

MINUTES OF HARRISONBURG PLANNING COMMISSION

June 11, 2025

The Harrisonburg Planning Commission held its regular meeting on Wednesday, June 11, 2025, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Chair Baugh called the meeting to order.

Chair Baugh asked if there were any corrections, comments or a motion regarding the May 14, 2025, Planning Commission minutes.

Vice Chair Finnegan moved to approve the May 14, 2025, Planning Commission minutes.

Commissioner Porter seconded the motion.

The motion to approve the May 14, 2025, Planning Commission meeting minutes passed by voice vote (7-0).

New Business – Public Hearings

Consider a request for a special use permit to allow restaurants at 201 South Avenue

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-97 (1) to allow restaurants in the M-1 district. The +/- 5,774-square foot property is located at the intersection of South Avenue and South High Street (Route 42), is addressed as 201 South Avenue, and is identified as tax map parcel 20-B-8.

In March 2025, staff became aware of a mobile food truck operating illegally at this site and issued a notice of violation to the property owner. After the notice of violation was issued, staff began working with the property owner to apply for a SUP. While reviewing the site, staff also discovered an unpermitted platform constructed as a standing area for customers to place orders. A building permit application has since been submitted for the platform, which is currently under staff review.

The applicant has also been informed that their electrical permit was not applied for correctly. They had applied for an electrical permit and installed an electrical service on the property addressed as

1105 South High Street. However, the service is providing power to the food truck located at 201 South Avenue. This is not allowed as each parcel will need their own electrical service. Harrisonburg Electric Commission requests that if the SUP is approved, the property owner apply for new electrical permits for 201 South High Street to have its own service within 60 days of approval.

The applicant is aware that if the SUP is approved, the mobile food truck will need to meet all the requirements associated with Mobile Businesses and Food Trucks, which are located on the City's website at <https://www.harrisonburgva.gov/mobile-businesses>. It will be the responsibility of the mobile food truck/trailer owner/operator to work with the Harrisonburg/Rockingham Health Department and the City of Harrisonburg's Public Works, Public Utilities, Fire, Community Development, and Commissioner of Revenue Departments to ensure all requirements are met.

Land Use

The Comprehensive Plan designates this site as Limited Commercial and states:

These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described above.

Transportation and Traffic

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

The site currently has two entrances, one on South High Street and one on South Avenue. The Design and Construction Standards Manual (DCSM) Section 3.1.8.2 states that "[d]irect property access will be restricted along arterials and collectors, whenever reasonable access can be provided to a lower class roadway." Since there is the ability to access the site from South Avenue and the existing entrance from South High Street is less than 50 feet from the signalized intersection, staff recommends a condition to permanently close the South High Street entrance and replace it with curb and gutter.

Access to the site via the South Avenue entrance will also require modifications. The DCSM requires that commercial entrances be a minimum of 30 feet wide to allow for safe maneuvering for two-way vehicular traffic in and out of the site. Staff recommends a condition that the applicant rebuild the South Avenue entrance to meet the DCSM standards for a commercial entrance.

Staff has discussed these concerns and proposed conditions with the applicant, and the applicant is aware that any work within the public right-of-way, which includes closing the South High Street entrance and widening the South Avenue entrance, will require public access permits issued by the Department of Public Works.

Additionally, while there is not a requirement for off-street parking for mobile food trucks/trailers, any area that is used for parking must comply with Section 10-3-30.1 of the Zoning Ordinance. The applicant has graveled a portion of the property to provide parking for their customers and this area must meet parking lot landscaping requirements, which includes, but is not limited to, a ten-foot landscaping border or three-foot fence between the parking area from all side and rear property lines and a ten-foot landscaping border and trees between the parking area and the public street.

Public Water and Sanitary Sewer

The applicant is aware that liquid waste must properly be disposed of into a sanitary sewer system. It is the responsibility of the mobile food truck operator to ensure that they are meeting the regulations that are put in place by the Department of Public Utilities and the Department of Public Works.

Conclusion

As previously stated, the Land Use Guide designates this area as Limited Commercial, and a restaurant use can at times be a suitable use on properties designated Limited Commercial. Overall, staff believes that with the appropriate changes to the entrances on South Avenue and on South High Street, that the mobile food truck restaurant use should have no adverse effect on the health, safety, or comfort of those working and living in the area. Staff recommends approval of the SUP with the following conditions:

1. The special use permit is limited to one mobile food truck/trailer.
2. Within 60 days of approval of the special use permit, the applicant shall permanently close South High Street and rebuild the curb and gutter.
3. Within 60 days of approval of the special use permit, the entrance along South Avenue must be re-built to meet commercial entrance standards width of a minimum of 30 feet.
4. Within 60 days of approval of the special use permit, the property owner shall complete the appropriate permits and work for 201 South Avenue to have its own electrical service and meter.
5. If any the above conditions are not met within 60 days of approval, then operations of a mobile food truck/trailer must immediately cease until the conditions are met.

Recommendation

Recommend approval of the special use permit request with suggested conditions.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said I think you said it was B-1 district?

Ms. Rupkey said M-1, if I said B-1, I apologize.

Commissioner Alsindi said it says the applicant is requesting a special use permit to allow restaurants or is it...?

Ms. Rupkey said it is for a food truck, but we consider a food truck the same classification as a restaurant in the terms of use. They would need to have the restaurant special use permit to use the food truck.

Commissioner Alsindi said how many restaurants, approximately speaking, would be able to open there? More than one now?

Ms. Rupkey said today?

Commissioner Alsindi said no, in the future.

Ms. Rupkey said it would be limited to the one food truck or trailer.

Ms. Dang said based on the condition that staff is recommending we are asking that you all continue to recommend that only one food truck can be allowed on the site so, no other restaurant.

Commissioner Alsindi said I just saw that and wanted to make sure. Thank you.

Councilmember Dent said is the responsibility of the owner/operator to work with the Health Department, Public Works, Public Utilities, Fire, Community Development and [Commissioner of the] Revenue and so on, that is a whole list of things they have to do. Is that all within 60 days too?

Ms. Rupkey said no, those are the typical food truck requirements that would have to be met for any food truck that is existing.

Councilmember Dent said that does not have the same time limit as the 60 days to do the streets and electric and such.

Ms. Dang said some of those things they have completed already. I understand that the Fire Department, for example, has already completed their inspection. I would hope that the Health Department has reviewed this but maybe the applicant can weigh in on that.

Commissioner Porter said I just wanted to express to staff that I appreciate that there has been an effort made to keep this business operating while this process is going on.

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.

Belen Martinez, the applicant, came forward to speak to the request. He said we purchased it the end of last year and it is our first experience of this. We will do whatever you need us to do. That business, again, to your comment [directed toward Commissioner Porter], thank you. It is something that someone depends on to provide for their family. Thank you guys for doing that. Other than that, we are here to help and do whatever you guys need us to do.

Vice Chair Finnegan said for the 60 day requirement for closing that entrance and...

Mr. Martinez said closing the entrance and expanding the other.

Vice Chair Finnegan said "Within 60 days the applicant shall permanently close the entrance and rebuild the curb and gutter." I guess my question both for you and for staff is that something that can be done within 60 days?

Mr. Martinez said contractor wise, we do have a contractor set and they have already given me an estimate. It would just be a matter of them applying and getting the permits correctly to get that work done. It should not take them more than 60 days. I mean I do not know, it is one of those things.

Vice Chair Finnegan said I guess what I am getting at is I think closing the entrance seems doable. You can put a chain or something across there.

Mr. Martinez said I have a suggestion; they do this in local parks here in town. They put these orange pins that they can pull up and down and block roads. Maybe that can be something that we can install too. It can be permeant and only the owners, or even you, all have access to the keys to keep it open. If you are driving, you can see it too. I do not know. I am not the one that is going to do the surveying on that, but it is something that could be an option. I know I have seen it around town. In my neighborhood there was an alley that was blocked off with a couple of them and it works. I did not know if that could be an option. At the same time, we are willing to do whatever needs to be done.

Commissioner Nardi said can staff speak to the 60-day approval?

Ms. Dang said let me preface it with if you are all concerned with the time period, you all could recommend a longer time period and then it would be effective from the date of Council's approval. We believe it can be done if contractors are available. I cannot speak to availability of contractors, but our perspective was that this is in an illegal operation now. Had it been somebody who was looking to newly locate a food truck there, then we would have told them "You cannot locate the food truck until you do these things." It is kind of this balance of figuring out that amount of time.

Councilmember Dent said I kind of wondered that too whether the time frame might be too much of a constriction. I even wonder, frankly, the cost of it. That is a lot of burden on someone who has sort of said "let us put a food truck here. Whoops we have to do all of this stuff." You do what you have to do I suppose.

