



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final Planning Commission

Wednesday, May 8, 2024

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 8, 2024, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

2. Roll Call/Determination of Quorum

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

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

Chair Finnegan called the meeting to order.

Present 6 - Brent Finnegan, Adriel Byrd, Valerie Washington, Richard Baugh, Heja Alsindi, and Kate Nardi

Absent 1 - Vice-Mayor Laura Dent

3. Approval of Minutes

3.a Minutes from the April 10, 2024 Planning Commission Meeting

Chair Finnegan asked if there were any corrections, comments or a motion regarding the April 10, 2024, Planning Commission minutes.

Commissioner Baugh moved to approve the April 10, 2024, Planning Commission meeting minutes.

Vice Chair Byrd seconded the motion.

The motion to approve the April 10, 2024, Planning Commission meeting minutes passed (4-0) with Commissioner Nardi and Commissioner Alsindi abstaining.

The minutes were approved

4. New Business - Public Hearings

- 4.a. Consider a request from Trustees Chicago Avenue Mennonite Church for a special use permit to allow a child day care center at 1552 South High Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-40 (1) of the Zoning Ordinance (ZO) to allow for a child day care center to be located within the Harrisonburg Mennonite Church located at 1552 South High Street. The church is not the operator of the day care but is leasing space to a day care provider. Note that if the church was the operator of the day care, then the SUP would not be required because in such situations the day care is considered an extension of the church and an allowable use.

The day care center is planning to provide care for around 45 children from the ages of two and a half years old to five years old. The applicant plans to convert three of the existing classrooms to space to operate the day care center. The applicant is working with an architect to make modifications required by the Building Code. The church property currently has sufficient parking to support both the church and the day care facility.

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.

Staff does not have concerns that the proposed use will have adverse affects to the surrounding area.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed SUP is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the SUP request.

Public Water and Sanitary Sewer

Staff has no concerns regarding water and sanitary sewer service availability for the proposed child day care center.

Recommendation

Staff recommends approval with the following condition:

1. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

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

Debra Pardini, applicant's representative, came forward to speak to the request. She said I will take your questions or I will find someone who can answer them.

Chair Finnegan asked it is a large property, is any of it going to need to be fenced off if that part becomes a daycare?

Ms. Pardini said I do not believe so.

Chair Finnegan said is most of the daycare activity happening inside of the building?

Ms. Pardini said most of it will be. We do have a large green space for them to be outside as well.

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

Vice Chair Byrd said based on the layout of the parking, I thought it would not be an issue of children being dropped off and picked up. Therefore, I would be in favor of this.

Chair Finnegan said it is quite a large parking lot so I do not think that [parking] would be an issue. There are two access points to this, one from Emery [Street] and then South High [Street]. I would assume, unless something is being fenced off or ballers are being placed there, traffic can flow either way.

Vice Chair Byrd said I would also like to comment that the added condition that staff recommended is more perfunctory just in case any special use permit has an issue, they tend to tack that on.

Commissioner Baugh said I would be supporting this regardless. As somebody that is familiar with the neighborhood, for those of you that do not know, for most of the time that church has existed is probably the bane of its existence was the fact that a whole lot of people in that neighborhood just routinely use it as a cut-through. Including some things that I thought were sad, not because of the church but because of the public. There was one time where they did a proactive thing of trying to put markers on the grass to keep people from driving over and then you can just see that people have driven over them and stuff. They solved the problem the way problems get solved sometimes, they eventually just did an expansion of the building and made it more inconvenient

since you have to get in and then kind of drive around. Now people do not use it as a cut-through. I think to the extent that there might even be safety concerns with the kids there, there is a whole lot less of that than there use to be. With that, I will go ahead and move approval of the special use permit request as presented.

Vice Chair Byrd seconded the motion.

Chair Finnegan said I will just add that I know in the ALICE Report they talked about the need for childcare in the City, the shortage of childcare, and then anecdotally the number of parents that I have talked to that are really trying to find anywhere that is affordable that will care for their children during the day. I am in favor of this.

Chair Finnegan called for a roll call vote.

- Commissioner Nardi Aye
- Commissioner Baugh Aye
- Vice Chair Byrd Aye
- Commissioner Alsindi Aye
- Commissioner Washington Aye
- Chair Finnegan Aye

The motion to recommend approval of the special use permit passed (6-0). The recommendation will move forward to City Council on June 11, 2024.

