

MINUTES OF HARRISONBURG PLANNING COMMISSION

March 12, 2025

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 12, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Chair; Brent Finnegan, Vice Chair; Kate Nardi; Shannon Porter; and Valerie Washington. Councilmember Laura Dent and Heja Alsindi were absent.

Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Wesley Russ, Deputy City Attorney; Meg Rupkey, Planner; Nyrra 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 February 18, 2025, Planning Commission minutes.

Vice Chair Finnegan moved to approve the February 18, 2025 Planning Commission minutes.

Commissioner Nardi seconded the motion.

The motion to approve the February 18, 2025, Planning Commission meeting minutes passed (5-0).

New Business – Public Hearings

Consider a request from Bluestone of Harrisonburg LLC for a special use permit to allow multiple-family dwellings of more than 12 units per building at tax map parcel 108-B-2 (Boulder Ridge)

Chair Baugh read the request and asked staff to review.

Ms. Soffel said in February 2021, City Council approved two requests from Bluestone of Harrisonburg LLC:

1. Amended the Comprehensive Plan's Land Use Guide map within Chapter 6 Land Use & Development Quality by modifying +/- 5.54 acres of land from the Commercial designation to Medium Density Residential.
2. Rezoned +/- 5.54 acres from B-2, General Business District to R-5C, High Density Residential District Conditional, while also rezoning +/- 20.76 acres from B-2, General Business District to B-2C, General Business District Conditional.

At that time, the applicant intended to construct six multi-family (apartment) buildings consisting of a total of 72 dwelling units on the +/- 5.54 acres rezoned to R-5C, and to develop commercial

uses on the +/- 20.76 acres zoned B-2. Among other approved proffers, one of the existing proffers that was approved in 2021 limits the property to a maximum of 72 units. Information regarding the 2021 application and proffers can be found at <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=4773418&GUID=C7B6EA8E-F8EA-4020-8442-9DD5E4D3797A&Options=&Search=>.

The first phase of the development, which is located within Rockingham County, is currently under construction following site plan approval in 2024 from the County. If the SUP that is herein requested is approved, the applicant plans to construct three (3) multi-family buildings with 24 units per building rather than constructing six, 12-unit buildings that were conceptually shown during the 2021 rezoning. The proposed 24-unit buildings would be consistent with the approved multi-family buildings that are being constructed in Rockingham County.

Land Use

The Comprehensive Plan designates this site as Medium Density Residential and states:

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

Transportation and Traffic

A new traffic impact analysis (TIA) was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service. The developer will be required to extend public water and sewer from South Main Street to the planned 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."

Public Schools

Students will attend schools based on which side of the jurisdictional line they live. Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, the proposed 72 residential units is estimated to result in 23 additional students. Based on the School Board's currently adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: <https://www.coopercenter.org/virginia-school-data>.

Recommendation

Staff recommends approval of the SUP request as submitted by the applicant.

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

Seth Roderick, applicant's representative from Monteverde, came forward to speak to the request. He said it is a pretty straight forward request here. When the project was first proposed we were thinking standard twelve unit, three story, four per floor garden style apartments. Since then, the owners have opted for essentially two of those units pushed together with a fire wall in between. Outside of that everything remains the same. There are two breezeways on the building instead of one singular. It just creates some proficiencies on construction and helps keep some of those costs down. It creates a little more open space. If we start spreading those buildings back out of course all the roadway and parking gets spread out with it. It is just a little less efficient from a multitude of perspectives. With that, I am happy to answer any questions or address any concerns that may be present.

Chair Baugh said you are already straight with the County part of it?

Mr. Roderick said the County portion is approved and under construction at the moment. That side has twelve 24-unit buildings. This is all tied to the same infrastructure, so it helps keep that cohesive aesthetic through the development as well.

Vice Chair Finnegan said what percentage of this property, if it is built the way it is shown here, is for the building itself and what percentage is for car storage?

Mr. Roderick said I would have to get back to you on that Brent, I apologize. That would take a bit of quantification, but I am happy to follow up with you after the fact just to understand where that leads.

Chair Baugh said I am assuming the striping consistency. I remember a time where we looked around and said why do we have nothing but three-story buildings with twelve units in them because that was all you could do.

Mr. Roderick said it is an almost antiquated piece of the ordinance that still remains. It is kind of a thought of yesteryear. I mean that is not to say that it has zero purpose, but this style of construction is much more common these days for the efficiencies we are talking about.

Chair Baugh said it was the old maximum in the region. Nobody would let them build anything denser than that.

Chair Baugh asked if there were any more questions for the applicant or 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.

Commissioner Nardi said I am ready to approve; the unit count is the same. I feel like design changes happen during processes and that it seems fair and prudent.

Vice Chair Finnegan said this is a small portion that is in the City. As the applicant said, the other part of this is already under construction. I would support this and with that I will move to approve.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit request passed (5-0). The recommendation will move forward to City Council on April 8, 2025.

Consider a request from Divine Unity Community Church to rezone 1680 Country Club Road

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said on April 14, 2009, City Council approved a special use permit to allow for a religious use at 1680 Country Club Road with the following conditions:

1. The special use permit is limited only to Valley Church at this location;
2. The applicant installs a left turn lane from Country Club Road into the site and that no building permits for the church would be released until plans are approved and bonded, if necessary, for the left turn lane or the left turn lane is constructed;
3. The owner dedicates 10-feet of right-of-way along Country Club Road for future road widening; and

4. If seating capacity increased beyond 700, that the request be presented to Planning Commission for further review and a new special use permit.

Today, the applicant is requesting to rezone a +/- 7.35-acre parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The property is owned and operated by Divine Unity Community Church. If approved the applicant plans to operate half of the available building space for worship and community activities, with the remaining area designated for storage and support functions. The church plans for the building to include expanding the children's ministry, increasing capacity for community events, providing additional resources and support for local families, and developing a gym/athletic space.

Proffers

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

1. The following uses shall be prohibited:
 - a. Vehicle, recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - b. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.
 - c. Radio and television stations and studios or recording studios.
 - d. Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.
 - e. Funeral homes.
 - f. Vehicle fuel stations, bus terminals or other facilities designed for vehicular convenience. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - g. 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.
3. Prior to issuance of any future building permit, the property owner shall dedicate 15-feet of public street right-of-way along Country Club Road.

Land Use

The Comprehensive Plan designates this site as Mixed Use and Low Density Mixed Residential and states:

Mixed Use

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

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

Low Density Mixed Residential

These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one

or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Transportation and Traffic

A traffic impact analysis (TIA) was not required for the rezoning request.

As noted in Proffer #3, the applicant would dedicate right-of-way along Country Club Road. The reason for the right-of-way dedication is to assist with the improvement plans for Country Club Road, which includes widening the road to three lanes with sidewalk on one side of the street and a shared use path on the other side. Public street right-of-way is still needed along this property's frontage because the 2009-approved SUP condition to dedicate right-of-way was unfortunately not fulfilled by the previous property owner. The applicant is specifically proffering that before any new building permit is issued, they would dedicate 15 feet of right-of-way for future improvements to be made by the City.

Public Water and Sanitary Sewer

Staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed rezoning.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type D, which notes that "[m]arket type D has lower market activity as well as lower access to amenities. This could be because the areas are stable residential neighborhoods or because the area is less developed and therefore has fewer sales and fewer amenities. Strategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use developments to build commerce and housing centers across the City.

Recommendation

Staff recommends approval of the rezoning request.

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

Vice Chair Finnegan said churches do not pay property taxes, is that correct?

