartments. In Harrisonburg, on the east side of town, there are a lot of those quad apartments where there is a lease per bedroom. It is very much set up for college living and there are very few other options. I agree, I think we need places for families and we also need places for people that live by themselves.

Commissioner Nardi said there is a shortage all around.

Vice Chair Byrd said I have interacted with the staff; I know the staff knows about what manufacturing is and what similar processes would be and the applicant just described it as well. We all have a better idea and once it is built, we would also have a good idea of what that is and therefore the additional conditions seem reasonable to me. I will make a motion to approve the special use permit request for manufacturing, processing, and assembly in B-2 with suggested

conditions.

Commissioner Nardi seconded the motion.

Chair Finnegan said I was trying to do some research between yesterday's site visit and there is a comedic definition on the FDA's website. I say comedic because it is kind of circular. I was trying to figure out what is dietary supplement. I will just read that into the record because I think it belongs here. Congress defines the term dietary supplement; "A dietary supplement is a product intended for ingestion that among other requirements contains a dietary ingredient intended to supplement the diet." Just something you can ingest.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Nardi, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 7/9/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

- 4.e.** Consider a request from Farhad Koyee and Bahar Mikeal for a special use permit to allow multiple-family dwellings on a portion of 50 Baxter Drive

Vice Chair Byrd said I see no issue with creating a range between 18 and 36 parking spaces. Therefore, I make a motion to approve the special use permit for multifamily dwellings in B-2 with suggested conditions.

Commissioner Nardi seconded the motion.

Chair Finnegan said before we take the roll call, I will also say I could be wrong about this but this might...is this the first time that we have put a maximum on parking by putting that number 36?

Ms. Dang said NERD Apartments was another example.

Chair Finnegan said where we said between a lower number and an upper number.

Ms. Dang said this would be the first time we have done a range that I can recall.

Chair Finnegan said I was trying to remember past requests.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the special use permit request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Nardi, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 7/9/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

5. New Business - Other Items

5.a. Consider a preliminary plat with variance to subdivide a +/- 1.14-acre property at 50 Baxter Drive

Vice Chair Byrd said I would like to make a motion to approve the preliminary plat variance.

Commissioner Alsindi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat variance request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Alsindi, that this preliminary plat request be recommended to full council to the City Council, due back on 7/9/2024. The motion carried

with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

- 5.b.** Consider a request from Decoven Farms LLC for the City of Harrisonburg to provide water service onto property located at 5262 & 5304 Rawley Pike within Rockingham County

Chair Finnegan read the request and asked staff to review.

Ms. Dang said individuals owning property located outside the City of Harrisonburg may request to connect to the City's water and sewer system. Per Section 7-2-4 (b) of the City Code, connection requests for all uses located outside City limits, other than residential uses involving fewer than ten units, shall be reviewed by Planning Commission and then forwarded to City Council for final approval or denial. This request is for a non-residential connection; thus, Planning Commission review and City Council approval is required.

The subject property is adjacent to 5262 & 5304 Rawley Pike and is identified as Rockingham County tax map parcel 91-A-210. The property is approximately 3.25-miles west of Harrisonburg City limits between the intersections of US Route 33 (Rawley Pike) and VA Route 734 (Bank Church Road), and US Route 33 (Rawley Pike) and VA Route 752 (Muddy Creek Road). City water lines carrying raw and treated water run throughout Route 33 West as they travel to and from Rawley Springs, passing the subject property. The application describes that the requested water service will be used as the primary water source for a dairy farm.

Attached with the application materials is an internal memorandum from the Department of Public Utilities dated May 3, 2024, offering their recommendation to the Director of Public Utilities to approve the request for connection. The letter describes that the applicant is aware that they are responsible for acquiring the necessary permissions from any properties they do not own to operate a service line from the meter location to their point of use.

Given that the applicant will not be extending public mains further into the County, but rather tapping into the existing facilities that bypass near the subject parcel, staff has no concerns from a land use planning perspective and recommends in favor of the request.

Chair Finnegan said the property is not that close to the City limits, are they tapping into the water supply coming into the City from the west?

