

## **MINUTES OF HARRISONBURG PLANNING COMMISSION**

**September 11, 2024**

The Harrisonburg Planning Commission held its regular meeting on Wednesday, September 11, 2024, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

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

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

Chair Finnegan called the meeting to order.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the August 14, 2024, Planning Commission minutes.

Vice Chair Byrd moved to approve the August 14, 2024, Planning Commission meeting minutes.

Commissioner Baugh seconded the motion.

The motion to approve the August 14, 2024, Planning Commission meeting minutes passed (6-0) with Vice Mayor Dent abstaining.

### **New Business – Public Hearings**

#### ***Consider a request from Ritchie Vaughan to rezone 439 and 445 Myrtle Street***

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting to rezone two parcels totaling +/- 14,424 square feet from R-2, Residential District to R-8C, Small Lot Residential District Conditional. There are currently two single-family detached dwellings, one on each parcel that front along Myrtle Street. In the applicant's letter they explain that they want to rezone the property to R-8 to subdivide the two parcels into four parcels and build two new single single-family detached dwellings that would front along Effinger Street.

#### ***Proffers***

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

1. Proposed lots 3 and 4 along Effinger Street will have a 25 ft front setback.
2. A variable width public sidewalk easement along the front of all proposed lots will be provided for the City to construct a sidewalk in the future. The easement will extend 7.5 ft from the existing back of curb into the property and will be dedicated at minor subdivision. In addition, a 4 ft temporary grading easement beyond the 7.5 ft sidewalk easement will be provided for the City to have sufficient space to install the proposed sidewalk.

The conceptual site layout is not proffered.

As noted in proffer #2, the applicant would dedicate public sidewalk and temporary construction easements to allow the City to construct sidewalk along the streets at some point in the future.

#### *Land Use*

The Comprehensive Plan designates this parcel as Neighborhood Residential and states that:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

The R-8 district is intended for medium- to high-density residential development including, single-family detached and duplex dwellings. Townhomes are permitted with a special use permit. Staff believes the flexibility offered by the R-8 district's minimum area and dimensional requirements can at times work well within areas designated as Neighborhood Residential and should work well within the nearby neighborhood.

The conceptual plan illustrates the two +/- 7,400 square foot in size subject parcels being potentially subdivided into four parcels ranging in size from 3,634 square feet to 3,882 square feet in lot area. When compared to the nearby neighborhood, and within only about a 300-foot radius of the subject parcels, there are eight parcels that are less than 5,000 square feet in area, the smallest of which is about 3,613 square feet.

#### *Transportation and Traffic*

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

If the site is subdivided in the future, the applicant will be required to provide off-street parking for the proposed new lots, as well as maintain an off-street parking space for the existing home at the corner of Effinger Street and Myrtle Street. Although the applicant has indicated driveway locations on the concept plan, these locations have not been finalized and may change.

#### *Public Water and Sanitary Sewer*

Staff has no concerns with the requested rezoning regarding water and sewer matters. The applicant is aware though that any future new lots will be required to connect to the City's water and sewer systems, which may require extensions of existing facilities. For example, if they subdivide to create two, new lots, Lot 2 would likely require the extension of a public sewer main, which is conceptually shown on the submitted layout.

#### *Housing Study*

The City's Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has "above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple

parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

### *Public Schools*

The student generation attributed to the proposed two new residential units is estimated to be one student. Based on the School Board’s current adopted attendance boundaries, Spotswood Elementary School, Skyline Middle School, and Rocktown High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7<sup>th</sup> elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

### *Recommendation*

Staff believes the rezoning provides opportunity for infill development in a well establish neighborhood that is consistent with the Comprehensive Plan’s Land Use Guide and utilizes ideas promoted by the Housing Study. The conceptual layout is also in a form that is consistent with existing, smaller lot sizes within the nearby neighborhood. Staff recommends approval of the rezoning as submitted by the applicant.

Chair Finnegan asked can you just go over the 25-foot setback, does that not include that sidewalk?

Ms. Rupkey said it would be from the property line. With the area being dedicated as an easement and not as right of way, it would be from that existing property line.

Chair Finnegan said does the sidewalk count as part of the 25-foot setback?

Ms. Dang said a portion of the sidewalk might. [Referring to the drawing] Behind the back of curb there are several feet of white space before you get to the thick black line what represents the property line. Then there is an orange line, that is the proposed public sidewalk easement. Imagine that the sidewalk would be half a foot closer to the street. The setback would not be measured from the public sidewalk easement but would be measured from the black solid line where the property line is illustrated.

Vice Mayor Dent said where is the sidewalk in relation to the orange line?

Ms. Dang said the sidewalk would be in that space between the orange line and that shaded color that represents the street.

Vice Mayor Dent asked that is the bottom edge of the sidewalk?

Ms. Dang said the orange line would be six inches away from the back edge of the sidewalk.

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.

Gil Colman, from Colman Engineering and applicant's representative, came forward to speak to the request. He said I was happy to help them with this because this is a great opportunity of some of the things we were looking for infill development and, in this case, also, the character of the proposed homes is consistent with that neighborhood. It is not high-end housing. These are planned for rentals which also provides much needed... Basically we are always looking for opportunities for home ownership but also we notice there is a huge need for rentals and this provides this opportunity right there. In terms of the setbacks, the 25-foot setback is a volunteered setback. The actual required setback would be ten-feet. We are pushing the setback way back there to restrict the building to behind the 25-feet. The sidewalk itself is a variable distance between the current curb and the property line then we have to have a variable easement for that sidewalk so that we can fit... If we gave a specific number, it would be either too much or too little. We had to provide a number that was a variable measurement from the back of the curb back to six inches behind the sidewalk plus another three or four feet of temporary grading so when the City goes to build the sidewalk, they have some room to work.

Vice Mayor Dent said you say this is rental. Does that mean the property owners would retain ownership of it and rent it out?

Mr. Colman said correct, there is one property owner and they will retain ownership of the four properties. That is the intent right now. We cannot guarantee that it will be long term but that is what they are planning on doing.

Chair Finnegan said I believe the houses up to the front that these are being divided off. Those are one story?

Mr. Colman said I think so.

Chair Finnegan asked would these also be one-story or would they be two-story?

Mr. Colman said I think they are one story also. The owner might be calling they are in California so they could not be here.

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.

Kathy Whitten, a resident of 560 South Mason Street, called in to speak to this request. She said I am speaking in opposition to this rezoning. When the topic of rewriting the Zoning Ordinance came up at Planning Commission, I said that I thought it would be helpful to provide residents of this City with real life examples of how properties could change. I have not seen one example until now. In this case, the backyard of both of these existing single family, affordable houses will be reduced to a small strip of grass and probably two-story houses will be constructed. They will block the western view and most of the sun light in the afternoon from those houses in the front. The rent at all of these properties will go up. Taxes and stuff will go up and quality of life will likely be free. The current rent at one of the houses on Myrtle Street is \$925 a month. This ,by most, would be considered to be affordable in our City. Most of these homes are rentals so it would be pretty unusual to see tenants show up in opposition. There will certainly be less green space,

much more pavement, and more density on the same amount of property. The beautiful old maple tree behind the house on the corner of Myrtle and Effinger Street will either be cut in the process or if it is not, it will die because of the damage to its roots as the result of the construction. Is this our idea of good planning? It seems that the only winner in this proposition is the owner-developer who reaps the benefits in cash. People who choose to live in bigger cities choose denser surroundings. People who choose Harrisonburg expect something more than density. I do not begrudge property owners for making a profit. This owner from California will increase their profit while driving up the cost to live in Harrisonburg.

Ritchie Vaughan, the property owner and applicant, called in to speak to the request. They said I am speaking in favor of this rezoning. The goal when we created this new zoning district was to create more small lots, which is what I am trying to do here. I saw that there was a question about how big the new houses are going to be. They are going to be two-stories. They are going to a farmhouse design. I tried to make them look like other properties in Newtown like the ones on Elizabeth Street. They are going to be about 1,300 square feet. It is true that my tenants in the two existing houses have what would be considered affordable rent. They both know what is going on. They have been long-term tenants, this is not something that is catching them by surprise at this point. The 25-foot setback discussed was to make these houses match the other houses that already exist on Effinger Street because they all have large setbacks as well. I wanted it to fit in with the existing community that is there. If there are any other questions, I am more than happy to talk about what my plans are.

Commissioner Nardi asked do you have a sense of what rent you are going to charge for relative to what the current residents pay?

Mx. Vaughan said one is \$925 and the other is \$875. These are going to be significantly larger than those other houses. The two old existing ones from the 1940s are less than 800 square feet, they are about 720 square feet. They are going to be almost double in size. I will be honest, I do not have a good feeling for what the rent is going to be in these new ones. I know what townhouses that are three bed, two bath rent for \$1,400 a month, at least mine do. My guess would be that this would be somewhere in that range, but I will hand it over to a property manager in Harrisonburg since I am currently located in California.