Chair Baugh said [you mean] real estate tax.

Vice Chair Finnegan said if they are using this to rent out, would they pay taxes on that?

Mr. Russ said it depends on how the rental relates to the church, how frequent it is. Does that space basically exist for the sole purpose of renting out? Are they using it as well? It is complicated.

Commissioner Porter said if it is consistent with their mission, you can make the case that it would be appropriate.

Chair Baugh said similarly if you just rent it out to a professional office, you have actual income you have to report. Presumably the Commissioner of the Revenue figures this out.

Vice Chair Finnegan said I know that it related tangentially to this, and this proposal is not for housing, but if a faith community wanted to build housing on their property... I can follow up with you about that later. I am curious about the tax revenue if housing was built.

Chair Baugh said I know one instance where if a church does that it is generally consistent with their mission... It is like the City Attorney says it really depends on the details of what exactly they are doing and how consistent it is with their exempt purposes.

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

Gabe Crider, Associate Pastor at Divine Unity Community Church, came forward to speak to the request. He said I do not have a lot to add but I am here for any questions that you would have for me specifically.

Commissioner Porter said would any of the additional services that you would be providing, or the potential rentals, change the traffic patterns or increase the times of day where you might have more traffic coming in and out of the facility?

Mr. Crider said the mentioned potential of renting out a portion of the warehouse for athletic use would be for...we are under a lease but the lease we are in conversation about would be for a wrestling club that would be there several evenings a week. It would not really change the traffic, and they would not be allowed to be there during times where we would be using the building for church services.

Commissioner Porter said it would increase the population that would be present during your actual service?

Mr. Crider said not during services. There might be other people there in the offices and whatnot but not a significant number of people.

Chair Baugh asked if there were any more questions for the applicant or 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.

Commissioner Nardi said I would move to approve based on better utilization of the building, being consistent with the church's mission, and the benefit to the community. They have proffered a number of things that show awareness for the space around them and where the City is coming from.

Commissioner Porter said the right of way is. I think for anybody that travels along Country Club Road, and I do not think they are going to bother any of their other...there is not really anybody else that is going to be bothered by this.

Commissioner Porter seconded the motion.

Chair Baugh said one thing that I like a little bit, that I do not think was really stated, is there is a potential for rental activity in the building now and by going from the M-1 to B-2 it is possible some potentially less intensive uses would no longer be available there.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	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 April 8, 2025.

Consider a request from James A. Herr to rezone 532 Hawkins Street

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is proposing to rezone a +/- 9,178 square foot parcel from R-3, Medium Density Residential District to R-5C, High Density Residential District Conditional. The property is addressed as 532 Hawkins Street and is identified as tax map parcel 27-L-22. If approved, the applicant plans to construct four townhouse-style, two-level multi-family dwelling units with two to three bedrooms each.

Proffers

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

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.

2. A minimum of one and one half (1.5) parking spaces per unit shall be provided. The conceptual site layout is not proffered.

The R-5 district allows dwellings to be occupied by a family or not more than four persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. The minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted in specific districts. If the applicant had not proffered a reduced occupancy, they would have been required to provide up to 3.5 parking spaces per unit. Since they limited the occupancy, only one parking space per unit would be required by the ZO; however, as indicated in proffer #2, the applicant has proffered a minimum of 1.5 parking spaces per unit.

Land Use

The Comprehensive Plan designates this site as Medium Density Residential and states:

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

Given the mix of housing types within this area of the City, staff believes that the four proposed townhouse-style apartment units would be in conformance with the Comprehensive Plan's Land Use Guide.

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.

Immediately to the west of the subject property is an undeveloped public alley. The applicant is planning to reconstruct and widen the entrance to the alley and improve it to provide access to a proposed parking lot to the rear of the building. The applicant is also conceptually demonstrating the construction of a private sidewalk extending along the side of the alley between the public sidewalk along Hawkins Street and the private parking lot. While the applicant is proposing to improve the alley, they are not requesting to close it and thus it would remain open for the public to use.

Public Water and Sanitary Sewer

While staff does not anticipate issues regarding water or sanitary sewer service availability for the proposed development, the applicant has been advised that they will be responsible for completing a study of the water and sanitary sewer capacity prior to submittal of an engineered comprehensive

site plan. Any public system improvements required to meet the increased demands resulting from the project will be the responsibility of the developer.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject property within Market Type C. Along with other details of this market type, it is the smallest but fastest growing market type in the City. Among other characterizations, Market Type C has a large number of university students. The Housing Study states "[l]ike Market Type A, Market Type C has above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." It goes on to say that "Market Type C has above median access to amenities yet is the most affordable market type in the City. The creation and preservation of affordable housing and construction of middle-income housing would be appropriate here as there are already amenities in place that would make these areas attractive locations for housing..." The Housing Study also notes that "[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit."

When considering the need for providing more housing in the City, providing multi-family units at this location can be a positive result for this area of the City and for those individuals who want to reside in the City.

Public Schools

Staff from Harrisonburg City Public Schools (HCPS) noted that based on their student generation calculations, the proposed four residential units is estimated to result in four additional students. Based on the School Board's currently adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. HCPS staff also noted that currently four of the six elementary schools exceed effective capacity.

For total student population projections, the City of Harrisonburg and HCPS both use the University of Virginia's Weldon Cooper Center for Public Service's projections. These projections are updated annually and are available at: <https://www.coopercenter.org/virginia-school-data>.

Recommendation

Staff recommends approval of the rezoning request, as presented.

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

Gil Colman and James Herr, the applicant and the applicant's representative, came forward to speak to the request. Mr. Colman said I think what is interesting about it, as you saw on that exhibit,

is we are trying to maximize the use of that property in many ways. It is one of the ways we have discussed many times with the City. How can we infill in the City in a way that is constructive and a way that provides, in our case, more affordable housing. This is something that we are proposing here that provides potential housing for three families. I want to say that the property itself is zoned R-3 which would allow for multifamily, however the density is what was limiting for us. Given the density of R-3 we could not have three units. I think it was just maybe two. That is why we are pursuing the rezoning to be able to accommodate two more units there. There were some questions also about the parking lot being in the back. That is on purpose. Having the parking lot in the back brings the units to the front and keeps all of the cars in the back. Having been on Planning Commission and all, that is something that we always look for and here we are achieving that. That is also thanks to the Fire Department and Public Works in terms of using the alley as the access to the parking lot. It is a public alley it is public access which will benefit us but also the neighbors and anybody developing behind us or to the side. Hopefully it is a win-win for everybody. We are thinking that we would like to put a playground here also because of the use of the units for families that are likely with young kids. It is a very tight site. We are working with something very tight and very difficult to accommodate, but we are hopeful that we can make it work. Any questions for us?

Vice Chair Finnegan said I had a question about the alley, would you be paving that or would it that be gravel? Right now is it just grass?

Mr. Colman said correct, it is undeveloped, it is grass.

Vice Chair Finnegan said what that alley that is shown on the left on that image, what sort of treatment would you be doing to that alley?

Mr. Colman said one of the discussions that we had with the Fire Department was where they would require us to pave it. There are requirements that we can build it in such a way that could support the 80,000 pounds which is the fire engine [weight] to get back in there. Whether we pave it or not, at this point I do not think there is a commitment to pave it yet, but it is something that we may do. It is not a large alley so maybe there is a possibility. We have not really spoken in terms of whether we are going to have that paved or not. Right now, we do not know.