Mr. Fletcher said there is potable and raw water going through that area.

Chair Finnegan said it is not a connection from one of the City lines? They are tapping into water

that is coming into the City, as opposed to tapping into an existing.

Mr. Dang said there are two lines that run under [Route] 33. The raw water coming from Rawley Springs to the City from the treatment plant. From the treatment plant there is also a potable water line that runs back out.

Chair Finnegan said they are tapping into the potable water line. On that map it is not...

Ms. Dang said there is another map in the back that shows two lines. You can see there is a 10-inch and a 16-inch line that runs parallel to each other.

Mr. Fletcher said the line I think is running out to Hinton, a potable source.

Ms. Dang said I do not know the specifics.

Mr. Fletcher said I could be wrong about that.

Chair Finnegan asked is it running out away from the City?

Mr. Fletcher said I think. I do not know where it ends. You know what, I am going to follow up on that because now I am curious myself. Now I am going to have to find out to make sure if I am right or not. I will have to reply back if I am incorrect.

Chair Finnegan asked Mr. Collins had no concerns about the amount of water that a dairy farm would need?

Ms. Dang said yes.

Chair Finnegan said occasionally we get a request to hook up to something in the County that is like we are a tractor supply store or something. I would imagine a dairy operation would use more water.

Chair Finnegan asked if there were any questions for staff.

Vice Chair Byrd said this is the first time I have seen a request that far away from the City line. Then I got to hear from people involved with water for the City between those requests and this and have heard how they look at water and how they think about water. I can see why they would be in favor of this. Knowing what their reply would be "well, they are only taking out this many gallons and we have this much capacity", I have no reason to be against this. I would be in favor of this.

Mr. Fletcher said the application describes there is currently already a tap into what the City calls water connections in the County is a rural connection and there is already a rural connection a the

residence at 5304 Rawley Pike and the family is going to be renting that unit and they want to break the water connections so that their one water line is going to the house that they are renting and the other water line is going to the dairy operation.

Vice Chair Byrd said I will make a motion to approve the request.

Commissioner Nardi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi Aye

Vice Chair Byrd Aye

Commissioner Alsindi Aye

Chair Finnegan Aye

The motion to recommend approval of the public utility application request passed (4-0). The recommendation will move forward to City Council on July 9, 2024.

A motion was made by Byrd, seconded by Nardi, that this public utility application be recommended to full council to the City Council, due back on 7/9/2024. The motion failed with a recorded roll call vote taken as follows:

Yes: 4 - Finnegan, Byrd, Alsindi and Nardi

No: 0

Absent: 3 - Washington, Baugh and Vice-Mayor Dent

6. Unfinished Business

None.

7. Public Comment

None.

8. Report of Secretary & Committees

8.a. Rockingham County Planning Commission Liaison Report

Vice Chair Byrd said their first item was a rezoning. West of US 11, the immediate track facing US 11, there was a rezoning of 5 acres from A-2 to B-1. Though the [Rockingham County] Fair Association said they had no current plans to build any businesses. The current ordinance prevented signage within the A-2 they needed to move their sign due to a change of the ruling. The roadway has been changed and therefore they have to move their sign. The current zoning does not allow them to have a sign there. Changing it to B-2 they do not actually plan on building a business currently, they just can put a sign in the B-2 zoning; that was recommended for

approval 4-0. Another rezoning, an amendment to the Massanutten Village Master Plan to designate 7.5 acres of an identified track as area A thereby giving it zoning within their plan. This was detached single family housing. This one had an interesting history to it. It was in 1972 they had a Master Plan and it just had an omission because there was competing ownership of that track of land so they just did not go and refer to it in the Master Plan so it is just an empty space. They were correcting that and that was recommended for approval, 5-0. Then they also had an ordinance amendment to amend the supplemental standards of poultry operations for a maximum number of houses per parcel and reduce setbacks relative to the water wells, springs and intakes. Concern was mentioned about poultry operation being singled out as the agricultural industry being addressed. There was a concern about the County not knowing how much water they possess was also mentioned. They mentioned a desire for more data concerning all portions of the amendment as presented and that was denied 5-0. Even the County's Planning Commission is concerned about the County's water and not knowing.

