

**MINUTES OF HARRISONBURG PLANNING COMMISSION**

**November 10, 2021**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, November 10, 2021, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Jim Orndoff; Kathy Whitten; Laura Dent; Richard Baugh; Adriel Byrd; Dr. Donna Armstrong; and Brent Finnegan, Chair.

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

Chair Finnegan called the meeting to order and said that there was a quorum with six members present. Councilmember Dent arrived during the staff presentation of the first item.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the August 11, 2021 Planning Commission minutes.

Commissioner Byrd moved to approve the minutes.

Commissioner Whitten seconded the motion.

All members voted in favor of approving the August 11, 2021, Planning Commission minutes (6-0).

**New Business – Public Hearings**

***Special Use Permit – 716 & 722 Foley Road (Section 10-3-48.4(6) to Allow Multiple-Family Dwellings)***

Chair Finnegan read the request and asked staff to review.

Commissioner Baugh said that the Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I am prohibited by law from participating. Therefore, I make the following disclosures:

1. The transaction involved is the item taken up on the November 10, 2021 Harrisonburg Planning Commission Agenda as Item 4(a), a request for a special use permit.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of the Planning Commission in this matter.

Commissioner Baugh then left Council Chambers.

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

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

- Site: Single-family detached dwellings; zoned R-3
- North: Across Foley Road, single-family detached and duplex dwellings; zoned R-3
- East: Single-family detached dwelling; zoned R-3
- South: Single-family detached, duplex, and multiple-family dwellings; zoned R-3
- West: Single-family dwelling; zoned R-3

The applicant is requesting a special use permit (SUP) per Section 10-3-48.4 (6) of the Zoning Ordinance (ZO) to allow multiple-family dwellings of up to 12 units per building on a +/- 1.06-acre site consisting of two parcels addressed as 716 and 722 Foley Road. If approved, the applicant desires to keep the two existing single-family detached dwellings on the site, to vacate the property line between the two parcels, and to add a three-story multiple-family building consisting of 11 efficiency dwellings.

In the past ten years, there have been several SUP requests, of the same nature, approved along Foley Road. Those requests have predominately been for the construction of new structures within new developments. The most recent request, however, was at 728 Foley Road, which is adjacent and to the west of the subject site, and was to change the use of an existing structure from a single-family detached dwelling to a multiple-family building consisting of four dwelling units. As part of the requirements for obtaining a SUP for multiple-family development in the R-3, Medium Density Residential District, an applicant must substantiate that they have met several conditions to justify the development. Those conditions outlined in Section 10-3-48.6 I of the ZO consist of the following:

1. “Existing multiple-family development, or land planned for multiple-family development according to the Land Use Guide, is located adjacent to, across the street from, or in close proximity to the proposed development;
2. The applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities:
  - currently serve the site; or
  - are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or
  - will be provided by the applicant at the time of development; or
  - are not needed because of the circumstances of the proposal.
3. The applicant has demonstrated that the proposed multiple-family development’s design is compatible with adjacent existing and planned single-family, duplex and townhouse

development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.

4. The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.”

Staff believes that condition #1 is met because there is existing and planned multiple-family development in close proximity to the proposed development.

With regard to condition #2, staff would typically expect for the applicant to construct street frontage improvements of curb, gutter, sidewalk, and any other necessary improvements, and to dedicate right-of-way or a public sidewalk easement at the time of development to meet the condition of adequate pedestrian facilities. The applicant, however, is seeking a waiver of such requirements and has compared the current request with the SUP request at 728 Foley Road (reviewed by Planning Commission in November 2020 and approved by City Council in December 2020), where staff determined that the circumstances of that specific proposal did not warrant such improvements. The staff report for 728 Foley Road stated:

“Specifically with regard to Section 10-3-48.6 (e)’s condition #2 as stated above, staff would typically expect for the applicant to construct street frontage improvements of curb, gutter, sidewalk, and any other necessary improvements at the time of development to meet the condition of adequate pedestrian facilities. The conversion of the existing structure into multi-family units rather than demolishing the existing building and constructing a new multi-family structure, and thus disturbing more property, however, brings into question whether the circumstances of the proposal negate the need for such improvements to be made as is allowed in the last bullet of condition #2. If the applicant demolished the existing structure and constructed a new multiple family dwelling structure, the scale of the project would likely require an engineered comprehensive site plan (ECSP), and therefore, frontage improvements would also be required. The current plan to convert the existing building would not necessitate an ECSP. If curb, gutter, and sidewalk were to be constructed, the existing fire hydrant in front of this property would likely need to be relocated, creating the need for more financial investments in design and construction. While staff contemplated whether the applicant must construct curb, gutter, and sidewalk along the frontage to meet the requirements of condition #2, and further debated whether a condition should be attached to the SUP to achieve the same, in this particular case, staff believes the circumstances of the proposal do not warrant such improvements.”

Furthermore, to limit the scale of development/redevelopment of 728 Foley Road, staff recommended the following condition which was approved with the SUP: “The SUP shall be limited to the existing structure and no more than four multiple family dwelling units.” In short, staff does not believe the circumstances at 728 Foley Road and the proposal on the subject site are equivalent. The subject proposal is adding a new building that will likely require an engineered

comprehensive site plan (ECSP) for the construction of a new City-owned water main and fire hydrant to serve the building. Additionally, a formal Erosion and Sediment (E&S) control review may also be required if the proposed building and parking areas disturb more than 10,000 square feet of land. Staff does not agree with the applicant that sidewalks on the opposite side of the street (Foley Road) meets condition #2 of Section 10-3-48.6 (e) as contended in the submitted application letter. To be clear, staff is comfortable not requiring the construction of curb and gutter with this proposed development because it can be difficult to piecemeal short sections of curb and gutter into an existing street with shoulder/ditch, but, as noted below, is recommending a condition requiring the applicant to construct sidewalk along the frontage of the property.

With regard to condition #3, as proposed, the two existing single-family detached dwellings will be kept. The applicant explained they plan for the proposed new building to share characteristics and be of similar scale to surrounding properties, including a multi-story, multiple-family building containing seven dwelling units at 721 Ridgeville Road. Staff believes that constraints of the site, due to property size, lot area requirements within the ZO for each dwelling unit, and required off-street parking, will control the size and scale of the proposed multiple-family building.