Vice Chair Finnegan said I live in a neighborhood with a lot of gravel and dirt alleys and so after a lot of car use it will rut them out.

Mr. Colman said I think in this case because of the requirement of the Fire Department it is going to have to be pretty well packed and maybe less likely to create ruts. Mainly because the ruts occur because you use loose gravel and that stuff starts spreading out once you are driving on it. Given

the requirements here, I would think we would have something much sturdier than that. Perhaps it will be paved. Maybe the cost of the whole site dictates whether it gets paved or not.

Commissioner Porter said have you engaged in conversation with your neighbor to the west regarding this?

Mr. Herr said yes, some are here tonight and some of them may speak when invited. The second property just to the north is owned by a group of folks who said that if this moves forward they would be happy to work with us in any way that they could. This driveway would be constructed with a base that would be prepped for pavement. It will be a pretty solid compacted base.

Vice Chair Finnegan said I will just add that I appreciate that the parking is being put out of the way as opposed to fronting on the street. I think there is just far too much of that in Harrisonburg and I like the idea of putting the parking behind.

Mr. Colman said I think it also works in terms of if we do put a playground or if there are kids there all that is in back. For the playground purposes it is next to cars, but the cars are not going to be driving by there they are just going to be parked. Also having the sidewalks in the front, there are sidewalks already there. So it is easy to walk towards downtown or other areas. That was certainly something that we thought was fitting and it worked well for us also. As I mentioned before, it works better to have the parking in the back than in the front because of the setbacks.

Commissioner Nardi said do you have a sense of what the rental rates will be?

Mr. Herr said if this project were to move forward, this property would be sold to Bridge of Hope who provides housing for typically single women, single mothers. Right now, they have 12 families that they care for and their challenge is finding housing when they need it. I think we can offer this at an affordable rate that would allow them ownership. This is a national organization. I think there were two other places in the country that have their own units. This would be a big boost for this local organization.

Chair Baugh opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request.

Patricia Sayer, a resident at 182 Reservoir Street, came forward to speak to the request. She said Jim has come to us and talked to us about the different things that are possible. We have told him if we can work together somehow, I am in agreeance for this to go through. I think it would be a good thing to raise the neighborhood through there. There is a lot of on street parking on through there. I have lived there all my life; I grew up there. I think we are okay, and I think we can work with Jim to make this work out.

Chair Baugh 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 Finnegan said I think this is a good use. This is a good example of zoning infill with thoughtful treatment of parking not in the front but in the back. I certainly support the mission of Bridge of Hope.

Commissioner Porter said I would definitely speak to the issue at hand here which is affordable housing and also an organization like Bridge of Hope. I am a nonprofit director at Mercy House and I am very familiar with Bridge of Hope. I believe that they would be outstanding stewards of this property should they acquire it. I think that it would be exactly the sort of thing that neighborhood would want to have anchor it. I assure you I believe that they would be good neighbors. When I saw the property yesterday my first concern was for you, so I am glad you guys have had a good conversation. I would strongly encourage the commission to consider this just based on multiple merits.

Commissioner Nardi said I would agree with both statements. We are increasing the number of units available and we want to do that. The density and use of the site and again the parking in the back and a benefit to the community.

Commissioner Porter said I would like to make a motion to accept the request.

Vice Chair Finnegan seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	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 April 8, 2025.

Consider a request from Cat's Cradle of the Shenandoah Valley, Inc. to amend the Zoning Ordinance to allow pet adoptions in B-1

Chair Baugh read the request and asked staff to review.

Ms. Soffel said Cat's Cradle, a local nonprofit cat rescue located at 122 South Main Street, is requesting to amend the Zoning Ordinance to allow cat adoptions as a by-right use within the B-1, Central Business District. While the B-1 district allows retail as a by right use, which would allow for businesses such as pet supply stores, it does not permit pet shops, grooming establishments, or animal hospitals. These uses are permitted by right within Section 10-3-90 (9) of the B-2 district, and because the same set of uses are not listed within the uses permitted by right or by special use permit sections of the B-1 district, they are not permitted downtown.

Currently, Cat's Cradle is unable to complete cat adoption transactions at its downtown office due to restrictions in the B-1 district. Instead, they transport the cats off-site to finalize adoptions. This process is challenging since they cannot close their business during working hours and rely on volunteers for transportation and transactions, which leads to delays and occasionally discourages potential adopters.

To allow for cat adoptions in the B-1 district, the Zoning Ordinance would be amended by adding definitions for "pet adoptions" and "pet shops," and then adding the uses within the B-1 and B-2 districts accordingly. If approved, Section 10-3-24 Definitions would be amended by adding the two definitions as follows:

Pet adoption: The transfer of ownership of a dog or cat, or any other companion animal from a releasing agency to an individual. Such transfer of ownership does not include the purchase, sale, transfer, exchange or bartering of companion animals for compensation or profit.

Pet shop: Retail establishment where companion animals are bought, sold, exchanged, or offered for sale or exchange, to the general public.

At the same time, Section 10-3-84. Uses Permitted by Right in the B-1, Central Business District, would be amended by adding subsection (15) as shown below:

(15) Pet adoptions, limited only to cats.

The final proposed amendment would modify Section 10-3-90. Uses Permitted by Right in the B-2, General Business District, by explicitly including "pet adoption" alongside pet shops and grooming establishment to avoid any ambiguity. Section 10-3-90 (9) would be amended as follows:

(9) Pet adoption, pet shop, ~~or~~ pet grooming establishment, and animal hospitals.

If the Zoning Ordinance is amended as requested by the applicant, it would allow for cat adoptions, like those conducted by Cat's Cradle, to occur in the B-1 district. Staff recommends approval of the Zoning Ordinance amendments.

Chair Baugh said I will go ahead and ask because the specific request from Cat's Cradle is pet adoptions and we are sort of adding the pet shops in there. I have not had anybody reach out to me on this one, but I have in some other context before. There are some aspects of some pet shops that are considered less savory among folks. I was just wondering if there were any thoughts on why we are including [pet shops].

Ms. Soffel said pet shops are already allowed in B-2 without being defined. Since we are defining pet adoptions we want to make sure that by defining pet adoptions we are not creating any confusion as to what a pet shop would allow.

Commissioner Nardi said pet shop is already allowed?

Ms. Soffel said yes, without a definition.

Commissioner Washington said is there a reason why it is limited only to cats?

Ms. Soffel said simply because that is the request. We have not evaluated allowing other pets. There could be other implications with other pets such as dogs; noise, where they would do their business, the need to move around a little bit more. We have not evaluated that fully.

Chair Baugh said I have not looked at any stats recently but historically the pattern is that one of the reasons you do not have an equivalent [to Cat's Cradle] for dogs is because it is not the same kind of issue. Dog adoptions tend to go fairly quickly. Going back a few years when there was a lot more discussion about euthanization in animal shelters. In fact, one of the reasons we had a high euthanasia rate here was that our area essentially produced a lot more cats than people who could easily get them, which is not true nationwide. With cats there is a whole lot more people that have them and getting places where they can give them to people who want them in other communities. There is a whole other level of things that is developed with cat adoptions that has not been an issue with dogs.

Vice Chair Finnegan said there is a cat café downtown, what does that fall under?

Ms. Soffel said as long as they are processing adoptions that are not for profit, they would be allowed to do so as well on their property. This would benefit them as well.

Vice Chair Finnegan said Cat's Cradle used to be located downtown across from Jimmy Madison's. Was that nonconforming?

Ms. Soffel said I do not think they are in the same suite that they had been previously.

