

MINUTES OF HARRISONBURG PLANNING COMMISSION

January 13, 2021

The Harrisonburg Planning Commission held its regular meeting on Wednesday, January 13, 2020 at 6:00 p.m.

Members present by electronic, video communication: Brent Finnegan; Jim Orndoff; Adriel Byrd; Kathy Whitten; Richard Baugh; Isaac Hull; and Laura Dent. Note: Laura Dent joined the meeting at 6:04pm.

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

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

The first order of business is the election of officers for 2021. Are there any nominations for the position of Chair?

Commissioner Orndoff nominated Commissioner Brent Finnegan.

Commission Whitten seconded the motion.

All members voted in favor of appointing Commissioner Finnegan as Chair for 2021.

Chair Finnegan continued the meeting. Are there any nominations for the position of Vice Chair?

Commissioner Whitten nominated Commissioner Adriel Byrd.

Commissioner Baugh seconded the motion.

Councilmember Dent joined the meeting at 6:04 p.m.

All members voted in favor of appointing Commissioner Byrd as Vice Chair for 2021.

Mr. Fletcher noted for the record that Councilmember Dent did not vote for Vice Chair.

Chair Finnegan asked if there were any nominations for the Planning Commission member of the Board of Zoning Appeals.

Commissioner Baugh nominated Commissioner Jim Orndoff.

Commissioner Byrd seconded the motion.

All members voted in favor of Commissioner Orndoff as the Planning Commission member of the Board of Zoning Appeals.

Chair Finnegan asked if there were any nominations for the position of Secretary.

Commissioner Whitten nominated Nyrma Soffel.

Commissioner Orndoff seconded the motion.

All members voted in favor of appointing Nyrma Soffel as Secretary for 2021.

Chair Finnegan said that the bylaws state that Planning Commission members must acknowledge the *Ethical Principles in Planning*. Commissioner Finnegan read the following statement:

“I pledge to use the American Planning Association’s “Ethical Principles in Planning” document as a guide to ethical conduct while performing my duties as a Commissioner of the Harrisonburg Planning Commission.”

And then asked all members to acknowledge the pledge by saying “aye.”

All members acknowledged the *Ethical Principles in Planning*.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the November 11, 2020 Planning Commission minutes.

Commissioner Byrd moved to approve the minutes.

Commissioner Whitten seconded the motion.

All members voted in favor of approving the November 11, 2020 Planning Commission minutes (4-0). Commissioner Baugh, Commissioner Hull and Councilmember Dent abstained.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the December 9, 2020 Planning Commission minutes.

Commissioner Whitten moved to approve the minutes.

Commissioner Byrd seconded the motion.

All members voted in favor of approving the December 9, 2020 Planning Commission minutes (4-0). Commissioner Baugh, Commissioner Hull and Councilmember Dent abstained.

New Business – Public Hearings

Consider a request from Bluestone of Harrisonburg LLC to amend the Comprehensive Plan’s Land Use Guide map for portions of parcels addressed as 3485, 3491, 3585, and 3611 South Main Street

Consider a request from Bluestone of Harrisonburg LLC to rezone parcels addressed as 3485, 3491, 3585, and 3611 South Main Street

Chair Finnegan read the request and asked staff to review.

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

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

- Site: Vacant land, zoned B-2
- North: Commercial uses, zoned B-2
- East: Across South Main Street, industrial and commercial uses, zoned M-1 and B-2
- South: United States Postal Service facility, zoned B-2
- West: Undeveloped agricultural land in Rockingham County, zoned R-5C and B-1C

The applicant has submitted two applications. The first is to amend the Comprehensive Plan’s Land Use Guide map, specifically to amend +/- 5.54 acres of land from the Commercial designation to Medium Density Residential. The second is to rezone the same +/- 5.54 acres from B-2, General Business District to R-5C, High Density Residential District Conditional. Furthermore, the applicant is requesting to rezone +/- 20.76 acres from B-2, General Business District to B-2C, General Business District Conditional. The applicant’s latter request voluntarily places more restrictions upon property that is already zoned B-2. If the requests are approved, the applicant plans to construct six multi-family (apartment) buildings consisting of a total of 72 dwelling units on the +/- 5.54 acres proposed for rezoning to R-5C, and to develop commercial uses on the +/- 20.76 acres. There are no development plans yet proposed for the commercial uses on the +/- 20.76 acres.