Mr. Colman said the comment related to the back of the houses being blocked and the yard being reduced, currently there is a fence there behind the sheds which also have to be partially relocated. That open lot is open right now, so I do not know who is making use of it but clearly it is an open field right now, it is not necessarily being used by the two existing houses there. Simply responding to the fact that we are taking away the yard, the yard is not being used so it makes sense to put two new homes there.

Vice Mayor Dent said I can see that the sheds are right on the property lines so they would need to be moved in.

Mr. Colman said correct, it would be relocated to meet the five-foot setback for an accessory structure.

Chair Finnegan said there was a comment about the greenspace being reduced, this is meeting off street parking requirements with two.

Mr. Colman said it provides two parking spaces. Instead of one [space], it provides two. One of the main reasons for that is not to have parking on the street so everything is in the property. We also had to provide that on the corner house which before there was a curb cut there that they were using for parking but technically staff saw this as us removing that parking, so we had to provide [off-street parking] for the existing housing.

Chair Finnegan said just clarifying that the 25-foot setback that is proffered was to keep it in line with the others on Effinger Street?

Mr. Colman said correct. The idea with these two new structures is to meet the character of the neighborhood as much as possible and the setback there kind of provides that. It aligns with the existing homes.

Commissioner Washington said for the location behind 439 [Myrtle Street], how are people getting there?

Chair Finnegan said the driveway is off of Effinger.

Vice Mayor Dent said there are driveways in front of each?

Mr. Colman said the new ones, yes. The second house...

Vice Mayor Dent said 445 [Myrtle Street] is on the corner, that one will have a new driveway with parking space?

Mr. Colman said yes, the one on the corner. The already existing one, 439 [Myrtle Street], is grandfathered in that they can park on the street they are not required to have off-street parking.

Chair Finnegan said I was just clarifying that point because there was a comment about paved surfaces, this is what is in the Zoning Ordinance requirement now is the two off-street parking. In that drawing it looks like it is a two-car driveway for each unit.

Ms. Dang said the Zoning Ordinance requires one parking space for every new dwelling. They are proposing to provide two parking spaces for those two new homes.

Mr. Colman said one is required and then as you can see there is not a lot of frontage there, if there is another car then it makes sense to have off the street otherwise you will be on the street. I think if we made a long driveway, we would have only had two so this fits.

Chair Finnegan said thank you for that clarification. I am looking at it thinking about the comment we got about greenspace and tree canopy cover in Harrisonburg is 26% right now. I know that until they start digging the foundation, we will not necessarily know about that maple in the backyard.

Mr. Colman in terms of the maple in the backyard, I do not think there is an interest in taking that tree down, that was one of the conversations we had. Even the driveway for the corner lot might end up being a one car driveway just to avoid that. That is a conversation we had in terms of we did not want to lose that tree. The reason I put the driveway there is because discussion with staff we need to have a driveway for this. Even those dimensions and locations are not proffered.. I would say that whoever lives in the corner property, I am sure they will park in the front along Myrtle [Street].

Chair Finnegan 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 as a renter in the City of Harrisonburg I know the economic realities of rent as I have not moved in 4 or 5 years and my rent has increased; yet, I do not recall actual improvements to my facility at all. If rent is only low in the City of Harrisonburg because buildings are old, then I do not see that as an argument to challenge the building of new places for people to live because that is not in the economics of why peoples' rent is increasing. When it comes to density... because I was arguing with a friend of mine that lives in another city and I say he lives in a suburb and he was like I live in the city and I was like Virginia calls cities, cities. If you live in a neighborhood and you have lots of grass you are in the suburbs, urban areas are full of concrete. I get the desire for people to want to make sure there are areas that have large yards but we cannot expand cities in Virginia until Richmond changes their mind on that subject. Therefore, as costs go up where is the revenue coming from? We need more places for people to be. Therefore, I tend to be in favor of reasonable increase in density in particular areas. The two-story building in this area when I looked around I do not see how that would affect any shadows of other properties minus the obvious of the direct neighbor beside them, but I do not see that as a concern either. In light of those things, I would be in favor of this request.

Vice Mayor Dent said I like the practice of infill that fits in with existing neighborhoods especially that they proffered more setback than they had to and the map with the stars on it showing similar sized lots nearby shows that it would fit in. I would be in favor of it as well.

Chair Finnegan said this is an example of classic infill development and this is what we have been talking about with the Zoning Ordinance revisions making things like this more possible. I will say to the comment that we got about the greenspace and the tree canopy cover, I do agree with that. It is hard to make these tradeoffs between do we want tree canopy cover or do we want parking? It is a bridge we can cross when it comes to making the City-wide regulations. Speaking for myself, I would entertain using the authority granted by the General Assembly to require a certain amount of tree canopy cover, percentage wise, if we were to change the parking requirements. There is a certain amount of land that has to go to the housing, certain amount of land that has to go to parking and if we wanted a certain amount of land to go to tree canopy cover, we need to put that in the ordinance.

Vice Mayor Dent said just to clarify on this, if it turns out during site development that there is a choice between leaving the tree or cutting down the tree to put a parking space, leave the tree.

Chair Finnegan said right but it may not be that simple because a lot of time there is grading. But what the General Assembly has empowered local governments to do is, I think, up to 20% where new developments in general. I think we need to be willing to trade something for that for example, if you want to use a certain amount of land for tree canopy then we need tradeoffs for parking.

Vice Mayor Dent said that is the advantage of not clogging up the streets any further.

Chair Finnegan said it is what we are requiring. We require one parking spot. Other thoughts on this?

Commissioner Nardi said I tend to be in favor. We need housing in the community. The local Housing Study has shown that. It seems to fit in with the character of the neighborhood and I would vote for the proposal.

Vice Chair Byrd said I make a motion to recommend approval of the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on October 8, 2024.

***Consider a request from New Venture Partners LLC to rezone 715 North Dogwood Drive***

Chair Finnegan read the request and asked staff to review.

Ms. Dang said in September 2022, City Council approved a rezoning of adjacent property (a portion of property currently addressed as 820 Waterman Drive and identified as tax map parcel 39-E-7) from R-1, Single-Family Residential District to M-1C, General Industrial District Conditional. The rezoning allowed the property owner to expand an existing self-storage facility. The proffers for that property require a 5-foot tall fence and a landscape buffer with trees or vegetation with the intent to form a dense screen along the property boundary adjacent to North Dogwood Drive/Rockingham Drive.

During the above described rezoning process, the application and public notices had also included a request to rezone the subject property (715 North Dogwood Drive) from R-1 to R-5C. At staff's suggestion, the applicant tabled this portion of their request. At that time, the Department of Public



Works was working with the Virginia Office of Intermodal Planning and Investment on a “Street Connectivity Evaluation and Road Diet Multimodal Evaluation” (Street Connectively Study) and staff wanted the Study to be completed before considering the rezoning request due to the potential for extending Third Street to the west toward Waterman Drive. The Study, which was completed in 2022, identified opportunities across the City for potential new roads and pathways that could facilitate connectivity between neighborhoods.

Vice Mayor Dent said what was the result of that street connectivity study?

Ms. Dang said the street connectivity study was broader. It described that there should be a connection somewhere between Chicago Avenue to Waterman Drive and described other connections, even up to Greystone Street going further west. That Street Connectivity Study did not call out specifically Third Street. What it was saying was that you really benefit from some other parallel routes to West Market Street that connected from this road to the other road. That study has not been publicly vetted, it was just an internal study. City staff has not brought it forward with an amendment to the Comprehensive Plan’s Street Improvement Plan to show that these are areas or street improvements and connections that we want. That will come later from the Department of Public Works, but at this time [the Study] is not publicly vetted. No public input has been received it was just more or less an internal study.

Ms. Dang said the applicant is requesting to rezone a +/- 0.99-acre parcel from R-1, Single Family Residential District to R-5C, High Density Residential District Conditional. If approved, the applicant plans to construct 16 dwelling units comprised of two, eight-unit multifamily buildings with a mix of one-, two-, and three-bedroom units.

#### *Proffers*

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

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
2. Townhouses or multi-family dwelling units shall provide 1.5 parking spaces per unit.
3. Create and maintain a landscape buffer with trees planted within 20-feet of the eastern property boundary (adjacent to North Dogwood Drive and Rockingham Drive). The buffer shall include no less than one (1) small deciduous tree, as defined in the Zoning Ordinance, planted for every 35 linear feet of the eastern property boundary excluding the width of the entrance.
4. At the time of development, a 20-ft wide shared-use path easement and 5-ft temporary construction easement will be dedicated to the City. The easement will extend from Rockingham Drive / North Dogwood Drive public Right-of-Way to the northwestern corner of the property as illustrated on the rezoning exhibit.
5. The entrance serving the development shall be located at the intersection of North Dogwood Drive and Third Street. Additionally, the developer shall design and construct necessary intersection improvements to ensure safe intersection operations as deemed necessary and as approved by the Department of Public Works.

The conceptual site layout is not proffered.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted, only one parking space per unit is required by the ZO. However, the applicant has proffered (within proffer #2) that each townhouse or multi-family dwelling shall provide 1.5 parking spaces.