A motion was made by Baugh, seconded by Byrd, that this PH-Special Use Permit be recommended to full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 0

Absent: 1 - Vice-Mayor Dent

4.b. Consider a request from Mehre Tu Zeray Tekle and Rahel Yosief Hailu for a rezoning to amend the Brookside Park Master Plan to create exceptions for 979 Roberts Court

Chair Finnegan read the request and asked staff to review. Ms. Dang gave the following presentation:

What is an R-7 Development?

The R-7 zoning district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached units, single-family attached units, and in certain circumstances, multi-family units. R-7 communities are developed under an approved master plan that incorporates regulatory text for the communities. Aside from particular provisions of the Zoning Ordinance (ZO) that must be met, the approved master plan is the “zoning” by which the development must abide. The R-7 zoning district requires a minimum of two contiguous acres at the time of application, a minimum of 15 percent open/green space, and at

least two types of residential housing types, where no one type can exceed 70 percent of all residential units. Maximum density is limited to 15 units per acre.

To date, the City has five R-7 master planned communities:

- Brookside Park located at Roberts Court, Drake Lane, and Suter Street, rezoned to R-7 in 2006, and then amended in 2007 and in 2011;
- The Quarry located along Linda Lane and Smithland Road, rezoned to R-7 in 2007;
- Collicello North located along Collicello Street north of 5th Street, rezoned to R-7 in 2013;
- The Village at Chicago Park located along Saturday Drive, which is off of Chicago Avenue, rezoned to R-7 in 2014; and
- Bluestone Town Center located along Garbers Church Road and Erickson Avenue, rezoned to R-7 in February 2023.

The subject parcel is part of the Brookside Park subdivision, a +/- 7.11-acre site rezoned in June 2006 from the R-2, Residential District and R-2C, Residential District Conditional to R-7, Medium Density Mixed Residential Planned Community. The R-7 approved master plan consisted of 35 building lots and a +/- 1.44-acre parcel set aside for a park. The applicant received preliminary plat approval in September 2006 and final plat approval in June 2007. All building lots front along public streets including Roberts Court, Drake Lane, and Suter Street. The engineered comprehensive site plan was approved in April 2007, and the first building permits were approved in the summer of 2007. In October 2007 and October 2011, amendments were approved to revise the Brookside Park master plan. The 2006 master plan and amendments are attached.

The current request is to amend the master plan by creating exceptions, or alternative regulations, for one parcel identified as tax map parcel 40-B-68 and addressed as 979 Roberts Court. If the master plan amendment is approved, the applicant plans to add an addition to the building to expand the kitchen and living room areas for their family.

A master plan amendment of this type is permitted by Section 10-3-57.6 (l), which states: “The master development plan may be amended solely for a parcel(s) upon application by that parcel's owner, through a zoning map amendment process, subject to determination by the city council that the proposed use and development plan meets all of the requirements of the original master development plan to an equivalent degree in terms of meeting the purposes of the district and protecting the public health, safety, and welfare.”

Master Plan Amendment

Among other things, the Brookside Park Master Plan specifies allowing three different housing styles, including: courtyard homes, single family residential, and duplexes. For each housing style the Master Plan identifies the minimum lot area requirements as well as the minimum required setbacks. Furthermore, the Master Plan requires specific housing types for the courtyard and single family residential homes and a different set of housing types for the duplexes. Each of the housing types have specific dimensions and square footages for the structure.

In this case, the applicant owns one side of a duplex parcel and is proposing to reduce the required setback along Suter Street from 20 feet to 10 feet and to eliminate the required housing style for their parcel. As noted above, the applicant would like to build an addition to enlarge their

kitchen and living room. In order to do so, they need the reduction in the required setback along Suter Street and because the home will be enlarged, they must amend (or in this case eliminate) the specific housing type for their duplex unit.

One last amendment is a more restrictive regulation. Since the applicant desires to enlarge their home to a size greater than the dimensions listed in the house types section of the Master Plan, staff suggested to the applicant that they limit their front yard to a 40-foot minimum setback along Roberts Court. This restriction would make it so that the home at 979 Roberts Court could not build any closer to the street and would maintain a similar front setback to other buildings along the street. The existing structure is 40-feet away from the front property line along Roberts Court.

No other changes are proposed to the master plan.

Land Use

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

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Transportation and Traffic

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

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

and housing centers across the City.

Public Schools

If the rezoning is approved, no additional dwelling units would be added to the property; therefore, the student generation is zero. Based on the School Board's current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing on this property.

Recommendation

Staff finds no significant adverse effects on the surrounding properties and believes the request meets all the requirements of the original master plan development to an equivalent degree in terms of meeting the purposes of the district and protecting the health, safety, and welfare. Staff recommends approval of the master plan amendment as submitted by the applicant.