It is important to understand that the site is part of a larger development plan that includes +/- 132.99 acres located in Rockingham County known together as Stoney Ridge (formerly known as proposals named Ashby Centre and Rockingham Centre). The total acreage of the development in the City and County is +/- 159.29 acres. On January 28, 2009, the Rockingham County Board of Supervisors approved a rezoning of the property to R-3C, General Residential with conditions and

B-1C, General Business with conditions and an associated master plan. Since that time, ownership of the property has changed, and on November 18, 2020, the Rockingham County Board of Supervisors approved master plan amendments and rezoning of the +/- 132.99 acres from R-3C, General Residential with conditions and B-1C, General Business with conditions to R-5C, Neighborhood Residential with conditions and B-1C, General Business with conditions. The County staff report describes that that primary reasons for amending the master plan included reduction in the area designated as B-1C, an increase of 344 dwelling units resulting in a total of 728 dwelling units (including apartments as a new housing type within the project), and changing the allocation of units per housing types.

The primary entrances for the proposed development will be served by a new public street intersecting at South Main Street across from Reedy Circle in the City and through interconnection with Emmaus Road, extending to Pike Church Road. Most of the residential development will be located in Rockingham County and the applicant is requesting rezoning of +/- 5.54 acres of land in the City that is adjacent to the City-County line. The applicant's letter states that "[t]he placement and designation of residential use on the designated City parcels, as shown pictorially in the accompanying Exhibits, follows extensive land planning efforts for the entire (City and County) acreage. These efforts resulted in what we feel is the most appropriate highest and best use for the land as a whole, with the newly proposed multi-family residential uses being placed directly behind commercial acreage resized to a most-efficient lot depth."

The Comprehensive Plan designates the entire subject site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings. The applicant proposes to develop +/- 20.76 acres in the City for commercial uses and to maintain the Commercial Land Use Guide designation for that acreage. However, as indicated above, the applicant is requesting to amend the Land Use Guide to designate the +/- 5.54 acre portion of the property adjacent to the City-County line to Medium Density Residential to be consistent with their development project and to appropriately discuss whether this area should be planned for a different land use, and thus to be clearly in conformance with the City's Comprehensive Plan, if approved. Medium Density Residential 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.

With regard to the rezoning request, the applicant has submitted the following proffers (written verbatim):

1. Residential Uses associated with R-5C zoning district shall be limited to a maximum of 72 units.
2. A shared use path, measuring at least 10-feet in width, shall be constructed adjacent and concurrent with the main entry road between S Main St and the City-County line, connecting to the shared use path located on the County side of the development.

3. A minimum of two (2) pedestrian connections, inclusive of the shared-use path referenced in Proffer #2, will be made between the residential and business components of the developments. Pedestrian connections shall be constructed concurrently with on-site development.
4. All parcels with S Main St (US Route 11) frontage located north of the Reedy Circle intersection shall be improved with a continuous right turn lane, which shall tie into the existing right turn lane serving TM Parcel 108-B-4. Right turn lane may be constructed in sections, concurrently with development of individual lots.
5. No S Main St entrance shall be located closer than 200 linear feet to Reedy Cir, measured centerline to centerline.
6. S Main St entrances generating more than 1,000 vehicle trips per day (vpd) shall not be located closer than 300 linear feet to Reedy Cir, measured centerline to centerline.
7. S Main St entrances north of Reedy Cir shall restrict left-turn movements.
8. S Main St entrances south of Reedy Cir shall restrict left-turn movements if located within 460 linear feet of Reedy Cir, measured centerline to centerline.
9. Additional right-of-way along entire frontage of S Main St shall be preserved to accommodate future widening of S Main St to a four-lane-divided section. Such additional right-of-way shall be limited in depth to 14.5 feet north of Reedy Circle (inclusive of right-turn lane described in Item 2a. above), and 4.5 feet south of Reedy Circle. "Preservation" of right-of-way shall preclude the improvement of such land with buildings, parking, or other affixed appurtenances not related to public road/pedestrian accommodations. Such land shall be dedicated to the City of Harrisonburg for the explicit purpose of constructing and maintaining public road improvements within 180 days of receipt of written request. Dedication shall be conditional upon affiliated roadway improvements being included in the City's Capital Improvement Program within ten (10) years of this statement's signature date.
10. Prior to opening the primary entrance on S Main St to traffic, Developer shall enter into a Signal Agreement with the City of Harrisonburg, with signal to be installed at time of warrant. Signal warrant analysis shall be prepared in accordance with the Manual of Uniform Traffic Control Devices by a licensed engineer within 90 days of request by City Director of Public Works. Signal warrant analysis requests shall only be prompted by reasonable justification, such as witnessable increases in traffic, frequent traffic-related incidents in direct proximity of the intersection, etc. The City of Harrisonburg may request multiple signal warrant analyses until either a traffic signal is warranted, or the development was completed and fully occupied, but shall not request more than one such analysis within a twelve-month period. Signal design and construction shall include accommodations for future eastbound dual left-turn configuration. Cost of signal design and construction shall be the sole responsibility of the Developer.