Proffer #3 requires that a vegetative buffer be provided along the eastern property boundary adjacent to North Dogwood Drive and Rockingham Drive. This is in addition to the existing vegetation and trees within the public street right-of-way of the shared use path.

During review of the application, City staff requested a 20-foot wide shared use path easement through the parcel to assist with a future connection from the Rockingham Drive Trail to Waterman Drive. The applicant has proffered (with proffer #4) to dedicate a 20-foot wide shared use path easement plus an additional 5-foot wide temporary construction easement for the City to later design and construct a shared use path.

Proffer #5 describes that the future entrance to the development will be located at the intersection of North Dogwood Drive and Third Street and requires the developer to design and construct necessary intersection improvements to tie the new entrance into the intersection.

#### *Land Use*

The Comprehensive Plan designates this site as Neighborhood Residential and states:

These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

Surrounding properties are designated in the Comprehensive Plan's Future Land Use Guide as Mixed Use and Commercial. The Mixed Use designation states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for "live-work" and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a

Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

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

And the Commercial designation states:

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

The applicant describes in their letter that “[t]he proposed residential community aligns with the Comprehensive Plan and the Land Use Guide, as it integrates with existing mixed-use character of the neighborhood where single-family homes are flanked by multi-family apartment buildings to the south west, and to the north (future Sunshine Apartments), and commercial and industrial buildings to the north, northeast, and northwest.” In 2022, the proposed Sunshine Apartments, located at 797 Chicago Avenue, was rezoned to R-5C, High Density Residential District Conditional and received special use permit approval to allow multi-family dwellings of more than 12 units per building.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning 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 rezoning request.

North Dogwood Drive is currently a substandard City street with about 20 feet of pavement width and no curb, gutter, or sidewalk. During review of the 2022 and current rezoning applications, staff considered whether the applicant/developer should make frontage improvements (road widening, curb and gutter, and sidewalk) along North Dogwood Drive, along the +/- 65-foot length of frontage between the new entrance and the southwest corner of the property. Due to projected low traffic volume in this area and the significant amount of filling, grading, and retaining wall work that would be necessary to make frontage improvements along a short length of frontage, staff is comfortable with this development not constructing frontage improvements. The applicant is aware that removal of trees within the public right-of-way will require approval from the City’s Public Tree Advisory Board (PTAB) and that City Code Section 9-6-7 requires that the individual

removing the public tree with a permit from the PTAB will be required to pay the City for a placement tree. “Public Trees” are defined as: “Trees with a diameter at breast height (DBH) of four (4) inches or greater with the majority of the tree trunk located on city-owned and maintained property. Trees that are planted as part of city projects that are less than four (4) inches DBH shall be considered public trees.”

#### *Public Water and Sanitary Sewer*

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

#### *Housing Study*

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

#### *Public Schools*

The student generation attributed to the proposed 16 apartment units is estimated to be two students. 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 in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7<sup>th</sup> elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

#### *Recommendation*

Staff recommends approval of the rezoning request.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said just looking at the schematic here and that huge winding switchback to get to the parking lot and I think there has to be a better way or was there any exploration of the idea of entrance on Rockingham Drive, does that work at all? It just looks like it would go straight in there, but I do not know what kind of street that is.

Ms. Dang said it is a pretty good distance... We call it a paper street, it is heavily vegetated and not a constructed paved street. [Referring to the map] The pavement ends somewhere in this vicinity.

Chair Finnegan said Rockingham [Drive] is all broken up because Rockingham [Drive] continues because, technically, the bike path is kind of Rockingham [Drive]. If you keep going across Chicago [Avenue], it picks back up and turns into Rockingham [Drive] again.

Vice Mayor Dent said it just seems a shame to use so much of the property for that winding driveway, there could be more housing if there was a more direct route. Just an observation without really understanding the topography of that street.

Chair Finnegan said that may be a question for the applicant too that we can ask. Was it staff's recommendation to have access off of Third Street as opposed to Waterman [Drive] or Rockingham [Drive].

Ms. Dang said we started this two years ago, it makes sense for it to be at Third [Street] and North Dogwood Drive there. To go to Waterman Drive, they do not own the property immediately to the front. While they own the self-storage facility, that facility already exists... to expect a private street to get constructed through there... I am interested to hear what their thoughts are.

Chair Finnegan said there is no access from Waterman [Drive] because of the other property that is in between it and Waterman [Drive].

Ms. Dang said this property here [referring to an image], I do not believe is owned by the applicant. It is owned by another party.

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.

Gil Colman, Colman Engineering and applicant's representative, and Gary Myers, the applicant, came forward to speak to the request. Mr. Colman said generally speaking, you want to have access to the property from the immediate right of way if possible. The right of way here is Dogwood Drive and otherwise we would need a private access easement across somebody else's property to get to our property. A landlocked property would not be allowed to have access in another direction. However, this could happen because we have frontage but that is a different conversation. When it comes to the length of the driveway, when we reviewed this with staff that included all the departments including the Fire Department, the Fire Department wanted access all the way around to the back of the buildings. Initially, I think we had parking in the front and pushed everything back, but they wanted access to the back of the building. We could not come straight down either because it is too steep. We had to swing all the way around. Nobody wanted to build a drive that long. Ideally, you come out and you have your parking there minimize your pavement, minimize your cost. In this case, because of the steep terrain you have to travel all the way around and get a grade that is adequate for the fire equipment to get to the lower side of the property. We put the parking in the back also because that gives access to the lower units. A couple of those are going to be accessible units which parking is right there right to it. You answered the question about Rockingham Drive and it dies much early, otherwise it would have been great access right there. As Dogwood [Drive] continues, it is actually a bike path and not a street, so we are right there on the corner. As a matter of fact, looking at this property the options were limited in terms of even trying to make single family lots because pretty soon you run out of street, you only have the street for a small portion of it and then the rest of the property ends up being without a frontage on the street. This was the alternative plan to create apartment buildings for rent.

Chair Finnegan said in this drawing it says 16 units but I see what looks like eight. Is one of those half?

Mr. Myers said they would be designed as the lowest level would be accessed from the back so those would be one- and two-bedroom apartments and then the upper ones would be, I think we can do three bedrooms. It is sort of stacked. They are townhouse style.

Mr. Colman said it is also to be townhouse style to be more neighborhood friendly versus just an apartment building so the idea of this would be when you look at the front you see townhouses which would be a group of four and four, again not a row of townhouses but just separated in small clusters. It would allow for as an apartment...you can picture the ones that VMRC [Virginia Mennonite Retirement Community] built on Park Road, those are townhouse style homes and when you look at those, they are beautifully built. The back of some of those have access to a basement. In this case the idea given the terrain there are 20 plus feet or more of drop from the street down to the back of the property. It allows for four apartments also an apartment in the rear lower section in each of those townhomes.

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.

Lewis Bagwell, a resident of 645 North Dogwood Drive, came forward to speak to the request. He said why this is even being considered is beyond my recognition. All there is commercial property, there is one residential house through that whole Waterman Drive, it is all industrial and commercial businesses. My main concern is that bike trail and that whole thing where Dogwood [Drive] cuts off and then cuts into Hartman [Drive], I love seeing grandmothers, young mothers, baby buggies, bicyclists walking down that path or walking up through there. They do it because they feel safe and it is accessible and it is quiet and they are getting their little exercise in and I really appreciate that. I see what is going to happen when you start tearing into Third [Street] and our little sliver there and then you are going to have more traffic there, those people are gone. They are not going to participate in the neighborhood. I just want to keep the neighborhood safe and vibrant so that all ages are comfortable are walking through...that bike trail... it is great that the City thought into that because we are on the north end we get the crumbs. I am totally against this because I know what is going to happen. We have enough problems now with college students parking on the street and when I go to work in the morning I have to navigate in and out. I know that is not the reason I am here, but this is not good for the community and it is not good for the residents of Hartman [Drive], North Dogwood [Drive].

Kemper Dadisman, a resident of 360 Hartman Drive, came forward to speak to the request. He said I feel that these eight apartments upstairs and the eight apartments downstairs with two bedrooms in the downstairs apartments and three bedrooms in the upstairs apartments is going to generate more traffic all together. I just feel like there is going to two cars for each one of those apartments. They have to share those 28 parking spaces. I do not know where the extra cars are going to be going but I also know that I have lived in this area for 53 years now, I know how Third Street is, it is narrow. You meet a car on Third Street somebody has to get off out in the grass to let the car come by. Same way on North Dogwood [Drive] and that end of Hartman [Drive] where Hartman runs into North Dogwood, very narrow. There is parking on both sides of the street out there because a lot of folks do not have off street parking. The traffic that will be generated coming down Hartman, which I feel after people decide I am not going to be able to get out on Chicago Avenue in the morning because Waterman School is there. They are going to start coming down

Hartman Drive, we have a lot of young kids on Hartman Drive now. There are new families on Hartman Drive with younger children and a lot of those younger kids really do not pay much attention about walking down the street right now. If there is more traffic, there is going to be greater possibilities of safety. I do not understand, myself... I do not have an objection to apartments there, I know there are housing needs in Harrisonburg but I do not understand why it cannot be negotiated a road from that area down to Waterman Drive. It would make a lot more sense, it would be a lot easier on snow removal. That 20-foot drive getting off Third Street down to this area, snow removal wise, would be ridiculous. I notice my friend Colonel Jack Bowman who has an auctioneering building right behind this area. Jack had told me the other day when he moved in there, he had water problems. When HAJOCA had that they had water problems because water was running off of that hill. If they paved that area up there and roof it, the water has to go somewhere. I know on the map it shows some storm drains. The problem is there are no storm drains on Waterman Drive.