Ms. Dang said for the safety of the traveling public on the streets.

Councilmember Dent said I just wonder if that might be onerous and if there are any funding sources that could be available.

Mr. Martinez said I do not want to request funds. I know that in the situation you guys are already being generous to let us have this family operate. For me, I just want to be able to make it right and get it done.

Commissioner Nardi said what happens if it is not done within 60 days? Just because the availability of a contractor. I hope all goes well, but I am just thinking about that scenario.

Vice Chair Finnegan said I am wondering if we could add language. There is language in other requests that is something along the lines of due diligence or I do not know what the phrase is there to keep...they are showing that they are making progress towards this goal.

Mr. Russ said if we come up on day 55 and they clearly have a contractor lined up and the contractor says I cannot get to this until it day 75... I cannot remember what language we would typically use for that.

Mr. Fletcher said there is also an option of they could bond the improvements which also puts them on the hook to ensure that they are completed on time. Ms. Dang is right we even kicked around 90 days and talked ourselves into 60 [days]. Of course, if you want 90 days you can do 90 days. In reality it is more like 120 days because again the time period would not start until Council choose to approve it.

Vice Chair Finnegan said we can talk about this after the public hearing but close the entrance within X days and work on the other things. I agree with what Thanh was saying about the public

safety issue of that entrance coming in and out of the street. Closing that entrance does solve that but it would not fix the sidewalk and the other entrance problem.

Councilmember Dent said there is not a sidewalk.

Mr. Fletcher said it is reconstructing the entrance.

Vice Chair Finnegan said because right now it is a curb cut.

Councilmember Dent said there is not a sidewalk there.

Vice Chair Finnegan said there is.

Mr. Martinez said if just blocking off that street too... they are going to have to get into the road. They are going to rebuild that whole curb. So I do not know if...sixty days is like two months. With manual labor you can put it in like two weeks but then you are going to have in between that time you are going to have people come inspect it. You are going to have to request a perfect time to actually shut that corner off. It is really complicated but we can pay the right people to do it. After this I am going to be like hey man we have sixty days if we get a yes.

Commissioner Alsindi said not two months, sixty days is different.

Councilmember Dent said again the clock does not start until City Council approves it. But you can go ahead and do with lining it up. It is maybe a little bit of a gamble to start the work before City Council approves it.

Mr. Martinez said I know that the far side that has the opening just for future purposes that is something that we could take care of.

Councilmember Dent said I have a question about the entrance that is there. On the aerial view it looks like that is also actually the driveway up to 1105 South High [Street]?

Mr. Martinez said yes. Actually 1105 [South High Street] does not really have access from South Avenue. It is supposed to be from that little entrance. That entrance there used to be a little house there and it got torn down. Now there is existing paved parking. There is nothing in writing. There is no right of way easements. We own both lots because it was sold together. We spoke about getting some surveying done for future projects. I know because of that front entrance that is something that we are going to need to open it up to give official access to 1105 [South High Street]. Our future plans are to eventually rezone that area to get it to where we can operate a little office or business. This situation came into play now and so obviously we are going to have to

invest some money in making access to that property in the future. That is something that I wanted to throw up there to maybe help with brainstorming to come up with a good situation. If I am okay with okay, yeah you should go ahead it would be something to do. Even if this would not get approved, future wise, I would still have to want to do that. That plan for the future that we have we would contact an engineer and try to go through the process the correct way and not be in a situation like this. As for the South High Street, that is where I am like okay that is a little tricky with the busy road and traffic. We are up to your guidance.

Councilmember Dent said for the future venture staff could work on whether you would need an easement from the 201 South Avenue or some such.

Mr. Martinez said that question is really hard to answer because there was no official right of way or shared road agreement or anything.

Commissioner Porter said I would definitely share the staff's concerns regarding the entrance on South High [Street] simply because I am a customer at that food truck and I live over in Sunset Heights. I have seen numerous circumstances because of the slope of the drive coming in from the South High [Street] entrance. What you end up having is traffic that is coming on South High [Street] and as that hill is peaking you are not able to see the people stopping and they are taking it very slow because some vehicles will bottom out on that slope. What you are getting is people making very slow turns into that space and you run into circumstances where people would be rear ended from folks who are not able to see them and correct in a quick enough time. I think that staff's request to close that entrance is well placed.

Mr. Martinez said I agree. It is scary. We are willing to do whatever needs to be done.

Chair Baugh asked if there were any more questions for the applicant. Hearing none, he opened the public hearing and invited 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 did have a question for staff about the Land Use Guide designation Limited Commercial. Can you contextualize that? You have R-1 right behind it in that whole neighborhood and then what it says in the staff report this "presumed non-conforming residential" all around it. I do not know if staff can speak to what the intent of Limited Commercial in this corridor was?

Ms. Dang said the Limited Commercial designation is intended to speak to that we want commercial uses there, but we want to respect how it abuts to residential neighborhoods. Typically, when other properties have rezoned, even along this corridor for example or along South Main Street where butts up to Purcell Park neighborhood, we have discussed with applicants to consider

proffering out intense uses. Things such as by right parking lots, vehicle fuel stations, auto repair, some of those uses that we do not feel are compatible with the residential neighborhood behind it.

Mr. Fletcher said it is also about site design too. We often are talking about site design and where parking is located, where a building is located, what lights look like, what the signs are. It is all about blending it in with the environment around it. We welcome the commercial uses, it just needs to be some limitations on some of those things.

Chair Baugh said this chunk has the M-1 zoning, so that is at least inferred that what we want to happen is what is happening here. That the parties would come back. There is no proactive zoning. They would have to come back and be evaluated on a case-by-case basis just to get the rezoning.

Councilmember Dent said even though it is zoned M-1, Industrial, we do not want heavy duty industrial here. It seems like that is kind of a mismatch between M-1 and Limited Commercial. It would be addressed on a case-by-case basis with each property, I guess.

Mr. Fletcher said size of the property is going to control a lot of factors here and accessibility of the site. You have zoning that is not in line with the long-term plans of the Comprehensive Plan. They chose to go the special use permit route for the restaurant use. This gets you closer to what we are looking for. I think that staff has answered pretty well that it is really about those controls and to provide the appropriate means of ingress and egress and things like that.

Vice Chair Finnegan said I am curious if there is an appetite amongst other Commissioners to...I think I am struggling with the second half of condition number two "within 60 days of approval of the special use permit the applicant should permanently close South High Street and rebuild the curb and gutter" I would be interested in adjusting that to be close the entrance within 30 days and rebuild the curb and gutter would go on a separate condition. For both the rebuilding of that sidewalk and that expansion of the entrance on the South Street side. I am not a contractor, but I know a lot of this stuff takes awhile.

Ms., Dang said within the 30 days what would you expect would be allowed for closure?

Vice Chair Finnegan said some kind of...I have seen chains. I have seen flex post cones. A chain would need some sort of visual indicator that you should not drive here. I have also seen around the old Red Front they put some chains. I think people drove right through them.

Ms. Dang said Staff discussed those options and we thought about orange cones but those might get stolen, or the wind might blow them away. The post and chain option was an idea we also discussed but to your point also, will people see it? Does it make it more unsafe? That is why I am asking. What would we expect for the closure? I like where you are going with it but where we got

was 60 days and just curb and gutter because it was the cleanest and most obvious thing for drivers who are navigating through there.

Mr. Fletcher said I think we talked ourselves down to the 60 because we were looking at from the opposite perspective. We definitely have empathy for the applicant trying to work with him but then we are we are prolonging unsafe situations by doing that? We said we wanted to go with the hard line to continue to work with them. Bonding is an option. It gets tricky for the applicant because they are tying up credit and things like that.

Chair Baugh said it is also not a five million dollar project.

Ms. Dang said [directing her comment to Mr. Fletcher] if bonding was an option should we recommend amending the conditions to clarify that bonding is an option? I would just like that clear.

Councilmember Dent said you mean to keep it the 60 days but have the bonding available?

Mr. Fletcher said I was trying to brainstorm what I heard with the people trying to give...

Ms. Dang said it is like the what if.

Mr. Fletcher said it is these scenarios where you are trying to work with the applicant or the developer to continue moving forward with positive movements to get the work done; but what happens if it keeps getting dragged on? That is why the last suggested condition. Here is the thing. We talked about what happens if they do not complete it in 60 days, would this become null and void? We did not want that. We wanted to promote the business and keep going. We were like keep operating for 60 days and if you do not get it completed in 60 days then stop operating and focus on getting that completed and then get yourself back up and running.