11. At time of signal construction, westbound Reedy Circle on the east side of South Main street shall be striped to accommodate a dedicated left-turn lane and a shared right-through lane. Striping shall extend a minimum of 100' beyond existing stop bar.
12. Design and construction of the primary entrance roadway and right-of-way shall include a median measuring at least 16 linear feet in width, for the purpose of accommodating the future construction of an additional left-turn lane.

Note that the submitted exhibits are not proffered.

Regarding proffer 1, on the +/- 5.54 acres being requested to be rezoned to R-5C, the applicant has proffered a maximum of 72 dwelling units.

Proffers 2 and 3, require a shared use path along the main entry road between South Main Street and the City-County line to connect with the shared use path that was proffered with the County rezoning, and requires an additional pedestrian connection to be made between the residential and business components of the development.

Proffers 4 through 12, match almost verbatim the Street Improvement Agreement between the City and the applicant, dated September 30, 2020 that was referenced within the County rezoning application. The following text was added to proffer 9 for clarity of intent: "Preservation" of right-of-way shall preclude the improvement of such land with buildings, parking, or other affixed appurtenances not related to public road/pedestrian accommodations. Such land shall be dedicated to the City of Harrisonburg for the explicit purpose of constructing and maintaining public road improvements within 180 days of receipt of written request. Dedication shall be conditional upon affiliated roadway improvements being included in the City's Capital Improvement Program within ten (10) years of this statement's signature date." And text was added to proffer 11 to clarify that improvements would be on the portion of Reedy Circle located on the east side of South Main Street. (Note that at this time, it is unknown what the public street name will be of the main entry opposite of existing Reedy Circle.)

Together, proffers 4 through 12 include mitigations and improvements recommended by the Traffic Impact Analysis (TIA), dated June 2020, which evaluated the entire development in both the City and Rockingham County. Recommended mitigations related to the I-81 Exit 243 Interchange are addressed by the "Exit 243 Interchange Cost Contribution and Escrow Agreement" between the City, Rockingham County, and the applicant and was included as part of the Rockingham County rezoning that was approved in November 2020. The Exit 243 agreement is included within the attached Extract of the Rockingham County Board of Supervisors Agenda Packet from November 18, 2020.

The applicant, City staff, and County staff have acknowledged that City and County staff will coordinate review and permitting for erosion and sediment control and stormwater management for the entire development as it includes both City and County lands. One jurisdiction may ultimately take the lead for plan review and permitting, and the second jurisdiction will be included in plan review similarly to what has been done successfully with other projects bordering the City-County line. Additionally, the applicant is aware that they will be required to submit a preliminary plat and have it reviewed and approved, if no Subdivision Ordinance variances are requested, by Planning Commission. If variances are requested, then City Council approval will be required.

The applicant is encouraged to continue coordinating with City and County school boards to discuss whether students living within the City portion of the residential development will be given the opportunity to choose to attend County schools or not, and in either case how school bus service and pedestrian facilities will be accommodated through the development. The Harrisonburg Department of Public Transportation (HDPT) is aware of this project and will accommodate the needs of students depending upon the final school district determination outcome. Additionally, the applicant is encouraged to continue coordinating with HDPT regarding public transit services in this area. While Route 4 services South Main Street, bus service does not extend past Covenant Drive. HDPT has stated that whether bus service can extend closer to the development within City limits or extend into the development within Rockingham County will depend on ridership density.

While there are no properties within the southern section of the City designated in the Land Use Guide for planned residential uses or zoning districts with residential uses, consideration of how lands in Rockingham County are planned and zoned is important. For reasons noted in the paragraph's below, staff supports the applicant's request to amend the Land Use Guide and to rezone the +/- 5.54 acres within the City for the identified proffered multi-family residential development as well as to further restrict the existing B-2 property with the submitted proffers.

While the proposed residential uses in the City are a small part of the overall development, approving this request could also work towards achieving Goal 6 of the Comprehensive Plan, which is "[t]o meet the current and future needs of residents for affordable housing." In addition, the City's Comprehensive Housing Assessment and Market Study (housing study) is under development and the consultants have stated in their preliminary findings that "[t]here is a shortage of [rental] housing units that are affordable to the lowest and highest income renter households (0-30% and above 80% AMI [area median income])" and that "[s]ome households are cost burdened because they live in a unit that is more expensive and other households are living below their means. When higher income households live in units that are affordable to lower-income households due to limited housing supply, it increases competition for the limited units that are more affordable." The preliminary findings of the housing study also demonstrated that the City's rental unit vacancy rate is 2 to 3.5 percent, which creates high levels of competition for scarce units. While the affordability of the planned units is unknown, the proposed multi-family (apartment) units in the City could contribute to the overall housing situation and help add more units to the rental housing market.