Geoffrey Sigworth, a resident of 425 Hartman Drive, came forward to speak to the request. He said I am one of the people that walks on that bicycle path almost everyday. I agree that this development would have a negative impact on part of the neighborhood; that is important to me. That is not really the biggest problem I have with this. [Referring to the image on the screen] Maybe these are topographical lines, but whoever put this together did not think carefully about the way it is. If you are standing here at the entrance for the bicycle path and you look out in this area, there is a very sharp drop that is about 10 or 15 feet. I have no idea how you are going to put a drive there. Just imagining a car that is coming up Third Street and when it has to turn right and go down, pretty steep. That is going to be tricky to navigate. I do not see how you get a firetruck turning around there. If you decide to do it you are going to have to be very careful how you build that because if you get any serious rain, soil can liquify when it gets full of water. I do not know what the soil is like there. If I did down more than three feet in my backyard, I hit heavy clay so that probably would not give way but there is a possibility that they are going to have to spend a lot of money supporting that soil. Ms. Dent mentioned it makes a lot more sense to have entrance to that on either Rockingham [Drive] or Waterman [Drive]. To try and do it the way it is planned does not make any sense at all.

Eugene Pence, a resident of 399 Hartman Drive, came forward to speak to the request. He said I agree with this man about the extra traffic. They do not stop at the stop sign now. I live right at that stop sign at Gay Street and Hartman [Drive] and they blow right through it, I see it every day. With 32 more cars possibly, it is just going to get worse. I also agree with these gentlemen but I also have another point. I am a member of the American Legion and the VFW and very well known down on that street, it floods. That rain we had the other day, it was almost coming in the American Legion. That is an awful lot of property to cover up with a bunch of roofs and parking lots. That water has to go somewhere. Storm drains will help but it is just going to put it on that street. It might bring it off that hill, but it is still going on Waterman Drive. Where is that water going to go? It is going to rise. Something needs to be done with Waterman Drive if you are going to put that much runoff, this is not going to handle it.

Ben Alison, a resident of 667 Virginia Avenue, came forward to speak to the request. He said that I have a little one and another one on the way. I am concerned with the traffic that is already there and with the addition of Sunshine [Apartments] it really does concern me if we have not looked

and understood what the traffic will do with what we already granted. To add another population to that traffic does concern me without understanding what is already there granted how that could affect.

Todd Rhea, a resident of 2322 Alston Circle, came forward to speak to the request. He said I am speaking as a private citizen tonight and not a land use lawyer. My one question is for Mr. Colman and the applicant relating to how the Rockingham Drive shared use path comes into the property and the 20-foot pedestrian easement that is reserved on the northern side of that property. As I look on the plan it does not look like pedestrian extensions or how that bike path might be used is designed into the current site. It is all designed into that curved driveway that comes down and there is a connection there and it is more of a question, are the bikers from that path coming south in order to get up to Third Street and North Dogwood [Drive]? Are they crossing the existing driveway to get to that point of connection? I know Ms. [Erin] Fisher before she left the City looked a lot at this intersection and this area as part of that transportation study. I am not sure anybody in the Third Street neighborhood really wants a vehicular connection to Waterman Drive at that point but it would certainly make a lot of sense for a bike-ped connection eventually from Waterman [Drive] up through this site. If there could be some more intentional design work focusing on that future connection and the existing connection to the bike-ped path, it would be beneficial to the community.

[Name unintelligible], an associate broker in Virginia, came forward to speak to this request. She said I am an unbiased party. I do not reside here, I use to reside here. I have very positive feedback both concerning the neighbors being concerned and the developers that are trying housing. As an unbiased party I just wanted to state a simple question for all the community folks who are naysayers. I think it is always helpful for the developer to know what solution they would propose. Coming as an unbiased party but as someone who faces all the time people trying to look for housing and there is a huge lack of housing everywhere in the state of Virginia not only in Harrisonburg. I just wanted to ask the neighbors who are concerned and they have valid concerns. I think it would be helpful for the developer, who is trying to make use of a chunk of empty land, for [the neighbors] to make a suggestions, what would they want to see?

Mr. Colman said the reality of housing we all know if you have younger families they need housing. In Harrisonburg it is lacking as everywhere else in terms of not having affordable housing and rentals are one of the biggest needs right now. A lot of the rentals that were in the market years ago got pulled out of the market to go into Airbnb's so now people do not have a place to live. Having more rental properties is helpful. In terms of your concerns, yes staff spoke about that road being narrow, it is true, that is something that sounds like something the City needs to take care of at some point. When it comes to the connectivity, ideally it would be a lot easier to tie into Waterman [Drive] but he does not own the property. That is something we actually were discussing. If [he] could buy the property, [he] could tie it back into Waterman [Drive]. He does not own the property. That is something at this time is not possible. It would make it easier. We do not like the idea of having to drop down. We can design that to make it work and that is why it has that huge loop there because we cannot go straight down; it is too steep. There are no immediate plans to build this so it is preparing this so that someday it could be done when he is able to do it and perhaps at that time that property may be available. The main reason for answering why not tie in somewhere else is because this is the frontage this is the place where we can build.



Responding to Mr. Rhea, the path is located there. That was a request from Public Works that we provide on that end of the property is the most accessible in terms of grade. The plan is if the property is developed that we will prepare it for the future. We can grade it because it makes sense while we are building the property to grade that also for a bike path in the future. That ideally with the property below is the neighbor develops at some point and that the City will probably request the same thing or if Gary were able to buy that property to continue that path all the way to Waterman [Drive]. Ideally, we do understand that those streets are subpar. The number of cars here is small but significant enough to discuss. It is something that we do not have a solution for.

Chair Finnegan said a lot of the concerns that we heard over and over again were about car traffic, cars coming through there. I live in that neighborhood as well and I am currently a part of an effort to try and calm traffic in that neighborhood. Is there any consideration going into that...and I know that you need to get permission from Public Works and the Fire Department to make sure it works for them but are there mitigation measures to try and slow traffic down? Speedbumps and things like that to slow the traffic down coming in there? I do share that concern with one of the commentators that you have the top of the bike/walking path and you have cars coming in and out of this. As someone that lives in that neighborhood next to a stop sign, not everyone looks at the stop signs.

Mr. Colman said that is a very good point. There has not been any discussions for us to address that. A lot of that is on the City, this is beyond the development itself. Right now, it has not been part of the conversation.

Chair Finnegan said I do think trying to address some of the concerns, while trying to find middle ground here, there just seems like there has to be a way to add some sort of traffic calming into that path coming in and out of there that would slow traffic.

Mr. Colman said when it comes down to the existing bike path there, the discussion is on the proffers also that the developer will work with Public Works in improving it and making sure that entrance there is adequate to make sure that it addresses whatever concerns may be from a bike path coming to that point. We have cars coming out of the development and bikes and people walking close to there. That is something that needs to be considered on that entrance. Even on the sketch that we have there initially one of the things that was asked for is we should have a stop sign there or something that would be negotiated when that entrance is designed.

Vice Mayor Dent said one of the speakers said something about the grading lines and I do not know if I am reading it right but it does look like a 10-foot drop in what may be 10-feet on the driveway.

Mr. Colman said it is very steep and that is why we cannot drive straight down. We go down in grade and come around to do that.

Vice Mayor Dent said even the very first is just straight down.

Mr. Colman said something to keep in mind here is that this is a layout, there is no design here yet. Once it is designed all those grades are going to change so we have to regrade it. That is something

where we would need engineers to design it to work. [Unintelligible] has to be adequate and it will be when it is designed.

Vice Mayor Dent said I just sure wish there were another entrance way to it.

Mr. Colman said I agree it would have been great. If we could get to Waterman [Drive], it would be easier in many ways actually.

Vice Mayor Dent said I do like the multigrade apartments, that is a good adaptation to the site. It is just the driveway that takes so much room.

Mr. Colman said we had that discussion with the Fire Department, initially we had that steep driveway but it is just too steep. The Fire Department wants something more adequate for their trucks to come around.

Commissioner Baugh said there are all of the obvious challenges with this request. What could you do with this if you wanted to develop it as R-1?

Mr. Colman said one of the challenges with R-1 here would be the lot size. We might get, like it was before, there may be two or three extra lots, that would be the first challenge. It could be done if was not that the street goes long enough. The cost of extending a street is prohibitive to put R-1 housing there. Those houses would be very expensive if we were to do it. I think that was something that Gary was considering at one point. Can I put a single-family home here? You could do one with access, the rest are on the bike path as you go down the end. Grading itself can be a challenge. That is something he considered before this request.