Commissioner Porter said I think forcing the applicant through a bond process, for the scope of this particular project, seems a bit much. I think the City has the ability to shut down the truck if necessary. I think there is a lot of incentive for you to be able to get that business in a position where it is legal and up and running. I would share the same concerns that others have had about the fact that concrete contractors are in high demand, this is their high season right now. It may be difficult to get that curb poured within that period of time. I agree that the primary issue is that entrance on South High, which is unsafe, and I think that closing it in a timely manner is the main issue here and than these other things can catch up.

Vice Chair Finnegan said the challenge is putting that into words that hold up in court.

Mr. Russ said would adding in something like the Zoning Administrator determines if the applicant has diligently pursued completion but requires additional time the Zoning Administrator can grant and additional 60 days one time. Maximum we are looking at 120 days give or take depending on when it goes to City Council. It prevents situations where someone goes “My contractor should be out here any day now” and it drags out and the contractor is going to be there any day now every time you talk to them kind of thing that you occasionally run into with enforcement. We are really limited to one additional 60-day extension as long as the applicant shows they have a contractor lined up and have a contract signed but cannot get them there just yet.

Vice Chair Finnegan said would that be a sixth condition or where would that fit?

Mr. Fletcher said in number two you can just say the Zoning Administrator may grant one extension of an additional 60 days.

Councilmember Dent said maybe on number five to cover all of them.

Vice Chair Finnegan said I agree that the main goal is to close that entrance first and then rebuild.

Mr. Fletcher said we do not have to word smith here if there is a general consent here. If you are saying you want to grant the Zoning Administrator the administrative capability to grant an additional 60 days one time we can figure the text on it.

Councilmember Dent said is there not really the appetite for 30 days and a chain or something?

Vice Chair Finnegan said like we were saying, if you put a chain there will people see it if they have already committed to the turn?

Councilmember Dent said I think just keep it as is and keep the 60 days option as one.

Vice Chair Finnegan said if other folks are in favor of that I would be in favor of recommending approval of the special use permit with the conditions suggested by staff and the additional language about an additional 60 days at the discretion of the Zoning Administrator.

Councilmember Dent said who is the Zoning Administrator?

Mr. Fletcher said Tyler Blanks.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the special use permit with suggested conditions passed (7-0). The recommendation will move forward to City Council on July 8, 2025.

Consider a request to rezone 310 West View Street

Chair Baugh read the request and asked staff to review.

Ms. Soffel said the applicant is requesting to rezone a +/- 30,000 square foot property from R-1, Single-Family Residential District, to R-8C, Small Lot Residential District Conditional. The property is addressed as 310 West View Street and is identified as tax map parcel 26-U-12. If approved, the applicant plans to construct an addition to the first floor, extending west toward the alley, in the area currently occupied by an existing carport.

The applicant explains in their letter that “[w]hile there is ample room on the site to the southeast of the existing home, the grade drops dramatically, and an addition here would greatly increase the cost and impede the functionality of the walk-out basement on that side of the house.” The flatter terrain closer to the alley presents a more viable option for the proposed addition but would not be possible in the current R-1 zoning district.

Proffers

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

The use of the subject property shall be limited to those uses permitted by right in the R-8 Small Lot Residential District. However, no more than one dwelling unit shall be permitted on the property.

In the R-8 district, single-family detached homes and duplexes are allowed by right so long as, among other things, lot area and dimensional requirements are met. The submitted proffer prevents more than a single unit within the R-8-zoned area.

Land Use

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

These areas consist of single-family detached dwellings in and around well-established neighborhoods with a target density of around 4 dwelling units per acre. The low density residential areas are designed to maintain the character of existing neighborhoods. It should be understood that established neighborhoods in this designation could already be above 4 dwelling units per acre.

The rezoning request, with the proffer, retains the target density for the Low Density Residential Land Use Guide Designation.

Transportation and Traffic

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

Public Water and Sanitary Sewer

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

Housing Study

Rezoning this property to R-8 will not impact housing because the property currently has one single-family detached dwelling, and the proffer restricts the property to one dwelling unit.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero.

Conclusion

The rezoning request, with the proffer, retains both the occupancy and density of the R-1, Single-Family Residential District and aside from reduced setbacks maintains the development expectations of the surrounding neighborhood. Staff recommends approval of the rezoning.

Recommendation

Staff recommends approval of the rezoning request.

Chair Baugh asked if there any questions for staff.

Councilmember Dent said I have a question about the retaining wall. It looks like the proposed addition abuts to it.

Ms. Soffel said the retaining wall on the left image [referring to the screen]?

Councilmember Dent said along the alley.

Ms. Soffel said that may be a question for the applicant. I do not recall seeing that it was a significant grade adjustment towards that side.

Councilmember Dent said on the drawing it looks like the addition is well within that retaining wall.

Commissioner Nardi said it does not meet it. It does not go all the way over.

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.

Stacy Rose, the applicant, called in to speak to the request. He said I am here to answer any questions you may have.

Chair Baugh said it is pretty straight forward. It seems like you can understand why you would want to build on the other side of the house.

Chair Baugh thanked the applicant and opened the public hearing and invited anyone in the room or on the phone to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Finnegan said Mister Chair if there are no other folks wanting to weigh in, I support this. I was there yesterday on the site tour and do not have any concerns and move to approve.

Commissioner Nardi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on June 8, 2025.

Consider a request to rezone 810 Port Republic Road (The Vista at Forest Hills)
Consider a request for a special use permit to allow multiple-family dwellings and/or mixed use buildings at 810 Port Republic Road (The Vista at Forest Hills)
Consider a request for a special use permit to allow reduction in required side and/or

rear yard setbacks at 810 Port Republic Road (The Vista at Forest Hills)

Chair Baugh read the request and asked staff to review.

Ms. Soffel said in May 2008, City Council approved a rezoning for the subject property from R-4, Planned Unit Residential District to B-2C, General Business District Conditional. In October 2023, City Council approved requests to amend the 2008 proffers and a special use permit (SUP) to allow multiple-family dwellings and/or mixed use buildings with a development plan. At the time, the applicant proposed to redevelop a portion of the site by constructing a multi-story building containing retail establishments and 119 multi-family units that would be marketed to the college student population. The development is now in the engineered comprehensive site plan review phase of the project. The current 2023-approved proffers are attached herein and the 2023 staff memorandum and supporting documents are available here: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=6371257&GUID=22D5C2BE-9F4F-4787-B5E9-DE9F92342E90&Options=&Search=>.

Today, the applicant is requesting to amend the existing proffers and to receive approval of two SUPs. The first SUP is an amendment to the previously approved request to allow multiple-family dwellings and/or mixed use buildings in the B-2 district per Section 10-3-91(17). The second SUP is a request to allow for the reduction in required side and/or rear yard setbacks per Section 10-3-91(9).

Proffers

All current, 2023-approved proffers will remain the same except for changes within the second bullet of proffer #1. Currently, proffer #1 from the 2023 approved rezoning states:

1. DESIGN STANDARDS. The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:
 - The general location of the mixed-use building and other structures as illustrated,
 - The number of stories within such building and structures, which Applicant proffers shall be comprised of four (4) stories of residential dwellings atop either three (3) stories of parking garage or up to three (3) stories of combined commercial/retail space and parking garage,
 - Applicant proffers to provide a minimum of 1.35 parking spaces per dwelling unit,

- One (1) large deciduous or evergreen tree shall be planted and maintained no less than every fifty (50) linear feet on center along the building façade facing the adjoining property along Village Lane, with trees sizes meeting the requirements as defined in Section 10-3-24 of the Zoning Ordinance at the time of planting, and
- The general location of sidewalks and crosswalks within the Property.

The applicant is requesting to amend the above existing proffer to allow an additional story of residential dwellings above the proposed parking area on the northeastern side (rear) of the building. They propose the following new proffer #1 (note the changes are within the second bullet):

1. **DESIGN STANDARDS.** The Development Plan for The Vista at Forest Hills contemplates retail, restaurant and commercial uses in each case as permitted by the underlying B-2 zoning, plus residential use as permitted by special use permit. Applicant proffers that the Development Plan will be used as the basis for engineered comprehensive site plan approval of the proposed development/redevelopment of “Future Lot 1” on the Development Plan, to include without limitation:
 - The general location of the mixed-use building and other structures as illustrated,
 - The number of stories within such building and structures, which Applicant proffers shall be comprised of five (5) stories of residential dwellings atop three (3) stories of parking garage in the rear and four (4) stories of residential atop three (3) stories of combined commercial/retail space and parking garage along Port Republic Road, as shown in the Rendering,
 - Applicant proffers to provide a minimum of 1.35 parking spaces per dwelling unit,
 - One (1) large deciduous or evergreen tree shall be planted and maintained no less than every fifty (50) linear feet on center along the building façade facing the adjoining property along Village Lane, with trees sizes meeting the requirements as defined in Section 10-3-24 of the Zoning Ordinance at the time of planting, and
 - The general location of sidewalks and crosswalks within the Property.