Chair Finnegan asked is this community under a HOA?

Ms. Dang said yes.

Chair Finnegan asked would it be like a covenant?

Ms. Dang said yes.

Chair Finnegan asked it is possible that if this gets approved it may or may not be in line with [covenants]...is that a separate layer of permission?

Ms. Dang said yes, correct.

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

Tom Syre, applicant's representative, came forward to speak to the request. He said do you have any questions about the expansion of the dining room kitchen area?

Chair Finnegan asked is there anything in the covenants that would prevent this from happening or is that a separate layer [of approvals]?

Mr. Syre said we do not think so, no. The reason for it, if I may, is Mehretu and his family come from Eritrea and they are apart of the Habesha group. One of the interesting things, I have lived there for several years so I know the culture and I know the ways, the current situation in the house does not allow for communal eating. The Habesha's eat communally, they eat from the same dish. They sit around a large table and eat a stew and their bread from the dish. The current situation does not allow for that. This expansion will allow them to have their family and guests to eat communally. I have eaten over at Mehretu's house, it is crowded now. It is contrary to the way Ethiopians and Eritrean's eat. It is not conducive to a sense of community. This will vastly improve communications within the household and among guests.

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

Chair Finnegan continued saying this is pretty traditionally how houses...when people talk about starter homes, this was a pretty common and traditional...the tradition in the United States used to be buy a small house, you add on to that house and increase the size of it overtime. I would be in favor of this request.

Commissioner Nardi said I would be in favor. It does not change the fabric of the neighborhood

and allows for more family space.

Vice Chair Byrd said looking over the master plan, I do not see this becoming too major of an opening of a dam for a bunch of other changes, it would just be a couple of properties on the ends that would be able to take advantage of this idea. Most of them are bound by other buildings right beside each other. I would have no issue with this application. Therefore, I will make a motion to approve the master plan amendment request.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi Aye

Commissioner Baugh Aye

Vice Chair Byrd Aye

Commissioner Alsindi Aye

Commissioner Washington Aye

Chair Finnegan Aye

The motion to recommend approval of the Master Plan amendment passed (6-0). The recommendation will move forward to City Council on June 11, 2024.

A motion was made by Byrd, seconded by Baugh, that this PH-Rezoning be recommended for approval to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 0

Absent: 1 - Vice-Mayor Dent

4.c. Consider amending the Zoning Ordinance to define and regulate the location of skill games

Please refer to attachment 10 in Legistar for the full minutes extract.

A motion was made by Byrd, seconded by Baugh, that this PH-Zoning Ordinance be recommended to full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 0

Absent: 1 - Vice-Mayor Dent

4.d. Consider amending the Zoning Ordinance to further regulate the location of tobacco, smoke, or vape shops

Vice Chair Byrd said I would like to make a motion to recommend approval of the Zoning Ordinance amendment concerning regulating the location of tobacco, smoke or vape shops as it was written.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the Zoning Ordinance amendment passed (6-0). The recommendation will move forward to City Council on June 11, 2024.

A motion was made by Byrd, seconded by Baugh, that this PH-Zoning Ordinance be recommended to full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 0

Absent: 1 - Vice-Mayor Dent

5. New Business - Other Items

5.a. Consider a request from Cobblers Valley Development LLC to preliminarily subdivide 585 Pear Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in February 2024, City Council approved two requests for this site, which included;

- Rezoning from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional; and
- A special use permit to allow attached townhomes of not more than eight units in the R-8 district.

A copy of the approved 2024 rezoning proffers is attached herein.

The applicant is requesting to preliminarily subdivide a +/- 2.18-acre parcel into 21 townhome lots and one commonly owned lot that includes the private street. The request includes variance requests from the Subdivision Ordinance (SO) to allow lots to not have public street frontage and to allow deviation from location requirements for public general utility easements. The parcel is addressed as 585 Pear Street and is identified as tax map parcel 8-E-2A.

Note that staff is working to determine if the private streets names will be a continuation of

adjoining existing street names or if the applicant will need to propose new street names. As part of the administrative final platting process, staff will ensure compliance with street naming and addressing standards.

Land Use

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

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

Transportation and Traffic

A Traffic Impact Analysis (TIA) for this development was performed during the rezoning process. The subject property's existing regulating proffers provide for the necessary mitigations to address the development's impact on the existing streets, as well as, to create a network of connected streets within the development to distribute traffic. The necessary transportation improvements will be constructed as the development progresses.

