

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**December 10, 2025**

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

Members present: Richard Baugh, Chair; Shannon Porter, Vice Chair; Councilmember Laura Dent; KC Kettler; Rob Jezior and Randy Seitz. Absent: Heja Alsindi. Also present: Adam Fletcher, Director of Community Development; Thanh Dang, Deputy Director of Community Development; Wesley Russ, Deputy City Attorney; Meg Rupkey, Planner; Nyrma Soffel, Planner; Tyler Blanks, Zoning Administrator; and Anastasia Montigney, Development Support Specialist/Secretary.

Chair Baugh called the meeting to order.

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

Vice Chair Porter moved to approve the November 13, 2025, Planning Commission meeting minutes.

Commissioner Kettler seconded the motion.

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

**New Business – Public Hearings**

***Consider a request from Turkey Properties LLC to rezone 797 Chicago Avenue***

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone a parcel zoned R-5C, High Density Residential District Conditional and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional and B-2, General Business District. The property is addressed as 797 Chicago Avenue and is identified as tax map parcel 39-P-1.

Rezoning occurred in 1995 and 2022 that currently regulate different portions of this property. The first rezoning occurred in May 1995 that rezoned multiple parcels from M-1, General Industrial District to B-2C, General Business District Conditional. The approved 1995 proffers are attached and regulate a small portion of the property as shown on the zoning map. The second rezoning occurred in April 2022 that rezoned a large portion of the parcel from B-2, General Business District and B-2C, General Business District Conditional to R-5C, High Density Residential District Conditional for a project now known as Sunshine Apartments. The 2022 proffers are attached. The applicant would like to amend proffers for the R-5C portion of the

property, rezone portions of the property from B-2C to R-5C, and to remove all proffers for the remaining B-2C portion that would leave it zoned B-2.

An engineered comprehensive site plan is currently in review for Sunshine Apartments. Sunshine Apartments is planned to contain two, three-story multi-family buildings with a total of 57 units. The applicant's letter states that they would like to have two parking spaces for each unit as well as additional visitor parking spaces. Staff has recommended that the applicant reduce the size and footprint of the buildings and/or reduce the number of parking spaces in favor of providing more open space and a reasonably-sized playground area for the residents.

Turkey Properties LLC is the applicant of the rezoning and is also the property owner of 751 Chicago Avenue, which consists of the La Morena restaurant. Turkey Properties LLC is in the process of performing a boundary line adjustment between the La Morena property and the subject property (Sunshine Apartments) to address a parking violation regarding the La Morena property. In June 2025, Turkey Properties LLC received a violation for working without a building permit to expand restaurant seating. This expansion requires additional parking that cannot be accommodated within the limits of the existing property boundary; therefore, the applicant is working to transfer a +/-3,235 square foot area of land to the La Morena property. The area of land that is to be transferred is the portion of the subject site that is proposed to be rezoned to B-2 by eliminating all of the existing proffers. If the proffers are removed and the boundary line adjustment is completed, then Turkey Properties LLC can expand the parking lot for La Morena and bring the site into compliance with regard to minimum off-street parking requirements.

### *Proffers*

The applicant has offered the following proffers for the R-5C portion of the site (the proposed changes to the existing 2022-approved proffers are shown in tracked changes):

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
2. A sidewalk connection between the apartment development and Chicago Avenue to connect the apartment project with direct access to the city's sidewalk system.
3. The owner will design and construct a 5' wide sidewalk or a 10' wide shared use path connection from the rear of the property to the city's public trail/shared use path to connect the apartment project with direct access to the City's public trail/shared use path.
4. A 6' tall opaque fence, the full length of the property line separating the apartment development from the properties identified as tax map parcels 39-P-6, 7, 8, & 9 to the south of the property, [including along the east side of TM 39-P-9.](#)
5. Exterior site lighting shall be designed so that the light is not directed off the site and the light source is shielded from direct offsite viewing. Light fixtures in the parking areas shall not exceed 15' in height.

6. The development will contain one area, totaling 500 sf. of recreational area for use by the residents that will include features such as a picnic table or tables, play areas or play structures, ~~and gazebo~~, and exercise area.
7. The existing vegetation (trees & shrubbery) on the western end of the property, within a minimum of ~~10-ft.~~ 10' of the property line shared with the City's public street right-of-way in which the public trail/shared use path is located, shall be undisturbed to maintain the vegetated buffer, or an evergreen and deciduous vegetative buffer shall be created within a minimum of ~~10-ft.~~ 10' of the same property line, where such evergreen and deciduous trees shall be planted and maintained at no less than ~~5-ft.~~ 5' on center and ~~6-ft.~~ 6' in height at the time of planting to fill in and reestablish a vegetative buffer within the area. This evergreen and deciduous tree vegetative buffer shall not be required in the areas of the proffered connection to the public trail/shared use path or any required stormwater management areas.
8. The strip of land along the southern boundary connecting to 3rd Street shall not be used for vehicular access, except that limited vehicular access may be allowed for maintenance, utility work, municipal service, or temporary construction purposes.

The conceptual site layout is not proffered.

At staff's suggestion, the applicant has added Proffer #8 to restrict vehicular access to the site from 3<sup>rd</sup> Street. While the applicant does not plan to use 3<sup>rd</sup> Street to access the site, and there are utilities within the area that would restrict the development of the space, City staff suggested that the applicant include this proffer based on the 1995 B-2C rezoning that limited access to the site from 3<sup>rd</sup> Street.

#### *Land Use*

The Comprehensive Plan designates this site as mixed use and states:

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

commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

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

#### *Transportation and Traffic*

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

The 1995 B-2C proffers restricted use of the abandoned North Willow Street right-of-way for site access. The applicant's new Proffer #8 continues this restriction, though it permits limited service/emergency access rather than installing a gate

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities." The study also notes that "policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing."

#### *Public Schools*

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: [https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment\\_2025-04-30\\_Final.pdf](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.

The proposed rezoning and planned subdivision do not change the existing buildable potential of the subject property and thus does not impact the calculated student generation.

*Conclusion*

Staff recommends approval of the request at 797 Chicago Avenue to rezone property from R-5C and B-2C to R-5C and B-2. While staff continues to encourage the applicant to incorporate additional open space and/or recreational amenities, the rezoning and associated proffers are consistent with the previous approvals. The request does not increase the development potential of the site beyond what has previously been approved, except for the increase in parking for the La Morena property.

Chair Baugh asked if there were any questions for staff.

Commissioner Seitz said, just to clarify, we are looking at parcel 39-P-1 which is the apartment piece, but this also includes a lot line change in the rezoning on what is known as the La Morena property as well.

Ms. Rupkey said, yes, it does refer to that as well, but it is currently only on the 797 [Chicago Avenue] property. Where this map is showing on the screen, that property line between the green and the yellow has not been created yet. They are in the process of working on that, but we have asked them to put it on hold.

Commissioner Seitz said we are only acting on the yellow?

Ms. Rupkey said and the green request as well. They are one request.

Commissioner Seitz said we are rezoning something that is part of one property that is going to flip to another property.

Ms. Rupkey said they are all part of one property, right now. At some point, the portion in green will go to the property for La Morena.

Commissioner Seitz said so there will be a subdivision of the property?

Ms. Rupkey said yes.

Commissioner Seitz said I am not sure that was completely clear.