Vice Chair Finnegan said Cat's Cradle as they used to operate prior to the renovation of that building, was that a nonconforming use?

Ms. Soffel said it is allowed.

Ms. Dang said they are just keeping the animal on the premises. We had that discussion in the hallway just yesterday about how I think about the gentleman who has the shop along the Water Street [Parking] Deck who has a dog in his shop window there. There is nothing in our ordinance that prohibits people from having the animals present. It is the activity of the adoption, or the sale, that type of transactional activity that had been prohibited.

Mr. Fletcher said I will add about ten years ago there were pet adoptions occurring from Cat's Cradle and there was a concern that was submitted to us that they were doing so illegally. We investigated the matter and worked very closely with Cat's Cradle at the time to help them get into compliance and that is when they changed their operation and then moved off site to do the adoptions.

Chair Baugh asked if there were any more questions for staff. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

Sherri Heishman, the applicant, came forward to speak to the request. She said we do about 600 adoptions a year at the local PetSmart. You can imagine that is a lot of traffic traveling back and forth. Today, we had a couple come in they were both 80 years old. They came in they fell in love with a cat. They had to pack everything up that they brought, get into their car, we had to teach them how to get over to PetSmart. Then we had to call a volunteer in to meet them over at the PetSmart to hand the cat over. We would love the opportunity to have that happen right there in our locality that we are at now. We are right across from Jimmy Madison's. We used to be at the end and they moved us over one unit because that end cap was a lot more attractive real estate and so we are in a smaller location. We have our cats in two front windows and usually there is between two and three cats in each window unless they are kittens then we could have more. We are also sanctioned by the Virginia Department of Agriculture [and Consumer Services]. We have to make sure that the cats are fed properly, that they have the right climbing apparatuses. We have to make sure we have an isolation area if the cat were to get sick. All of our people are trained on those specification. We do about 600 adoptions a year. We also helped with 3,925 spay and neuter assistance last year and we did 1,400 trap neuter returns between Augusta County and Rockingham. That is why you are seeing the intake at the shelters go down.

Chair Baugh 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 Finnegan said to the point of the comment that you just made, I have been to PetSmart exactly one time and it was to pick up cats. I would have preferred to just go downtown. I would be supportive of this.

Commissioner Nardi said I am also supportive of it. I move to approve the ordinance amendment as presented.

Vice Chair Finnegan seconded the motion.

Commissioner Porter said this seems like one of those opportunities where the government can get out of the way and let somebody do something that makes sense. This is a common sense move that we are making this change.

Chair Baugh said not so much recently but over a large majority of time a lot of positive things have happened in recent years in this area.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the ordinance amendment passed (5-0). The recommendation will move forward to City Council on April 8, 2025.

New Business – Other Items

None.

Unfinished Business

Consider a request from Janis Brown Enterprises LLC to rezone two parcels addressed as 1211 and 1231 Smithland Road

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said at the February 18, 2025, Planning Commission meeting, City staff presented a rezoning request from Janis Brown Enterprises LLC to rezone two parcels totaling +/- 10.14-acres from R-1, Single-Family Residential District to R-8C, Small Lot Residential District Conditional. The parcels are addressed as 1211 and 1231 Smithland Road and identified as tax map parcel numbers 71-A-3 and 4. The applicant intends to rezone the site to allow up to 70 dwellings. (Note: The Planning Commission public hearing for this item was originally scheduled for February 12th, but due to inclement weather, the regular meeting was held on February 18th.)

At the February regular meeting, staff recommended denial of the rezoning due to concerns with the design of the street network and with the overall feasibility of the layout of the neighborhood given that the conceptual development was relying on deviations from the Subdivision Ordinance that staff was not prepared to support. Planning Commission tabled the request and asked for the applicant and staff to continue working on the application. Since that meeting, the applicant has submitted revised proffers and new conceptual layouts.

The applicant revised a number of the proffers and has added two new proffers. A red-lined version of the edits to the proffers has been provided in the packet.

Proffers

The revised proffers are as follows (written verbatim):

1. The overall density of the development shall not exceed 70 units.
2. Only single-family detached and duplex dwellings are permitted as principal uses. The number of duplex dwelling units shall not exceed twenty-five percent (25%) of the total number of units in the development.
3. No more than one public street connection to Smithland Road shall be permitted. The public street shall end in a street stub to provide connectivity to the parcel identified as tax map number 71-A-13. No driveways will be located on this new public street. Location and alignment of the public street shall be as approved by the Department of Public Works.
4. Any street with on-street parking shall have curb extensions at intersections.
5. In addition to the public street stub described above, a minimum of one additional public street stub shall be constructed to the boundary of the development to provide additional connectivity to the parcel identified as tax map number 71-A-13. Location of the street stub shall be as approved by the Department of Public Works.
6. Upon request from the City, the Owner/Applicant will dedicate the necessary public street right-of-way along Smithland Road approaching the intersection into the development; up to twenty feet (20') in width to allow for a two-hundred-foot (200') right turn lane and a two-hundred-foot (200') right taper and to include curb and gutter and a five-foot (5') sidewalk with a two-foot (2') grass buffer . In addition, a ten foot (10') temporary construction easement shall be provided.
7. Upon request from the City, the Owner/Applicant shall dedicate land adjacent to tax map parcel 64-B-4-A for public street right-of-way as generally depicted in Exhibit A.
8. A shared-use path shall be constructed along one side of the new public street connection between Smithland Road and tax map parcel 71-A-13. A sidewalk will be constructed on the other side of the public street.
9. A ten foot (10') wide shared use path will be constructed between a public street and tax map parcel 71-A-13 in the location generally in Exhibit B. A twenty foot (20') wide public shared use path easement shall be conveyed to the City upon completion. The shared use path shall be constructed and dedicated to the City of Harrisonburg as a public shared use path easement prior to the completion of the Development. However, if a public street stub is provided in this general location, then the shared use path would not be required.
10. A recreational play area of no less than 500 square feet shall be provided. If provided adjacent to Smithland Road, then a privacy fence at least six feet (6') in height shall be constructed between the recreational play area and Smithland Road. Between the privacy fence and Smithland Road, a staggered double row of evergreen trees shall be planted and maintained by a Homeowner's Association, with the trees in each row planted not more than ten feet apart and a minimum of six feet (6') in height at the time of planting.
11. Screening in the form of a privacy fence at least six feet (6') in height shall be constructed along the boundaries of Parcels 71-A-5, 71-A-1, 64-B-4-A, 64-B-5, and the southwest

boundary of 71-A-2 that is parallel to Smithland Rd, and shall be maintained by a Homeowner's Association.

The edits to the proffers include:

- To Proffer #2, added the ability to allow for duplexes,
- From old Proffer #4 (new Proffer #5), removed the provision for the applicant to petition to waive the requirements of the additional proffered street stub to TM 71-A-13,
- To Proffer #4, added that curb extensions would be required at intersections if parking is provided on streets,
- From old Proffers #6 and #8, removed reference to the concept plan,
- Removed the proffer that would have required tree planting throughout, and
- Added new Proffer #11 that requires the developer to provide screening in the form of a privacy fence along the identified boundaries of three neighboring properties.

The conceptual site layouts are not proffered.