With regard to condition #4, the applicant has demonstrated in their submitted conceptual site layout that buildings, parking areas, and travelways can be accommodated on the site, and there are minimal impacts to steep slopes or floodplains to contend with.

The built environment of this neighborhood, consisting of properties along Foley Road and Ridgeville Lane, has changed over the past two decades from a neighborhood consisting of only single-family detached dwellings to now include duplexes, townhomes, and multiple family dwelling units. As proposed, the multiple-family building proposed within this application is consistent with the surrounding parcels.

Staff believes that the requested SUP is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the special use permit to allow multiple-family dwellings on the subject parcel with the following conditions:

1. All newly constructed multiple-family units shall be efficiency, or one- or two-bedroom units.
2. Prior to issuance of any certificate of occupancy for multiple-family dwellings, the property owner shall construct a five-foot wide sidewalk and dedicate necessary public street right-of-way to at least 0.5-feet behind the sidewalk. (If necessary, the sidewalk could potentially be located within a sidewalk easement. This can be determined during the design phase of the project.) While not required to build the curb and gutter or to widen the public street, the property owner is responsible for engineering design to ensure that the sidewalk is constructed at the appropriate grade and location for the future construction of curb and gutter and street widening by the City. For engineering design, the future curb and gutter location shall be equidistant from the street centerline similar to what exists across the

street, and there shall be a minimum two-foot grass strip between the back of curb and sidewalk.

3. The entrance at Foley Road to serve multiple-family building(s) on the site shall be no greater than 30 feet wide.
4. The special use shall be established, or any construction authorized shall be commenced and diligently pursued within five years from the approval date of the special use permit.

With regard to recommended condition #1, the applicant requested this condition to limit newly constructed multiple-family units to efficiency or one, or two-bedroom units. Staff supports and appreciates the idea to limit the number of bedrooms for the proposed multiple-family dwellings as it should help address the need for smaller dwelling units in the City. The City's 2021 Comprehensive Housing Assessment and Market Study (Housing Study), identifies this neighborhood as being within Market Type A, and describes that "Market Types A and C are areas with above median access to amenities but because Market Type A tends to be more built out than Market Type C (there are more home sales, which contributes to the Higher Market Activity score of Market Type A over Market Type C), priorities and 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." The Housing Study also notes that "[h]aving an adequate supply of smaller apartments in Market Types A and C is important because these block groups have higher scores for access to amenities such as jobs, parks, full-service grocery stores, and public transit. Because smaller apartments are part of the solution for supportive housing, the location of these smaller units is critical to ensure that persons in need of services can easily access them via walking and public transit."

With regard to condition #3, the City's Design and Construction Standards Manual allows entrances serving multiple-family buildings to be up to 50 feet wide. However, staff does not believe a 50 feet wide entrance is appropriate in this context and therefore, staff recommends a condition that the entrance shall be no greater than 30 feet wide.

Lastly, with regard to condition #4, the applicant has requested that the City allow them five years from SUP approval to obtain any necessary land disturbing permit or building permits for the multiple-family buildings. Section 10-3-130 (c) of the ZO states that "[w]henver a special use permit is approved by the city council, the special use authorized shall be established, or any construction authorized shall be commenced and diligently pursued, within such time as the city council may have specified, or, if no such time has been specified, then within twelve (12) months from the approval date of such permit." Staff is comfortable recommending an extension from 12 months to five years.

Chair Finnegan asked if there were any questions for staff and noted the arrival of Councilmember Dent.

Commissioner Whitten asked if Foley Road was on any fast track for improvement with Public Works.

Ms. Dang said that it is not.

Chair Finnegan asked what the enforcement mechanism is on the five year extension of the SUP. Is there a mechanism in place to follow up and ensure that this has been done in five years?

Ms. Dang said that in order to establish the use they would have to, at minimum, submit the building permit application. In this case, since it is proposed to be a multi-family apartment building of this scale, they are going to have to submit an engineered comprehensive site plan. Zoning is part of both of those reviews, and we would not give zoning approval if the SUP has expired. They would have to come back for a new SUP.

Commissioner Byrd asked if the building of the third building is what is triggering the sidewalk?

Ms. Dang said that the SUP, in the Zoning Ordinance, references the four conditions that are on page 2 of the staff report in Section 10-3-48.6 (e) which says that in order to approve this multi-family SUP, the applicant needs to demonstrate that they have met these conditions. Item number 2 states that they have “demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities.” There are no pedestrian facilities along their frontage right now. It is the desire to construct the third building and the need for this SUP that is triggering that requirement.

Councilmember Dent asked if there were sidewalks continuing along that side of Foley Road or only across the street.

Ms. Dang said that there are none presently. There are sidewalks along the frontage of The Angle development, now known as The Loop. There is a sidewalk in front of the property at the corner with Reservoir Street.

Councilmember Dent said that it would be an isolated sidewalk of 200 feet in length.

Ms. Dang said that is right. It would be isolated, but that is how we build the sidewalk network is in pieces like this. Eventually they will connect together.

Councilmember Dent said when I visited the site today, I saw that there was a downslope from this parking lot into the area where the new building would be. Behind that there is a huge tree. I hope they do not cut the tree down. I wonder if that change in grade makes any difference in the construction.

Ms. Dang said that the applicant is here this evening and can address that question.

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.

Frank Gordon came forward to speak to the request. Good evening, I am here on behalf of several LLCs which own property on this street, but currently only speaking on behalf of Devon Lane, LLC which is the applicant in this case. Staff has done a tremendous job in outlining what is intended. I appreciate that. I would like to acknowledge the generosity and kindness in answering any questions I had in reaching this point.

There is only one point on which we differ. That is whether or not I should build this sidewalk. Ms. Dang mentioned the differences between this project and the one on 728 Foley Road. The City did not obtain an easement or a dedication at all for that. To extend a sidewalk from this property up towards Angle Drive would require for that person to sell that property to you or taking through eminent domain. My recommendation at the time of public hearing was that you approve the project but that you get an easement, but that was not done. At the time that the sidewalk along the Foley Road frontage of The Angle was approved, normally you would require a sidewalk on the other part of that triangle (along Ridgeville Road), too, but that was waived for affordability reasons. I am sure that the developer appreciated that, although there is nothing about that property that is affordable from the perspective of the tenant. It is a nice property. I am glad that it is there, but it does not do anything to address the concerns that came out of the Housing Study.