Chair Baugh said there will be an adjacent transfer.

Ms. Rupkey said there are also other things going on with the subdivision. There are internal lot lines within La Morena that they would be vacating as well.

Commissioner Seitz said I guess the only reason I ask that is because all of the maps that were provided only show this parcel right here. What you are really saying is that this is contiguous?

Ms. Rupkey said no. As it is shown on...

Mr. Fletcher said look at this one [referring to the rezoning map]. This might help.

Ms. Dang said that red boundary is the current parcel.

Ms. Rupkey said on the screen here the red line outlining this parcel is all one parcel. There are three different zonings on it today.

Commissioner Seitz said there is a property line between the La Morena property and the R-5C property.

Chair Baugh said it is not just one long line.

Commissioner Seitz said it has got the jog in it. Thank you.

Ms. Dang said there is a lot going on, it is okay.

Commissioner Seitz said I do not have a problem with any of it. I just want to make sure I understand it. We are rezoning two pieces of the R-5C piece.

Ms. Rupkey said the R-5C portion on the screen is requesting a proffer amendment. A portion of the B-2C is also being rezoned to R-5C. A portion of the B-2C is being rezoned to B-2, without proffers.

Chair Baugh said when the smoke clears, if we go with this, we have split the zoning on the property, but it is in anticipation of this smaller piece, that exact side being deeded to the adjacent property that already has the B-2 zoning.

Ms. Rupkey said correct.

Commissioner Kettler said for the portion of the property that is being transferred to the La Morena portion to satisfy the minimum parking requirements, is there either by special use permit or some other option to not require them to have that minimum parking.

Ms. Rupkey said there is not a special use permit that they could request to reduce the amount of parking in this situation.

Commissioner Kettler said and when you say in this situation?

Ms. Rupkey said in the B-2. There are some certain districts where you can request special use permits for reduction in parking.

Mr. Fletcher said actually you can, but you have to provide open green space that would have otherwise been used as parking. I suspect, and maybe Mr. Colman can speak to this when he gets up, that maybe they wanted that additional parking as well. It is an option. They can apply for a special use permit to not put in the parking but provide only greenspace.

Vice Chair Porter said I have question about the strip of land that has been proffered that will not be used for an egress. The only way to enter the property would be off of Chicago Avenue, is that correct?

Ms. Rupkey said correct.

Vice Chair Porter asked it was staff's suggestion that we not use this space? Was that ever considered as possibly an additional access? I understand that there is a utility easement that is right along the side.

Ms. Rupkey said the utility easement runs all the way through.

Vice Chair Porter said it has never been potentially viable as another entrance.

Ms. Rupkey said with our conversations we had not been talking about them wanting to expand that way. Part of the 1995 original proffers was that there would not be a future vehicular access at this location, and to continue the expectations that the neighbors have had with what can go in that area, we recommended that they continue with that.

Vice Chair Porter said there is no interest or attempt to have any kind of ability to access or leave the property on Rockingham Drive.

Ms. Rupkey said Rockingham Drive is a shared use path in the rear.

Chair Baugh said what you cannot tell from the map is that Third Street, when you get there, you can make a left turn onto Hartman [Drive] but the right turn is not something you can do in a vehicle there. It is a shared use path.

Ms. Rupkey said it is blocked off to motorized traffic.

Vice Chair Porter said a lot of coming and going in addition to the La Morena traffic that is currently competing for that same space in terms of people coming in and out of the apartment complex. How many units, again?

Ms. Rupkey said they are building 57 units.

Vice Chair Porter asked and they want two spaces for each unit?

Ms. Rupkey said that is what they are wanting to provide a minimum of.

Vice Chair Porter said so potentially 110 cars.

Ms. Rupkey said and then the additional visitor parking as well.

Vice Chair Porter said I would have some concerns.

Commissioner Jezior said the La Morena side is going to be separated from the apartment complex. It is going to be two completely separate entrances. If you are parked in the back behind La Morena, to get out is not the same direction that the apartment complex will be going, so there will not be any conflict there.

Ms. Rupkey said from conversations, yes. Correct.

Councilmember Dent said I am getting a little déjà vu on this. What I am wondering about is why the yellow strip of B-2C... I do not remember how we did that or why.

Ms. Rupkey said it just was not a part of the original R-5C.

Ms. Dang said that B-2C one was the remnant of what was the 1995 rezoning, and it was not part of the apartment complex's plan, so they did not include it in the rezoning.

Chair Baugh said it is hard to believe that they were that smart and forward looking. It is almost like, we do not need all of this to be apartment building, and it may have some interest, like it does right now, to the commercial properties on Chicago Avenue.

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

Gil Colman, applicant's representative, came forward to speak to the request. He said this property that we were talking about went through the rezoning in 2022. There was a lot of back and forth on that and some changes in many ways. Now we are through the site plan process, pretty close to approval. This change is meant to clean up all of that because we have three different zonings overlapping and one of them the B-2C is kind of lost in the middle with no...even if you try to implement some of that it just takes away instead of giving. Part of this was to clean that up.

Also, with La Morena, they came in with the need for parking. We worked with the property owner to expand the property towards the back. The reason for the split zoning there is to take that remnant of the B-2C and convert it into two different zonings. One for La Morena, to make sure that La Morena also has a clean zoning, and for the apartments, so they have their own zoning, and no overlap. This started as a property minor subdivision to add that and the discussion started there. Well maybe you should go ahead a rezone all of this and change and clean everything up. That is how it originated is through the issue with La Morena and that meant providing parking for them. We had a lot of back and forth on this. We have been working on this for months and trying to resolve it. I think we have gotten to a point now where okay, I think we have to put together [unintelligible]. Even last week, we were going back and forth on this. There is really a lot that goes into it. I am happy to answer questions.

In terms of the parking, I will speak to that. We have been talking to the property owner, and he has other rental properties in other places. He always struggled to have sufficient parking for the people that live in those places and for family members or visitors. Some of the things that we were concerned with, that I can agree with him on that, is we do not want to put cars in the



neighborhood. We do not want people parking in the neighborhood. I do not think anybody can park on Route 42, but then we have a neighborhood right next door. We do not want cars there. We need to have sufficient space here. Personally, I do not like it that it is very reduced green space. I prefer more than that, but this is what we have. I have been working in development for many years now. Development is very expensive and the more requirements you have, the more expensive it gets, and it is much more difficult to make it work. Here the density is high. Again, it is something that perhaps we would prefer otherwise, but that is what he needs to be able to make this work. I know he is going to do it one step at a time. He will start with one of the buildings and go from there and see how the market works. If things work for him, he will continue to develop it. There are some things that he has to do from the get go, which is the grading of the property and start working towards getting their stormwater and all of that in place. There is a major retaining wall that needs to go in the back because of the difference in grade. That is partly why you cannot drive down to Rockingham Drive either because we have about 15 to 20 feet of change of grade there. There are the steps going down and a path that goes through the development out to Chicago Avenue. All of that is in motion. I would say that the need for the rezoning is to clean it up and add the parking to La Morena. We could do all of that without doing any rezoning just leaving things the way they are which is more restrictive in terms of how the parking and how the other things could work out there. We decided that it is better to come back and clean some things up and have a clean slate for both properties, rather than having this overlap of a property in a zoning that does not serve anybody at this point. Any questions for me, I am happy to answer.