Proffers 3, 4, and 8, from the 2024 rezoning committed the developer to constructing sidewalks and dedicating public access easements over the private sidewalk along the private streets. Public access easements provide access for the public to be able to use privately owned and maintained sidewalks. These easements are shown on sheet 2 of the preliminary plat.

Public Water and Sanitary Sewer

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat illustrates where water and sanitary sewer lines would be provided so that each new lot would have access to public water and sewer.

Subdivision Ordinance Variance Requests

Section 10-2-42 (c) of the SO requires all parcels to have public street frontage, however the applicant is requesting a variance to that section to allow townhome lot numbers 13-21 to not

have public street frontage. This particular variance has been approved multiple times throughout the City for many existing townhome communities and staff has no concerns for this project.

The second variance request is to Section 10-2-43 of the SO, which requires a 10-foot-wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and the same type of easement of at least 10 feet in width centered on the sides or rear of lot lines. Sheet 2 of the plat illustrates the proposed locations of the necessary public general utility easements and where some of the locations are modified. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others deemed a utility by the City. The proposed public general utility easements would not preclude utility companies from negotiating alternative easements with the property owner(s). The requirements, as specified in Section 10-2-43, are intended to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. The proposed locations are sufficient for this development and staff does not have concern with the proposed development deviating from this section of the SO.

Staff supports both variances that have been requested.

Housing Study

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

Public Schools

The student generation attributed to the proposed 21 residential units is estimated to be 8 students. Based on the School Board's current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Aside from the variance requests as described herein, the plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance requests and recommends approval of the preliminary plat.

Chair Finnegan asked if there were any questions for staff. He continued to say this is not a public hearing, but I do think if...does anyone have questions for the applicant that you would like answered.

Commissioner Nardi said can you help me understand, I am looking at this map and I am seeing lots of open land and we have a Comprehensive Plan. I am probably the least familiar at this point, but I like the fact that they are townhomes. Just when I see all this land around that is going to developed, I just wonder about the timing of it all and I guess I need more information but that is on me.

Chair Finnegan said if you have a question for staff, this is the perfect time to ask if you have a question about the Comprehensive Plan.

Commissioner Nardi said [to staff] can you tell me a little bit about where this area is in this phase of development or its developmental maturity? What do the plans say in terms of what is next for this area?

Ms. Rupkey said our Comprehensive Plan map is right here where it has the low density mixed residential. The portion that is in the white is County.

Mr. Fletcher said there is an error on the screen that is not Low Density Mixed [Residential], that is Medium Density Mixed [Residential]. It is 20 units an acre I think is what we are planning for. Ms. Nardi, have this image in your head and then go to the aerial. Everything that was white in that other image is the County and they have their own zoning regulations and their own Comprehensive Plan. Mr. Snyder is here this evening, who represents the engineer and the developer, and they might be able to speak to some of your questions if you are talking about the timing and how things are going to happen. The development that Meg and Thanh have discussed here is in line with our Comprehensive Plan because it is in line with the types of housing that we were planning for this area and the type of density that we were planning for this area. If you had a time machine and you go back like three years, there would be nothing out there and, as Mr. Snyder is going to probably point out if he wanted to speak to it, they are busy out there but more of the hum is in the County right now and then they are going start moving to the phases in the City.

Chair Finnegan said as a clarifying follow up for Commissioner Nardi, this has already been rezoned, this is just a preliminary plat. Would the applicant like to speak to where you are at in the process of building this entire development?

Carl Snyder, applicant's representative with Valley Engineering, came forward to speak to the request. He said this is actually just a small portion of a much larger development. The bulk of it is in the County. There is one other piece to this development that is on the other side of Cobblers Court right along Pear Street. Currently, all of the townhouse sections in the County and the previously approved City section are under construction for earthwork right now. I have been tasked by the client on this project that as soon as the preliminary plat is hopefully approved, to proceed in with construction drawings asap. As far as the timing to go to construction, I cannot speak to that. I do know that I have been asked to keep it moving.

Commissioner Nardi said my question was more about land use planning as opposed to timing of the development itself.

Vice Chair Byrd said the variance was concerned with the topography of the land, if my memory serves me correctly.

Ms. Rupkey said the variance was to not have public street frontage for all the lots and then to not have to provide the public general utilities that are running through the center lines of internal property lines and the easements are going to run along Pear Street.

Vice Chair Byrd said you said the variance about where it is fronted?

Ms. Rupkey said the private street will be for the internal of the development where I have colored it in gray right here. Although these lots along Pear Street technically will have street frontage along Pear Street, they are not requesting the variance for those lots particularly but for these bottom lots here [referring to the screen] will have the private street frontage.