Sometimes I think it is helpful to compare what I am proposing to what is a by right use of this property. For that I like to draw on my experience developing housing for the undergraduate population. For that, I would not need a SUP or having this otherwise very pleasant conversation. Instead, I would build four duplexes behind these houses, each with four bedrooms per side. This would represent 32 undergraduate students and would require only 16 parking spaces. I was thinking about the Housing Study and why there are so few efficiency units in Harrisonburg. There are a number of non-discretionary expenditures that push toward a higher number of units and away from efficiencies. A four-bedroom duplex unit requires 1,000 square feet of land per bedroom. An efficiency requires 3,000, so there is three times as much cost in land to build an efficiency under the current zoning law. The duplex requires a half a parking space per bedroom, while the requirement is one and a half per efficiency unit. The parking requirement is three times more for an efficiency. The comprehensive site plan fee for this project is higher than the comprehensive site plan fee for the four duplexes for the 32 undergraduate students. Many incentives are pushing towards building for these undergraduate students. I enjoy having properties which are rented to students. They are wonderful people, but I also recognize that they are not the only people who need a place to stay, so I was interested to see if this could work out. Interestingly, the base cost of water to this building, if I put it in on one meter, is per unit. A pensioner living in one of my efficiency units will pay more for water than an undergraduate student across the street in one of those larger units.

I am not an expert on affordable housing. The Urban Land Institute and the Department of Housing and Urban Development provides some excellent resources for people interested in studying that. I noticed that they are emphasizing increased density near public transportation, which this would represent. Also, very careful to expense. There is very little room to make a mistake in that area. The cost to live in a place is born by the people who live there. Part of my fiduciary duty for my potential future tenants is to examine this expense that you are requesting. Councilwoman Dent has pointed out that this sidewalk is not going to hook up to anything. There is sidewalk across the street and the two R-5 zonings which occurred towards Reservoir Street from that have committed to building sidewalks on them. Across the street the sidewalk will go down except the last 25 feet to Reservoir Street. I understand that they are considering a zoning change there which would extend it to the end.

The cost of the sidewalk at about \$15 per square foot is going to be \$15,000. The debt service on a \$15,000 for 11 efficiency units is going to be about the same as bus fare to and from work one

week out of the month every month, forever. I wonder if this is the place to go with that. My request was to not have a condition here. Instead of doing nothing, why do we not put a different condition on it. That condition would be that I grant the City an easement of the size needed to build the sidewalk and put in a curb and gutter when that day comes, but not commit to building the sidewalk. That would keep down the cost as this is a discretionary cost. Some of these other factors such as water service are not discretionary. This would be more than you got at 728 Foley Road where affordability is not the stated goal and would provide the necessary room without reducing the potential for a reduction in unit count. Ms. Dang mentioned the potential impact on unit count. It seems that the way it is stated “(i)f necessary, the sidewalk could potentially be located within a sidewalk easement.” I appreciate the nod to that possibility, but I would prefer clarity. I do not know how many units are sliced off by making a dedication until engineering and other stuff occurs. I do not want to run down that expensive pathway. This conversation cost almost \$500. I do not want to run down another engineering and surveying pathway if it is going to knock off one or two units from the building. That would be untenable. We would be back to the 32 undergraduates at that point. I want to do this project, but it has to be a viable project. I am asking for your consideration in that case. Obviously, the decision is up the City Council, but I would appreciate your recommendation that we take a middle ground to provide an easement for a sidewalk. I appreciate your patience in listening to me and will take any questions that you might have.

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

Commissioner Whitten said that she does not see why we could not consider making that a project that happens all at one time. I think it will fit together much better anyway. This is a piecemeal approach.

Mr. Gordon said that in response to Councilwoman Dent’s question regarding the tree, any tree that can be preserved will be preserved. In the front of 716 Foley Road, we voluntarily installed a stormwater management mitigation project in cooperation with the Department of Environmental Conservation which is a rain garden which absorbs the rainwater off the front right half of that roof. It was a fun project. We did not have to do it. It was an opportunity to learn about that and reflects our interest in and dedication to environmental stewardship.

Chair Finnegan asked if the \$15,000 sidewalk includes factors it has to be made of concrete, it has to be...

Mr. Gordon said that with the supply chain issues that we are currently facing, a good rule of thumb is somewhere between \$12 and \$15 per square foot. The sidewalk they are asking for is five feet wide and 200 feet long, that is 1,000 square feet. The \$15,000 assumes that it is a sidewalk. I feel that they would want a concrete sidewalk. In addition, that is going to produce further stormwater runoff. Under the current method of using concrete, it is greenhouse gas emitter in its production.

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 said that the applicant raises some relevant and interesting issues that we need to address. I do not believe that we have to sacrifice affordability for walkability. I do not think that has to be an either-or choice. Although, if there are regulations that make that an either-or choice, that is something we need to address that is bigger than this request. I think that often times regressive regulations push newer buildings to be built and that is not affordable at market rates. There are some interesting issues at play here.

Commissioner Whitten said that his (Mr. Gordon's) points are well made. We are frequently told by developers that "by right I can do this" or "it could be a lot worse." If you let me do what I would like to do, I will give you some greenspace and we will make a deal. Often, we do that and often it makes sense. When you look at it in these terms, it could be one thing but they would like to build affordable housing, which we say is what we want, then we can afford to make a deal. I have lived and died needing sidewalks in Harrisonburg because I believe that. In this case, I am not feeling that strongly about that 200 feet of sidewalk.

Chair Finnegan said that one of the concerns we often have here is whether we are setting a precedent. If we give a pass to this one, then the next person says that we gave a pass to that the last time. If that is indeed the direction that this body wants to go, then we would have to address condition number two. As far as the other conditions go, I have no objection to them. It sounds like we will be talking about condition number two.

Councilmember Dent asked how does the easement work if it is not immediate construction?