In their letter, the applicant explains that this requested change allows them to meet accessibility building code requirements by adding an additional story in the rear of the building, which would provide the additional square footage needed. There will be no increase to the square footage of the retail space, nor will there be an increase to the number of residential units.

The applicant submitted an updated Building Height Profile to illustrate the height of the proposed building relative to the building addressed as 865 Port Republic Road (known as “865 East”) located on the opposite corner at the intersection of Port Republic Road and Devon Lane. There is a small change to the proposed highest roof elevation. The 2023 Building Height Profile illustrates

the “top of the roof” at an elevation of 1,449.0-feet and the new Building Height Profile illustrates the “high point of the building” at 1,450.73-feet, which is 1.73-feet taller.

In addition, the applicant submitted an updated Building Section drawing that illustrates the relative height of the front portion of the building adjacent to Port Republic Road and the rear portion of the building adjacent to Forest Hills Townhomes and Forest Hills Manor.

As previously noted, all other proffers would remain the same as was approved in 2023.

Development Plan

In October 2023, City Council approved a SUP to allow multiple-family dwellings and/or mixed use buildings on the property. As specified by Section 10-3-93 (d) of the Zoning Ordinance (ZO), applicants must submit a development plan in accord with the requirements of the SUP. Section 10-3-93 (d) states that “[f]or multiple-family dwellings and mixed-use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.” If the SUP is approved, then details of the development plan would be used to ensure that what is proposed and evaluated during the SUP review is what is developed. If significant deviations are desired by the property owner in the future, the property owner must apply to amend the development plan by going through the SUP process again.

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

- a. The general location of buildings and structures as illustrated.
- b. The number of stories within proposed buildings and structures as illustrated.
- c. The general location of parking areas as illustrated.
- d. The general location of pedestrian connections as illustrated.

The proposed proffer amendment changes the number of stories identified in the development plan that was approved in 2023. This new SUP request would amend the development plan to reflect the changes proposed in the proffer amendment request.

Note that the development plan shows the rear travelway encroaching on the neighboring parcel identified as tax map 12-L-14 (Forest Hills Townhomes). Staff has determined that the travelway may straddle the property line provided that an agreement is signed by both property owners containing language and an exhibit for a private access easement, that the agreement contains a maintenance agreement for the travelway, and that the agreement is established in perpetuity and binding on future owners until the development or travelway changes. The engineered comprehensive site plan should illustrate the limits of the private access easement, and the agreement must be in place before any certificates of occupancy are issued. The applicant is

working on obtaining a letter of intent from the adjacent property owner stating that they plan to sign an agreement that conforms to the requirements stated above. The letter of intent must be provided prior to the issuance of the Land Disturbance Permit.

The 2023 SUP approval included a condition that limited the number of dwelling units to 119, with no more than 440 bedrooms. Staff continues to recommend this condition, as follows:

The number of dwelling units shall be limited to 119 with no more than 440 bedrooms.

The proposed proffer amendment and the amended development plan provide additional flexibility in the design of the building, while allowing a slight increase in the maximum height of the building overall and, with staff's recommended condition, would maintain the previously approved maximum number of dwelling units and bedrooms.

Setbacks

The Zoning Ordinance requires that when a property is zoned B-2, and has boundaries that abut residential districts, the minimum required side and rear yard setback increases from 10 feet to 30 feet. Furthermore, when structures on the B-2 zoned property are taller than 35 feet, an additional foot of setback adjacent to residential districts is required for each foot above 35 feet. Forest Hills Townhomes (TM 12-L-14) and Forest Hills Manor (TM 92-A-2), located to the rear and side, respectively, are zoned R-4 and have multi-family dwellings.

With the 2023 rezoning and SUP, the applicant intended to perform a boundary adjustment by acquiring adjacent land from neighboring properties to account for the needed additional setback. The boundary adjustments were illustrated on the 2023 Development Plan as a possibility with a note that stated "Adjacent land may be obtained from one or both adjacent parcels, up to the amount shown, if needed, to achieve property building setback based upon final building height and footprint. If needed, land transfer shall occur after rezoning/SUP approval but prior to site plan approval."

In January 2024, City Council approved a Zoning Ordinance amendment to allow for the reduction of side and/or rear yard setbacks by SUP. Today, the applicant is requesting to reduce the side and rear yard setbacks from the required 52.03 feet to 44 feet in order to eliminate the need to purchase the adjacent land and adjust the property boundaries. The proposed reduced setbacks are shown on the new development plan.

To ensure that the setback reduction applies only to the planned building that is taller than 35 feet as shown on the development plan, and that any future building that is taller than 35 feet is

not closer to the property lines as is required by the Zoning Ordinance, staff recommends the following condition:

The special use permit shall be applicable only to the planned building in the location shown on the Development Plan and no closer than 44 feet from the property lines adjacent to tax map parcels 12-L-14 (Forest Hills Townhomes) and 92-A-2 (Forest Hills Manor).

Land Use

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

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

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

With regard to the Comprehensive Plan, Traditional Neighborhood Development (TND) principles are encouraged to be included in all developments throughout the City. Adding multi-family dwelling units at this location would incorporate some of those characteristics such as:

having a neighborhood that allows residents to work, shop, and carry out many of life's other activities; and allowing residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Additionally, this development is proposed for college student housing and the location is within close proximity to James Madison University (JMU).

Transportation and Traffic

A traffic impact analysis (TIA) was accepted by the Department of Public Works on July 21, 2023, as part of the previous rezoning and SUP requests.

Proffer #2 limits all traffic generating uses developed on the site to the total number of vehicle trips in the AM peak hour and PM peak hour as set forth in the 2023 TIA study. To confirm that the proposed changes conform with Proffer #2, staff requested from the applicant a new TIA form ("TIA determination form"), which is attached. The TIA determination form indicated that the project does not change the traffic calculations resulting from the TIA that was accepted by the Department of Public Works in 2023. Therefore, an updated TIA study was not required for the rezoning request.

Together, the proffers, the Street Improvement Agreement with the City dated September 13, 2023, and the Development Plan provide the necessary mitigations to address the development's expected impact on the transportation network.

Public Water and Sanitary Sewer

The applicant completed a study of the water and sanitary sewer capacity prior to submittal of the 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 D, which has "neighborhoods [that] are characterized by the lowest growth of any market type and low housing volume turnover." Additionally, "[i]ncomes in different pockets vary greatly. Median household incomes across block groups in these neighborhoods have the broadest range: \$20,000 to \$91,000. This could point to a divergence of two conditions found within these neighborhoods: one of stable, high-income, low turnover neighborhoods and one of lower turnover in lower income neighborhoods. The Housing Study also notes that "[s]trategies that would be appropriate in the latter case include concurrent development of the housing and economic opportunities through mixed-use development to build commerce and housing centers across the City."

Public Schools

The City entered a contract for population and student enrollment projections with the University of Virginia's Weldon Cooper Center for Public Service in 2024. The Center produced a report outlining its findings in April 2025 that can be found at the following link: https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment_2025-04-30_Final.pdf. This report provides overall student enrollment projections through 2034 as well as estimated student generation by housing type for each elementary school attendance zone.

Conclusion

The proposed proffer amendment and the amended development plan provide additional flexibility in the design of the building, while allowing a slight increase in the maximum height of the building overall and, with staff's recommended condition, would maintain the previously approved maximum number of dwelling units and bedrooms. The reduced setbacks, with staff's recommended condition, do not change the proximity of the planned building to neighboring homes. Staff recommends approval of the rezoning and special use permit requests with suggested conditions.

For the special use permit to allow multiple-family dwellings and/or mixed use buildings:

1. The number of dwelling units shall be limited to 119 with no more than 440 bedrooms.

For the special use permit to allow reduction in required side and/or rear yard setbacks:

1. The special use permit shall be applicable only to the planned building in the location shown on the Development Plan and no closer than 44 feet from the property lines adjacent to tax map parcels 12-L-14 (Forest Hills Townhomes) and 92-A-2 (Forest Hills Manor).

Chair Baugh asked if there any questions for staff.

Vice Chair Finnegan said I am seeing in here the proffer to provide a minimum of 1.355 parking spaces per dwelling unit. It is going to limited to 119... Is that units?

Ms. Soffel said yes dwelling units.

Vice Chair Finnegan said is that 160? By my math 119 times 1.35 is 160.65.

Ms. Soffel said that would be the minimum parking spaces. I believe the proposed number is higher than that.