Commissioner Baugh said in order to make it work, you can put one really big house there that would be one of the bigger ones in the City. That is about what you can do with this.

Mr. Myers said the only sewer access we have is down to Waterman [Drive].

Mr. Colman said I want to address some of the questions about the stormwater. We know that there is an issue with Waterman [Drive]. I live around the corner there too. We cannot drive on Waterman if it is raining really bad. Hopefully the City is working on solutions for that. One of the things that we are required by the State and by the City when we design any development is that we reduce the runoff for whatever is being designed. When we worked with Mr. Myers on the expansion of the mini storage, we extended the current stormwater pond that was there but also created two more bioretention [facilities] to provide water quality and water quantity control, so that kind of controls that flow and reduces it. When we did that we also accounted for a development of this size so that can be taken care of in terms of water quantity. If we need to do water quality there, which we might, then we will also do some more stormwater facilities themselves. Right now, this is not a proffered layout, this is a concept layout that may or may not go that way. Depends on what is doable on the site. We are proffering certain things to limit that. The site was also very limiting.

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.

Carol Kingman, a resident on North Dogwood Drive, came forward to speak to the request. She said why do they not just have the entrance over there on Waterman [Drive]? It is already a commercial street. It could save the hill with the water coming down, save the bike path and save all the traffic. It seems logical to me because it is like this. You come in at Waterman, you do not have to build no more. That is a busy street. It would solve all the problems.

Chair Finnegan closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said I forgot how I voted the last time leading to this. As long as M-1 is bordering this property, any talk about a cut to Waterman [Drive] is not feasible. Rockingham Drive not being developed means there is no feasible connection there. Leaving the only connection being this drop. The cost of making that, I feel that if the City keeps this zoned R-1, this property is undevelopable, it will not be developed. I want that in the minutes so that City Council can be aware that if they keep this R-1 they are basically saying they do not want this property developed. I have not decided how I will vote yet but I want to make that known. The water management because this is not proffered, I do not know. From how the property looks, in my experience in water management and my experience with engineering as itself, if the current vegetation is not absorbing the water, then constructing anything there is not going to make that better. Since all parcels are responsible for their water there is going to be even more engineering done to account for that water which makes me concerned about what will ever be built here if it remains R-1. From what is proffered and what is presented, I have never had an issue with adding a bit of density and coming up with a creative solution. This just highlights greater general concerns of the City. The applicant is earnestly trying to come up with something and I commend them on that, but I just do not actually see this being a viable thing it would just end up being rezoned sitting on paper. I can see the cost of this being very high. I am currently leaning not in favor.

Commissioner Nardi said the fella back here mentioned the Sunshine Apartments, if someone could educate me on his question and his concern and how it relates to this.

Chair Finnegan said it was approved a couple of years ago. It is behind La Morena so the access would be off of Chicago [Avenue]. It is not bordering on this property.

Commissioner Nardi said the concern is traffic and safety at that juncture.

Ms. Dang said the access for the property would be on Chicago Avenue.

Chair Finnegan said for Sunshine [Apartments].

Vice Mayor Dent said it is that R-5C on the map.

Commissioner Nardi said I have concerns about the drainage, the entry, the traffic counts, and safety. I am inclined to vote against.

Vice Mayor Dent said I am really torn about this too. I appreciate Vice Chair Byrd's observations about that cutting in from Waterman [Drive] is a nonstarter because of the different zoning. Cutting in from Rockingham [Drive] is nonstarter because it is an unimproved street, somebody would have to build a whole street. This is the only solution they could come up with and it just seems really daunting and not a great use of space to have to use that much of it for the driveway. On the other hand, if we leave it R-1, that is just saying it will not ever be developed. This R-5C could be the only viable option if they can work out the engineering bit, and that is a big if. We got great engineers, but it is quite the challenge too. I have not decided either.

Commissioner Baugh said I feel better about voting against it. To go with what one of the speakers said, it would be...if it was clear to me that if we do not like this vision for what happens to this property, what vision would we like? Assuming for the sake of argument that is right, the topography alone makes it virtually impossible to develop this as R-1 even though it is zoned and kind of planned for that. It is this oddball property. It is kind of close to a potential R-5 and that section up there is designated Mixed Use in the Land Use Guide. You can try to propose something more along that line. If the neighbors do not like this, they are definitely not going to like a Mixed Use [development]. While it is technically not planned for Industrial, it is right next to Industrial. If there was ever a request to rezone this to industrial, the devil would be in the details but assuming you could come up with something that addresses buffering issues you might have a persuasive argument for that and then the neighbors might be saying...you might be in a position to be careful of what you asked for.

Vice Mayor Dent said if we decide it is not viable for residential could it be viable for industrial, and the neighbors would like that even less?

Commissioner Baugh said I think that is a potential. I guess there is a piece to this that...a lot of times these developments have an aspect to them of watching sausage get made but one thing that we do have some precedent for is when we have these spots where we have R-1 against M-1 that something like this is historically what we have sort have done as the quasi-buffering. Put something in between those two uses that maybe neither one of them thinks is ideal but it does maybe help with a sense of transition. There are a lot of examples around the City where I think we have had R-1 or R-2 up against M-1 or something like that and what we have ended up approving is something like this.

Chair Finnegan said those are good points and I think also two other things that I want to consider. If you look at that [referring to image on screen] and look at what is the majority of the land being used for, it is car infrastructure. I know folks on this dais know I am a broken record on this, we have got to find a way to build housing for people without assuming that everyone is going to come in a car sized package. I think until we are willing to make that break, which it seems like it is too large of a leap for us to make, we are going to be stuck with split decisions on things like this because I agree with Commissioner Baugh, we need housing. Broadly, people agree that we need housing. When the specific sites come out, I think we tend to look at a site and say no. The other point that I wanted to raise here is if this gets denied, technically it only matters if it gets denied by City Council, I think this is something that we really need to think about when we are doing the Zoning Ordinance revision, big picture. The previous infill development that we say, making that easier to build for lots like this that are harder to build on, geographically and

physically. I think that we need to take this into consideration. A lot of the prime lots, the flat lots, the ones that are easy to build on that have street access, they are gone. Harrisonburg has not grown an inch since 1983 and in fact we have lost land to James Madison University. This is something that we need to consider. It sounds like this will not be a unanimous vote and that is fine and healthy and good. I will say if there is a motion to deny, I will probably vote against that motion. I also want to say I understand the concerns about the cars. I share those concerns, I use that bike path quite frequently and I do not love that cars are coming in and out of there but we do need more housing. I would lean 51% in favor.

Vice Chair Byrd said there is a number of areas where the community has come out concerned about the development of a particular infill and I would tell that community “this is a water bowl and I do not believe it is actually going to get built even if I approve it.” And then I approve it, and I am still waiting for those things to get built because none of them have been built. There is a reason why certain pieces of property are left untouched and that is because of how you want to build something there and then how much will it cost. All of that then has to come on the backend of how you are going to make money to pay for all of that you just spent. That is why I am sitting on the fence here trying to decide what message I want to send to City Council.

Commissioner Washington said I am also torn on this because honestly the layout is janky. I feel like it very forced. I do like the concept of the two housing [units]. I feel like it is creative in regard to the layout, I am not impressed with the traffic flow in and out of this particular parcel. In terms of the housing piece, kudos for that, but in terms of how it meshes in the larger community around it, I am not yet convinced for or against.

Vice Mayor Dent said I am having a weird flashback to when I lived in San Francisco where a whole City was built on terrain a whole lot steeper than this. My main concern has been what the steepness makes them do to the engineering. That kind of tips me over to the 51% to let them have a chance to see if they can make it work. It may or may not be built, but at least we can have that possibility because otherwise I do not see the use for this property. Unless it goes industrial and then I would rather see it in the transitional housing zone, I think. I guess I will lean to that side.

Commissioner Alsindi said in such cases would it be reasonable to vote denial with the reasoning why? Yes, it should be utilized rather than staying this way, but I also take into consideration the concerns in terms of the safety and the traffic. We want this to happen while considering the concerns that have been brought to attention. If we vote to deny this with why to City Council, would that become public issue enough to be sold by the City Council? If we table this and look for more engineering insight and solutions would that be a solution? Not to just table for the sake of tabling but for more engineering here. That is what I heard from the applicant, that there might be some more innovation solutions.

Chair Finnegan said I would just say to your question about reasons, I see that as our role our job to not just vote yes or no but to say “I am voting yes because...” or “I am voting no because...” and making that very clear. We are going to need a motion.

Vice Chair Byrd said first, I am against tabling because the questions we have concern on are for the applicant and therefore we should say yes or no, and the applicant can make their own decisions in their own time. Therefore, I will make a motion to recommend denial of the rezoning request.

Commissioner Nardi seconded the motion.