Another important element for staff is that the proposal preserves a significant area in the City for future commercial uses along the entire length of South Main Street. The applicant described to staff that the distance between the frontage along South Main Street to the rear of the commercial area is +/- 350-feet and that the intent is to allow for a rear access drive easement of 50-feet or for equal-sized inter-parcel connections serving the same intent to still allow for a developable lot depth of 300-feet, which they believe is an appropriate lot depth for commercial frontage lots in this type of district

Staff recommends approval of the requests for the Comprehensive Plan amendment and rezoning.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan asked what can go in the front 300-foot space? What sort of buildings do you think could fit in that 300-foot space that is zoned commercial?

Ms. Dang said that it is zoned B-2 and they have not proffered excluding any uses within the B-2 district, so there could be retail, restaurants, service stations, gas stations, anything that you would typically see in the B-2 district could go there. I recommend asking the applicant.

Commissioner Whitten asked if it might accommodate restaurants that have drive-throughs? Do we feel that the Public Works Department has looked at that and considered that?

Ms. Dang said that the most intense uses that could locate on the site have been considered as part of the TIA study. The mitigations that have been proffered are intended to address any of these traffic concerns that may be generated by these uses.

Mr. Fletcher said that travelling northbound on South Main Street towards the Dukes Plaza area, the lots that front there, such as the Taco Bell and the McDonald's, are measuring about 250 feet in depth of the lot itself. What Ms. Dang explained has an additional 100 feet. I am not trying to promote that it would be a drive-through establishment, but it is a frame of reference about the depth of those lots that you can see in those areas.

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.

Seth Roderick, Monteverde Engineering and Design Studio, 250 East Elizabeth Street, called in representing Bluestone of Harrisonburg LLC. Thank you, Ms. Dang, for that thorough review. I would like to highlight a couple of points. This project is largely an extension and reimagining of the property in the County. This is not a stand-alone project and has to be viewed in that context. The original project which was rezoned a little more than a decade ago was known as Ashby Center/Rockingham Center. The project was overly commercially driven and laden with the big box retail mentality that no longer fits today's needs. The failings caused the project to sit dormant which is why you see it so vacant today.

When I was brought on to this project, I was given the opportunity to take a fresh vision. That started with a conversion of the retail big box options to smaller retail and inclusion of additional residential density in the form of those apartments. We feel that the additional residential density will help spur the commercial development of the project as a whole within its own limits, but also on the commercial redevelopment of South Main Street within the City limits. The City land was examined as part of that process, with the fresh lens that was taken, for the appropriate lot depth. On the right side of the entrance, we have not offered that because it bleeds into further commercial development on the County portion. Where it abuts the apartment section, we feel that it was too deep. It measures out to the City line at about 600 feet. Shorten that by 350 feet to allow for 50 feet for cross access and 300 to allow for pad development of that section and encourage something that is more residentially friendly. At 600 feet deep, especially in this section of the City, there are not enough users that will demand as much retail as what was shown there for a double loaded entryway. At 600 feet, you will get a lot more of the automotive and light industrial type uses that

you are seeing surrounding it. Since we are pushing the residential use closer, we wanted to try to emphasize something that would be more appropriate and more desirable for pad development instead.

As part of this process, and one of the most significant aspects of this reimagining, was the length that was applied to the site's traffic impact. The original study that was done for the County rezoning of 2009 showed significant impact to the Exit 243 interchange and South Main Street intersection but allocated zero dollars towards its improvement. As part of this project, not only were we able to convert a lot of the commercial usage to residential which alone cut the total traffic generation of the project in half, but also reallocates some of the dollars that were driven elsewhere into County projects that did not serve a greater good, towards the Exit 243 improvements. We have proffered \$700,000 as a three-way agreement between the City, County and developer towards that mitigation strategy. As part of this rezoning proffer request, we are proffering an additional traffic mitigation, which was recommended by the TIA, which accounts for access restriction within proximity to the proposed signalized intersection and the construction of a full length right turn lane that will feed that entrance and helps everything function at a higher level than what was previously analyzed.