Mr. Fletcher said Pear Street is the public street, those lots that are page up, they actually have public street frontage and they do not need the variance. The units will likely face internal to the private street is what the reference was. The lots on page bottom require the variance because while to the general person driving through will think it is a public street, it is actually a private street. Our code requires that lots are subdivided on public streets, so they are requesting to deviate from that standard and from the public street.

Vice Chair Byrd said thank you. I was mixing it up with a different development.

Commissioner Baugh said the alternative here is do you require the developer to bring the streets into the City street system? That is really what this is. It is allowing the smaller streets and the additional flexibility, which again we have routinely approved.

Chair Finnegan asked if there any questions for staff.

Commissioner Baugh said I will move approval of the preliminary plat with the variances as presented by staff.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi Aye

Commissioner Baugh Aye

Vice Chair Byrd Aye

Commissioner Alsindi Aye

Commissioner Washington Aye

Chair Finnegan Aye

The motion to recommend approval of the preliminary plat request passed (6-0). The recommendation will move forward to City Council on June 11, 2024.

A motion was made by Baugh, seconded by Byrd, that this Action Item be recommended to full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 6 - Finnegan, Byrd, Washington, Baugh, Alsindi and Nardi

No: 0

Absent: 1 - Vice-Mayor Dent

5.b. Consider a request from J&D Group LLC to preliminarily subdivide 465 Pear Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said in February 2024, City Council approved two requests for this site, which included;

- Rezoning a +/- 3.15-acre parcel from R-1, Single Family Residential District to R-8C, Small Lot Residential District Conditional; and
- A special use permit to allow attached townhomes of not more than eight units in the R-8 district.

A copy of the approved 2024 rezoning proffers is attached herein.

The applicant is proposing to preliminarily subdivide two parcels totaling +/-3.51-acres into 41 townhome lots, one common area lot, and two private street lots. The request includes a variance request from the Subdivision Ordinance (SO) to allow lots to not have public street frontage and to allow deviation from location requirements for public general utility easements. The parcel is addressed as 465 Pear Street and is identified as tax map parcels 8-E-3 and 5.

Note that staff is working to determine if the private streets names will be a continuation of adjoining existing street names or if the applicant will need to propose new street names. As part of the administrative final platting process, staff will ensure compliance with street naming and addressing standards.

Land Use

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

These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does

not measure commercial intensity in that way.

Transportation and Traffic

A Traffic Impact Analysis (TIA) for this development was performed during the rezoning process. The subject property's existing regulating proffers provide for the necessary mitigations to address the development's impact on the existing streets, as well as, to create a network of connected streets within the development to distribute traffic. The necessary transportation improvements will be constructed as the development progresses.

Proffers 3 and 9 from the 2024 rezoning committed the developer to constructing sidewalks and dedicating public access easements over the private sidewalk along the private streets. Public access easements provide access for the public to be able to use privately owned and maintained sidewalks. These easements are shown on sheet 3 of the preliminary plat.

Proffer #5 from the February 2024 rezoning required the developer to provide an easement for a bus shelter and build a concrete pad in a location that is acceptable to the Harrisonburg Department of Public Transportation (HDPT). The proffer allows for flexibility that if adequate sight distance cannot be achieved at a location acceptable by HDPT, then the easement and concrete pad will not be required. At this time, HDPT has determined that a bus stop location is not feasible along the Pear Street frontage of this development.

Public Water and Sanitary Sewer

As required, all lots would be served by public water and public sanitary sewer. The preliminary plat illustrates where water and sanitary sewer lines would be provided so that each new lot would have access to public water and sewer.

Subdivision Ordinance Variance Requests

Section 10-2-42 (c) of the SO requires all parcels to have public street frontage, however the applicant is requesting a variance to that section to allow all townhome to not have public street frontage. This particular variance has been approved multiple times throughout the City for many existing townhome communities and staff has no concerns for this project.

The second variance request is to Section 10-2-43 of the SO, which requires a 10-foot-wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and the same type of easement of at least 10 feet in width centered on the sides or rear of lot lines. Sheet 3 of the plat illustrates the proposed locations of the necessary public general utility easements and where some of the locations are modified. Public general utility easements are provided for utilities, including water, sanitary sewer, storm sewer, electric, natural gas, television cable, telephone cable, and others deemed a utility by the City. The proposed public general utility easements would not preclude utility companies from negotiating alternative easements with the property owner(s). The requirements, as specified in Section 10-2-43, are intended to ensure that necessary areas are reserved for the needed utilities in traditional subdivisions. The proposed locations of the public general utility easements are sufficient for the development and staff does not have concern with the proposed development deviating from this section of the SO.