Chair Finnegan said before we do roll call, does anyone want to state why they are going to vote the way they are going to vote. I have already stated mine. I share the residents' concerns about traffic. What tips me to vote against denial is we need more housing in the City and I think we will always find reasons to vote against housing. That is why I will be voting in favor of the request.

Vice Chair Byrd said we are an advisory body so when we vote we are just saying this is what we think. City Council has more stringent rules because you are actually approving a final decision.

Vice Mayor Dent said I have coached some of my fellow council members is the first thing you look at is the extract from Planning Commission because that is where we explain how we vote.

Vice Chair Byrd said I should be clear; I will be voting yes for the denial. For one because I am not concerned about traffic because I do not believe this will get built. I see a lot of construction issues and also you are generating a loop that if Rockingham Drive ever does get developed now you have that road that would actually be feeding to this loop that then feeds into Third Street and I do not see our future city planners thinking that is a good idea. It makes me concerned about whatever happens to Rockingham Drive that is currently undeveloped. When it come to the water, I do not think that the City is prepared in this area to address that and I do not think any particular developer would be able to solve the God given problems of elevation and water movement. Therefore, any solution is just trying to make do with the constraints presented to them. Even if we approved it, I still do not think it would get made and therefore I want to recommend denial of this to be more consistent about how I feel about certain areas of the City.

Ms. Dang said this does not promise any infrastructure improvements by any means but later next month and mid October, Public Works does plan to have some public engagement as they have initiated stormwater and improvement studies for the Waterman Drive and Chicago Avenue area.

Commissioner Baugh said there are definitely opportunities in the City for neighborhoods to come and for certain properties to work together. There is actually some funding available for some of it. I think I am in the 51% group. Mr. Byrd let me ask you, where I am taken with what you are saying is that you would probably favor or sort of see that the real future for this tract is M-1? That is how I am connecting the dots.

Vice Chair Byrd said yeah. It is more consistent with what the lowland area is more connected to is zoned than when the upper land is zoned. To me, if you walk out into the area and you look down, would you ever say at those trees "oh, this is zoned with these houses that are behind me" and I simply do not believe that. Then I look at a map it says it is true and I go well are my eyes wrong or is the map wrong and to me I go the map is wrong because we can change the map.

Commissioner Baugh said I think I am going to vote against the motion. I would say I am not quite there yet. I think it is a close call in a lot of ways. I keep coming back to all of the...we do seem to understand that what is not going to happen with this parcel is that we are going to draw six, seven or eight lines and turn it into lots and develop it as R-1, that is not happening. It has got to be something. This may be about as close as to what we have done. I can certainly see the merits of M-1, but I guess what is throwing me in favor of it is all of the uses that I can see that make sense of this do not really address the concerns of the neighborhood. I think a lot of this is absolutely normal it is what you see. This has been a quiet corner of an established residential neighborhood. Nothing that goes there, other than maybe an extension of a particular M-1 use with a big fence, is going to change that and people may not like that.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	No
Commissioner Baugh	No
Vice Chair Byrd	Aye
Vice Mayor Dent	No
Commissioner Alsindi	Aye
Commissioner Washington	No
Chair Finnegan	No

The motion to recommend denial of the rezoning request failed (5-2).

Vice Chair Byrd said I make a motion to approve the rezoning request.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Commissioner Baugh	Aye
Vice Chair Byrd	No
Vice Mayor Dent	Aye
Commissioner Alsindi	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (6-1). The recommendation will move forward to City Council on October 8, 2024.

***Consider a request from Eastern Mennonite University for a master plan amendment (rezoning) for multiple properties on College Avenue, Hillcrest Drive, Mt. Clinton Pike, Park Road, Parkway Drive, Parkwood Drive, Smith Avenue, West Dogwood Drive, and Woodland Park Circle***

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the Institutional Overlay District provides for distinctive development of certain nonprofit institutional uses, such as colleges and universities, where upon approval of a master plan, development may deviate from the requirements of the underlying zoning district. If a master plan is approved and the property owner does not want to abide by the permissions of the master plan, a master plan amendment is necessary, which is accommodated through a rezoning process.

EMU's Institutional Overlay Master Plan was originally approved in 1998. This plan provided a layout for existing and proposed buildings, the number of stories and overall heights of those buildings, as well as the proposed parking layout throughout the campus. In 2010, EMU amended the plan by adding a parcel, enlarging the Suter Science Center, and introducing green technology in the form of solar panels, to the overall plan. In 2014, EMU again amended their Master Plan to adjust the maximum heights and location of proposed solar panels at various locations.

The applicant is requesting to rezone +/- 94 acres of property zoned R-2, Residential District, R-3, Medium Density Residential, R-2, Residential District/I-1, Institutional Overlay District, R-3, Medium Density Residential/I-1, Institutional Overlay District to R-2, Residential District/I-1, Institutional Overlay District and R-3, Medium Density Residential/I-1, Institutional Overlay District by amending the Eastern Mennonite University Master Plan.

#### *Master Plan*

The applicant is requesting to amend the existing Master Plan, superseding previous amendments made to the original 1998 plan. This iteration adds new parcels to the plan and includes provisions for defining setbacks, allowing deviations in height for solar and other equipment, and adjustments in parking lot landscaping, and the required number of parking spaces.

While most changes are easily understood, the below information provides clarification on several details.

In "Item 2" of the Master Plan, the applicant proposes height deviations for buildings. Specifically, they request allowing maximum building heights to be increased by 10-feet for solar panels and other equipment. The table below provides a comparison of height requirements of the base zoning district and what is proposed through the master plan.

District	Maximum Height	Maximum within EMU Master Plan
R-2 – Single Family or Duplex	35 feet	45 feet
R-3 – Single Family or Duplex	35 feet	45 feet
R-3 – other	40 feet	50 feet
I-2/ Institutional Building, including hospitals and other medical care facilities (other than residential)	40 feet	50 feet
I-2/	40 feet	50 feet



Institutional Residential Buildings, with maximum occupant capacity of Less than 50		
I-2/ Institutional Residential Buildings, with maximum occupant capacity of 50 – 100	45 feet	55 feet
I-2/ Institutional Residential Buildings, with maximum occupant capacity of 101 – 150+	50 feet	60 feet

Additionally, in Item 2, the applicant proposes to deviate from minimum setback requirements. The applicant is proposing that principal buildings be allowed to have a minimum 10-foot setback at external boundaries of the campus as well as along public streets. The master plan would allow accessory structures to have a minimum 5-foot setback along the campus external boundaries, but be limited to a 10-foot setback, along public street right-of-ways.

For internal lot lines, the applicant originally proposed a minimum 0-foot setback. However, staff was concerned about radiant heat and fire spreading as well as the angle of ladder placement for fire and rescue personnel between buildings. In most zoning districts, principal buildings are separated from each other by at least 20-feet because there is a 10-foot or greater side and rear yard setback for both buildings. Reducing the distance between buildings increases the risk of fire spreading between buildings and reduces the working area for the Fire Department to protect exposures of a building in the event of a fire.

Mimicking the approach adopted when the R-8, Small Lot Residential District, was created, the Master Plan would allow:

“A minimum 0-foot setback applied to all interior lot lines. When interior lot line setbacks are less than 10-feet at least one of the following is required:

- a) National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems will be installed in such buildings; or
- b) Exterior walls adjacent to the aforementioned lot line will be constructed without openings and with a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code and Construction Code.”

In "Item 3," the applicant seeks to deviate from the minimum off-street parking requirements as well as the parking lot landscaping regulations. The applicant is specifically requesting for the flexibility to be able to determine the number of off-street parking spaces they need to serve the university rather than meeting any of the minimums required by the Zoning Ordinance. As to the deviations to parking lot landscaping regulations, EMU is requesting to meet all requirements of Section 10-3-30.1 except they would deviate from subsections (5) and (6) that together require

specific landscaping islands and required plantings. Rather than complying with subsections (5) and (6), they will instead provide the otherwise required plantings within other locations internal to the parking lot or within 15 feet of the parking lot.

The Master Plan also outlines open space locations and lists existing and proposed uses and parking. Note that existing and proposed uses and parking areas listed and illustrated on the Campus Map are not binding.

#### *Land Use*

The Comprehensive Plan designates this site as Institutional and states:

These areas are planned for development by certain institutional uses, like private colleges and universities, hospitals, and retirement communities that operate on large land areas and may function in a campus-like environment.

#### *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.

#### *Recommendation*

Staff believes that the Master Plan changes conform with the I-1 district and is consistent with the Comprehensive Plan's Land Use Guide. Staff does not foresee negative impacts to the surrounding neighborhood. Staff recommends approval of the Master Plan.

Chair Finnegan asked if there any questions for staff.

Vice Mayor Dent said this is maybe more a comment than a question about this letter from Colman Engineering. The second thing, I do not remember where this was in the proffers... adding the maximum building height may exceed the district requirements by 10 feet to allow for roof mounted solar panels or other equipment installations. In a webinar I recently attended with SolSmart about zoning to encourage solar, if I remember correctly, they were saying that the height of solar panels and other equipment should not count towards the maximum building height. That would be a statement for our Zoning [Ordinance] update.