Councilmember Dent said just to piggyback off of that a little bit is it 119 units but no more than 140 bedrooms? A unit can have four bedrooms. They are likely to have more parking just to accommodate that. My question was the thing about the setbacks. The previous requirement would

have required them to buy the additional strip of property and now they no longer have to. It looks kind of bizarre to me to see 1.73 feet. Having digital feet is weird.

Ms. Soffel said the proposal in 2023 was a round number. There are variations that happen with engineering and construction that are minimal and can be expected.

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.

Ed Blackwell, the applicant's representative from AES Consulting Engineers, came forward to speak to the request. He said thank you for this opportunity. When we came in a couple of years ago we had not designed the building. We got approval from this body. We got approval from Council. Gone through the site development process. We have to get the setback thing signed and then the architect was working on the plans over the last year. That is what is driving some of this, they have to meet some ADA accessibility requirements. There are some changes in the building that the architect recommended. One of them came up to 1.7 foot of height difference. They are actually adding a floor. The structural engineering all of that is done. We were getting outside of our compliance, so we came back to staff. Same number of bedrooms, there are going to a couple one to two bedrooms, I think, but mostly fours. That is just the way the building lays out. The architect needed that extra floor to help with some of that building design stuff. The site is really not changing. The amenities are not changing. In the back the adjacent owners are willing to sell that little strip of property but since Council did the ordinance change after our rezoning two years ago, a year and a half ago council had to change the ordinance for a special use permit for the setbacks if deemed appropriate by government bodies. I would rather not sell it if we can get that variance. That neighbors okay selling if that has to be. He prefers the variance be given by the City so he does not have to sell that piece. It would affect his setbacks later for something like that. Both neighbors are alright with my client building this property and his neighbor next door prefers this setback variance as opposed to selling the property. Staff has been great to work with. Any questions for me I will be happy to answer.

Councilmember Dent said I am really impressed with such a difficult site and such a steep grade and figuring out the layered indoor parking I think that is a good thing because then you do not have a big visible parking lot taking asphalt space.

Mr. Blackwell said this is what you see some of the bigger cities where the parking is either behind it or underground in this case. I think it is working out. Working with staff on some of their concerns they had so that is why we limited the parking. We went down. We all know this is going to be a student housing project; so the students rent better if they have enough parking for bedrooms. We are trying to go underground so it is not seen. It limits the hot asphalt. That is why I think it is a great idea too. Costly, but it is a great idea.

Councilmember Dent said I also like the way that you have now delineated where the residential parking will be and the parking for the commercial zone.

Mr. Blackwell said it is designated in the parking deck the portion that is for students. This will be a card access building. You cannot get in without a little fob.

Councilmember Dent said for the commercial you can?

Mr. Blackwell said the commercial is open to anybody. The main residential parking will have the gates and it is only for cars with the key fob or whatever they have.

Vice Chair Finnegan said do you have an estimate for how much? If you take the cost of the parking deck divided by how many parking spaces, any idea?

Mr. Blackwell said the parking deck does drive the cost up to the property. It is a steep site. It just drops off at the end of the street in the back. The idea is we need parking so let us just build that. It is called platform we are going to build the parking deck in concrete and then we are going to build the building on top like a platform. It just makes sense for this site. It is costly, but I do not have a number. I used to hear \$20,000 a space. We are doing this pretty efficiently. Ramps get expensive if you can have access for each level. Again, that is in the architectural building design and that has been changing based on some things.

Councilmember Dent said since it is such a steep grade, I am looking at the ring road around it, is there are steep grade of that?

Mr. Blackwell said there really is. On the two side roads coming down, one is probably 12 percent. We went through the site plan process. The Fire Marshall looked at it and they did not like how steep it is but they were able to work with the grades there. Mainly because it loops. They can go down the hill easy. Going up they can come in the other direction.

Councilmember Dent said from what you just said about instead of doing ramps you are having entrances at each level in the parking deck.

Mr. Blackwell said we have several entrances around it at different levels. Again, that is in the process of design with the architect. I know the structural engineer and the architect are working that out now.

Councilmember Dent said even just the logistics. Usually if you go into a parking deck you loop around. Would you have assigned parking?

Mr. Blackwell said yes because it is residential the internal residential parking is for the tenants. Each tenant will have a space.

Councilmember Dent said they know which floor to go in on.

Mr. Blackwell said if I am on floor two that is space 208. That is their spot if anybody is there it gets towed, or they will not get in there because they do not have a key fob. You go to JMU campus

and you have those little sensors at every space, they tell you when the deck is full and not full and all that, very similar. You have a key fob, you get the gate opened, you go in and again it is getting above my technology understanding but I think where you park is where your key fob is assigned to.

Councilmember Dent said do you have EV charging stations?

Mr. Blackwell said absolutely. The owner has several cars are EV and he loves those. He is highly planning on doing that.

Councilmember Dent said a certain amount of them?

Mr. Blackwell said early on it was five and he said “no I want to have 15 or 20 because there are students that come in EV cars” so we want them to have that option. That does change things with Harrisonburg Electric Commission [HEC]. It gets into the technology, which is above my level, but how quick they charge and the amperage and stuff. They even want to have such that they could add more too if they start having kids that want it.

Councilmember Dent said my hunch is the midlevel chargers are probably adequate not the super fast chargers that they need at the gas station highways.

Mr. Blackwell said again, the architect is working through that. That would all have to come through the Building Official for approval.

Councilmember Dent said just to have it charger ready so you can add the infrastructure for more chargers.

Mr. Blackwell said I remember in some of the meetings with the architect, the owner wanted to have so many up front with the ability to add more if the kids want it.

Commissioner Nardi said is there something that is going to be done about the intersection at Port [Republic] Road? Is there some sort of traffic calming or something that is going there or am I making that up?

Mr. Blackwell said Port [Republic] Road is being widened. There is a plan there and my client worked with Public Works. We paid for some engineering and some work. We are putting a multipurpose trail, but mostly a bike lane, across our frontage.

Mr. Fletcher said you can also see the median that is in the plan and development.

Mr. Blackwell said we are working with the City on that. That is a City project to do the Port [Republic] Road work. We are going to do our little portion on our side. We are going to widen the road because we need it for some turn lanes.

Councilmember Dent said it looks like for the commercial part there are angled parking spaces and an exit only. So, they have to enter on Devon Lane?

Mr. Blackwell said enter on Devon [Lane]. That was a request. We wanted a full entrance. They are putting a median on Port [Republic] Road so we cannot have a left turn off Port [Republic Road] except at the light.

Councilmember Dent said what we just went through with the previous thing about South High [Street] that you do not want to have a big entrance on a big road, you would send them to the side road basically.

Ms. Dang said if I may add, at the intersection of Bradley [Drive] and Port Republic Road, the City is also planning a traffic signal.

Mr. Blackwell said we will pay for a portion of that light. I think we had the arm and the signal heads.

Councilmember Dent said that makes sense because then that is a two-way entrance then.

Mr. Blackwell said that would become our main entrance if you are coming from the interstate.

Commissioner Porter said I know you are involved on the engineering side but in terms of the leasing of this facility, are these intended to be rented by the bedroom or are these going to be separate units?

Mr. Blackwell said what a lot of colleges have, they rent the apartment but they get leases with each bedroom with a guarantor, or the parents, that have to go sign. They would rent them by the unit, but each student would have their responsibility for their bedroom. I think that is what they typically do. The management group that is going to do this also rents some others in the area and that is how they do it. Forest Hill Manor behind it and Village Lane is rented by the unit but bedroom leases.

Commissioner Porter said we would be looking at 442 possibly even more students in this facility?

Mr. Blackwell said it would be 440 bedrooms and that is 440 students tops. With Fair Housing it is hard to say that it has got to be all students. Two married grad students have kids one moves in there they have the right to rent. Anyone can rent in there.

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

Councilmember Dent said we have three things to vote on.

Vice Chair Finnegan said are we doing three separate motions or can we do it all in one?

Chair Baugh said we can do it all on one. I guess my thinking on this would be if anybody thinks they are going to vote differently on the three or if frankly if anyone of you would just say “I would prefer that we take three separate votes” then we probably ought to do that. Otherwise, I think there is no reason mechanically we cannot take it all as one as long as we are clear what we are doing. I think it becomes cumbersome if people keep it to themselves but want the right to vote one way on one end and not on the other. I do not want to take that away from anybody.

Councilmember Dent said just to reiterate the rezoning is really just an amendment to the proffers, right?

Chair Baugh said a proffer amendment is a rezoning for nomenclature purposes.

Councilmember Dent said I move that we approve all three things as recommended by staff. The rezoning, the special use for multifamily dwellings, and the special use for reducing rear setbacks. Staff is okay with a three in one vote?