Land Use

Staff believes a predominantly single-family detached home neighborhood at around seven units per acre is in line with the Land Use Guide's Low Density Mixed Residential Designation. However, it is important to note that the conceptual layouts demonstrate 47 units, which is about 4.5 units per acre and would necessitate design variances. As noted above, the layout of the development is not proffered. Thus, the applicant would have the ability to design the site in a different way as long as the proffers, Zoning and Subdivision Ordinance requirements, and other design standards are met. A development proposal that meets the submitted proffers and all design criteria could still be less dense than the conceptual layouts that have been submitted by the applicant.

Transportation and Traffic

Proffers #3 and #5 address the construction of new public streets and requires a minimum of two public street stubs to provide connection to adjacent parcels. As described in Proffer #3, no more than one public street connection would be made to Smithland Road. This proposed street is also required to stub to the adjoining parcel to the southwest identified as 71-A-13.

If the request is approved, the developer must complete a preliminary subdivision plat, where, among other things, they could request variances from the Subdivision Ordinance and the Design and Construction Standards Manual (DCSM). When staff is able to comfortably support a rezoning request for a residential development that would include constructing public or private street networks, often a proffer or a required master plan layout can give a bit of certainty to the final layout of the street network. At times, specific details of street designs (i.e., cross sections, grades, curves, lengths of tangents, etc.) are known ahead of time to not meet minimum design standards

and the developer is able to learn what staff finds to be an acceptable deviation and demonstrates them in a submitted layout. This in turn allows staff to support the rezoning ahead of the subdivision platting process acknowledging what we find to be reasonable deviations. While staff anticipates that the applicant would request variances to deviate from location requirements for public general utility easements and to deviate from minimum public street right-of-way and street width requirements, which staff is generally comfortable with, staff believes there is still too much uncertainty regarding other variances the applicant might request at preliminary platting. Projects like Quarry Heights, Weston Park, and Tuscan Village proffered a general street layout that staff found acceptable and there was general agreement between staff and the developer regarding anticipated variances from the Subdivision Ordinance and DCSM.

Recommendation

Staff continues to recommend denial of the request.

However, if the rezoning request is approved, staff hopes that Planning Commission and City Council would agree that an approved rezoning is not an offering of support for known or unknown Subdivision Ordinance or Design and Construction Standards Manual variances. These details will need more thorough evaluation leading up to preliminary platting and the applicant is encouraged to continue working with staff prior to submitting a preliminary plat application. Chair Baugh asked if there any questions for staff.

Vice Chair Finnegan said I am seeing in the proffers the language about duplexes being added. I thought that the massing of the buildings was one of the challenges and maybe I can address this to the applicant. Would duplexes change the layout of the street? Would that allow them flexibility to cluster? Is that the same drawing that we saw last month?

Ms. Rupkey said no, this is a new drawing. [Referring to the image on the screen] this one is closer to what you saw last time. Closer but still different.

Vice Chair Finnegan said on the new one are there indications of...

Mr. Fletcher said well, they are both new drawings.

Ms. Rupkey said they are not showing duplexes on either drawing at this time.

Vice Chair Finnegan said I was just wondering if that proffer would make the arrangement and shape of it anymore flexible.

Commissioner Nardi said it is not clustered. Is this considered cluster development as you see it in terms of continuity with the Comprehensive Plan?

Ms. Rupkey said I would not call it cluster [development].

Commissioner Nardi said I would not either, but I wanted to confirm your interpretation.

Vice Chair Finnegan said my recollection of last months meeting was staff was surprised that these were all singlefamily detached.

Mr. Fletcher said that statement was that we had seen so many iterations of different designs that when they submitted an actual application, it was only single-family detached which we had never seen. We were just taken aback by the fact that we had not yet seen that layout. To speak to the cluster development, on a shape of a parcel like this with the elevational challenges and size, to do a cluster development you would probably have to do all townhomes in one section and leave it open in the other section to do true clustering. A lot of the statements in the Comprehensive Plan are still carried over from a long time ago. They are coming from ideas from the early 2000s when there were different ideas about how this can be constructed. What you are looking at from a single-family detached and a density perspective is inline with the Comprehensive Plan's Land Use Guide, but the street network is not. That is where Meg got to the point of saying that we are seeing a responsibility here that we can not just turn our eyes away from. Recognizing that we are trying to create a street network that is going to be longstanding for decades. Not just designed in a vacuum on a ten-acre site. I know it hurts, even for us to say that we recommend denial knowing we need more single-family detached homes. We can not just say yes just because of it; we need to have a good design with it as well.

Vice Chair Finnegan said just to clarify, is it fair to say the number one reason that staff is recommending denial is not necessarily the density, it is about where those streets kind of end up and not knowing what might happen on those adjacent properties?

Ms. Rupkey said I would believe that the overall design and layout there are just too many unknowns at this time. Say we like the location of these stub outs on here now, those locations are not proffered so the developer could come in and change that location in the future and have a different street layout that we are forced to then follow.

Ms. Dang said I will add that it is also that the intersection spacing details. This a new design here. I recognize that these are just conceptual, but they suddenly showed a really wide street. There is still a lot of uncertainty and things changing that we are not comfortable with what has been presented. As Meg said when she was presenting her final statements there, if you recall with Tuscan Village and Weston Park, there were proffers that were made that the street network would conform or be similar to generally conform with the layout that was shown on the concept plan. We are expecting it could be adjusted and moved it does not have to be exact locations but there was some comfort that staff had because we have had those discussions with the applicant and got to that point where we knew what they were anticipating; what variances they planned to request when they went to preliminary plat for the property later. We had anticipated those things at rezoning.

Vice Chair Finnegan said I guess what I am trying to get at is this is a layout with a bunch of single-family detached houses on it. What I am trying to ask is does it matter the configuration of this? Is it really primarily a concern about street network? Could there be another configuration of houses that are either same density or less density that you would support if the street layout was different.

Mr. Fletcher said let me see if I can rephrase what you are asking. Are you saying why are we not supporting the rezoning to allow for the density that we find to be likely acceptable with types of homes that we find to be acceptable and just rely on the platting process to create the street network? That is a possibility, however, I think there is a responsibility here that when we start showing these graphics and we start showing these street alignments that we know we are not comfortable with and that are not possible without variances and then they are showing the community these layouts and then we are like but it may look nothing like this. Then it comes back in a platting phase and looks entirely different. They might say "we still cannot do it exactly without variance." It gets a little awkward, odd for us, from a bigger picture perspective to start going "well they showed this, it cannot be done, but they still have to meet our minimum design criteria." Well then let's pause and allow somebody to come in with something that would be able to do both meet the design criteria and the rezoning density.

Chair Baugh said one of the things that we talked about at the last meeting was the fact that we spent some time just on the issue of variances and we did clarify that it is not like we routinely make all the applicants have all of the answers to the variance in advance. We do that all the time. I guess what I think I hear staff saying is that yeah that is true as a general proposition, but in this one it is just too much. It feels like wherever the line is between yeah we know there are going to be some variances in a particular development and we can see that coming but everything looks like it will be fairly routine. On that one, on paper, you can say they are the same thing, but we would say they are not. Sometimes the variances there are a handful of these things that are straight forward and we often approve a rezoning knowing that those things are to be determined. This one staff is just saying wherever the line is we are still on the wrong side of the line of things that are just too much up in the air. Throwing in, particularly, the odd size of the parcel and how it ends up with whatever development that is out there you are just not prepared to support it. I think part of what I am hearing is something that I think is one thing the public struggles with in listening to us talk about things like this is if you are against a proposal you can reason and say why you are against it and then you get into this overlay with us of I will pick on stormwater. You may not agree with it, but we do not take that up at this stage. It is going to sound to you like we are kicking the can down the road, and you are going to draw inferences from it. The fact is mechanically there is a whole process for dealing with that and it is not here right now while we are talking about the rezoning. By contrast, this is one where we are saying there is enough about this street layout that you feel like you just can sort of approve this. Further details of the street network to be determined later just seems like it is opening the door too wide. Is that a fair statement?