Ms. Dang said right now we do count it as part of the height. This Master Plan would allow them to exceed the maximum building height.

Chair Finnegan said I did have a question about the every 12 spaces landscaping requirement. What is required in that specifically? Trees specifically or just some kind of vegetation of any kind like grasses and shrubs?

Ms. Dang said the City's Landscaping Ordinance requires those landscaping islands to have one tree and three shrubs.

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.

Gil Colman, Colman Engineering and applicant's representative, came forward to speak to the request. He said I am here for any questions you might have. On the questions about the parking landscaping, this is one of the issues that institutions have and it is pretty common. This is a request that we typically ask in most institutional Master Plans is to deviate from the islands and put the landscape around the parking. Instead of being in the middle, it would be out to the sides. One thing also that I was thinking that is also interesting is that EMU at one point was looking at putting solar panels in their parking lot which would be a great idea to utilize that. Having internal landscape can impact the panels so having [the required landscaping] would be outside of that area. If they wanted to use that space for solar panels as canopies for vehicles just to maximize that space. I do not know if there are any questions, but I am happy to answer whatever.

Gene Early, a resident of 1333 Hilcrest Drive, came forward to speak to the request. He said what I would have as a question is simply what is [item] number 4 mean? It is a vague statement and it is not clear what they are intending by that statement. I do not quite understand one, what the Master Plan intends for that and whether there are other purposes that are unexpressed.

Chair Finnegan said your question is what is number 4 mean?

Mr. Early said they have it on the Master Plan as an open space, it has been an open space, it is used as a frisbee golf thing. It is a great space, lots of people use it.

Ms. Dang said when you say number 4, what are you referencing?

Mr. Early said the two major open spaces are Parkwoods and EMU hill but there is no explanation of why that is being considered now.

Ms. Rupkey said the purpose of the open space that is for the open space is showing the general areas. It does not have to have the firm exact boundary, but it is showing what they have now. The existing open space and how they use it.

Mr. Early said I guess my question from that is any intention that is unexpressed to use that EMU hill for anything other than what it is now being used for?

Ms. Rupkey said while talking with the applicant... they may be able to answer that question a little better.

Ms. Dang said there is a description in the Master Plan that describes 12 acres of grassy hillside with some tree cover. That is currently what it is currently used as today, is that right?

Mr. Early said exactly. The thing is we live there and the anticipation if EMU is not doing well financially. Do they then decide they are going to do something with that property? Is it hidden? Do they have a purpose that is not being expressed?

Ms. Rupkey said when I scanned this [the agenda packet] and made a copy for you all it appears that page 5 of the Master Plan is missing.

Ms. Dang said the majority of page 5 includes the continued list of the buildings and their locations and then it starts with item 4. You are not missing very much because it leads into the two bullets that are on the next page.

Chair Finnegan said we will continue with the public hearing but I do want to come back to that. Is there anyone in the room or on the phone wishing to speak to the request? I will allow the applicant's representative to speak to this. It seems like the concern is if this a secret rezoning for the hill side.

Mr. Colman said there are no plans in that regard. The update is two-fold in some ways. EMU was looking at potentially expanding the Suter Science Center, we showed that on the map. There is another future building in the back. Some of the things around parking were not a part of the Master Plan. We wanted to make sure that we adjusted the Master Plan to account for that and as we were working on that we discussed with staff...the Master Plan has so many things into it that it was being more restrictive instead of being more flexible, which is not the intent of the Master Plan. We went through a major search to clean it up and make it as simple as possible to address directly what it says in the Zoning Ordinance regarding Master Plans, so we address each one of those things and try to minimize it to that. For the most part, it was a clean up and just addressing some things and creating some actual flexibility with setbacks and things like that. In terms of the open space, we delineated generally where they are but in some ways. There are no requirements that the open space be a certain size or anything at all. The zoning asked the question "Is there open space?" this is the open space we have. I will say that also in itself, when you look at the plan and the map and look at the narrative, there are no plans for anything. If there was anything it would have to be on that map. With the open space it is the same way, it does not preserve open space. It could change but to change we would have to come back for a Master Plan amendment to say we are going to change this open space into something else. Right now, we are saying that is an open space so it will not be changed unless we come back saying we want to do something different.

Vice Chair Byrd said just to be clear, it is being classified as open space but the areas that are classified as residences are residences and the things that are being classified for these educational buildings are classified that way. Everything is being named what it is.

Mr. Colman said what is being named are the buildings that are there and some future expansions and future buildings and where do we allow setbacks to expand the buildings in that direction. When it comes down to open spaces and saying "we are preserving this as open space. Right now, there are no stated plans." That does not mean that tomorrow EMU decides we are going to sell half of this and then come back and apply for an update to the Master Plan, but it will have to go through this process to be able to do that.

Ms. Dang said I want to look at Ms. Rupkey and Mr. Colman here to confirm that this is what you all had discussed. This campus map is conceptual, it is not binding with the exception of the locations of the open space that are illustrated there. This is their plan, this is what EMU hopes to do, they may or may not build these new buildings. They can reconfigure the lot layouts of existing and proposed things that are there.

Chair Finnegan said similar to our Land Use Guide map that it is what we would like, it is what we think but it does not always end up that way.

Ms. Dang said similar to when we get more traditional rezonings, unless it is proffered or spelled out in the Master Plan that those things are binding in their exact locations, we do not intend to hold them to that. This is for an illustrative purpose.

Mr. Colman said that said, we also have a narrative that is pretty robust in terms of these buildings are being used for this and this and that. Unless EMU came into a billion dollars and wanted to redo the whole campus, for the most part this is going to stay pretty much the same. As I mentioned, the plan of the expansion of the Suter Science Center engineering lab in the backside is the most regional thing they are looking at and at this point I do not know where that is at either.

Chair Finnegan said can I get staff to maybe clarify you just said that is nonbinding in a similar way...

Ms. Dang said we use the Comprehensive Plan as a guide to help us make decisions.

Chair Finnegan said is this being used as a guide in a similar sense.

Ms. Rupkey said similar to the last rezoning request there was a conceptual layout but there were portions of it that were...

Ms. Dang said referenced in proffered statements that would be binding. The applicant wrote these tables in detail here of what buildings and parking lot locations. Our Ordinance requires that they tell us about what their plans are and what their existing and proposed facilities are.

Chair Finnegan said as it currently stands, the last master plan amendment was in 2014, does EMU have to seek a rezoning if they wanted to change the land use?

Ms. Dang said why this particular Master Plan amendment was initiated was because we found that some prior Master Plan and Master Plan Amendment was prescriptive and binding on certain elements and it would have made it prohibited for them to do some of the additions or changes that they were seeking to do. We began working with them on this new Master Plan amendment that would supersede all the other ones.

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.

Commissioner Baugh said essentially it is an overlay. So in some respects it has restrictions but the underlying zoning on all but a small part of it is R-3. It would default to those types of units except for the small part that is R-2.

Ms. Dang said not necessarily because in the I-1, Institutional Overlay district, we do allow institutional buildings. In the R-2 district you usually think single-family and duplex but the institutional overlay allows institutional building uses.

Commissioner Baugh said is the institutional overlay that allows that. If the Institutional Overlay went away, then they just have R-3 property. With that, I will move approval of the [Master] Plan amendment as presented.

Vice Chair Byrd seconded the motion.

Vice Chair Byrd said I think it got a little complicated. My only concern was if it is saying it is open space, is the plan stating that it is open space.

Ms. Dang said yes because in the Master Plan under item 4 which is on page 6, those two bulleted items describe the open space area.

Chair Finnegan called for a roll call vote.

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

The motion to recommend approval of the Master Plan amendment passed (7-0). The recommendation will move forward to City Council on October 8, 2024.

#### **New Business - Other Items**

None.

#### **Unfinished Business**

None.

#### **Public Comment**

None.

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

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

Chair Finnegan said they really only had one item. It reminded a little bit of the discussion that we had last month about nonconforming...it was that kind of discussion. It was not necessarily about a nonconforming property, but it was about down zoning some property right outside of Elkton. That is in the Urban Growth Area outside of Elkton. Towns are not constrained the way cities are in terms of annexations. The folks in Elkton want to keep that an urban growth area and the request was to down zone it. They did vote unanimously for denial. The issue really had to do with road frontage. It was not eligible for a variance. You needed 100 feet of public street...it had to do with public street access. People in Elkton were concerned about agricultural use near the water supply. It was being zoned from R-2, Medium Density Residential to A-2, Agricultural. The plan was someone wanted to build a house on it. Not really using it for agricultural use but there were concerns about if that property got sold it could be used for agricultural use. It is currently used for a campground for a church. They ended up recommending denial but with the hopes that the

applicant could work out proffers to address some of the concerns before it went to the Board of Supervisors.

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

Vice Chair Byrd said we did not meet.