Commissioner Nardi seconded the motion.

Commissioner Porter said it really does not pertain to how I am going to vote on this just other than expressing a general concern about the overall density of student housing on this particular street. I think most people who live in our City understand that we have a traffic problem on Port Republic [Road] and this is not going to make it any better. I would have liked to have seen some effort to try to reduce the dependance on cars at this particular location, but I also understand why this is being done and I applaud the way the parking is being done based on the design. However, as someone who lives in the City and has to get back and forth across Port Republic Road, the prospect of 440 more students coming out of what is already a pretty impacted area is deeply concerning to me. I understand that this was approved and I understand the reason behind it and we do need student housing but also I hate seeing developments come up that are exsolving the University of their responsibility for providing housing on site and on campus to reduce some of this dependence on this type of student housing. I do not have any major objections to the site design or even that this has already been approved and is moving forward. Just a general concern about the fact that we continue to load that section of town with student housing. I wish that someone would come in and put the same amount of effort and due diligence into creating a property for local families.

Vice Chair Finnegan, Commissioner Nardi and Councilmember Dent said amen.

Vice Chair Finnegan said when this came up in 2023 my recollection is I voted against approval purely because of the number of parking spaces that were being built. It was not an “anti-housing” vote, it was an “anti- this is so close to campus it is within walking distance of campus and dumping this many more cars on it” vote. I will also echo Commissioner Porter’s concern, not only does James Madison University have a responsibility to this community to build more on campus housing, they also have a responsibility, in my mind, to stop building so much parking on campus. All that does is when these apartments have parking and the campus builds more parking, that just

encourages more traffic on the roads and makes traffic worse, makes carbon emissions worse, makes air quality worse, and it makes it more dangerous to walk and bike.

Councilmember Dent said when I was teaching technical writing at JMU in the Computer Science Department, every single semester a group would come up with proposals to increase parking on campus. Until I finally forbade them to do that. I said think outside the box what are alternatives to more parking. I got some interesting proposals like build a subway. Well, unlikely but...

Vice Chair Finnegan said the lowest hanging fruit would be for James Madison University to take one of their primo-parking decks in the middle of campus and make it an HOV [High Occupancy Vehicle] deck. You cannot enter the deck unless you have more than one person in your car. That would be very cheap and very low hanging fruit.

Commissioner Porter said or the bare minimum create transportation systems that works to get students back and forth from this part of town to campus without creating a traffic problem. I understand not every student is going to want to take the bus but the reality is that this is creating a problem that I think the City is going to have to eventually address and it is probably is going to be expensive and limit commerce in that area for time to address it. I understand the reason why this is being built. I understand the motivations of those that investing in it and trying to execute it. I think in terms of wise use of our resources as a community, and just in terms of overall design, this is going to exacerbate the problem.

Mr. Fletcher said if I could just add in the multiuse trails and the road improvements that will be made that I think might change the dynamic about how people might travel through this space. Not only are we acquiring a multiuse trail down this hill, we also just received funding to go around the gas stations with Smart Scale funding. Whether we are going around the gas station or not we will come to the intersection of Forest Hill [Drive] where there will be a new multiuse path along the new road that connects to University [Boulevard]. If you know that area well, you will know that multiuse path will now be a direct shot right over to the old Convocation Center where you can then go down over the hill into Duke Dog Alley and into the campus. The dynamics of the multiuse capabilities are going to significantly shift in the next five years because of that. Right now, if you wanted to go that direction you kind of have to meander down and around. I think psychologically you are seeing it is going to take longer. These new multiuse paths are going to give more direct access. The other idea is to, to Commissioner Porter's comments, hopefully by having the students closer to campus it might relieve them from the desire to live further out Port Republic Road so that they are closer and beginning to walk and ride bikes and utilize the great transportation system that HDPT provides.

Councilmember Dent said yeah that is possible. From where I am on the HRMPO, Harrisonburg Rockingham Metropolitan Planning Organization, we just completed the traffic study for Port [Republic] Road, Neff [Avenue] and Peach Grove [Avenue] which is further east on Port Republic [Road]. That does not include this area, but it is trying to address the traffic snarl there as part of not just the existing commercial and residential buildings but the ones that have been approved and are likely to be moving forward. That does not address right here. It is a good sign that they are putting a traffic signal for the entrance here. We are trying to do what we can with what people are doing which is driving a lot of cars. I agree it would be better if we could reduce that. To what

you are saying [referring to Vice Chair Finnegan], even students living here might decide that they would rather ride their bike.

Vice Chair Finnegan said yes, people do drive. People drive because there are parking requirements. There are parking requirements because people drive. We make it worse. This is more of a long term. I know it is not specific to this request, but this is an example of why we should remove the parking requirements for residential in the Harrisonburg Zoning Ordinance.

Councilmember Dent said a slight aside I wanted to make on the Ordinance change for the setbacks, that was inspired by the 865 East across the street. That just opens the possibility for other developments too.

Chair Baugh said I do think as Commissioner Porter put it, there are two aspects to this and one of them in its simplest form, as long as having a car is the most convenient thing for me to do. Whether it is because infrastructure is making that a priority. Regardless of the reason, as long as that is the most comfortable option then do not be surprised that lots of people are going to do it that way. That seems to be the tough question, how do you make it more uncomfortable to drive? Especially when you have an issue that we have spoken openly about which is JMU, and let us not overthink it, for their own internal marketing reasons I think the developer even said it here, our assessment of our own markets is as we try to appeal to people. If I am choosing between JMU and University A and University A has a reputation for being tough to park, that tends to...you have got that whole overlay. The one I was going to mention was the decision that again we do not have any control over, and who knows what it is going to be like in 20 to 30 years, but what I do know is the dense housing on Port [Republic] Road in the City limits is always going to be closer to JMU and the dense housing that is across the line in the County. Nonetheless, the County has chosen to develop properties out that way. Which might have something to do why the MPO is looking at the corridor of the road until they get to the City limits because it has created its own issues out there. There is that piece of it. I will say as somebody who recalls a time when I was taking a lot of votes to try and make this happen is when you look at the plan, the car auto struggle notwithstanding, you may not like it but our planning has said if we are going to have dense student housing in the City, that is where we want it. While that raises the type of challenges and things that have been mentioned, we have a few on the fringes of the City. There was a time when we got a lot more proposals of people to do those types of things that we said no to because... I think the thinking was whatever we are frustrated with the density and traffic on Port [Republic] Road taking large chunks of that traffic and making its starting point further away from JMU does not help. Now you have expanded the traffic snarled throughout the City. Maybe it is worth further review but the closest thing we did to doing proactive rezoning was when we created R-5 we discussed: do we go ahead and take some of the property in this area? We decided not to do it, but it was discussed and there were advocates on Council for doing that at the time. Again, I am a little less crazy about jumping on the bandwagon of "yeah let us diffuse the students and spread them around and not have them over there." I think there are more advantages than disadvantages. I am also a reasonable guy and willing to discuss it. In any case, that is kind of baked into the cake right now. Now, doing everything we could to discourage people...my recollection is that I voted with you against this proposal before for the same thing. I was asked by at least one Council member to articulate it and I felt like it did not do a good job of explaining it... As it is, there is sort of a morphos nature to it... If the City does not push back on placing the premium providing all this additional auto

infrastructure, it looks like there is nobody else to do it because the market is not doing it and JMU is not doing it.

Commissioner Porter said I think that the issue is most germane to me in this circumstance. By your own admission the parking is going to be expensive to build. Per space you are talking a significant amount of money, and somebody has got to recoup that at some point. That means that this housing is going to be more expensive than what is currently on the market as of today for students. In my opinion, in reality at some point from the time this gets built the direction our rents in the community has gone has continued to move upwards. To the tune of about 7 percent per year, which is one of the highest in the Commonwealth. My big concern is the fact that you have got to pay for this parking and at the end of the day it drives up the cost of student housing. It does one of two things; it either drives students who cannot afford that housing into competition with working families renting multifamily homes in places like High Street and South Main [Street], which we are seeing quite a bit of now. Which, in my opinion, is impacting our neighborhoods and has an adverse effect on working families. I hate to make your request a place to stand on the table and bang here but I feel like this is one of the few chances I am going to get to probably be able to do that as it relates to this issue of building three layers of parking to accommodate 440 plus students to be able to effectively go a very short distance to central campus. I will tell you that I hear it every single day of people complaining, or at least how glad they are that the students are out of the area for awhile, because you can actually travel down Port Republic Road. I think I am speaking for a lot of Harrisonburg residents when I am addressing this point. Again, I do not want to get your application caught up in this part of the discussion, but I think it is important that it be brought into the room and discussed. Your design effectively exacerbates some of these concerns.