Staff supports both variances that have been requested.

Housing Study

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type B, which has "neighborhoods [that] are characterized by high income earning households, large volumes of housing sales and lower population growth." The

Housing Study further notes that houses in these markets are quick to sell and that “[p]riorities and policies that are appropriate to Market Type B areas include the preservation of existing affordable housing while at the same time working to increase access to amenities.”

Public Schools

The student generation attributed to the proposed 41 residential units is estimated to be 15 students. Based on the School Board’s current adopted attendance boundaries, Bluestone Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in many of the schools.

Recommendation

Aside from the variance requests as described herein, the plat meets all other requirements of the Subdivision Ordinance. Staff supports the variance requests and recommends approval of the preliminary plat.

Chair Finnegan asked if there any questions for staff.

Vice Chair Byrd said on sheet PPZH2 at the top it says stairs with handrail. Is that just like in the other one about the accessory route, are those things that we can expect to be there when this is all finished?

Ms. Rupkey said sorry, can you repeat your question.

Vice Chair Byrd said at the top there is...

Ms. Rupkey said stairs with handrail along Pear Street?

Vice Chair Byrd said yes, I am just asking, for all the things in the preliminary plat drawing can we expect to see?

Ms. Rupkey said just the general location of the lot lines. When a development goes to site plan review certain things may cause elements to shift.

Mr. Fletcher said they may introduce a ramp or grade it differently.

Chair Finnegan said there is some sort of pedestrian connectivity whether it is terrain or whether it is stairs.

Ms. Rupkey said the sidewalk that is going to Pear Street on PPZH2, that was not apart of the proffered connection. It is the one on page one.

Chair Finnegan said I think this came up in the Bluestone Town Center plat several months ago... about fronting on streets? I think staff recommended that [the units] continue to front on the public street and then in this case staff was recommending approval. I was just wondering if you can for

clarification why one and not the other? I know that they are apples and oranges.

Mr. Fletcher said you have to take every development circumstantially as to what is going on. For Bluestone Town Center, because of the way the lots were laid out and to create more of that community feel, we did not want those units to feel like they were separate from the rest of the development. Those units had the opportunity to front on the public street. There are examples across the City, where in hindsight, it would have been best practice to have required fronting public streets. There are examples across the City where the units back deck is right out on the public street. Just one example, although the units look great, it is a different environment, Charleston Town Homes. Very nice units, but you have this line of decks that are backed up all the way on a public street. In hindsight, may have suggested to reorient those units to have the front door on the public street. This is a very different environment. The units are separated a lot further from the public street. There are elevational changes that are much more dramatic. These will actually sit quite a bit lower from Pear Street. The orientation is very much focused to the private street. You are pulled into that... I am internal to the community and rear is along that public street that is multiple feet away. Those units that were on Bluestone Town Center are just sort of like an island of a very different approach. We just did not want that community to feel like it is separate from the rest of the community.

Chair Finnegan said that is helpful to get some context there. We did lose a Planning Commissioner along the way, Commissioner Washington. I would like to proceed; we still have a quorum.

Commissioner Baugh said I will go ahead and move approval of the preliminary subdivision with the requested variances as presented by staff.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the preliminary plat request passed (5-0). The recommendation will move forward to City Council on June 11, 2024. Note: Commissioner Washington left the meeting during the presentation.

At this point in time, the Commission took a 3-minute recess.

A motion was made by Baugh, seconded by Byrd, that this Action Item be recommended to

full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Finnegan, Byrd, Baugh, Alsindi and Nardi

No: 0

Absent: 2 - Washington and Vice-Mayor Dent

5.c. Planning Commission Annual Report 2023

Ms. Dang said we have before you the 2023 Planning Commission Annual Report. This report includes a listing of all of the items that were considered by the Planning Commission, staff as well as Planning Commission’s recommendations, and then you can also see in the column there the City Council actions. These are all the items including rezonings, special use permits, ordinance amendments, and capital improvement plans, basically every item that has been on your agenda. This particular item will need to be voted on with your approval so that we can move forward to present to City Council at the June 11 meeting. I am happy to answer any questions or if you see any errors, please let me know.

Chair Finnegan said we are looking for a motion to approve for...

Commissioner Baugh said submission of the report to Council.

Chair Finnegan said so to move to City Council.