Vice Chair Porter asked the rezoned piece that is going to be moving back to La Morena's property will be parking?

Mr. Colman said yes. We have gone through parking and property adjustment and all of that with staff already.

Commissioner Kettler said you have mentioned some concerns of the owner with not enough parking in other places that they have. Is it their intention to separate the cost of parking from the cost of rent or to keep those together?

Mr. Colman said I think it would be together. I do not believe they would separate that. They are going to keep it together. That is my understanding. I have not heard any different on that.

Commissioner Kettler said just to be clear, there would not be any additional cost to have more cars and there would be no discount for having fewer cars.

Mr. Colman said I cannot answer that, but based on my knowledge of the property owner and the interaction with him, I do not have any reason to believe he is going to break that out into charging for parking or reducing parking or something like that. He has been more concerned about providing sufficient parking because that is the issue he had in other places, and it has been challenging for us to actually produce that much parking.

Commissioner Kettler said for the La Morena property, that is a bit of a different situation when it comes to parking because that is required. In the absence of the requirement, is that something that he would want? Or would he be wanting something different with that?

Mr. Colman said I think it is something that he would want. I think he realizes that La Morena has limited access in terms of how many customers you can have there. Having more parking there and hopefully a better flow perhaps. It is very difficult to work with that property also. We were able to accommodate the parking in the back and that includes having the stairs back there and all that. A shed that he wants to keep there. There are so many things there that it is very packed. It is a challenge, but he wants to have that parking there. He wants to be able to provide sufficient parking there.

Vice Chair Porter asked do you know if the owners are having any discussions with these immediate neighbors of the residential that is along Third Street in terms of how they are feeling about the development?

Mr. Colman said that is a good question. When the initial rezoning started there was an onsite meeting that some of the neighbors attended. I know some of the neighbors came and one of the neighbors is here. She is right on the strip on the corner of the property that turns into Third Street. Yeah, they have had discussions with the neighbors at that time.

Councilmember Dent said as I recall, we insisted on adding this border of trees between the development and the neighbors.

Mr. Colman said yeah, I think the trees were not proffered. The fence was proffered but he still wants to. We have it on the plans to have trees that we wanted to put there to provide a little more buffering. They were not proffered.

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

Commissioner Kettler said some of this is related to the La Morena property, but the parking is of some concern to me in part because I recognize that the applicant is interested in there being parking for the people living at the apartments but not separate the cost of housing from the cost of parking means that it encourages more people to park there. Then, I look at the La Morena side of it. I am pretty familiar with the La Morena property because I go there plenty. They have changed the internal layout, and they have gotten rid of what little bike parking there was, even though there are quite a decent number of folks biking up and down the Chicago Avenue corridor. Now they are requesting expanded parking to accommodate that. I do not know if that is enough for me to say no just on those grounds alone, but it does not really seem like there is a significant effort to try to not require so much space for parking as there is. That is part of what staff's concerns are for the apartments as well.

Vice Chair Porter said I think I understand the owner's motivation as it relates to trying to create some additional parking on that property. Anybody that goes there during a rush time is going to

struggle to find a parking space a lot of times. I do understand the motivation there. I think that I am just trying to get my head more around the actual apartment development. It is, to Mr. Colman's point, tight. Maybe I did not ask this question of staff earlier, but I assume that there is enough room in this layout for fire trucks to be able to get through and do their usual.

Ms. Dang said the Fire Department has already done some rounds of review with the site layout. As Ms. Rupkey said, it is in Engineered Comprehensive Site Plan review right now.

Vice Chair Porter said I would feel a bit better about this layout if it flowed a little bit in such a way that you do not have a dead end at the very back of the property. I do see that there is going to be a significant amount of traffic coming in and out of this property based on the amount of spaces that would be available to them. I do have some concerns about Chicago Avenue and that particular spot. I wish there was a wider egress to be able to get cars in and out there and even another option to be able to have people leave the property. I understand the constraints of the property itself, so I am willing to acknowledge that there is not a lot of options here.

Chair Baugh said if Commissioner Finnegan was still with us he would probably amplify Commissioner Kettler's points which I think on the one hand, or both are very well taken. I can remember one time when he and I were against a much bigger project on that basis of it was going so far in the accommodation for motor vehicles that you were like "are we starting to cross a line here?" That having been said, I know a lot of these things are under review as it is right now. I come back to another thing that I also struggle with sometimes is that it is tough for me to vote on something based on rules that I wish existed but do not in fact exist. At some point, even if I do not like it, that starts to feel unfair to the applicants.

Commissioner Kettler said I think that pretty well summarizes my thoughts on it. On the La Morena portion, in particular, this seems like a perfect example of why there should not be that kind of requirement to begin with. Maybe the applicant wanted to do that anyway, and maybe they would not have, but this forces their hand. I am especially thinking about that just because the area immediately surrounding this is not like other properties in that there is residential almost all the way around it and there is commercial down that same street. It is mixed use in the area in a way that a lot of the City is not. Folks can walk to La Morena in a way that you cannot walk to anywhere on like East Market Street. When I see increasingly car oriented design in an area where you can do that, that is when I start to feel the way I do. Ultimately, in this case I do not think it is enough to swing the other way, but that is what I am thinking.

Commissioner Jezior said from the apartment complex side there are not enough amenities nearby to be able to...it is a long walk to get to a lot of the things that people need to get to. I can see from that standpoint, but I agree with you as well. For La Morena there are a lot of properties nearby where people can walk to it.

Vice Chair Porter said I would like to make a motion that we recommend approval of the rezoning request of 797 Chicago Avenue to rezone the property from R-5C to B-2C and R-5C to B-2 in the section that will be subdivided, as presented.

Councilmember Dent seconded the motion.

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

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on January 13, 2026.

***Consider a request from Valley Corner LLC to rezone 1110 N Liberty Street***

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to split zone the property where a +/- 0.38-acre portion of a +/- 0.59-acre parcel would be rezoned from M-1, General Industrial District to R-3C, Medium Density Residential District Conditional and the remaining +/- 0.21-acre portion would be rezoned to M-1C, General Industrial District Conditional. The property is addressed as 1110 North Liberty Street and 260 and 266 Charles Street and is identified as tax map parcel 45-A-1.

On the R-3C portion of the property, the applicant plans to convert the existing structure, addressed as 1110 North Liberty Street, to a duplex to include a one-bedroom unit and a three-bedroom unit. This was once a single-family detached dwelling and has lost its nonconforming status. On the M-1C portion of the property, the applicant plans to utilize the buildings addressed as 260 and 266 Charles Street as a coffee roasting facility for Broad Porch Coffee. They plan to roast coffee for both their wholesale clients and their own cafes, and to have between two and five employees that will be both full and part-time.

***Proffers***

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

1. No entrance shall be allowed on North Liberty Street. The existing entrance shall be permanently closed and a portion of the existing driveway will be removed, at least 20 feet in length beyond the North Liberty Street public right-of-way, prior to issuance of any Certificate of Occupancy on the R-3C portion of the property.
2. Prior to issuance of any Certificate of Occupancy on the M-1C portion of the property, the existing commercial entrance along Charles Street serving the proposed M-1C portion of the property shall be reconstructed to be no larger than 30 feet in width. The final design of the entrance shall meet the Design and Construction Standards Manual and be approved by the Department of Public Works.