This project addresses the need for some additional housing, especially on the southern side of the City where there is a dearth of rooftops, while allowing for the primary amenities and a lot of the infrastructure to be located within the County. It is a win-win for the City's process while still providing a need that is greatly needed on this end of town. I am available for any questions as they relate to the land planning activities and the thought process that went behind it. Todd Rhea, Clark & Bradshaw, is available for additional questions, as well.

Chair Finnegan asked if there is a plan for that front section along the frontage road that is being kept for business. Is there any thought as to what that might become?

Mr. Roderick said not specifically. While we do not have any users in place, I have seen a couple of interested parties that have approached the developer of the site. These parties have been more akin to the development that is across the street, the light industrial and automotive type use. Those inquiries have been rebuffed. The intent is that once the residential is in place there will be a need for a higher caliber of user that would be more conducive to the residential development that will be adjacent to it. We do not have any allocated lots at this point, but that is the thought process that I have seen.

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

Commissioner Whitten said that she is happy to see an agreement like this between the City and the County. It seems like a very appropriate place. We hate to see farmland go to development, but, if we are going to grow and have what we hope is affordable housing, this is a best case scenario. We did not ask about affordability, but if they cannot tell us much about what the commercial development is going to be, I do not know that they will have much of a guess as to what the affordability of these units will be.

Chair Finnegan said that he is not an economist or a builder, but I do know that construction costs are an all-time high. If we build new housing that is to modern standards, I do not know that these would be what we might consider to be affordable. As we heard in the presentation to City Council, yesterday, we need more units all around. What I do like about this is that there is a mix of housing types. If you look at the larger plan there are single-family houses, townhouses and apartments.

Commissioner Baugh said that one aspect of the affordable housing issue is simply a near term supply problem. As someone who recalls the vision of what they were talking about putting out there eleven or twelve years ago, this is preferable.

Commissioner Baugh moved to recommend approval of the Comprehensive Plan's Land Use Guide map amendment, as presented.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Commissioner Byrd	Aye
Commissioner Hull	Aye
Commissioner Whitten	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Chair Finnegan	Aye

The motion to recommend approval of Comprehensive Plan's Land Use Guide map amendment, as presented passed (7-0). The recommendation will move forward to City Council on February 9, 2021.

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

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Commissioner Hull	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request, as presented passed (7-0). The recommendation will move forward to City Council on February 9, 2021.

New Business – Other Items

Consider a request from Harrisonburg Cohousing LLC to preliminarily subdivide a +/- 5.26-acre parcel at 650 Keezletown Road

Chair Finnegan read the request and asked staff to review.

Ms. Dang said that on March 24, 2020, City Council approved Harrisonburg Cohousing LLC's request to rezone the subject property from R-1, Single Family Residential District to R-7, Medium Density Mixed Residential Planned Community District. The R-7 district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the "zoning" by which the development must abide. A copy of the approved master plan is available in the March 24, 2020 City Council agenda packet at <https://harrisonburg-va.legistar.com/Calendar.aspx>.

The Comprehensive Plan designates this site as 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.

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

- Site: A single-family detached dwelling, zoned R-7
- North: A single-family detached dwelling on property, zoned M-1 and R-1
- East: A single-family detached dwelling, zoned R-1
- South: Across Keezletown Road, single-family detached dwellings, zoned R-1

West: Single-family detached dwellings and commercial uses, zoned R-1, R-3C, and M-1

The applicant is requesting to preliminarily subdivide a +/- 5.26-acre parcel, located along the northern side of Keezletown Road, its western boundary approximately 525-feet from Keezletown Road's intersection with Country Club Road, to create 15-townhome parcels, 4-duplex dwelling unit parcels, one single-family detached dwelling parcel, and one parcel that would include multi-family structures and common area. The request includes variance requests from the Subdivision Ordinance for lots to not have public street frontage and for deviation from public general utility easement dedication requirements.

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat shows both existing and proposed water and sanitary sewer lines within the site. An existing public water main bisects the property parallel to the stream and is available in portions of Keezletown Road. The developer proposes to construct a new 8-inch water main within Keezletown Road, which is referenced on Sheet 2 and illustrated on Sheets C401 and C402 of the preliminary plat. Additionally, the developer will construct 8-inch water mains within the site that will connect with existing and proposed water mains to serve the development and to create a looped water system. Existing sanitary sewer mains run along the eastern property boundary and bisects the property parallel to the stream. The developer proposes to construct a new sanitary sewer main into the site to serve proposed buildings.