Vice Chair Byrd said we have Jim Orndoff marked as Board of Zoning Appeals representative and his resignation date, but you do not have me mentioned.

Chair Finnegan highlighted requests where staff, Planning Commission, and/or City Council recommendations/votes differed from each other.

Commissioner Baugh said I move that we approve the submission of the 2023 Annual Report to City Council as presented.

Vice Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of Planning Commission Annual Report passed (5-0). The recommendation will move forward to City Council on June 11, 2024.

A motion was made by Baugh, seconded by Byrd, that this Action Item be recommended to full council to the City Council, due back on 6/11/2024. The motion carried with a recorded roll call vote taken as follows:

Yes: 5 - Finnegan, Byrd, Baugh, Alsindi and Nardi

No: 0

Absent: 2 - Washington and Vice-Mayor Dent

5.d. Community Development Annual Report 2023

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the next report is our Planning and Zoning divisions' report to you all that describes a brief summary of our zoning activities, minor subdivisions that have been reviewed and approved, and then final plats as well. As you can see, proactive code enforcement continues to be on hold due to staffing challenges and vacancies. For those of you who may not know, proactive code enforcement, when we had been doing this program, basically there is a map of the City that staff had divided it into 36 sections and staff would visit each of those sections once every three years on a schedule. As we drive through the City we would observe if there were any obvious zoning or other code violations, then we would cite them. But due to vacancies that we have in our office and other responsibilities that we have, we have not been able to continue this program. We hope to resume it one day.

Mr. Fletcher said our staff also looks at special use permit conditions and proffers and all of those things so that when they go out. They see if there are special use permit conditions or proffers in that sector and they check those as well.

Chair Finnegan said is there anything in this report that... I guess these are things we can consider as we are looking at the Zoning Ordinance revisions.

Ms. Dang said maybe, I guess you would relate it to things that this body would have reviewed where things that had been preliminary plats that now have been final platted, administratively reviewed, and approved and then recorded at the courthouse.

Mr. Fletcher said a lot of the preliminary plats that you have seen recently are multiple lots and then they move into the construction design and then they will actually want to get their land disturbance permit and then they will start final platting those lots. They might even do it in phases. Say if there were 100 lots, they might plat 20 and come back and plat another 20.

Commissioner Baugh said from recollection, it took us awhile to get the first 22 chicken permits

issued and now we have 22 in a year. Of course, I think part of the suspicion is that we had chickens and people were getting permits.

Chair Finnegan said I know of chicken coops in my neighborhood, I do not know if they are legal.

6. Public Comment

None.

7. Report of Secretary & Committees

7.a. Rockingham County Planning Commission Liaison Report

Commissioner Baugh said last night they had a number of matters. First one was the Town of Elkton showed up for a rezoning for a parcel just out of town. The water tank, I think it was established in 1891, they need a new one. They needed a rezoning to be able to put the new one on it. There was a rezoning of just over eight acres just south of the City on Route 11, Helmuth Builders. They basically do a lot of backyard sheds and similar type things. They had asked for a rezoning from A-2 to their industrial, I-1C. It had been turned down. The rationale was that there were some significant road improvements that are anticipated out there and the Supervisors were concerned that it was still too indefinite. That moved along enough. What they proposed was a rezoning from A-2 to I-1C but one of the proffers was they would not expand anything beyond the current use until the road improvements are completed and they kind of went through a timetable. VDOT is doing acquisitions. They hope to start in 2026 but who knows, it is subject to available funding and all the stuff that you go through with those types of projects. I think Planning Commission had approved it before and the Board of Supervisors had turned it down. Now that things are clear, they approved that. Then there was a request for just under ten acres a little east of downtown Briery Branch. It is currently in an Agricultural and-Forestal District... Family wanted to do some family division it looks like, and I think in that program every time it comes up to renewal everybody has the opportunity to opt in or out. When you come up off cycle, there is a committee that reviews it. They reviewed it and everybody thought it was fine. I think somebody commented they did not think they would every turn down one of these. They unanimously approved that. They continued to report on their tabled matter about their changes in poultry house setbacks and maximum number of new houses that can be built. They were all looking forward to a work session May 20 to hopefully get something approved. That was it. They finished at just over a half an hour.

Chair Finnegan said did you say downtown Briery Branch?

Commissioner Baugh said yeah. It is not in Briery Branch it is east of Briery Branch.

Ms. Dang requested volunteers for upcoming Rockingham County Planning Commission meetings.