3. Upon request from the City, the applicant will dedicate a 5-foot-wide public sidewalk easement and an additional 10-foot-wide temporary construction easement for future sidewalk construction along the North Liberty Street frontage.

The conceptual site layout is not proffered.

#### *Land Use*

The Comprehensive Plan designates this site as commercial and states:

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

If the property remains zoned M-1, then the site could be developed for industrial uses by-right. Rezoning a portion of the property to R-3C would instead allow the existing structure at 1110 North Liberty Street to be renovated as a duplex, while the remainder of the site is planned to be used to roast coffee. The R-3 district would also permit the existing structure to be converted by right into uses such as, but not limited to, professional or medical office use in the future, should it no longer function as a dwelling. Furthermore, the rezoning creates a smaller footprint for intense or undesirable industrial uses to operate on a site for which is not planned for industrial operations.

Adjacent and nearby parcels have a mixture of residential, commercial, and industrial uses. Tax map parcel 45-A-3, which is addressed as 256 Charles Street, and where T&E Meats operates, is zoned M-1 and designated by the Comprehensive Plan as Commercial. Across North Liberty Street and to the east along Charles Street, parcels are zoned M-1 and are designated in the Comprehensive Plan as Commercial and General Industrial. Across Charles Street, parcels are zoned M-1, but are designated in the Comprehensive Plan as Medium Density Mixed Residential, which is intended to accommodate a variety of housing types including small-lot single-family homes, duplexes, and townhomes. While the proposed uses on the subject property might not exactly conform to the Comprehensive Plan's Land Use Guide's Commercial designation, staff does not believe that rezoning the property to allow the re-establishment of a long-time residential use would negatively impact this area of the City nor detract from the intent of the Comprehensive Plan.

#### *Transportation and Traffic*

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

The site today has three entrances, one residential entrance on North Liberty Street and a residential and commercial entrance on Charles Street. Staff appreciates the applicant's proffer to close the entrance on North Liberty Street (proffer #1). Closing this entrance would restrict access to North Liberty Street and would require that the site is accessed only from Charles Street.

In addition to closing the entrance along North Liberty Street, the applicant is proffering that the existing commercial entrance along Charles Street be reconstructed to be no larger than 30 feet (proffer #2). The existing entrance is about 70 feet wide, wider than what is allowed by the Design and Construction Standards Manual (DCSM) for commercial entrances. The final design of the entrance would need to be approved by the Department of Public Works.

The final proffer would require that the applicant, upon request from the City, dedicate a public sidewalk easement and a temporary construction easement along North Liberty Street (proffer #3). This section of North Liberty Street is underdeveloped and does not have curb, gutter, or sidewalks. While there is no current plan to build sidewalk along this portion of North Liberty Street, if the City is eventually able to construct sidewalk along this portion of the street, the applicant would dedicate the necessary easements.

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

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

#### *Public Schools*

The City contracted with the University of Virginia's Weldon Cooper Center for Public Service to complete a report titled "Population and School Enrollment Projects for the City of Harrisonburg" (April 2025). The report can be found at the following link: [https://harrisonburgva.gov/sites/default/files/city-manager/HarrisonburgSchoolEnrollment\\_2025-04-30\\_Final.pdf](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.

Based on the Weldon Cooper Center report's calculation, this development's proposed two residential units are estimated to generate no new K-12 students at full build-out. According to the School Board's current attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development.

#### *Conclusion*

The proposed rezoning would allow for the creation of a duplex while maintaining the ability for coffee roasting. As previously indicated, staff does not believe that the rezoning would negatively impact this area of the City nor detract from the intent of the Comprehensive Plan. Staff believes

there are more advantages than disadvantages. The applicant's proffers address site access concerns, entrance widths issues, and needed easements for future sidewalk along North Liberty Street. Staff recommends approval of the rezoning.

Chair Baugh asked if there any questions for staff.

Ms. Dang said to address any potential confusion, the site maps, we need to update them. It is showing incorrectly that the rezoned area is just where the former home is. The boundary actually needs to go around the structure addressed as 260 Charles Street, as well. We will update that before the City Council meeting.

Ms. Rupkey said [referring to map on the screen] the red line should connect all the way to here. The original request did not include the M-1.

Chair Baugh said which it does on the map we have. The one I have right here does have that.

Ms. Rupkey said the printed maps with the labels, yes. The map that the applicant provided, yes. On the map that I printed off, I included the wrong map.

Commissioner Jezior asked there is not going to be a division in the property, right? It is just the rezoning?

Ms. Rupkey said it is just a zoning line. It would maintain the one ownership between the house and the business. Due to setback requirements between the residential and the industrial districts, a property line would not be able to go in that location to split the zoning.

Chair Baugh said I believe when we talked on the site tour, the industrial piece would not have enough setback.

Ms. Rupkey said correct.

Commissioner Seitz said I have to admit, I did not realize that split zoning was a thing until this session. I need to scan back over the number of projects I have been involved in over the years and where I may have employed it to my clients advantage. I also found very curious in the conclusion in the written things, I do not think I have ever seen a statement like this that "staff believes there are more advantages than disadvantages" as a rationale for approval. It strikes me as a little bit ambivalent. Which all leads me to ask, and I am supportive of this, so this is not a critique of this particular thing, in the application of split zoning, how do you navigate creating precedents where perhaps the disadvantages do outweigh the advantages that give the City credibility to say "it is right here, it is not right there"?

Ms. Rupkey said it is very case-specific, I would say, and what is surrounding the existing property.

Mr. Fletcher said that statement has definitely been used before, in the past, and it is sort of this realization that, when you have applications come in, this is the perfect example, you never get a perfect situation. Not every application is going to be perfect. There are times that we recommend

for projects where we do not get everything that we want. I think that is just stating it more matter-of-factly. There are more advantages in some situations than there are disadvantages. One could look at this and completely disagree. Maybe you do, that you do not like the idea of rezoning this to allow for a residential use to continue. This advantage would be that you are promoting more residential with regard to it not becoming commercial. I would stand behind that. I do not think it is ambivalent, I think it is just pointing out very matter-of-factly that there are just more advantages in this situation with the fact that we are trying to promote more housing. We are trying to create more mixture of uses. This is a scattering of a lot of different promotion of uses at this particular intersection.

Commissioner Seitz said I take your point and perhaps characterizing it as ambivalent was not fair. I will say, however, over the years in working with the City on the applicant side, I have always experienced a proper concern by City staff not to create precedents that could be abused in less situations. This just strikes me as something that can create a lot of opportunity for push back in saying “well you did it here, why can I not do it here?” I think the care to not create precedents is a good one. Thank you for letting me say my piece. I understand staff was very patient yesterday in the tour in answering questions about this. And I do support this, but I find it a curious thing.

Vice Chair Porter said it does beg the question, following that logic, if this was a different type of business that was located in the M-1C portion, maybe a machine shop or something else, would the recommendation change? You have a fairly clean process going on inside a building that is coffee roasting versus a machine shop. Would the answer be different? Maybe it is not fair to ask that question at the moment, but I think that it could have a real distinct difference on how I would view this.