Ms. Dang said that the proposed future curb and gutter would have to be within a dedicated public right of way. If the existing property line is not behind the curb, then it will need to be moved. The sidewalk, two-foot grass strip, and the half foot behind the sidewalk is what can potentially be located within the easement. The half foot behind the sidewalk is needed for future maintenance, so they have a spot to put their forms without encroaching on the private property.

Councilmember Dent said that still does not quite understand about the future curb and gutter. It might need to be constructed at some point in the future and that determines the location of how far the sidewalk is set back. Is that right?

Ms. Dang said that is correct. There is a centerline of the street. Across the street it has been determined what that centerline is, where the curb and gutter, the face of the curb, is across the street. We would expect from that centerline the same distance on this side for where the gutter pan and the face of the curb would begin. That establishes that location. Once you get to the curb, there is a two-foot grass strip, a five-foot wide sidewalk and that half foot of maintenance area. The City needs to have the curb and gutter within the public right of way. Public Works would be willing to put the rest of that area under a public sidewalk easement. That land is owned by the property owner, but they would be granting the City permission for the public to use that as a sidewalk, as well as permission to do maintenance of that public sidewalk in the future.

Councilmember Dent said that then the easement determines where the sidewalk would be in the future without requiring it to be built now.

Ms. Dang said that it is where the sidewalk has to be placed in the future based on the measurements of the centerline to the curb and gutter, to the two foot grass strip, to the sidewalk. Then we would determine the area where the easement would be located. The expectation would be for it to be dedicated before we issue a certificate of occupancy.

Chair Finnegan asked if the regulations for curb and gutter and sidewalk dictated by Federal or State law or within local purview?

Ms. Dang said that it is a combination of engineering best practices and materials used. She believes that ADA requires 48 inches width for sidewalk and general practice is five feet. Curb and gutter is part of engineering design for drainage. Our locality feels that most locations it is best to handle drainage with curb and gutter in an urban environment.

Chair Finnegan said that is beyond the scope of this request, but I was curious as to where those regulations come from because it has an impact on cost.

Councilmember Dent said that she was surprised and slightly disturbed to hear that an efficiency requires three times the land and the parking.

Mr. Gordon said that it requires three times the land per bedroom. Duplexes are 8,000 square feet for an eight bedroom, which turns out to be 1,000 square feet per bedroom. An efficiency requires 3,000 per efficiency unit. It goes back to being defined by unit, so a duplex the 8,000 square feet required for a duplex ends up as 1,000 square feet per bedroom.

Councilmember Dent said that seems like an unfortunate, unintended effect of the Zoning Ordinance.

Mr. Fletcher said that it depends on how many bedrooms you intend to design in each unit. In the example that he gave, the 1,000 per bedroom is the ratio. If it is a three bedroom unit, then the ratio is different. If it is two bedrooms, the ratio is different. It is just that specific example.

Councilmember Dent said that the unfortunate side effect is that it pushes towards the four bedroom units that are typically designed for students when we know that what we need are smaller apartments for singles and couples.

Mr. Fletcher said that there are some indirect situations, unintended situations that can occur.

Commissioner Whitten said it affects affordability. How much rent are they paying for one bedroom? They are paying a lot more than an affordable apartment would be.

Commissioner Byrd said that he remembers the last time they discussed a property on Foley Road. We were having a lot of discussion about sidewalk construction and should we allow a waiver to postpone construction. It sounds like that is what the applicant is focused on.

Chair Finnegan asked if he was talking about the last applicant.

Commissioner Byrd said yes. We were talking about concerns about setting a precedent. It depends on what we were saying we were doing something for. Clearly, on the other side of the road it would be harder to argue against piecemeal sidewalk because there are already two sections. On this side of the road, there is sidewalk on either end, but there is nothing in the middle. This would begin that. I would like to be consistent. If they do not need to build it right now, I would like to be practical. A delayed condition is reasonable to me.

Chair Finnegan said that a delayed condition is how number two is currently worded. In the end they have up to five years. Is that what you are talking about?

Commissioner Byrd said no. If they had a sidewalk easement, they would mention that. The five year thing is for the whole SUP. If they do not build it, then all this is for nothing.

Commissioner Armstrong said that there are two precedent issues. One of them is cost as a reason to waive to some of these values and requirements such as pedestrian accessibility and sidewalks. The other is precedent that there is sidewalk on the other side. It does not appear to be functionally limiting pedestrian accessibility, whether or not this piece goes in. There are two different precedents there. I think that the precedent arguing that cost is a reason to waive this requirement is a bad precedent. That is never going to go away. That precedent is going to apply forever to all projects whether they are low cost units or not. That is not how this decision should be made. That is going to set a strong precedent going forward that will apply to everything. I do think that, having been to the site and being a strong supporter of sidewalks and a walker, it did not seem to be inhibiting the walkability of that street. Certainly, an emphasis can be made that if there are any opportunities on the opposite side to increase that continuity, that would be desirable.

Chair Finnegan said, to clarify, would you be in favor of changing condition number two?

Commissioner Armstrong said I would, but not because of the cost. That is not a good reason to it.

Commissioner Byrd said that I was not arguing because of the cost. I was thinking about the continuity of the street. One side already has a lot of sidewalk. On the other side, we are just starting the process. That was my concern.

Chair Finnegan said that these issues have come up when we have discussed alley closures in the past. No two alley closures are the same. There are different conditions. We have granted alley closures for some reasons and denied alley closures for other reasons.

Councilmember Dent said she likes the idea of condition number two to be a sidewalk easement for future construction.

Commissioner Whitten added dedicating the property.

Chair Finnegan said that would be dedicating the easement?

Mr. Gordon said to not confuse dedication and easement. I would have a deeded easement. Dedication is that it is your land. Easement means that I still get to use it to build units.

Ms. Dang said that she wrote down some language based on the discussions.

Prior to issuance of any certificate of occupancy for multiple-family dwellings, the property owner shall dedicate necessary public street right-of-way to encompass curb and gutter and deed a public sidewalk easement to include the two foot wide grass strip, a five foot wide sidewalk, and 0.5-ft behind the sidewalk. The future curb and gutter location shall be equidistant from the street centerline similar to what exists across the street.