Ms. Rupkey said I would say yes.

Commissioner Porter said the applicant's not present?

Chair Baugh said the applicant is present. There were some inquiries about this ahead of time so I will just sort of throw this out to the group. We do not have to reopen [the public hearing] to let anybody speak. There was some talk about the applicant speaking to it a little bit. I think that is ultimately up to us. I think if we let the applicant speak we want to try to encourage him to speak to the changes that we have here and not the merits and the pros and cons of it because as we have already seen we have some folks here on the other side of this who would like to speak. I guess it is sort of our pleasure and maybe we ought to have talked about this before we do this. Do we want

to hear from the applicant again? And if we want to hear from the applicant again, do we want to give other folks in the audience an opportunity to speak

Vice Chair Finnegan said my opinion is if we are letting the applicant speak again, we should let other folks speak again. I do think it is also fair to say only on changes.

Commissioner Porter said I was not present at the last meeting but I think I would like to understand why things are the way they are. Why the plan changed radically from what is being looked at and what staff had seen and also to address these concerns. I think it is a fair thing to ask the applicant to address.

Chair Baugh said Mr. Russ, we had not advertised this as a public hearing. Are we authorized to reopen the public hearing?

Mr. Russ agreed.

Chair Baugh said we will reopen the public hearing on this matter and invite the applicant to come forward. Again, we encourage folks to really talk about the changes. Use this as an opportunity to tell us what we do not know and not to reiterate what your positions are.

David Gast, the applicant came forward to speak to the request. He said can I just really quickly address Mr. Porter's question which I know is rewinding just a hair. We are seeking to rezone this from R-1 to R-8. The specific reason for that is so then we can deliver, what we feel are, moderately priced homes as part of our mission as a company. It is what we understand what the City is desiring. The R-8 zoning specifically allows for these smaller lots. Which means we can then actually build a smaller, less expensive home that appeals to first time homebuyers and renters who are now moving into their own housing for the first time.

Ms. Dang said do you want your land planner on the line right now with you or do you want him to follow you. I think he was trying to call in. If you could pause a moment then they can transfer it.

Connor O'Donnell, a representative and land use planner from Gentry Locke Attorneys, called in to support Mr. Gast as he spoke about the request.

Mr. Gast said to continue this is a very challenging site, it is really narrow, it has odd borders, there is topography. So laying out the street network is difficult to do. Like a lot of developers, the situation is we can fund concept planning through a rezoning but the investment of capital that is needed to do a full engineering of a site to get all the exact details down is a pretty massive investment and we are just not able to do that without removing the rezoning uncertainty off the table. I have a contract with D.R. Horton who will also be doing the engineering design, the construction of the site and the development and building of the homes. That contract says as soon as we get the rezoning, they are going to invest the dollars into all that and get that ironed out through the site plan approval process. What we try to do by providing two concept plans was to address some of the critiques and criticism we heard last month. By providing two plans the intent was to try to demonstrate that there are a variety of ways in developing the site. Each of which

conform to the proffers. We believe each of which can be built in accordance with the code in the City of Harrisonburg. Some of the specific changes is that the street width was increased. Our neighborhood streets went from 24-feet to 35-feet wide. That is specifically to address the criticism we heard about parking. With the 24-foot streets the complaint was if we had on street parking, there is not enough room for traffic or fire trucks to move around. At 35-feet we believe that there is. The main entry road off of Smithland [Road] was widened from 30 feet to 49-feet. That was in response to a suggestion that the entry road could kind of have a grand entrance off of Smithland [Road]. The extra width allows us to do that. As result of all of this the overall density decreased. You can see we are right around 45 lots in one plan, 47 in another. Both plans offer a lot more greenspace than the original design you saw last month. Again, that was something that we heard and we were trying to address. My engineer has assured me that all the street radii conform to code. He has taken the fire truck and driven them around the plan. A minor detail but we relocated the playground from a lot near Smithland [Road] to an interior section of the site. Again, that can be placed anywhere. In the revisions, plan number one that you see is a revision to the plan that we showed last month that kind of has the circular loop road going around it. That has the two intersections in the site. Part of widening the main entry road here was that it allows for a wider median. We heard a suggestion that a wider median can be landscaped, that is a part of the grand entrance design. We heard you with that suggestion. This maintains that right-in/right-out for the first intersection and on the west side of the plan, we are showing t-intersections. Which our understanding is this all conforms to code, but we understand that it is not the preference of staff. That is why we specifically explored an alternate design which is plan number two.

Commissioner Porter said is that a correct statement that it does conform to code and that it is more about preference.

Mr. Fletcher said what I believe David might be referring to is the code for a fire truck to be able to maneuver through a space. When you are looking at public street design standards there are specific design criteria that you have to meet. If you picture a private street network or even an internal parking lot facility where specific turning radiuses that are needed for a fire truck. What the land planner, or whoever did this, is they probably took this and said "can a fire truck actually make these turning radiuses? Is it physically possible." The answer to that might have been yes but it does not mean that it meets the design criteria of a public street.

Mr. O'Donnell said we are talking a lot about of these two plans, road widening, and etcetera; but I want to highlight that those details are a little bit distracting. What both of these plans are intended to do is inform us as the developer and you all as the Planning Commission about what options are available here. These two layouts show that in reality, whatever the road network will be, you are going to have about 40 to 50 homes. One thing I really want to hone in on is the main road coming in. Both of these layouts entirely surround and are dependent on whether there is one intersection or two. These are VDOT and City standards that we would have to meet. You need a minimum of 330 feet before your first intersection. We have developed these proffers. Staff has mentioned their comfortability with variances. That has been difficult because every proffer that we have written has been worked with staff or staff suggested. There is no question about whether the one road that is proffered is workable or not. That is why you have two layouts here. I just want to focus on that because the conversation here about road widths or medians is less relevant. It is more of conversation of: is the future vision for this site R-8? This site in whatever layout moves forward

will have between 40 and 50 homes, that is the site limitation. It will have a main road from Smithland [Road] and it will have one additional street stub connection. Those are the restraints that the applicant and developer are working within. It really just comes down to trusting the site process and the subdivision process of do we feel that rezoning this to R-8, given the restrictions and the proffers that commit to two street stubs, do we want to keep 40 to 50 homes here That is what the developer has shown the applicant has shown that is likely possible in whatever street network ends up being approved. That street network will need to be approved to City standards. There is no prior commitment to the necessities for certain variances. There is no proffered concept plan that upfront is saying we cannot commit to a street network without variances. That is not true. The site plan process will move forward. The developer will be required to meet the standards in the City's design manual. Again, I come back to the larger conversation being R-8 on this site and whether that is the future vision for this area. The road network is something that will come in the future and will be required to meet City standards.