Mr. Fletcher said I will not answer the question because there is a lot that can go into that, but I think when we look at these, we challenge ourselves and debate what if the building was not already there, would it make you feel differently? What if it was already zoned B-2, would you want to allow for a special use permit to add housing on the top floor of a business? I mean we play out all of these different scenarios, and we never get this perfect opportunity, so we give you the best recommendation that we can for you to consider.

Vice Chair Porter said one other question, I want to make sure that I heard this correctly. The undeveloped portion across Charles Street right now is currently zoned industrial, but there is belief that we are going to head towards potentially being able to allow residential in that spot. It seems like the lots are laid out in such a way that they could be quickly developed into housing.

Ms. Rupkey said correct. Although the Comprehensive Plan does in the future call for residential in this area, the existing zoning is M-1. Someone could develop it, right now, with M-1 uses even though that is not the intended goal of the Comprehensive Plan.

Vice Chair Porter said it is germane to this question I think.

Commissioner Jezior said how does it work with the house there right now. Can that be rented out with the M-1 zone?



Ms. Rupkey said the house, today, cannot be. However, at some point it had been a nonconforming single-family residence. A few things have happened that caused it to lose its nonconformity. One, there had been internal renovations to turn it into a duplex, which is not allowed and would require, at that time, that it no longer be residential. It would have to be an M-1 use or rezoned to allow it to [be residential]. In addition to that, since there has been an amendment to our Zoning Ordinance that if that had been done, they could have gone back to a single-family detached dwelling. It has been a number of years, and it has lost its nonconformity that way as well. There was no way for it to get back to a dwelling without rezoning.

Ms. Dang said I know some of us are calling it a house, but I would use the term structure. It is just a structure right now.

Mr. Fletcher said there is a lot of history to this property because there were improvements being made to all of the structures without permits, and that is how things got rolling. We learned that they lost their nonconformity because they had converted it to a duplex without permits. Then it sat this way for a while, and then different opportunities arose for people to try something different.

Ms. Dang said as it stands right now, with the M-1 zoning, it can only be used for by right uses allowed in the M-1 district.

Commissioner Kettler asked how often do we see on the structure on the property, which I would call a house just looking at it... How often do we see rezoning requests from single-family homes to allow for duplexes when it is a building that is already there and it is just modifications? I had not seen that often or hardly ever really.

Chair Baugh said on one hand it does not come up often, but on the other hand, especially over towards that area of the City, if you really just sort of walked around and started taking inventory, there are a number of those properties that kind of dribble in here kind of like this one. Suddenly something will come up or somebody would want to do something or staff noticed there was a violation somewhere that then causes discussions to happen on it.

Ms. Dang said I forget the house number but Jefferson Street, there was an illegal unit.

Mr. Fletcher said there was also one on Monroe [Street]. As soon as the question came up, I was racking my brain here trying to remember where it was.

Ms. Rupkey said we often have conversations with applicants about it happening. but then sometimes for it to actually happen the building code requirements become too expensive for them to consider going through the whole process. You will need to add firewalls and make sure you meet all building codes. If the lot is too small, and they need to rezone to R-8, it needs to be a subdivided duplex, which does not allow for the conversion of a top-bottom duplex.

Mr. Fletcher said there have not been many. There are times that they work with staff to do property boundary adjustments to pick up additional square footage to add a duplex and to convert things. It happens. It just does not need public hearings to do some of those things.

Councilmember Dent said this is in that north/northwest corner, so that might have been a part of the annexation from the County, which tends to have more of a mishmash of uses nearby.

Ms. Rupkey said correct. It was part of one of the annexations.

Mr. Fletcher said it was right on the fringe. Mr. Russ helped us research this a couple of years back, and we all thought it was the last annexation but it was in the late sixties.

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

Gil Colman, applicant's representative, came forward to speak to the request. I was very pleased to see staff coming up with a creative solution for this for many reasons. One of them is allowing for housing availability there. I think it is important to have that, especially on a property where the interest of the buyers is more specifically on the commercial side of it. This actually helps the buyers utilize the whole property. Just to speak back to the previous item to say this, the reality of the need for housing is so great that we have seen the need for parking throughout because there is more than one family living there. There is a lot of people that live in there. Just keep that in mind that we are truly looking at how our community is evolving and the needs that are there. We need to think beyond "these are the rules," but "what are the needs?" Can we consider the needs when we do this? The rules are important, but the rules we can change. The needs, I wish we could, and we are working towards that. I think we need to think beyond and look at the bigger picture. I appreciate staff looking at what we can do here to make sure that we can provide a solution that will help both. There is some reason for that. I do not know if that is what you look at or not, but I think this property is already being used in a residential way and in a commercial way. It could naturally be considered... Ideally, I think they would have done a property division, but the setbacks then would not allow for that. The other thing is considering the property across the street. The Comprehensive Plan calls for it to be a residential use. Well, keeping this use here kind of anchors that in some way. It is a stretch, but at the same time, makes sense that it is still considered in that flow. I am adding to that rationale. I am giving my perspective on the way I see it. I think the interest here of the applicant is to be able to use that property for commercial use for the coffee roastery. Also, to make sure they can provide housing because it is going to help them develop the property and be sustainable for them as investors of that.

Vice Chair Porter said I take it that the renovations are going to be... in what was provided to us it says work force housing, so I assume that these are not going to be gentrified to the point that they are going to be something a working person could not rent.

Mr. Colman said that is my expectation. Again, not being the owner, I cannot speak to that, but I can say that my expectation is that. That is the idea. I am working with the owners in other properties and looking at developing also and they tend to have something that is affordable.

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

Chair Baugh said I agree with staff, who Mr. Colman said he just agreed with, which is I certainly appreciate the sense here that this is one where there are pros and cons from a planning perspective, and I think I am persuaded that staff has got it right. I think for the same reasons that they think they got it right, which is, we talk a lot about the need to update our Comprehensive Plan and sometimes I think that gets a little overstated. If there is one thing that is true, it is that our current Comprehensive Plan predates the realization of what has become the disconnect between supply and demand of housing in the City. You got the piece of, well, you hate to see a residential property of any kind go off the walls. I think just as a quick aside on that, by doing it this way it kind of brings it into the fold. It takes sort of what is there and legitimizes it. Again, going back to that thing about precedent... If anything, over the years, we have probably have had more of a bias the other way in these situations of maybe having the pendulum edge over on the side of “well, because the applicant violated the rules...” At times, we have valued the single-family detached and liked the idea of making them put it back if they want to keep a residential use. That sort of diminished a bit. Even if I might do that 60-70 percent of time, I feel like this is 30-40 percent that this is the right answer. Then the other piece, of course, is that while we do not know what is going to happen across the street, unless it develops industrially, and of course the mixed use is not exactly but it is really something to be anticipated the continuation of what is already developed on the other side that will be a sort of residential extension to over to this point. If you imagine that, then insisting that this be an industrial use as it is zoned or a commercial use as it is currently planned seems a bit excessive.

Commissioner Kettler said I think that sums up a lot of my thoughts as well. One thing that the applicant noted was the acute need for housing and this kind of situation where there is more than one family living at one place because there are not much options. I think this is the kind of development, on the residential aspect of this, that we want to be encouraging a lot more. If you have a home, and you want to change a portion of it so that it is a duplex or add an addition on to it for more living space, if that had been more wide spread, allowed, or easier over the last several decades, I do not know if we would be in the housing crunch that we have today. Certainly not to the same degree.