7.b. Board of Zoning Appeals Report

Vice Chair Byrd said the BZA met. There was an appeal concerning 813 Chicago Avenue concerning a B-2C to B-2 decision that was made where the Planning Commission recommended denial (5-1). City Council recommended denial (3-1). During the appeal process, of course, this was not mentioned any concerns related to how relative to law these things are handled in some particular way. The applicant was more concerned with not understanding what they wanted and what their application to the bodies was, that was the feeling I got. There was some frustration among the board members. It felt that there was something odd about the whole situation. The BZA recommended denial (3-2). The thing is, when I was reading the report, as a member of that body I feel it is necessary...I wish our council member was here to remind people that when things have a lot of proffers on it to say exactly why you are against that particular application, so that the person knows if it is going to get denied if it is even worth continuing to pursue. My feelings, from what the applicant was saying and how it was denied by the bodies, it sounded like there was a disconnect. The applicant was concerned about a parking lot, or maybe where vehicles in the process of being repaired, are being stored. Reading what the two bodies discussed while recommending denial, it did not sound like they were discussing any of that, they were discussing other things that were also related to the property. The only thing that I can liaison back is, if we are denying something, just make sure that we state something about the application. This thing I do not like. This thing I do like. So that the applicant can have a better gauge. If I had changed my mind, that person could have gotten approved at the BZA. That is how frustrated a number of members were and I just felt that one was not right. I do not think the BZA should be used for people that are confused about... I wanted this and I did not feel like I got to present that. Me, reading back from the minutes of the two meetings, going "I was at one of them" and I am not sure you would glean enough from what the bodies were saying. Not so much from what staff reported. I was in favor of how staff represented the information, it is just we have more interaction with staff on this type of matter and they are just meeting with staff about their issue and there might be a disconnect. There was also a concern of sometimes an applicant might not understand that staff can give them advice about their application, that has nothing to do with staff's evaluation of the application and therefore their recommendation is towards us. That is what I felt was swaying some BZA members. My assessment of all that is we should be a little clearer in why we are for and against particular aspects of an application. Especially if it looks like a motion of denial.

Ms. Dang said I agree with Commissioner Byrd about when you all make a motion to approve or deny, it is helpful [to explain your reasons]. Particularly for your vote to when it goes to City Council, for them to understand why you voted the way that you did. Thank you for sharing that. If I may recap, the BZA appeal it was an appeal of the Zoning Administrators' decision on our determination that that property was not in compliance with the 2013 proffers that did not allow any use on that site. That should have been the focus of the BZA meeting but at the meeting there was as Vice Chair Byrd is explaining there was a lot of discussion about the use of it. Which, in my opinion, was not relevant to the BZA determination but nonetheless, a bit of time was spent on

that.

Commissioner Baugh said BZA is not a general appeal from decisions by Council. BZA is about Zoning Administrator's ruling. Which is a much narrower issue.

Chair Finnegan said it is hard because we want to make it about what we...if we object to something in the covenants, that is not our place to make decisions on. I remember one particular conversation about an alley off of Myers that just went way off the rails. We got into it should be gravel and that is not what the request was, it was about closing a portion of the alley. That is a good reminder to be specific and particularly before we take a roll call vote if it looks like it might be a split vote it is always good to say "I will be voting against this because..."

Ms. Dang said that is a good distinction I think; when there is a contentious or split vote otherwise sometimes it is just generally understood that everybody is in agreement you all can probably move on.

7.c. City Council Report

None. City Council meets next week.

8. Other Matters

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

Ms. Dang said in front of you all there is a list of the items that we have for next month and given the number of items in our judgement, our recommendation is to have one meeting next month and that would be on June 12.

9. Adjournment

The meeting was adjourned at 8:01pm.

NOTE TO THE PUBLIC

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

INTERPRETATION SERVICES

Language interpretation service in Spanish, Arabic and Kurdish is available for Planning Commission meetings. To ensure that interpreters are available at the meeting, interested persons must request the accommodation at least four (4) calendar days in advance of the meeting by contacting the City Clerk at (540) 432-7701 or by submitting a request online at: www.harrisonburgva.gov/interpreter-request-form

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

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

NOTE TO THE PUBLIC

Residents/Media will be able to attend the meeting.

The Public can also view the meeting live on:

- The City's website, <https://harrisonburg-va.legistar.com/Calendar.aspx>
- Public Education Government Channel 3

A phone line will also be live where residents will be allowed to call in and speak with Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those have been heard. This will avoid anyone calling on any other item from holding up the queue and then being asked to call back at a later time.

The telephone number to call in is: (540) 437-2687

Residents also may provide comment prior to the meeting by visiting this page: www.harrisonburgva.gov/agenda-comments