Dan Rublee, a resident of 1251 Smithland Road, came forward to speak to the request. He said I am not going to go into a lot of detail on how I am representing the neighborhood but I still continue to do that. We have reached out to more people, we have more signatures on the petition that was presented to you last month. We now have 29 signatures on that, all but two of which are property owners along the street. I want to just touch base back on something that we pointed out in that petition which is whether or not the R-8 is truly representative of what the Comprehensive Plan calls for in regard to this property which looks for the vision to be this Low Density Mixed Residential. It just seems like all the discussion here is about density and street layout. There are a lot of provisions and goals and strategies in the Comprehensive Plan. If you had the chance to read the commentary that I sent in today, I listed a lot of these in there. A lot of these are similar; encourage or provide incentives for new development to preserve existing trees in vegetative areas and or add new trees and plantings; to require or provide incentives for open space or cluster development to preserve greenspace within new residential subdivisions; adapt to new trends and demands while ensuring that new development will be compatible with adjacent existing uses. Those are the concerns that I think were laid out strongly in the petition which the neighborhood does not feel like those provisions that are in the Comprehensive Plan, which is supposed to be the guiding document for the consideration of rezonings and such. We do not feel that those provisions in the Comprehensive Plan, as described also in the Low Density Mixed Residential definitions, are being met here. I just wanted to reiterate that. I appreciate staff discussions. This idea about is it 45, is it 55, is it 65, is it 70? I think the concern that I have, personally, and I think it is shared by the neighbors is that each time this plan has been sort of revised/resubmitted since the application was formally made. There are fewer and fewer units being shown and still there are variances that have been identified as being needed in order to even support that. Once we get to this point, and I appreciate the land planner saying we are going to figure that out later. What is it going to be then? Is it going 40 units? 50? Is it only going to be 30? What is it going to be? My concern is similar to what was expressed there. Right now, the proffer still says up to 70 units. There is no commitment to any layout. Could they come back in and say "oh, we want private streets, we are going to make them narrower the City does not have to worry about it because they are not going to maintain it" and now we squeeze in 70 units into one space that is really not appropriate to accommodate that. My thinking and my question that I wrote into this is similar to what staff is saying, why are we not working towards a plan that can actually work and that people

can accept and then set a limit on the density based upon that and not upon some maximum based on a density number that is only one factor that should be considered here.

Lee and Lana Gascho, residents of 1270 Smithland Road, came forward to speak to the request. Mr. Gascho said I think just to follow up on what Meghan had said the streets that are within that complex have some issues. I walk again on Smithland Road from the one entrance where these 40, 50 or 60 homes are going to come out of, and I walked that again yesterday. It is a two-lane road, there are no shoulders. There is a foot on each side of the line. No shoulders, no sidewalks, no bike path and just reading through the Comprehensive Plan again there is just an emphasis on safety of our streets. Bicycling and trying to get more pedestrian movement and way from auto movement. That section where they come out the sight lines are so bad and there is no way for the kids and everybody to get to Smithland Elementary to the Smithland Athletic Complex, they would have to walk on private property. I know future developments might come, but for that many cars and that many individuals trying to walk and ride bikes on there. It is a safety hazard for the City.

Anthony Tongen, a resident of 1145 Smithland Road, came forward to speak to the request. He said I would just like to emphasize that I agree with everything my other neighbors have said. I do think there is a way to do this and do it well in the sense of actually working with neighbors and there has been none of that on our end. Even as I look at the inclusion of a privacy fence in some places but not in all places that is concerning. I think there is a way to do this well and it has not actually been done by the developer at this point.

Chair Baugh 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 Finnegan said this is a really tough one. I think one of the things that I hear from developers in these hearings and elsewhere is it is so damn hard to build housing. You have got this weird lot, we have this other lot it does not conform to this, we are trying to do this we are trying to make it pencil out. You have got that on one side and on the other side you have neighbors who do not want increased density in their neighborhood, which I understand. I do not think any of those people are wrong. The developers are not wrong, and the neighbors are not wrong. There are just conflicting concerns. I really struggle with this one. I want to be able to support housing in the City. I want to be able to say yes to infill development. I want to be able to say yes to R-8 small lot development, but I struggle with this for the reasons that staff has brought up. I want to be clear; it is not the density and it is not the increase in traffic, it is the street network.

Commissioner Nardi said can staff speak to the two-lane road and the increase in density and therefore traffic and those types of concerns?

Ms. Rupkey said as far as the future plans of widening I cannot speak to that.

Ms. Dang said I believe it is in our Capital Improvement Plan [CIP]. Even if it was in the CIP, I would guess that it is probably far in the future. If this rezoning got approved, and Mr. Gast and his team were successful in getting this developed, that it would be developed before the improvements on Smithland [Road].

Mr. Fletcher said the Smithland [Road] improvements are not this section that is shown in our Comprehensive Plan. Smithland Road from Old Furnace Road, northwest, to Linda Lane. It is that section that goes from Old Furnace across the soccer complex frontage to the roundabout. That is to widen the road to four lanes with a sidewalk on one side and shared use path on the other side. These are old numbers back in 2018. Smithland Road, Linda Lane, and Keezeltown Road connections and this is to construct a two-lane roadway with sidewalks on both sides.

Chair Baugh said Councilmember Dent if she was here might be able to speak to it. My senses are that the plan seems to be lined up right now. It would more likely that further development in that area spurs moving the [road improvement] project to the front of the line.

Commissioner Porter said I just want to speak briefly and somewhat echo the things that Brent just said about the fact that you have two competing interests here that are both viable. I have long spoken out about my support for increasing density in our community simply because we need it for affordability. However, with that being said I would be very sensitive to placing a R-8 in the middle of an existing R-1 that does not conform, even remotely close, with what exist around it. I know that there are some concerns specifically about this property. What I would say is for any future developer that would come to our community is that you have to be very mindful of where you are putting your development and what exist around it. When you are going to fundamentally change the character of the area it is incumbent upon you to be very forthright and out in front of trying to work with the community around you but also make sure that the site that you are putting forward is complete and as comprehensive as you can make it. I think that the staff concerns about how this plan came to them and the changes that were made and the fact that the plan that was put forward would require variances is a concern. I think that is the question that is the most germane in terms of the vote that may be taking place. In terms of these neighbors and the people that are here that are concerned about their community, I think it is extremely important to make sure that all that communication is very forthright and very active. This is simply trying to make the best community that we can possibly make. The concerns that I am hearing from the neighbors are valid concerns. I know that road is a dangerous road and it difficult and there is not a lot of sidewalks or any sort of infrastructure to aid people to bike or walk safely on it. If development is going to continue to grow in this area, there has to be some thought about what that looks like going forward for the interests of the people who have lived there for many years.

Commissioner Nardi said I would echo that with process. I would think there needs to be more discussion to have between neighbors and developers. I think we have seen some good examples of that on some projects that have come before us that have really made things go that initially might not have been. I am leaning towards denial at this point.

Commissioner Washington said I have no issue with R-1 becoming R-8 in this area just because we do need housing. When we talk about what you are seeing, you are going from R-1 which is single family, to smaller lot sizes. When you think about affordability and keeping things affordable, if we try to stay R-1 then who is going to afford to live there? Especially with the cost of construction and the cost of housing. In terms of Harrisonburg being the Friendly City and making inclusive communities for everyone, I think this is a step forward for that. I think I am also a process person and I also think that there is some need for more discussion with the community. There needs to be some give and take into who needs to be able to...we can not continue to call

this place the Friendly City if it is friendly over there where we are going to allow infill development in places that are already over crowded when there is space, there is 10 acres here, that can go towards housing. In terms of accommodations in what the infrastructure that needs to be improved to make this happen, should we make it happen? Absolutely. That is what improvement looks like. That is what development does. That is, when we look at people who need housing, hey do not want dangerous streets either. So what do we do? We improve the streets to accommodate the folks who live there. In terms of denial, I do not think, based off of what we heard last month and this month, I do not think I can say no to housing in this area.