Councilmember Dent said to the point about “if only JMU would build more housing” I made that request to a JMU leader and the response I got was kind of chilling. They said “they might want to do that, but it would so irritate the developers who depend on that luxury market for student housing.” That, to me, is the wrong thing for the wrong reason. We do not have any jurisdiction over JMU to tell them they must have the first two years instead of the first year only in on campus housing. Build more on campus housing, that would be my request to them but we do not have any authority to say to do that. The reason they gave for why they did not really shows how that market driven higher end student housing really warps the whole housing market in the City.

Commissioner Porter said I can give you one practical example of that is the HUD [US Housing and Urban Development] fair market rents for one-bedroom units in the City of Harrisonburg are way out of line. They are not representative of what the actual cost of a one bedroom is. They are suppressed by the fact that we have so many student one bedroom units that are being rented as a part of these collaborative leases that it effectively makes it difficult for people to receive appropriate subsidies for one bedroom units in our communities because of the fact of when they do the surveys, landlords are reporting these single bedroom units at \$550 or \$600 or whatever it is that they are renting them for and that is not what a one bedroom unit costs in our community. There are systemic things that pull from beyond this.

Councilmember Dent said I just went to my Harvard reunion and when I was there for four years in Cambridge nobody thought about having a car, it would have been impossible or exorbitant or both in the middle of Cambridge. We walked, we took the T. I did more walking in three days than

I have in months. I wish we had a denser town style campus instead of this suburban sprawl. You are right we are exacerbating it by continuing this sprawl.

Commissioner Nardi said I experienced it two years ago trying to find housing. It is real. It is past time to try and address some of these things.

Chair Baugh said I am going to do some crass and blatant speculation here. First disclaimer is I am long out of the loop that I was in it one time of communication with the higher ups at JMU. First off there was a time not that long ago when a lot of the inside talk was just the opposite. There was a growing recognition that it was a benefit to the students to do something more along the lines of the first couple of years having them live on campus. Data saying that students did better so on and so forth. That does seem to have gone by the wayside. I find myself being a little cynical. I believe what you were told [to Councilmember Dent] I am not sure I believe that I accept it on its face value. In many respects I kind of go back to the thing of the housing that is being built across the line in the County, I kind of wonder if that did not just kick the legs out from under it. If you are in JMU's perspective you are sitting there going "gee wiz, this community is going to be pawing all over itself to build our housing for us, why would we stop them?" That may have been perceived in the moment as better politics to tell you that "I love developers," well that does not quite make sense to me either.

Councilmember Dent said that is quite the admission.

Chair Baugh said I do not know that it is an admission. I think it was considered better than just saying nah that is not something we are interested in right now.

Councilmember Dent said I even contemplated might I personally just decide I am not going to vote to approve anymore student housing period. There is that possibility, but we will see what comes up.

Chair Baugh said I was actually there at one time. I think until we get a handle on the larger housing issue it becomes more and more of a challenge. It is more of a challenge to do that than I feel like it was some years ago when we did see this as more of a direct thing that we will be pushing back against.

Vice Chair Finnegan said I will also say from a property tax perspective there is a Prisoner's Dilemma with the County. You can say no to all student housing in the City and all of that would go out into the County and you will get none of that tax revenue because we are an Independent City.

Councilmember Dent said to the point that as long as we have got these massive student developments keeping them closer to JMU helps to reign in some of the sprawl.

Chair Baugh said that was my comment earlier. That is always going to be the property that has got housing on it that is closest to JMU that is always going to be worth something.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	No
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of the rezoning request (proffer amendment) and special use permit requests passed (6-1). These recommendations will move forward to City Council on July 8, 2025.

New Business – Other Items

Consider a request from Pleasant Valley Elementary School for approval of school off-street parking at 215 Pleasant Valley Road

Ms. Rupkey said Rockingham County Public Schools is planning a building addition to the existing Pleasant Valley Elementary School. In 2016, City Council approved a special use permit (SUP) to allow an educational use within the M-1, General Industrial District. During Planning Commission's review of the SUP, they also approved the school's proposed off-street parking plan per the requirements of Section 10-3-25(12), which is associated with "Elementary schools, junior or senior high schools, or equivalent facilities." To meet the minimum parking requirements for such facilities the Zoning Ordinances states that:

Proposed off-street parking spaces shall be programmed by the applicable school authorities as necessary to meet state standards for use and consideration of site locations, then submitted to the planning commission for comprehensive site plan review.

The 2016 approvals stated that any future expansions could necessitate re-approval of the parking plan by the Planning Commission. Within the attached letter, the applicant describes that the planned addition would increase the school population from 376 students and 50 staff members to 500 students and 67 staff members. As a guide to determine the appropriate amount of parking spaces, the applicant used Rockingham County's Zoning Ordinance for off-street parking requirements for schools. Rockingham County requires:

One (1) space per three seats in assembly hall, or one (1) space per employee, whichever is greater. Additionally, one visitor space shall be provided for each twenty (20) spaces. High schools shall provide an additional one (1) space per three (3) students. Business, vocational schools or colleges shall provide an additional one space per student.

The applicant determined they would need a minimum of 81 off-street parking spaces for employees and visitors if the project was to comply with Rockingham County's requirements. Based on the submitted layout, the applicant is proposing a total of 144 parking spaces for the site, which is 63 parking spaces more than Rockingham County's minimum requirement.

In the past, City staff has used a document titled *Guidelines for School Facilities in Virginia's Public Schools (2021)* prepared by the Virginia Department of Education (DOE) to determine school parking requirements. Among other things it states that:

Adequate parking for staff and an additional 10 percent to 20 percent parking space [sic] for visitors should be provided. Student parking to accommodate one-third of the student enrollment should be provided.

Based on the *Guidelines* document, the site should have 67 spaces for staff and 7 to 14 spaces for visitors if 10 to 20 percent of the required staff parking is used, which is a total of 74 to 81 off-street parking spaces.

Parking lot landscaping requirements, among other details, will be reviewed during the engineered comprehensive site plan phase of development and must comply with Section 10-3-30.1 of the Zoning Ordinance.

Conclusion

Staff is comfortable following the lesser requirement as suggested by the *Guidelines for School Facilities in Virginia's Public Schools (2021)* document, which would be to require at the elementary school one space for each employee, plus 10 percent for visitors. For example, if the elementary school ultimately has 67 staff members that work at one time, then 74 parking spaces would be the required minimum.

Recommendation

Staff recommends approval of the school off-street parking request as submitted by the applicant.

Councilmember Dent said this is a Rockingham County Public School within the Harrisonburg City limits, why is that?

Mr. Fletcher said it was annexed in 1983.

Chair Baugh said it was in the County when they built it. There was one of those until fairly recently in Waynesboro where the new Sheetz is, that elementary school that was on [Route] 340 was actually still in Augusta County.

Ms. Rupkey said I know there is an elementary school that is within the City of Winchester but it is a Fredrick County school.

Mr. Fletcher said Rockingham Academy is a County school that is adjacent to Pleasant Valley Elementary, if my memory serves me correctly, which is why the special use permit was approved in 2016 because there was never a special use permit that was approved that was annexed in 1983.

Chair Baugh opened the matter for discussion.

Vice Chair Finnegan said if the minimum is 81 off street parking spaces, they are proposing 144 [spaces]. That seems wildly high to me.

Ms. Rupkey said the applicant is here and can hopefully explain the number for parking spaces if you would like.

Ryan Boshart, applicant's representative, came forward to speak to the request. He said the school is going through a pricing exercise and so we have shown the maximum parking we can fit on the site. That number may come down, but we do not want to have to go through the special use permit again. Right now, this is just to set the minimum.

Vice Chair Finnegan said the minimum being 74-81.

Mr. Boshart said we had submitted the 81 but we would also be comfortable with the 74 as well.

Mr. Fletcher said can I ask a quick question? The Rockingham County requirement is one space per three seats in assembly hall or one space per employee. So, if you have 67 employees then you have to have one visitor space for each 20 spaces, is that 71 not 81? If it is one space per 20 parking spaces so that is 3 point whatever that is. Help me understand how you came to 81.

Mr. Boshart said the if you take 1 for every 20 spaces you are correct.

Mr. Fletcher said maybe it was just an error that it should have been 71 instead of 81.

Mr. Boshart said would that change it to staff's recommendation of the 71 or the 74?

Ms. Dang said our recommendation is the ratio.

Mr. Fletcher said we have consistently now for several years followed the guidelines that are sent out by the state and the guidelines for school facilities. Where we came up with that 74-81 is based upon that guideline. It depends on whether you are using 10 percent up to 20 percent. However, Planning Commission can approve your minimum numbers based upon whatever they wish. We use this guideline I mean at this point we are talking between 71 or 74.