Chair Finnegan asked if the commissioners were in agreement with the new language.

Commissioner Byrd moved to recommend approval of the request with the conditions, as amended.

Commissioner Whitten seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Abstained
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (6-0). The recommendation will move forward to City Council on December 14, 2021.

Commissioner Baugh returned to Council Chambers.

***Special Use Permit – 3091 South Main Street (Tractor Supply) (Section 10-3-91(8) to Allow Reducing Required Parking Areas)***

Chair Finnegan read the request and asked staff to review.

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

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

Site: Undeveloped acreage; zoned B-2

- North: Across Baxter Drive, undeveloped parcels, business offices, and automotive business; zoned B-2
- East: Automotive sales and service businesses; zoned B-2
- South: Across West Kaylor Park Drive, undeveloped parcels and financial institution; zoned B-2
- West: Undeveloped acreage (part of the same +/- 11.03-acre parcel); zoned B-2, and undeveloped acreage in Rockingham County; zoned A-2

The subject property is an undeveloped +/- 11.03-acre parcel located along the entire southern side of Baxter Drive, between South Main Street to the east and the City/County jurisdictional boundary to the west. As stated in the applicant's letter, a future development for Tractor Supply Co. (TSC) is proposed for +/- 3.38 acres of the +/- 11.03-acre parcel. The applicant is requesting a special use permit per Section 10-3-91(8) of the Zoning Ordinance to allow for a reduction in required parking areas to permit fewer than the required number of vehicle parking spaces in the B-2, General Business District. The applicant plans to later subdivide the +/- 3.38-acre site from the +/- 11.03-acre parcel.

Parking requirements for a retail use are calculated at one parking space for every 250 square feet of gross floor area when the gross square footage of the building is greater than 10,000 square feet. The proposed TSC structure is illustrated as having 26,924 square feet of gross floor area under roof (the proposed fenced-in garden center does not count toward parking totals; however, the portion of garden center that would be covered by a roof structure would count toward parking totals). The required parking total for the proposed TSC would be 108 parking spaces. The applicant is proposing to provide 77 parking spaces and has illustrated where the remaining 31 parking spaces could be provided. As required, a site sketch has been provided indicating the 77 parking spaces and the locations of the additional 31 spaces. The site sketch also shows a paved area that will be used to display trailers and equipment offered for sale by TSC. The Zoning Ordinance does not allow for paved display areas to be counted toward meeting the minimum parking requirements.

The applicant has stated that based upon experience in actual demand for their prototypes, TSC targets a lower parking need of 65 parking spaces. They believe this request of 77 parking spaces is reasonable to meet their anticipated parking needs while creating no hardships on adjacent properties.

The applicant also understands that, if approved, the area that would have been used for parking must be recorded in a deed, must remain as open space, and shall not be used to meet any conflicting requirements of the Zoning Ordinance.

Staff has no concerns with this request. The proposed reduction of required parking area is consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted within the district. Staff recommends approval of the reduced parking SUP request with the following condition:

- The special use permit shall be applicable only to a use that is substantially the same as the operations of a Tractor Supply Co.

Chair Finnegan asked if there were any questions for staff.

Commissioner Byrd asked if the language regarding operations of a tractor supply company is because of their stated customer history?

Ms. Banks said similar to a Tractor Supply Company. If they were to leave, we would not want a large retail company that would require much more parking in there.

Commissioner Whitten asked about ancillary business or vendors that come in and are vending from the parking lot. The trailer area that you talked about has been covered. I wonder about those types of things.

Ms. Banks said that we often see these at a lot of different establishments in the City. The Valley Mall is one of them. They are often temporary. We can view them as zoning violations; then we have to give a 30 day notification to remove something. If someone was there doing barbecue chicken on Thursday, Friday and Saturday, by the time we could tell them they should not be there and give them thirty days to remove it, they would be gone.

Commissioner Whitten said usually that would happen on a weekend when the traffic count would be higher for parking spaces. I am wondering how that would impact the 70 parking spaces.

Chair Finnegan said that there is this area where the remaining 31 parking spaces could be provided. That is where they could put a food truck.

Ms. Banks said that we do not have anything that specifically says that you cannot have someone come and do barbecue chicken in your parking lot.

Commissioner Armstrong said that the fact that those temporary services are still not creating parking shortages is in support of their argument that there is plenty of parking anyway.

Commissioner Whitten said that is my experience.

Ms. Banks said that she has never received complaints about the parking at the current Tractor Supply parking lot (located on East Market Street).

Commissioner Orndoff asked if there was anything in the ordinances that require that someone that is coming in and doing the temporary barbecue to have to apply and get a permit for the time that they are here and the amount of space that they can take up?

Ms. Banks said that there is nothing in the zoning regulations about that. They do have to have a business license and so forth.

Chair Finnegan said that there is a difference between a food truck and barbecue chicken that they made at the Lion's Club and that they are selling here.

Councilmember Dent said that it makes intuitive sense that a tractor supply business would have a different space ratio than the mall for instance. You have a lot of big equipment and not many of people shopping at the same time. I think the decreased parking makes sense. I notice on the map that there are some long lines in the middle of the parking lot with the number three on it. I would presume that means a place for a truck or a vehicle with a trailer to park. They allowed for that and that would be a need for a tractor place, I think.

Ms. Banks said that is 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.

Seth Roderick, Monteverde Engineering, came forward representing the applicant. This is pretty straightforward, as staff has indicated to you. The City's Zoning Ordinance is limited in the amount of differentiation that it has between retail. It is the same for the shopping mall that has a lot of teenagers going to it as it does in this case for Tractor Supply. The 108 spaces are well above and beyond the template for Tractor Supply which is zeroed in at 65. That meets all their customer needs. They have not become successful by creating parking lots that are too small and turning people away. The store on East Market Street where they have vendors out in the parking lots because they built it to code at four parking spaces per 1,000 square feet. There is too much parking. If the City requires businesses to build too much parking, they have no use for it and will try to find other ways to monetize it. In this case, we are trying to avoid that scenario and keep it as grass. Instead of having a bunch of oils and dirt and runoff going into the water streams, we turn it to grass. It is going to be a better condition for everybody involved. We are above and beyond the 65 mark because those spaces are very easy to construct. The drive aisles are already going to be there. The owner said to go ahead and put the extra spaces in. It is going to be more parking than what they really need, but those are very inexpensive parking spaces at that time. At this point, 77 spaces are there. If, at any time, something were to change, such as the use changes in the future, City Council has the right to force the additional parking stalls to be added. I do not see that ever being the case, especially when the new Zoning Ordinance is put into place and more differentiation between retail is included. I, as the engineer, am available for any questions that you might have. We also have representatives from the landowner as well as the developer if you have any questions.