Vice Chair Porter said this one allows that for the fact that, that area of town is evolving, it is changing. If housing goes into the area that is directly across the street, this is not going to stand out at all. The fact that this is potentially workforce housing and it is taking a piece of land that was underutilized and giving it a viable purpose in our community, I think is a good thing. At the end of the day, we have to realize that we have talked at some great length, as a community about the fact that there is only so much space left to build on within our City. The fact is that we have to get better at recognizing opportunities like this to be able to utilize potentially something that could be shifted without an extreme amount of cost and be kept reasonably affordable that could be a rental property for workforce housing. I would feel differently about this if there was a different type of industrial use very close to this property, but there is not. When you consider the open space across the street that is potentially headed for housing, this seems like a no brainer. I would also editorialize that as I sit here and look at our Capital Improvement Program, I think we as a City need to start looking at those sidewalks both on Main [Street] and Liberty [Street] heading that direction. The Navigation Center is out that direction. There is a lot of development on Liberty [Street] and a lot more foot traffic out that way. I think it is incumbent upon us, as the City, to eventually address that and make that area safer to walk.

Commissioner Jezior said the proximity there to the Northend Greenway would be to be able to continue that sidewalk.

Vice Chair Porter said that is a benefit for this existing property as well. I think that makes it a much more attractive place to live.

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

Commissioner Jezior seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (6-0). The recommendation will move forward to City Council on January 13, 2026.

***Consider a request from AM Yoder & Co to amend the Zoning Ordinance to modify special use permit requirements to reduce required side yard setbacks in the R-8 district***

Chair Baugh read the request and asked staff to review.

Ms. Rupkey said the R-8, Small Lot Residential District's by right residential uses include single-family detached dwellings and duplex dwellings while townhomes are permitted with an approved special use permit (SUP). Per Section 10-3-59.4 (11), a property owner may request for any residential use to have reduced side yard setbacks so long as either certain fire sprinklers are installed or exterior walls are constructed without openings and have a minimum 1-hour fire resistance rating.

As noted, if a SUP is approved allowing reduced side yard setbacks, and the owner chooses not to install a sprinkler system, then the required fire resistant wall cannot have any openings (i.e., windows) on the wall adjacent to a property line where the side yard setback is reduced. The applicant is proposing to amend Section 10-3-59.4 (11) to allow for the installation of fire-rated openings on the first floor and only when the bottom of such opening is no more than 10 feet above the exterior finished grade. If approved, note that any exterior walls along the same side of the building that meet the standard minimum setback requirements of Sec. 10-3-59.5 are exempt from fire-resistance requirements. As an example, this would allow a three-story building, where the third-story exterior walls are located 10 or more feet away from the side property line to not be

fire resistant and can have a standard window that opens. While an approved SUP may alleviate the Zoning Ordinance's minimum requirement for side yard setbacks, building code regulations would still need to be met regardless of an approved SUP.

The applicant proposes the following amendment to Section 10-3-59.4 (11):

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached dwellings, duplex dwellings, or townhomes when:

- a) National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings, or
- b) Any exterior wall(s) adjacent to facing the property line with a reduced side yard setback is constructed without openings and has with a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code. resistant assembly documented by a nationally recognized testing agency. Any openings shall have a minimum 1-hour fire-rating and be fixed and inoperable. Openings shall only be located on the first floor of the dwelling and the bottom of openings shall be equal to or less than 10 feet above the exterior finished grade. Walls meeting the standard setback requirements of Sec. 10-3-59.5 are exempt from these fire resistance requirements.

Where the Virginia Residential Code sets more restrictive standards, compliance with its provisions is mandatory.

The Fire Department has reviewed the proposed amendment and supports permitting inoperable, fire-rated windows on the first floor, provided that the bottom of the window opening does not exceed 10 feet above the exterior finished grade. Openings above this height introduce significant operational and safety challenges for emergency responders, as ground ladders may not be able to provide adequate access for rescue operations. During some rescues, firefighters may need to break a window to remove someone quickly or safely. If a ladder cannot be used, openings that are 10 feet or lower present a more manageable drop, reducing the risk of serious injury to the resident and the responding firefighter.

#### *Conclusion*

Staff does not have concerns regarding the proposed amendments to Section 10-3-59.4 (11) and will have the opportunity to review SUP requests on a case-by-case basis. Staff recommends approval of the ZO amendment.

Chair Baugh asked if there were any questions for staff.

Commissioner Jezior asked the way that it is written right now you cannot have any opening?

Ms. Rupkey said correct.

Councilmember Dent said that is if it is within the ten feet setback.

Ms. Rupkey said if they request the special use permit. If they put sprinklers in the building, they can have windows that open. It is an either/or. As it is written today and how it is being proposed to being written, you have the option of doing the National Fire Rated Protection Associations 13, 13R or 13D sprinkler system or doing the fire resistance with no openings. Now it is that first same section or fire resistant fixed openings as well.

Councilmember Dent said I have a question. I do not know if it is for staff or just for general practice. I have heard I think former Chair Finnegan say, in general, if there is a townhouse row the end units do not have windows. I thought, why not? In this case they can. As I understand it, this is allowing a particular case where even if the setback is smaller, they could have one of these fixed windows, right?

Ms. Rupkey said calling it an opening may be better. It cannot open and close. It would be just a pane of fire-rated glass that would provide more natural light.

Councilmember Dent said again if it is the full setback, windows are allowed and they can open. Why do they not build them that way I wonder?

Mr. Fletcher said I am not quite sure I follow. Did I hear you say that end townhome units do not have windows?

Councilmember Dent said that is what Chair Finnegan said.

Mr. Fletcher said that is not accurate. It has everything to do with the building code and how close they might be to a property line. You kind of have to disregard zoning. This is an unusual type of amendment. Just to clarify, that is just not an accurate statement.

Councilmember Dent said not that they cannot, but that the practice was that they typically did not. That is what I was wondering.

Ms. Rupkey said if in the past in the R-8 district someone had needed to have reduced setbacks and required the special use permit, they would not have been allowed to have openings at that time.

Mr. Fletcher said there are definitely townhomes all over the City that have openings. It has to do with percentage of openings and the closer you get to the property line. Ten is the special number because then you have a lot of flexibility.

Chair Baugh said generally you are looking at townhouses in R-3 for those types of developments.

Mr. Fletcher said R-3, R-4, R-5.

Ms. Dang said now R-8 also, with special use permit.

Chair Baugh said historically it was R-3.

Vice Chair Porter said I would like to understand the motivation for the request, simply because there is usually a practical reason why people get into this arcane language. What is the applicant's intention in terms of making this request?

Ms. Rupkey said there is a bit of history with this request that we did not bring up in the staff report. Earlier this year, there was a rezoning request to R-8 at a property on Sunrise Avenue. They requested to rezone to R-8, and then they would like to build a third story addition. How their house is situated, now that it is zoned R-8, is conforming to setbacks. Once they add that third story, they would have to request a special use permit for a portion of the building that is already seven feet from the property line. They want to keep it for where the kitchen is. They would like to keep some form of natural light to be able to go through while they are in there during the day. You will see at the end of the meeting, the special use permit is coming possibly next month. They are trying to get this for this specific client, but also in general other clients that they have, to allow for the flexibility of openings on the sides of buildings.