On Sheet 3 of the preliminary plat, the applicant illustrates the location of easements for public water, public sanitary sewer, public general utilities, and stormwater best management practices (BMPs); and private easements, including water, sanitary sewer, utility, and access easements. In addition, Sheet 3 illustrates a proposed line of sight easement and public water line easement that the applicant would obtain from the adjacent property to the east and identified as tax map parcel 72-B-7. Furthermore, a private access easement and a public water easement is proposed on the subject parcel so that a developer of tax map parcel 72-B-7 could use that area, if necessary, for their project.

The City's Subdivision Ordinance and Design & Construction Standards Manual require the applicant to dedicate right-of-way and construct street improvements at the time of subdivision. The applicant has illustrated +/- 9,304 square feet to be dedicated as public right-of-way and construction of road and sidewalk improvements as part of the development.

Section 10-2-42(c) of the Subdivision Ordinance requires all parcels to have public street frontage. The applicant is requesting a variance from Section 10-2-42 (c) and describes in their letter that "the proposed development is internally oriented and has only private streets / drives; the proposed lots will front these internal drives." It was acknowledged in the staff report for the 2020 rezoning and master plan that the development would require a variance to allow parcels to not have public street frontage.

A variance not discussed during the rezoning process is associated with Section 10-2-43. This section of the Subdivision Ordinance requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas,

television cable, telephone cable, and others as deemed utility by the City. The applicant's letter describes that "the preliminary plat illustrates adequate public general utility easements, including a 10-ft wide public general utility easement along the development's frontage with Keezletown Road and public general utility easements to serve each newly created parcel, as well as, a 5-ft wide public general utility easement along the rear property boundary adjacent to tax map parcel 72-A-1. The variance is requested so that additional easements that would restrict use or would conflict with other easements (i.e. public water, public sanitary sewer, and BMP maintenance areas) are not required along the frontage and side or rear lot lines for each newly created parcel." In addition, the applicant shows a 5-foot public general utility easement along the eastern property boundary of the development between Keezletown Road and proposed Lot 16. This was added to address staff's concern of the circuitous routing that utilities would have had to take to provide services to Lots 10 through 21. This additional public general utility easement will provide utilities with two routing options to access Lots 10 through 21. Know that the public general utility easements provided would not preclude utility companies from negotiating alternative easements with the property owner(s). More or less, the requirements as specified in Section 10-2-43 are to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. As known, the design and layout of the proposed residential community is unique and necessitates thinking outside the normal plan for these easement locations. Staff does not have concern with deviating from this section of the Subdivision Ordinance as it appears all issues typically associated with this requirement are being provided.

Aside from the variance that is requested to allow 20 parcels to not have public street frontage and to deviate from public general utility easement requirements, the development meets all other requirements of the Subdivision and Zoning Ordinances. The preliminary plat conforms with the master plan layout approved in March 2020. Staff recommends approval of the preliminary plat and variances as requested.

Chair Finnegan asked if there any questions for staff.

Chair Finnegan said that the design is fascinating, not actually having streets the way we think of them. It is an interesting development.

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

Ervin R. Stutzman, 1315 Harmony Drive, called in representing Harrisonburg Cohousing LLC to support of the request. I appreciate the work that staff has done in presenting our case. Colman Engineering is our civil engineer and they have done well. I am available to answer any questions.

Chair Finnegan said that it is interesting to see how this is laid out and how you are addressing challenges.

Councilmember Dent said that it is a beautiful property. When I visited the property, I was impressed with the back hill side and how you are planning to keep that as green park space. How does the community aspect of co-housing work? I have seen a couple of co-housing developments.

It is wonderful to have a community space where everybody can meet. As I understand it, the units will be sold on the open market. It is not that people know each other and buy it together, right?

Mr. Stutzman said it does not work that way. There is an open invitation, but people need to become equity members of Harrisonburg Cohousing LLC to become part of this community and reserve a unit. They have an investment in the property.

Chair Finnegan noted the fire lanes and marked off bollards. Is that section of the driveway loop going to be closed to traffic?

Mr. Stutzman said that it will be closed to regular traffic, except for fire access and so forth. We have worked closely with the Fire Department. These are considered “ped-ways” for the safety of children and people to walk along, but there will be keys available to the fire department and other emergency vehicles to access there.

Chair Finnegan asked if there were any questions for the applicant’s representative. Hearing none, he opened the matter for discussion.

Commissioner Baugh moved to recommend approval of the preliminary subdivision as presented by staff.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Hull	Aye
Commissioner Whitten	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Chair Finnegan	Aye

The motion to recommend approval of the preliminary plat, as presented passed (7-0). The recommendation will move forward to City Council on February 9, 2021.

Unfinished Business

None.

Public Comment

None.

Report of the Secretary & Committees

Proactive Code Enforcement

Ms. Dang said that in December 2020, proactive zoning inspected the Greystone section of the City was inspected. Ten violations related to junk and inoperable vehicles were found. There have been no new STR violations found.