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 said that there are several cities in the U.S. that have completely done away with mandatory parking minimum requirements. They include Buffalo City and others. That number is increasing for the reason that Mr. Roderick said, if I have a business and I have a certain number of customers, I would be doing myself a disservice by having three parking spaces. If you look at

an aerial map of Harrisonburg or any American city, there is a lot of parking and not very much building. I am in favor of almost any time we are talking about parking reductions.

Councilmember Dent said I agree. Anything that we can do to minimize the footprint of parking. There was a great statement that you made at the Housing Summit, Chair Finnegan, about “we have mandatory housing for cars, but not for people.” I like the idea of differentiating between the retail uses. If it is a larger piece of equipment that takes up more space, they do not need a proportionate number of spaces, as opposed to the mall where everybody is in it at the same time. I wondered why we would need to reserve the parking spaces to be added in the future, but you explained that it was in case it turned into a mall or another use that was more high density.

Ms. Banks said that is correct. If it did change into a use that was more intense, that had a higher volume of people coming in.

Commissioner Whitten said, for clarification, Tractor Supply really does not sell tractors, as such. They do not sell big pieces of equipment.

Commissioner Byrd said that my experience with businesses that are the same as the operation of Tractor Supply, I have never had a parking issue on their busiest day.

Commissioner Whitten said that it would be like Lowe’s.

Commissioner Byrd said that Lowe’s does not use their whole parking lot. Home Depot has equipment out in their parking lot because it is not used.

Chair Finnegan said that Valley Mall is a good example. They have set up entire fairs in the parking lot. If that does not speak to it... There is a challenge that was put forth by Strong Towns called the Black Friday Challenge. Black Friday being the busiest shopping day of the year, if you go to any parking lot, see how many empty spaces you can find. More and more people are saying, here I am on Black Friday and there is a lot of parking.

Commissioner Byrd moved to approve the request as recommended by staff.

Councilmember Dent seconded the motion.

Chair Finnegan called for a roll call vote.

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



The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on December 14, 2021.

**New Business – Other Items**

***Request from Bridgewater College Holdings LLC to preliminarily subdivide a parcel at 270 Mount Clinton Pike and 1386 North Liberty Street***

Chair Finnegan read the request and asked staff to review.

Commissioner Baugh said that pursuant to the Sections 2.2-3112-B-1 and 2.2-3115-H of the Conflict of Interest Act of Virginia, I am declaring for the minutes of this meeting that, as a result of my employment as adjunct faculty at Bridgewater College, I have a personal interest in the Harrisonburg Planning Commission's consideration of a preliminary subdivision proposal by Bridgewater College Holdings LLC. As a member of a business, profession, occupation, or group of three or more persons the members of which are affected by the transaction, I further affirm that I am able to participate in the Planning Commission's consideration of this proposal fairly, objectively and in the public interest.

Ms. Banks said that the Comprehensive Plan designates this site as Industrial. These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

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

- Site: Undeveloped acreage; zoned M-1
- North: Undeveloped acreage and non-conforming detached single-family dwellings; zoned M-1
- East: Undeveloped acreage; zoned M-1
- South: Across Mount Clinton Pike, State Offices for the Virginia Department of Agriculture and Consumer Services and warehousing facilities; zoned M-1
- West: Across North Liberty Street, undeveloped acreage, automotive sales/service, and industrial uses; zoned M-1

The applicant is requesting to preliminarily subdivide one parcel into two lots consisting of one +/- 3.90 – acre lot fronting on Mount Clinton Pike, and one +/- 2.50 – acre lot with frontage along Mount Clinton Pike and North Liberty Street. As described in the applicant's letter the subdivision will create a parcel that is intended to be sold by the owner, Bridgewater College Holdings LLC, while the second parcel will be retained by the owner. The property division is considered a major subdivision and requires a preliminary plat because the original tract of land is larger than five acres; therefore, it exceeds the allowance for administrative review as a minor subdivision and must be reviewed by Planning Commission. No variances are being requested with the proposed preliminary plat; therefore, no action will be required by City Council. Planning Commission's action on the request will be the final decision.

The new parcels will be served by City water mains that are within the North Liberty Street and Mount Clinton Pike public street rights-of-way. There is also an 8-inch public sanitary sewer line within the North Liberty Street right-of-way. The applicant has illustrated on the preliminary plat that a 20-foot wide public sanitary sewer easement, traveling from North Liberty Street, across the southern portion of the +/- 2.50 – acre parcel is proposed. This will serve to provide sanitary sewer to the +/- 3.90 – acre parcel.

There is an existing permanent utility easement along the southwest corner of the +/- 2.50 – acre parcel. The applicant is providing a 10-foot wide public general utility easement, which ties into the existing utility easement, along the fronts, centered on the internal dividing side property line, and along the side and/or rear of the proposed parcels.

The preliminary plat illustrates that a 20-foot wide private stormwater easement would be provided along the Mount Clinton Pike frontage of the +/- 2.50 – acre parcel. This is to help provide for stormwater management of the +/- 3.90 – acre parcel. Further stormwater management will be reviewed as part of any engineered comprehensive site plan review for each parcel's development. Dedication of additional right-of-way is not needed, as both Mount Clinton Pike and North Liberty Street have sufficient right-of-way.

The submitted preliminary plat meets all requirements of the Subdivision Ordinance, and staff recommends Planning Commission approve the subdivision.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said several months ago, I got a comment from someone who uses Mount Clinton Pike for walking and biking. Is it the zoning of that area that does not require sidewalks? Is that why there are none there?