Ms. Dang said I guess a question for clarity with staff is we did not discuss this before, I was under the impression that we were approving the ratio such that if they were to increase the number of staff numbers the parking would increase. However, I think it would fine that the Planning Commissioners would make the recommendation on a single number.

Mr. Fletcher said I think Ms. Dang is correct, it would based upon the adequate parking for staff and an additional 10 to 20 percent. The only reason we came up with the 74-81 is because that is the ratio that works out if they have 67 employees. It does not say one per employee it says adequate parking for employees. If you have 67 employees there during the workday, you could look at it as one per employee and then you would do the 10 to 20 percent additional based upon needs. Does that make sense? I suggest what Ms. Dang is saying. Do not set a number, set the ratio so that they do not have to supply a certain amount of parking.

Vice Chair Finnegan said I would be more comfortable with that.

Councilmember Dent said what would you be more comfortable with?

Vice Chair Finnegan said just the ratio as opposed to this number since there seems to be some question about the number.

Ms. Dang said I think for Mr. Boshart, that as he works with his client, I would recommend that you work with them to consider in the future their greatest need and plan for the parking to be adequate for their greatest need.

Mr. Fletcher said the last sentence of the staff report captures what we were intending to do.

Vice Chair Finnegan said the other thing that I have seen staff recommend in the past and the ratio would take care of that is there is land that parking can be expanded into in the future. I am not capturing the language exactly the way that the suggestions are from staff. I guess what I am saying is I hope you do not build more parking than what is needed.

Commissioner Porter said what is being sacrificed for this parking? Is this currently just grass? What is actually being repurposed?

Mr. Boshart said it is a partial parking lot now. Some of it is grass but it is a very inefficient design so a part of this is taking the existing lot and reorienting the parking to be more efficient, that is primarily what it is. There is some additional impervious area as well.

Commissioner Porter said you would not be taking any common area space from students as it currently exists.

Mr. Boshart said not common area that the students use. They do not want the students that close to Pleasant Valley Road.

Commissioner Porter said I am of the opinion that based on just the fact that this is a campus and is inclusive, I would want to support giving you the free reign to do what you need to do to efficiently care for the students and for the staff that are in that building. Again, I think I would agree with Commissioner Finnegan, you do not need all these spaces. That maximum number seems way excessive. I cannot see a scenario where this building is going to be expanded out to the point where you would need that kind of parking. I would be in favor of some kind of ratio that is based on your staffing pattern more than a maximum number. I give great deafness that this a campus. It is an enclosed space. My only concern would be just the impacts on traffic on Pleasant Valley [Road]. I appreciate the fact that there is another entrance proposed off of Early Road which I think is an outstanding option. I am more inclined to support this because of that second entrance.

Mr. Boshart said I wish I knew this answer, but it could be that the school may have some additional funds that they are trying to get parking in this fiscal year before future expansion. That could be a part of this as well.

Vice Chair Finnegan said what we are setting is the minimum not the maximum. If somebody wanted to buy a piece of land and turn the whole thing into a parking lot, there is nothing that we can do to stop that. I just want to make sure that the City is not requiring more than is needed.

Mr. Fletcher said that is why we went with a recommendation based upon those guidelines. It is the lesser of the recommendation.

Councilmember Dent said what is the condition?

Mr. Fletcher said it is stated on the second page of your staff report. No more than three quarters of the way down where it says, “adequate parking”. If they would move to state that they should follow the guideline as stated in the school facilities in Virginia is public schools that is as stated in our staff report.

Ms. Dang said that is correct. Which is different than what is on the first page, that was our mistake.

Mr. Boshart said can I make one more suggestion to that? The last part of the requirement from the guideline from school facilities also add student parking for one third of the students but they are elementary school students so they cannot drive.

Mr. Fletcher said we interpreted that as only when it is students driving.

Councilmember Dent said I do know that Rockingham County requires this formula above but our conditioning to their requirements. Instead of approve the school off street parking request as submitted by the applicant, we would say with the condition of adequate parking for staff and so on. Should we skip the one third of the student enrollment sentence since it is an elementary school.

Ms. Dang said we just interpreted that it does not apply in this case.

Councilmember Dent said so the condition will be with the condition that adequate parking and an additional 10 to 20 percent parking spaces for visitors should be provided.

Mr. Fletcher said that is the approval that you are granting.

Councilmember Dent said I move that we approve the school off street parking request with that condition as suggested by staff and then skip the student parking sentence.

Commissioner Porter seconded the motion.

Vice Chair Finnegan said I will support this because we are taking the lesser number, they can still build whatever parking they want. We are not requiring more than what is needed. Also given the location of this I might feel differently if it was closer to Downtown.

Chair Baugh called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Finnegan	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Commissioner Porter	Aye
Chair Baugh	Aye

The motion to approve of the off-street parking request passed (7-0).

Public Comment

Vice Chair Finnegan said I have a question for staff from something that I saw on the drawing from the previous request. The plan that show the roundabout, is that proposed? Is that funded?

Mr. Fletcher said that is a part of the improvements when they come through to do the Interstate 81 improvements. I could not tell you the year.

Vice Chair Finnegan said I do think the roundabout would make it a little safer.

None.

Report of Secretary & Committees

Rockingham County Planning Commission Liaison Report

Commissioner Washington said it was a quick meeting. We heard a rezoning. The Greenport Group LLC requests to amend approximately 1.3 acres of the R-5 Master Plan for phase 10 of Greenport Subdivision. Which was a 5-0 approval. We had a couple of things that were tabled that came off the table. Which was the Townes at Congers Creek which request to establish a Master Plan for 4.92-acre portion of a parcel zoned R-5 to include no more than 57 townhouse units. That was 4-0 approval with the Chair abstaining. We have ST&L Developments LLC request to amend the proffers of an approximately 1.0-acre parcel zoned B-2C to add the use of “animal hospital.” Which was a 5-0 approval. Then an ordinance to enact section 9-3 through 9-9, the Health and Sanitation Ordinance, of the Rockingham County code. With that there is going to be a work session on July 1 to talk about this and there is a public survey on the website and Friday the [June] 13th would be the last day to submit information or comments for the ordinance and that was also tabled on May 6. They talked about it for three minutes.

Board of Zoning Appeals Report

None.

City Council Report

Councilmember Dent said we had a special meeting May 16 to declare the emergency for the water system. Which Mike Collins and the water staff really did an excellent job of resolving. The next regular meeting we were rescinded the emergency thing. May 27, there were not any public hearing items but what we did do was approval of the Community Development Block Grant [CDBG] action plan. The budget, that was the huge thing. Roadside memorial on Vine Street. A presentation on the severe weather events to explained how it happened and so on. Then we ended the local emergency for the water. A presentation on the Complete Street Demonstration Project. Presentation on the HB Flex on demand ride share pilot. An update on the Kids Castle construction so that was more presentations we were seeing rather than things we voted on. Last night we did

[vote on] several previous Planning Commission items. Proclamation that June 20th is World Refugee Day. We officially approved the tax rate and the budget at the second reading. We approved the request from Paul Riner to rezone 302 West Bruce Street. Rezoned 865 East [Port Republic Road] with the proffer amendment having to do with the WTF [Wireless Telecommunication Facility] and all of that and the setbacks. Winchester Equipment Company at 160 Carpenter Lane the addition of changing the parking and such. A request from John McGee and Sandra Quigg to close the public alley between 291 and 295 Franklin Street. We did a shorter recap of the alley discussion in that. I remember on Planning Commission we went back and forth. Then we did some approvals of ordinance amendments and fees and such to align with the budget we already approved.

Commissioner Washington said was it just the one alley or both alleyways?

Mr. Fletcher said the Newtown Cemetery was postponed by the applicant. It is still planned for June 24. They were working on trying to complete a survey. They found a survey but there are still some questions out to the applicant. We are anticipating June 24.

Other Matters

Review Summary of next month's applications

Ms. Dang said we have three items on the agenda. One of them is the rezoning for the property right next door, the Lindsey Funeral Home property where there is an apartment complex proposed there. There is also a rezoning for 320 South Main Street which is where the Green Hummingbird Store was. Then there is a preliminary plat on West Market Street. We recommend one meeting.

Vice Chair Finnegan said I have one item that I want to bring up. Next month will be my last on the Harrisonburg Planning Commission. I am moving and will be going out next month. Planning Commission has played a big role in what I am doing next which is getting a master's degree in Global Urban Transformations at Utrecht University in the Netherlands.

The meeting was adjourned at 8:05 PM

Richard Baugh, Chair

Anastasia Montigney, Secretary