Proactive code enforcement will be placed on hold. The Zoning Administrator, Rachel Drescher, has accepted a new position with the City of Alexandria. We will not have two people in zoning to continue proactive code enforcement. Her last day with the City will be January 22, 2021. We are sad to see her go, but we wish her the best and know that she will do great things for Alexandria.

Rockingham County Planning Commission Liaison Report

Commissioner Byrd said that there was one rezoning request at Exit 240 for the property near McDonald's, 7-11 and a Wal-Mart distribution center. The request was to rezone from B-1 and A-1 to I-1 Industrial. The request was approved. There was discussion about the Walton Way access because there is a potential truck dealership service.

They elected new officers and approved the 2020 Annual Report.

Board of Zoning Appeals Report

Ms. Dang said that on January 4, 2021, the BZA reheard a variance request at 561 Ott Street. In November there were four members present for this request. The request was to reduce the lot width and area of one of the parcels. The motion to approve the request failed due to a tie vote. The BZA bylaws allows for the BZA to hold a rehearing. The applicant requested the rehearing with all five members present. At the rehearing the request was approved (3-2).

City Council Report

Mr. Fletcher said that there were three agenda items. Two were associated with the Christian Light Publications special use permit requests. Both were approved. The third item was a short-term rental special use permit on Honeysuckle Lane. Staff recommended approval with six suggested conditions. Planning Commission had added a seventh condition. City Council removed the seventh condition and approved the request with the six conditions recommended by staff.

Ms. Dang said that the Blue Ridge Drive rezoning and SUPs that you heard in December was tabled by the applicant, so that was not heard by City Council. I expect it will be before City Council in February.

Other Matters

Update to the Zoning and Subdivision Update Project

Ms. Dang said that City Staff received draft of portions of the Zoning Ordinance which includes General Provisions, District Development Standards, Use Standards and Definitions. In the next two weeks, staff will be reviewing the draft and will send comments back to the consultants Kendig Keast Collaborative. In this context, staff means members of the Staff Technical Team (STT) with includes representatives from Community Development, Public Works, Fire, Police, Public Transit and others. The STT and Ordinance Advisory Committee (OAC) will meet again on April 5th and 6th. At those meetings, we will be discussing the work that has progressed so far. The Ordinance Advisory Committee will receive the draft that day. The consultants want to have a presentation to introduce the draft documents to the OAC. That will also open that part of the document to public review and public comment. It is Module 1 of three modules. A public comment period will follow. Planning Commissioners and OAC members will have the opportunity to review and comment on Module 1.

Module 2 will be available to the OAC and the public around May or June. Module 3 will be available in July or August. Module 2 will look at the Subdivision Ordinance. Module 3 will look at administrative procedures and other information that is associated with development review.

Since we have new members on the Planning Commission, I will review some of this information. The Ordinance Advisory Committee has thirteen committee members that were originally appointed by City Council. Planning Commissioners on the OAC include Richard Baugh, Brent Finnegan and Kathy Whitten. Councilmembers Laura Dent and Sal Romero also serve on the OAC, and we now have a total of fourteen members.

Commissioner Whitten asked if there are times set for the meetings on April 5th and 6th.

Commissioner Baugh said that the information he has indicates that the meeting is set for April 5th at 1:00 p.m.

Ms. Dang said that staff will send information to the OAC members regarding the schedule.

Comprehensive Housing Assessment and Market Study

Ms. Dang said that on January 12, 2021, the Comprehensive Housing Assessment and Market Study was presented to City Council by consultant Mulling & Lonergan. The final report is not yet available, but it will be made available later this month. The presentation included a briefing of the recommendations resulting from the housing study. Those recommendations will be considered for incorporation into the Zoning and Subdivision Ordinance rewrite. There will be more discussion regarding what is included or not included as we move forward, but we are going to share the recommendations with the Zoning and Subdivision Ordinance rewrite consultants. If you or members of the public were not able to watch the meeting, the presentation is available on the City webpage where the Council agendas are available. The recording of the presentation is the first item of the City Council meeting.

Chair Finnegan said that he listened to the presentation. It was long, an hour and forty minutes. If you do not have time for it, I highly recommend that you review the PDF report or the PowerPoint, both of which are available on the City website. I agree with a lot of their conclusions. A lot of it was new data which confirmed a lot of what we already suspected about the shortage of housing. Some of those recommendations included hiring a Housing Coordinator for the City that would work with staff; public awareness campaigns about new housing developments in neighborhoods; and an affordable housing location policy to circumvent some of the pushback for newer housing in those neighborhoods. I highly recommend that everyone here check that report.