Ms. Banks said that there is nothing within the subdivision regulations currently that will trigger the construction of sidewalks along this frontage. If there were adjacent sidewalks to it, they would have to tie into it as part of the subdivision. In this case, there are no sidewalks along the frontage of all those parcels.

Chair Finnegan said that the complaint that was brought to my attention was not about this property, but the one on the southwest corner of that intersection. It was a question as to why there was nowhere to walk or bike on Mount Clinton Pike.

Ms. Dang said that when that road was built, sidewalks were not valued or constructed at that time.

Commissioner Byrd said that since they built that bike path, there are more people that want to bike in that direction. Sometimes people do not take the path and continue on the roadway.

Chair Finnegan said that this is not a public hearing and there is no one here to speak to the request, therefore he opened the matter for discussion among Planning Commission.

Commissioner Orndoff moved to approve the request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to approve the subdivision request passed (7-0).

### **Unfinished Business**

None.

### **Public Comment**

None.

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

#### ***Proactive Code Enforcement***

On hold.

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

Ms. Dang said that Commissioner Whitten was scheduled for September 7, Commissioner Baugh was for October 5, and Commissioner Orndoff was for the month of November.

Commissioner Whitten said sent her notes regarding the September via email. They read as follows:

- 1) 189 Model Road...Zoned B-1 Request to amend proffers was approved. This is a request for a small coffee/tea shop. No commercial kitchen, no drive-thru, closed by 10pm. Recommended for approval by staff. Request was approved.
- 2) 1463 Brookhaven Drive, 49.125 acres, Zone B-1C, Request to amend proffers, all current proffers remain, but this amendment allows additional uses that have been added in the updated 2014 Zoning Ordinance. Also, changes in names/uses could cause confusion and this will bring clarity. Request was approved.

- 3) Great Eastern Resort Corp Master Plan Amendment to change 9.98 acres, Area A Single-family dwelling use to Area B townhome use. Large crowd in attendance that did not want this change. Representative for applicant stated that these townhomes would be owned by the Resort and used as housing for employees. There will be no more than 95 townhomes. They will provide a vegetative buffer between this development and the adjoining single-family neighborhood with opaque fencing used if below grade. No timeshares will be allowed. School system report indicates this development will put the Middle School over capacity, but Elementary and High School have enough space for the students. 2 extra buses will be needed. Concerns about traffic and safety have been satisfied. (Did not require TIA) Representative states that Air B&B uses have depleted the market for affordable housing for employees of the Resort. Applicant feels that this use will better serve the needs of the community as it will provide affordable housing owned and operated by the Resort. The neighbors in attendance were concerned about stormwater run-off and flooding, number of parking spaces, the development being incompatible with the surrounding houses, pedestrian and bike safety and increased traffic on surrounding roads. After a long public hearing, the applicant answered the concerns by saying that the by-right use for single family units would not look like the existing single-family housing and could be less desirable. Also, the concerns regarding stormwater, flooding, traffic, safety and parking will be addressed through ordinances/laws designed to protect the surrounding property. Recommended for denial by staff because of “lacking compatibility with surrounding residential developments to the north, west and along Bloomer Springs Road”. The Planning Commission voted to approve of this change.
- 4) Two Ordinance Amendments
  - 1) To remove a Section requirement for no less than 40% of homes in a subdivision zoned MH-1, Mixed Home District to be manufactured homes. Approved
  - 2) To amend a Table to require a special use permit for certain uses in the B1-General Business Zoning District within the Urban Development Area. Approved
- 5) 7467 Mill Creek Church Road, Mt. Crawford...Request for addition of 2.878 acres to an existing Ag-Forestal District. Approved
- 6) Additional item that was tabled and brought back for a vote. McGaheysville Re-zoning request on Power Dam Road. Because this was brought back from a previous meeting, no explanation was given of the request. Motion was made to deny the request and seconded. Vote was in favor of the motion to deny.

Commissioner Baugh discussed the October meeting. They had four items of business. There were three rezonings. One was for self-storage units in McGaheysville. Another was the expansion of the Altitude development on Port Republic Road. The third was for Mulligan’s Golf Center on Route 11. All were approved unanimously. Some if the details differed, but they were all essential asking for room to expand something exactly or similar to the existing use of the property. The Supervisors may have since tabled the Altitude requests. There has been some concern about increased traffic on Apple Valley Road which from Port Republic Road is behind the development. The traffic there feeds into Stone Port Boulevard which then feeds into Port Republic Road near

the Bojangles. The proposal would create a new ingress and egress point and parking over on that side of the development. The fourth item was an ordinance amendment that would allow more parking flexibility for public safety facilities and was driven by a new fire station where it was felt that the existing rules required too much parking. That also was approved unanimously.

Commissioner Orndoff was not able to attend the meeting in person but has a copy of the agenda and has been in touch with County staff. There were two items that were public hearings. One was a rezoning case for Bill Neff requesting a proffer amendment on an over 31-acre portion of a 32-acre parcel located on the west side of Kratzer Road north of Pulses Hill Lane. It is zoned I-1C, General Industrial. That was approved. The ordinance amendment was a request to amend Section 17-607 Supplemental Standards for the Use of Warehouse in A-1 and A-2. The request was to remove the requirement that it be in an agricultural structure more than three years old and to allow a business to operate inside the structure. That was approved.

Ms. Dang said that December 7 was assigned to Commissioner Hull. Liaisons were assigned as follows:

December 7	Chair Finnegan
January	Commissioner Byrd

Assignments for the rest of 2022 will be made in January after the meeting dates are adopted by the Rockingham County Planning Commission.

### ***Board of Zoning Appeals Report***

Ms. Dang said that there was a meeting on September 13. It was an appeal of an administrative decision for a property on 1110 North Liberty Street. It is in the M-1 zoning district. The property owner was unable to prove that the property was a nonconforming two-dwelling residential use that was there. Staff determined that the use was illegal and the BZA upheld our decision.

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

Councilmember Dent said that the Planning Commission items were addressed at the September 14 meeting. There was much debate about the Peach Grove Avenue development where the Planning Commission voted unanimously to recommend denial. City Council overturned that. I stayed consistent with my vote here, but the majority voted to allow their revised proffer to omit the retail and to allow an increased number of units from 400 to 460. We had the debate about not needing more student housing, but here we approved student housing.