Vice Chair Porter said you gave the perfect example to help me understand. I am familiar with that property, and I remember when it was brought before us last time. I can understand exactly why they would want that, so that makes sense to me. Thank you.

Commissioner Seitz said I think one of the reasons why I am supportive of this is, not because of the particular example, but when we as the Commission requested if you all bring this amendment to us...again, anything that wherever we can keep the zoning ordinance from treading in waters that belong to the building code, I think is probably a good way to think about it. I particularly appreciate the language in here that says where the residential code requires more restrictions that takes precedence over this.

Ms. Rupkey said the intent is that it should have done that anyway, but we wanted to make sure that it was clear to people coming in that they would still need to follow building code.

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

Commissioner Jezior said I do not have any issue with it. I think it makes sense to be able to add more natural light.

Vice Chair Porter said I feel sometimes if I am going to make a motion about something, I should understand it. I understand it well enough I guess. I will go ahead and make a motion to recommend approval of the zoning ordinance as presented.

Commissioner Kettler seconded the motion.

Commissioner Seitz	Aye
Commissioner Jezior	Aye

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

The motion to recommend approval of the Zoning Ordinance amendment passed (6-0). The recommendation will move forward to City Council on January 13, 2026.

***Consider a request from Honest Meats LLC to amend the Zoning Ordinance to allow meat processing and storage by special use permit in M-1***

Chair Baugh read the request and asked staff to review.

Mr. Blanks said in September 10, 2025, staff met with Honest Meats LLC (applicant) representatives to discuss future expansion to the T&E Meats facility located at 256 Charles Street. A portion of this facility operates a slaughterhouse for domesticated livestock and is a nonconforming use.

Article E. - Nonconforming Structures and Uses of the Zoning Ordinance prohibits the enlargement or expansion of nonconforming uses. After reviewing the details of the proposed expansion with the applicant, staff concluded that the new proposal would not violate Article E. However, the applicant expressed interest in finding a way to permit the slaughterhouse use in the M-1 General Industrial District to remove their nonconforming status and provide a route for future improvements that are not restricted by Article E.

Staff worked with the applicant to create a new definition for “Meat processing and storage facility,” as shown below:

*Meat processing and storage facility:* A building used for the slaughter and processing of game or domestic animals. May include temporary storage of animals outside the principal building and onsite storage facilities for distribution of processed meats. Does not include processing and storage of poultry and other fowl.

This definition separates facilities that slaughter and process domestic animals and game from poultry processing. Further discussion on the importance of that distinction is discussed later in this report. The definition will allow temporary storage of animals outside while waiting to be processed. The proposal would add a new subsection (18) within Section 10-3-97. - Uses permitted by special use permit in the M-1 General Industrial District to permit, meat processing and storage facilities only by special use permit (SUP).

Staff believes that Planning Commission and City Council should consider meat processing and storage facility operations on a case-by-case basis so that the location and potential undesirable impacts can be evaluated and considered. During the special use permit (SUP) process, staff, Planning Commission, and City Council could consider and attach conditions to address matters of concern such as, but not limited to:



- Location relative to adjacent and nearby uses, zoning districts, and (future) Land Use Guide designations,
- Facility size (i.e. footprint, building scale),
- Temporary outdoor storage of animals,
- Hours of operation, and
- Noise.

While crafting the definition for meat processing and storage facilities, it became apparent the proposed amendment needed to address poultry processing and storage. Harrisonburg's first ZO in 1939 separated poultry processing from other types of meat processing and slaughterhouses. While slaughterhouses were expressly prohibited as a use, poultry processing and storage was allowed. In the 1939 ZO, Section 7, B-2 Business, Manufacturing and Industrial District Uses stated:

In any B-2 District, no lot, building or structure shall be used and no building or structure shall be erected which is intended or designed to be used, in whole or in part, for any of the following specified purposes:

- (1) Abattoir or slaughter house, except for poultry and incidental to a retail store; stockyard; starch; glucose or dextrine manufacture; horn processing, except from cleaned shells; the curing, tanning, dressing or storing of raw or green salted hides or skins.

The ZO has changed significantly since then and poultry processing is not explicitly mentioned anymore. It had been a long-standing interpretation of the ZO that poultry processing is allowed by right under Section 10-3-96(1) which states:

Industrial operations for the manufacturing, processing, storage or treatment of products which are not customarily found in retail centers. It is intended that the industrial use shall not endanger surrounding uses or create severe pollution problems.

To clarify that a poultry processing and storage facility is not a subcategory of a meat processing and storage facility, the proposal includes a new definition for "Poultry Processing and Storage Facility" as shown below:

*Poultry processing and storage facility:* A building used for the slaughter and processing of poultry or fowl. May include temporary storage of poultry outside the principal building and onsite storage facilities for distribution of processed poultry.

The proposal includes the addition of subsection (22) within Section 10-3-96. - Uses permitted by right in the M-1 General Industrial District to allow poultry processing and storage facilities by right in the M-1 district. This would codify the existing interpretation and remove the possibility of making existing poultry processing facilities nonconforming by requiring a SUP.

*Conclusion*

The proposed amendments will provide slaughterhouse operations with a path to operate within the City as conforming use and clarify existing interpretations regarding poultry processing operations. Staff recommends approval of the amendment as proposed.

Chair Baugh asked if there any questions for staff.

Vice Chair Porter asked what would be the implications for existing nonconforming uses if this is not changed?

Mr. Blanks said Article E basically prohibits nonconforming uses from expanding at all. What that would really mean is that, we will take the slaughterhouse as the example, they would not be able to expand the physical operations of the slaughterhouse. So, the amount of area in that operation that is dedicated to the slaughterhouse is all they can do. They can continue to maintain it as long as they do not stop it for a period of longer than two years. If they were to expand it then it would be considered immediately void, and they would have to cease the operation of the slaughterhouse, and it would have to revert to a by right industrial M-1 use. That is true for all nonconforming uses for previous applications, we are looking at that house near this location on Charles Street where that was another example of a nonconforming use that was expanded and then as soon as it expands it (the nonconformance) is presumed to be lost immediately.

Vice Chair Porter said in this particular case, the applicant would have to come before us with a special use permit request.

Mr. Blanks said yes, all this is doing is amending the Zoning Ordinance to give them the option to pursue a special use permit that can then make them be conforming. Right now, this particular use, they have no way of ever leaving nonconforming status. The ordinance would need to be amended to allow them to try to do so.

Vice Chair Porter asked this may be an unfair question but how many other businesses currently operating in the City would be impacted by this change?

Mr. Blanks said I am not sure there is another one. This is T&E Meats. Honest Meats LLC own this facility. I am not aware of another facility that would be affected by this particular ordinance change. There are several poultry processing facilities that...it does not really change anything much for them other than making it clear that they can continue to do what they are doing. At this time, I am only aware of the T&E Meats facility.

Ms. Dang said if there are other slaughterhouses in the City, they are either illegal or we would have to do a lot of thorough research with them to determine that they are nonconforming.

Mr. Blanks said the T&E Meats facility has been a well-documented use over the years.

Commissioner Jezior asked would this special use permit allow for a new facility to open or is this only for expansion?

Mr. Blanks said an applicant could bring a request for a new facility, at which point it would be up to the Planning Commission to make a recommendation and City Council to approve if they would like a new facility to be added.