Commissioner Whitten said that she has a question about adjustments being made because of the student population in Harrisonburg. The poverty rate was adjusted because of students from 28% to 14%. I wonder about the rental rate. The number was 62% renters in the City of Harrisonburg. Was that also adjusted for the student populations?

Mr. Fletcher said that he was unsure. In one of the appendices there some type of adjustment made, or a recognition of the total number of renters and the total number of student renters.

Ms. Dang said that she does not remember details but believes there was an adjustment.

Commissioner Whitten said that it was interesting that they stated that the poverty rate was adjusted, but then on rentals, which would be obvious to wonder how the student population affects it, there was no mention at all.

Mr. Fletcher said that he will make note of the questions. There is so much data. It is overwhelming to dig in to all the information that they provided. The presentation is just a snapshot of high level information. There is so much information that is going to be provided in the final study. We will take a look and get back to you.

Commissioner Whitten said that the second recommendation was to attract good paying jobs and provide workforce training. I believe there is workforce training that is available through Blue Ridge Community College, and that is going without full classes, which is a little frustrating. I wonder if they looked at what was already available in this area. Rather than to say generally that we need workforce training, we need to be targeting the kind of workforce that we would like and look for the jobs that match that and the companies that match that. It is more than just attracting good paying jobs and providing workforce training. I think that is very general.

Councilmember Dent said that the other aspect of that which I raised was a living a wage, so that the people who already have jobs can survive as well as bringing in the higher paying jobs that people can thrive. The other point, having lived in Boston and San Francisco, Harrisonburg is incredibly affordable. We can use that as an asset to lure companies here.

Commissioner Whitten said that was an excellent point. One other suggestion from other research that I have done, that I think is a good fifth point aside from the four that we have, is to revitalize neighborhoods. I like that. We got into a big conversation in our last meeting about trying to build neighborhoods instead of taking away from them by putting more stresses on them with higher

density. Sometimes that can hurt neighborhoods instead of helping them. I think that having that in our minds as a goal would be a good idea.

Commissioner Finnegan said that he would agree with that and add that the way that zoning works is that neighborhoods are very inflexible. We need more mixed-use in the neighborhoods that we do have so that we have neighborhood stores, neighborhood restaurants and neighborhood coffee shops. Those are the kinds of things that help build community. At least when there is not a pandemic.

Commissioner Whitten agreed. Those are the things that a lot of these companies that Councilmember Dent is speaking about, those are the kinds of neighborhoods that they look for. They want happy employees.

Councilmember Dent said that she also mentioned inclusionary zoning. I had run across that concept of having mixed income developments, as we develop the mechanisms such as tax abatement, fee waivers and all the various incentives. How can we offer incentives to developers given that we cannot require affordable housing; is that right?

Mr. Fletcher said that the recommendation for the affordable housing set-aside that is in policy item 14. There was new legislation approved by the General Assembly that gives localities new permissions that we did not have previously, associated with affordable housing type units.

Mr. Russ said that until recently, unless you were one of the specifically called out localities, you could not do anything at all. Now we can do the incentives. They are very hard to calibrate. The District of Columbia and Baltimore spent upwards of a decade trying to get a single developer to participate. You really have to work with your local developers to figure out how to keep the profit margin the same for the developer while simultaneously getting more units out of it. They loosened the ratios for what the maximum number of units that can be set aside is out of the new additional density bonus. I would have to check on what those ratios are.

Mr. Fletcher said that there were very few localities that were allowed to do this. Charlottesville, the county of Albemarle and Northern Virginia had this permission. The General Assembly opened up for us. There was conversation with the consultant when they were creating their recommendations about the "sweet spot." What is the sweet spot in the number that makes it an opportunity for developers to bite on. I was asking the obvious question- what is the sweet spot? They said that you do not know. You do not know until you go through the practices and all the stages. It depends on where in the City, what type of housing it is, the density that is permitted. It is a moving target. That is what was frustrating for me to hear because of the need for a defined percentage, but it is not there. It has to be figured out. It is going to be an uphill battle to find that. To Mr. Russ' point, it is difficult to find someone who can make money doing it. It is an exciting time, but it is going to be a lot of hard work from a lot of different people to move in the right direction.

Chair Finnegan agreed. My takeaway from that meeting was not to select one or two of these recommendations and that will fix your problem. It is more of an all of the above approach and

then we will start to make some headway. It is a long road. Zoning is a big part of that. What we do with the Zoning Ordinance update is very important.

The meeting adjourned at 7:37 p.m.