The other items sailed through. Townhouses are good for added density. The way I was starting to bring up the ability to have solar panels and EV chargers, you can do that with a townhouse because each person has their own unit. At the very least it is not prohibited. The other one was Suter Street. I went out with them to see it in the rain. Suter Street was flooded because a pool had gotten stuck in the drain. It was a worthwhile experience to see how the flooding affects that neighborhood. Mr. Yutzy and Mr. Colman were describing and pointing out where they were going to build the drainage ditch and the rain gardens on the property to proactively address the flooding in the area.

It is not specifically right at that cul-de-sac, but down the street where there is a dip in the street and the flooding is more prominent. It was good to see that live and in action. It all made sense. I especially like how this development is continuous with the neighborhood. We also had to approve the actual creation of the cul-de-sac. It all passed.

Chair Finnegan said that, in the County, the permit for the 144 small, detached houses in McGaheysville was pulled.

### **Other Matters**

#### ***Update on Zoning and Subdivision Ordinance Rewrite Project***

Ms. Dang said I sent an email with a project update to the project email list, which anyone who wants to receive updates about the project, including upcoming events, can sign up for. I sent a similar email to the Ordinance Advisory Committee (OAC).

Staff and the consultants have been working on Module 2. We have had to put the revisions and the review of the public comments for Module 1 on hold due to staffing issues and other objectives that we have been working on. There will be no public engagement between now and through the holidays. We will continue to work, but you will not hear from us until early 2022. For those of you on the Ordinance Advisory Committee (OAC), our plan is to work on a draft zoning map that we can share with the OAC. We will convene to review the draft map, and then release the map with Module 2 when we have the public comment period.

Chair Finnegan said that in the email, Ms. Dang said that you are unable to commit to a date or time. Is that based on everyone's schedule?

Ms. Dang said it is based on not being able to commit to how quickly we are going to be able to move on this. I am not comfortable with setting a date, then having to reschedule. When we are at a point where we have a clear timeline and I can feel confident about that, I will release that and share it with everyone.

Chair Finnegan asked if there are any plans to have public meetings? A lot of these have been virtual. When we did the Comprehensive Plan process, back in 2017, the public meetings were a way to look at the proposed maps. It would be preferable to virtual meetings. I do not know how things are looking, or the possibility of maybe in the spring.

Ms. Dang said that there still some community members who prefer a way to participate virtually, not necessarily a virtual meeting. Perhaps having the information online. I would envision the OAC meeting in person, like our City Council appointed boards and committees. We could utilize a space that is large enough so that we can sit spaced apart. The public meeting will hopefully be in person, but we do not have plans yet. I appreciate your comment because many other people feel the same way you do about the value of participating in person.

Commissioner Whitten agreed and offered a word of caution. I attended the September meeting at the County. The room was completely filled with people, many of whom were not wearing masks. I almost left, but virtual was not an option. I stayed and felt uncomfortable.

Commissioner Baugh said I heard about that, and I was prepared to not stay if the room was full. It turned out that they had a number of items, but there was plenty of room and I was able to isolate in a corner.

Chair Finnegan said that speaks to the value of having these meetings streaming online. People can participate from home.

Commissioner Whitten said I would never want for somebody not to be able to participate. I think that should always be an option.

Chair Finnegan said that there were two housing summits that happened in the past month. One was hosted by the City, with a presentation from Housing Forward Virginia. The other was the Harrisonburg Rockingham Housing Authority (HRHA) Housing Summit at JMU. I attended both of those. There was too much information to give condensed notes, however it backed up everything the Housing Study said. At the JMU Housing Summit there were a lot of people who did not have housing and were very frustrated and angry about their perception of inaction on the part of HRHA or anyone to do something about affordable housing.

Councilmember Dent said this is sort of a show and tell. I did this show and tell from the City Council Housing Summit through the community Housing Summit. What Housing Forward Virginia gave us that I found very useful are these quadrants of low-income housing. First, the less than 30% AMI (area median income), (referring to illustrations in the “Affordable Housing Continuum Twin Cities” handout she showed the group) starts with a park bench and then a tent. We heard from a man who had lived in tents in the woods and then a Church, when Open Doors used to be in the churches. These are people who need emergency shelter to permanent supportive housing to rapid re-housing, people exiting incarceration, the homeless, disabilities and service needs. This lowest income tier is what is served as best they can, even though it still needs a lot more, by HRHA, OCP (Our Community Place), Mercy House and other organizations in the community. Then we have the 30-50% AMI, which is the ALICE (Asset Limited, Income Constrained, Employed) population, people who are employed but struggling to get by.

One of my key takeaways from the community Housing Summit was that we should be focusing on that tier because there are so many services that are geared to the lowest 30% and the developers are only interested in the 50-80%. What happens to the 30-50%? That is where they need more aggressive incentives such as the LIHTC (Low-Income Housing Tax Credit), housing vouchers, rental assistance, eviction protection. Programs that help keep people housed that are housed. I would like to be focusing on that. We have the ARPA (American Rescue Plan Act) funding sessions coming up for City Council. We will be focusing a lot on housing. This is useful information for that. The 50-80% is where the developers can kick in.

One of the key takeaways from the City Council Housing Summit was, what are the tools that we want to focus on? Staff can do some of the math for the revenue hits from waiving fees or taxes. I

like having that spectrum. I have come to see housing as a stair-step. First there is emergency shelter for people who are completely homeless and how to transition them out of homelessness. There was an excellent forum at the community summit of people who were formerly homeless and how they got to be stably housed, through Habitat for Humanity or HRHA or OCP. It is good to see those models for how people can transition into stable housing. We are obviously thinking about it a lot and taking advantage of the massive funding that is coming from the Federal government through ARPA and other sources.

Chair Finnegan said we will try to get this into an electronic form and get it out so that you all can see that.

Councilmember Dent said that the Downtown Master Plan is going to be unveiled on Friday, November 19, 2021, from 4:00 to 7:00 p.m. at the Turner Pavilion. That should be interesting with all the studying and the public input that has gone into it. I am looking forward to seeing what the results are.

The meeting adjourned at 7:45 p.m.