Mr. Fletcher said I want to clarify some responses from earlier. When I was talking about the Smithland Road improvements, the section from the Linda Lane roundabout as then Smithland [Road] then circles back to Keezletown [Road] does not show up as transportation improvements on the Master Transportation Plan. The streets I was referring to where it says the Smithland Road, Linda Lane, Keezletown Road connections is referring to a desired street network where we need to connect those streets. We want to connect Linda Lane. We want to connect Smithland [Road]. We want to connect to Keezletown [Road]. They are just broad strokes on the map to show we want these connections. What we are talking about this evening is the beginning of those connections. That street that comes off of Smithland Road is the beginning of a street network that we want to create. We want to make sure we get it right because when these streets go in, they are going to be there for a very long time.

Commissioner Porter said it seems to me that this potentially could be disallowed for where a few lines fall on the map here. You are hearing generally that there is not an opposition to density, at least the density proposed in the site plans we have seen here. The neighbors might feel differently, and I respect that. Nonetheless, this very well may fail just based on some streets and how they could be redesigned to conform with what is required by the City, or at least what is being requested by the staff. It seems to me that it would be a shame to let something that you have invested this much time to fall by the wayside based on that issue alone. I do not where this goes from here. I know where I am sitting on it. It seems to me that we are somewhat throwing the baby out with the bath water here if we would let this fall by the wayside for that reason and that reason alone.

Vice Chair Finnegan said we did table it last month because we are in a very similar place right now as we were last month.

Commissioner Nardi said I guess I have to agree. There is so much right with it in terms of housing, the need. There is a balance that I do not feel has tipped for me to be able to say yes without further work.

Commissioner Porter said there are a lot of unknowns here.

Commissioner Washington said do not get me wrong, I find that the site plan is ugly; and we have seen some ugly site plans that we have approved. The fact that it is ugly... I do not think is a reason to say no to it. In order to say no to housing just seems backwards. I am on the side of saying no to a denial.

Vice Chair Finnegan said in the interest of moving this along, I will make a motion to approve.

Commissioner Washington seconded the motion.

Chair Baugh said it is a close vote, but I am a no. Yes, we have a need for housing. We have also approved a whole lot of it that is not getting developed, which may be a whole other reason. It seems to me there needs to be room for saying that the proposal just is not quite there and the need is not just so great that we will not worry about these things. All we have before us is the proposal right now. At this point am going to be voting against the motion, but largely for the reasons that have been stated. I think, particularly, I agree with what Commissioner Porter was saying. It is not about the density; it is about the future mechanics. It is another side of the fact that, as we have said, there seems to be at least some general agreement that the infrastructure, as it is right now, really is not adequate to this type of development. I am probably more comfortable than a lot of members of the public will be with if that actually happens and that in and of itself is not a reason to vote against development. Sometimes one has to pull the other along. I think some of the last points made by Mr. Fletcher about how there really is a sense that, at some point, there is going to be a network there. There is a whole lot we do not know about it. This just feels like it goes to far setting the template for things that would have to come after it. At least based on what we have tonight.

Commissioner Porter said based on the character of the property, I agree with staff that I would like to have seen some delineating of green zones and trees and those sorts of things. I think that the nature of this development needs to be conforming with the community around; it which has a lot of greenspace. I think that is something that should have been addressed in the site plan that is not as well.

Vice Chair Finnegan said I agree, I think we need more greenspace. As the Zoning Ordinance currently stands there is a certain amount of land that needs to be dedicated to car storage; that is in the Zoning Ordinance that is required by the City. If the applicant wanted to say we would like a reduction in required parking... This is just something that ties that together with the concern about traffic on the road. If your number one concern is traffic and your number one request is more parking, those are working against each other. The last thing that I will say is there is a bill, as far as I know, that Governor Youngkin has not vetoed yet. The bill would allow local governments in Virginia, which we currently do not have the authority, to say we want more greenspace. There is no mechanism to enforce that in Virginia law. Assuming Governor Youngkin either does not sign it and it gets turned into law or he does not veto it and signs it into law. That is something that, I hope, that we can talk about in the future in the Subdivision Ordinance for these lots, we want to say a certain percentage of trees need to be planted. A certain percentage of greenspace. I think from the development standpoint the trade off would be removing the parking requirements so that they can add more trees and less parking. We do not have the authority to do that at this point in time.

Chair Baugh called for a roll call vote.

Commissioner Nardi No

Vice Chair Finnegan	Aye
Commissioner Washington	Aye
Commissioner Porter	No
Chair Baugh	No

The motion to recommend approval of the rezoning request did not pass (3-2).

Commissioner Porter said I wish to make a motion to deny the application as currently presented.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	No
Commissioner Washington	No
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend denial of the rezoning request passed (3-2). The recommendation will move forward to City Council on April 8, 2025.

Public Comment

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Nardi said there were two items on the agenda. One was Redi-Mix and they were approved to add a 16,120 square foot addition to their facility plus an indoor-outdoor common area. I will leave it at that but if you want pages of everything, I would be happy to share that. Then an ordinance amendment to require special use permits for data centers. Which we had just talked about in Harrisonburg. They were going to meet some folks in Fairfax County and Loudoun County to do some sort of work. One of the Supervisors asked about the Regional Housing Study that was done and asked staff if there were any takeaways and what staff might pursue. The representative said they would pursue manufactured homes and looking at the inventory of what was there and that was centered around manufactured homes. That was their next step based on the Regional Housing Study.

Commissioner Washington said to go back, the conversation on data center, where did that end?

Commissioner Nardi said the special use permit was approved so that anyone coming in requesting a data center must come through a special use permit.

Vice Chair Finnegan said they essentially did the same thing we did.

Commissioner Nardi said they did the same thing we did so that you have some sort of vetting given the infrastructure that is taxed by that request.

Commissioner Washington said I also love talking about manufactured homes, so I am glad that conversation is going on.

Commissioner Nardi said I am too, anything to add to the inventory.

Vice Chair Finnegan said I just wanted to get clarification from staff, manufactured homes are currently prohibited in the City except for in R-7?

Ms. Dang said that is correct.

Board of Zoning Appeals Report

None.

City Council Report

Mr. Fletcher said during the February 25 meeting City Council voted on the Lucy Drive special use permit and rezoning; that was approved. That is the one on the corner of Lucy Drive and Deyerle Avenue where there was conversation about the buffering to the rear of the property. They did not add a condition for that, so it was approved as presented and recommended by staff. The other was the Zoning Ordinance amendment associated with nonconforming single-family homes in the B-2 and M-1 zoning districts. That was approved. This month we will have another one of these late meetings where City Council did not meet last night so the items that we discussed will be discussed on March 25.

Other Matters

Review Summary of next month's applications

Ms. Dang said we have three items on the agenda. A special use permit, a rezoning, and the alley closing for Newtown Cemetery.

Vice Chair Finnegan said before we adjourn, I would just use this platform to add that Harrisonburg is in the North American competition for the Strongest Town from the organization Strong Towns. We are one of 16 cities competing for the title of Strongest Town. I do not think there is a cash prize that goes with that, but there is national attention that goes with winning. It is a way to highlight what the City is doing to make housing more affordable and to make biking and walking better.

Commissioner Nardi said I just want to thank the City of Harrisonburg and staff for the Land Use Education Program training. I know it is a requirement, but kudos. It is well worth it. Just the opportunity to go and to do that is helpful.

The meeting was adjourned at 7:58 PM.

Richard Baugh, Chair

Anastasia Montigney, Secretary