Chair Baugh said which right now you cannot.

Mr. Blanks said right now you cannot.

Councilmember Dent said I knew of T&E Meats, but I had no idea they had actual slaughterhouse operations there. One thing I am kind of curious about is the outdoor storage of animals. That could be interesting for a special use permit for noise and how many animals.

Mr. Blanks said at the moment, the way that we wanted to present this is, as well as in conjunction with the applicant discussing with them, it sounds like that will vary dramatically from operation to operation depending on what type of animals they are slaughtering, how many get processed, when they are being processed. That is something that would have to be evaluated on a case-by-case basis. We would be looking at pens, potentially covered or uncovered, that would be somewhere on site to be able to house whatever animals are waiting to be processed. It will be something that will have to get evaluated and discussed.

Commissioner Seitz said I am repeating what I think you just answered already, so things like visual screening, security, covering, all of those types of things would be stipulated and addressed through the special use permit process.

Mr. Blanks said it is something that could be considered and you would have the authority to recommend conditions, and City Council would have the ability to attach them, regarding restrictions on how that operation is occurring since it is a special use permit.

Councilmember Dent said I also commend the clarity of separating out poultry from other domestic animals. The poultry industry is the backbone of the Valley really and even operating ongoing. It is good to get the Virginia Poultry Federation President, Hobey Bauhan's, approval.

Mr. Blanks said he was happy to see that this proposes to clarify what is currently an interpretation.

Mr. Fletcher said, Commissioner Seitz, if we end up in the future with a special use permit where someone does want to have a slaughterhouse and the Planning Commission or City Council does not want any outdoor storage of animals, but they are proposing it, you can add a condition to that that they do not have any.

Mr. Blanks said, to Mr. Fletcher's point, the way the definition was structured says that they may have outdoor storage of animals and that could still be subject to restriction by a special use permit condition.

Commissioner Seitz said given the culture of the area, creating the pathway for some place like T&E Meats to be able to do business makes sense. I think it is a well-crafted ordinance.

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.

Todd Rhea, attorney with Clark & Bradshaw and applicant's representative, came forward to speak to the request. I have been working with Mr. Blanks, and the applicant Matthew Heavener, who runs the operation for T&E, is here this evening as well. It was well explained by staff and in my zoning justification letter request, we are just seeking to amend the ordinance to allow a long-standing operation, like T&E Meats, that has operated in the County and now the City for almost 100 years to have path forward to continue their operation in a responsibly regulated way through the City. Right now, that opportunity does not exist because the definition does not exist for some of the things they do on site within the City's Zoning Ordinance. It is only within the industrial district, so it is a very limited district use. We looked at other jurisdictions in the Valley and western Virginia and many other cities and counties to provide for a similar type use by special use permit in their industrial district. This is analogous to what is permitted in other jurisdictions. As the Planning Commission has pointed out this, does not permit it as a use by right. T&E would have to come back with a crafted special use permit application reviewed by staff and going through the public hearing process for appropriate restrictions and conditions associated with that request. It is a very valuable business in the community. They process a lot of the organic and locally grown grass-fed beef, such as Polyface Farms-type folks supply there. The City of Harrisonburg, while an urban area, is surrounded by Rockingham County which produces 20 percent of Virginia's annual agricultural output. We are an agricultural hub, and it makes sense. We believe in working with staff to request that the ordinance be amended to provide that opportunity and path forward to allow a business like T&E to get out of nonconforming use status. Thank you all very much.

Chair Baugh asked if there were any questions for the applicant's representative. 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 Porter said I would just like to say that it is not lost on me that we just decided a matter on a property that is almost adjacent to this property. We just talked about the two rental properties that could be created in the property that is fairly close to where this currently exists. I would be inclined to ask a lot harder questions about an expansion and a special use permit discussion because of the fact that we just talked about this increase in potential residential density going on around this area here. That is a different discussion for a different day, but I will tell you that if this was an ordinance change to allow this expansion by right, I am not sure I would be voting for it this evening. Just in light of what we just talked about, which is the fact that we would like to encourage residential development in that area. With that being said, I think the merits of that will be discussed when that time comes. I do have some concerns about expansion of that property if the character of that neighborhood changes. I think anybody that lived in that area and as someone who grew up in a ranching community out west and understands what it is like to be near a feed lot, and I understand the slaughterhouse process because it was part of my family's business. It is not a pleasant thing to have next door. This property seems to have been managed extremely well. I have not heard a lot of complaints about the work that T&E has done for years. It is not lost on

me that this is something that is already in place and it has been functioning for an extended period of time. If the character of the neighborhood changes, I think it is going to lend to a much deeper discussion.

Councilmember Dent said that is one of the beauties of the special use permit. It is one of the tools we can use to impose conditions, such as no animals outside or whatever we choose to do.

Commissioner Kettler said I move to approve the Zoning Ordinance amendment as present by staff.

Commissioner Seitz seconded the motion.

Chair Baugh called for a roll call vote.

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

The motion to recommend approval of the Zoning Ordinance Amendment passed (6-0). The recommendation will move forward to City Council on January 13, 2026.

### **Public Comment**

None.

### **Report of Secretary & Committees**

#### ***Rockingham County Planning Commission Liaison Report***

Commissioner Kettler reported on the December 2, 2025 Rockingham County Planning Commission meeting. The following items were on the agenda:

- Unfinished Business for a request from Yasin Soufi Nejad to rezone (Tax Map # 95-A-83F) 1.6 acres from RR-1 (Residential or Recreational) to A-2 (General Agricultural) – Approved (4-0)
- Unfinished Business for a request from Weidig Family Trust and DR Horton to rezone (Tax Map # 125-A-20G) two parcels totaling approximately 44 acres from A-2 (General Agricultural) to R-5 (Planned Neighborhood) – Approved (4-0)

#### ***City Council Report***

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

At the November 22 and December 9 City Council meetings:

- Public hearing on the Zoning Ordinance amendment regarding inpatient substance use disorder treatment facilities – Approved

### **Other Matters**

Ms. Dang noted the next Rockingham County Planning Commission Liaison assignments.

Mr. Fletcher presented the Capital Improvement Program (CIP), discussed the Planning Commission's responsibility in reviewing the CIP, provided an explanation on how to review the document, and answered questions from the Planning Commissioners. He requested that Planning Commission review the CIP and provide comments and questions by Friday, January 2, 2026. Mr. Fletcher will coordinate with other departments to provide responses to those questions. The CIP will be reviewed during the January 2026 Planning Commission meeting.

Ms. Dang said that there is a scam targeting applicants who have land use requests pending before the Planning Commission. The scammers use publicly available information to target applicants to demand payment via electronic means. Staff will never contact applicants to request that they wire money. Contact staff with any questions regarding requests for payment. The Harrisonburg Police Department is aware of the scam and has placed notices on social media.

### ***Review Summary of next month's applications***

Ms. Dang reviewed the three items anticipated for the January agenda:

- Special Use Permit – 380 Sunrise Avenue (reduced side yard setbacks in R-8)
- Special Use Permit – 660 Walnut Lane (multiple-family of up to 12 units per building in R-3)
- Rezoning - 2580 South Main Street (M-1 to R-3C)

One meeting is recommended.

The meeting adjourned at 8:07 PM.

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Richard Baugh, Chair

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Anastasia Montigney, Secretary