Chair Finnegan said I was at part one of that meeting when they tabled it originally. It just sounds like there would need to be grant funding to get the Department of Environmental Quality (DEQ) to drill something like 15 test wells around the County to monitor water levels.

8.b. Board of Zoning Appeals Report

Vice Chair Byrd said the BZA did not meet.

8.c. City Council Report

Mr. Fletcher said last night at City Council the items that came from this body included the rezoning at 979 Roberts Court, that was the master plan amendment. There was also 1552 South High Street special use permit which was associated with a child daycare center at the church which was not operated by the church but by a separate entity. Cobblers Valley preliminary plat; Zepher Hill preliminary plat. All of the items I just discussed were all approved as suggested by Planning Commission and staff. The ordinance amendment associated with the skilled games and the tobacco, smoke or vape shops was also presented. What happened last night was City Council approved the amendments associated with tobacco, smoke or vape shops but they tabled the skilled games for potentially later in the year. If you recall, skill games are still illegal. In fact, after our meeting that we had in May when you all voted, the Governor ended up vetoing the bill that was going to legalize, in some respect, skilled games again. They are still illegal and come July 1 they will remain illegal. We recommended for City Council to continue to consider it and to adopt those regulations nonetheless, but there were some thoughts from Council about what the impact might be on small business owners who had the skilled games in their facilities and wanted to have some feedback from the Department of Economic Development to that regard. This could be brought back up later in the year if City Council wishes to do so. Those reference to letting August and September occur and then just have this conversation with Economic Development about what the potential impact might be.

Chair Finnegan said there is no urgency now that there is no July 1 date.

Mr. Fletcher said I forgot to mention also that the Planning Commission annual report was also provided to City Council at last night's meeting as well, which they accepted.

9. Other Matters

Ms. Dang said before we jump into reviewing the summary of next month's meeting if I may have some of your time to talk about the Planning Commission work session [for the Zoning and Subdivision Ordinance update project]. Thank you all for completing the Doodle poll. It appears that Thursday July 25 and Thursday August 1 between 5pm and 7pm works for everybody. I will just go with the first date of July 25, and I can send you all an email to get something in writing to you all and inform all the others as well. We will plan for Thursday, July 25 at 5 o'clock and I will send more details about location, but it will probably be here at City Hall. With regard to what we are going to discuss at that meeting and setting the agenda, I saw some of you all had the opportunity to fill stuff out already. Know that I missed Chair Finnegan on the first email that I sent out, so I apologize for that. I know he has some thoughts he would like to add. I would like to give everybody the opportunity, and more time to do that, so maybe we can say at the end of the month, June 30, if you all could take the next two weeks to either second something that someone has already added as an idea or share new articles that you have from that. Staff will spend some time and look out how to formulate an agenda or some way to organize how we are going to talk through these topics and get your thoughts and overall vision for the Zoning Ordinance rewrite. Does that work?

Chair Finnegan said that does work. You want feedback by June 30?

Ms. Dang said yes and I will send an email just to get those dates in an email documented to you and to communicate that with others.

9.a. Review Summary of next month's applications

Ms. Dang said we have two items for next month, potentially a third one with the beekeeping ordinance too. I think we can get something together by then. Two or three items for next meeting and therefore we recommend one meeting in July.

10. Adjournment

The meeting adjourned at 7:43pm.

NOTE TO THE PUBLIC

Staff will be available at 4:00 p.m. on the Tuesday before the next Planning Commission meeting for those interested in going on a field trip to view the sites on the next agenda.

INTERPRETATION SERVICES

Language interpretation service in Spanish, Arabic and Kurdish 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

El servicio de intérpretes inglés-español está disponible para las reuniones públicas de la Comisión de Planificación. Para asegurar la disponibilidad de intérpretes, cualquier interesado deberá solicitar la presencia de un intérprete al menos cuatro (4) días calendarios antes de la reunión comunicándose con la Secretaría Municipal al (540) 432-7701 o por medio de la página por internet al:

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

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

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 Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those 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