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

Vice Mayor Dent said August 27, I can walk through some of the things we did. The CDBG [Community Development Block Grant] for the Harrison House Project Grant; a presentation from Our Community Place; and a presentation on developing affordable housing on City owned land from Liz Webb. There are two major parcels they are considering, on Neff Avenue right next to A Dreams Come True [Park] and [unintelligible] across the street just below Kiester Elementary. The difference in the demographics and the tax maps and such and what we can do with it, we will see. The most contentious item was HRHA [Harrisonburg Redevelopment & Housing Authority] requesting for their ARPA [American Rescue Plan Act] fund loan to be converted to a grant. After much discussion, we denied it, keeping it a loan. The most momentous thing we did was referring to Planning Commission an amendment to the Harrisonburg City code to permit cash proffers. That is coming to Planning Commission next time, right?

Ms. Dang said yes. By the time City Council had considered it, it was too late to advertise for this meeting. We need time to advertise it. We will use that opportunity to work with the City Attorney's Office if there is anything... We will do another review to look at that text and if there are any tweaks that we would recommend.

Vice Mayor Dent said we will get more of that when it comes but just sort of a preview. Virginia Code allows certain localities to allow cash proffers in certain circumstances. If they have a certain growth rate and things such as that. Even though Harrisonburg has fallen within that could be allowed, we had our own code line that prohibited cash proffers and that is what we want removed in several places through the code. That is the easy part, the harder part is coming up with the policy and that is going to take a considerable amount of more time. Virginia [State] Code has a specific list of things that are allowed for cash proffers. What I mean by that is, we see proffers all the time, a developer could offer cash for certain purposes as constrained by the code. The first time I ever heard of this was at Bluestone [Town Center] a couple of years ago when the developer wanted to give us money and we had this prohibition that we could not take it. There were also memos from the lawyers saying if we allowed it, those particular proffers would not be acceptable for certain reasons. I found instructive for what it would take to be allowable namely it has to be tied to a very specific and documented cost that is incurred on account of the development and it has to be a benefit to the development. That was a tiny little moment that could have amazing and beneficial repercussions eventually. We renamed the City facility formerly known as "The Homelessness Services Center" to now be known as "The Navigation Center". Last night, we had some of the public hearings that came to Council from Planning Commission as well as a bunch of reappropriations of unexpended prior year monies. Then we got the major family day home that we had discussed and recommended here. We approved that because we need childcare. The validity of the period of special use permits to 36 months, we did that in Planning Commission,

that was just required by [State] Code. Passed the honeybees things. More CDBG. A presentation on the November election. The Harrisonburg Entrepreneurship Development Initiative pilot project. A railroad crossing elimination grant, they are applying for a study that would ultimately be a very big project but now they just want to scope it out. Basically, rerouting the railroad that goes through JMU to go around the east side of the City and rejoin with the railroad north of the City. A presentation on the residential pipeline, all the things we have approved and what stage they are in, this was from Liz Webb.

## **Other Matters**

### ***Discussion of “Public Schools” section within staff memorandums***

Vice Mayor Dent said I have discussed with the City Manager and several of my fellow council members that we would like to put a preface as a note of disclaimer that...we wanted to discuss it here and Adam said that staff can then come up with some wording. The gist of it is that when we get these messages from the Public Schools that were requested by a former Planning Commissioners. We would like to have a preface that these statements and estimates come from HCPS [Harrisonburg City Public Schools], the City school staff, and are not vetted or reviewed by City staff because what they can use their numbers that can be very useful to school planning but it does not necessarily translate to the long term planning for future developments. I will provide an example of what I mean. We have a few cases here that become kind of an absurd like “the student generation attributed to the proposed two new residential units is estimated to be one student” and then it says “based on the School Board’s current adopted attendance boundary, Spotwood Elementary, Skyline Middle School and Rocktown High School would serve the student. HCPS staff noticed that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a seventh elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.” The better case here is this one from Port Republic [Road] when they said “the student generation attributed to all of these various units of different sizes is estimated to be 42 students and based on the school boards current adopted attendance boundary, Stone Spring Elementary, Skyline [Middle School] and Rocktown [High School] would serve the students.” That number can be useful to the school staff in their planning that in this case an open field might someday have 42 students and we need to know this. That these particular schools might have additional students and at some point could it be over capacity which might prompt them to redistrict to adopt the attendance boundary. Some of the students going to Stone Spring might go to Spotswood. This number is very useful to the school staff in planning for their districting. However, it is misleading to extrapolate from that to because of that we are over capacity and we need a new school. Because of those 42 students, we do not have any way of knowing how many are new to Harrisonburg versus moving around in town. There might be 10 new to Harrisonburg [Public Schools] out of the 42 for example. What we are concerned about from the City side is that the numbers are being conflated and you cannot really extrapolate to 42 new students in this field to we need a new school. To cut to the chase, the City has contracted and has undertaken an in-depth study from Weldon Cooper Center [for Public Service] that does our overall population growth projections. As of right now, the standard population projection shows no growth at all, and we are not sure we believe that, but it certainly is divergent from the school case that we are going to grow and exceed capacity. We want to do the in-depth study and get to the bottom of it to get the real more accurate



and agreed on numbers on what our projected population growth will be. That study is going to take seven to nine months, so we do not know yet. In the meantime, that is why I am proposing some kind of very brief disclaimer. Staff can come up with something that captures that. I think that is the gist of it. It is very much in the weeds and kind of wonky on the population growth projections there. [Weldon Cooper] have professional demographers that say well actually the birth rate has dropped off steeply, however, Harrisonburg keeps having people moving here, what is the balance between those. Those are the kinds of variables that are particular to our community that we need to take into account before we take a strong stance like do we need a new school?

Chair Finnegan said what is the timeline on that study?

Vice Mayor Dent said about seven to nine months.

Vice Chair Byrd said would it just be easier the public schools to not add commentary? The projection is their projection. If you have this many units, statistically, this many people have children in units, and they come up with a student number. That is what I always read the report as. The extra part I go “well you do not actually have to say all that” that is for someone to determine in the public discourse. Is someone using the staff reports to accumulate data to make a declaration about what the City is projecting? That is what your statement is trying to negate. You are trying to go you cannot use these statements to collect data.

Vice Mayor Dent said this is kind of hearsay, but I have heard that there are proponents of building a new school that are saying look it is in the Planning Commission documents. Well, it is factually true that it is in the CIP [Capital Improvement Plan] but that does not guarantee that it would be built. The fire station was on the CIP for 20 years before we grabbed it out and funded it with ARPA.

Chair Finnegan said what is the request?

Vice Mayor Dent said the request at minimum would be to add in the public schools section a note from City staff that these numbers are from HCPS and have not been reviewed by City staff. It is the extrapolation from the local estimates to the overall population growth. If we just cut out the commentary that would be the next step.

Chair Finnegan said I think it would be good to know what model you are using. There are 20 or 30 different models that you could use to arrive at these numbers. I would be in favor of saying “according to this model” or “using these stats...” just some source. I want to know how they are arriving at the numbers.

Vice Chair Byrd said someone taking the staff report and going well City staff says this, and I go there are a lot of people in City staff who all have different responsibilities to look at a report to an advising board and go well they said this without providing any source or model. Do we need staff to add more disclaimers to a thing where I did not even know that the staff report was legally binding. I do not know if we need disclaimers that is not even in and of itself a public statement.

Chair Finnegan said I think there also is a bigger question to my mind. When you look at any staff report there is all of these different statements here and frequently it will say N/A. I think, this is not a criticism of what is or is not in the report, but I think there is a question of who gets included in this report. There is a bigger question here like environmental impact should...if the schools are weighing in on school impacts should the EPSAC [Environmental Performance Standards Advisory Committee] have a statement on environmental impact including not just stormwater runoff but density, cars, or energy use? It does feel like when these other ones are N/A and then there is a statement from the schools, it is a factor we should consider. It is giving an outside influence to that one factor when the other ones are just blank.

Commissioner Baugh said I kind of like the idea for a couple reasons. One I think we are getting signals from Council that Council likes the idea.

Chair Finnegan said when you say like the idea...

Commissioner Baugh said of having some sort of caveat. You have to remember the relationship with the School Board is unique. They are not a City department. They are independently elected officials. They are not really answerable to the City on anything other than the fiscal issues and can be vigorous advocates for a specific point of view and there is history to this effect. Mixed in with the piece that I think part of that history is there may be an assumption here that when this issue comes up that there is perhaps more thoughtful reasoned analysis going on in the public as opposed to a lot of stuff that is emotion driven and does in fact go to "well I have this document here and I just added these numbers up and that means X and why are you not doing something." Am I getting it right? I sort of get the concern on the one hand of is this a slippery slope where are we going to qualify everything that comes up? I think part of this here is because the relationship with the School Board is special. There is even history that it was at Councils' insistence that their stuff is even in the CIP now to the extent that it is. Did not use to be in or they would put these really general placeholder things in there because they just said we will let you know whenever there is going to be a new school that needs to be built. It was Council's urging that sort of got them to move into the CIP process more consistent with other City departments but unlike the other City departments when they formulate the CIP the City Manager and the department heads have repeated meetings. It may not change a lot year to year but it is not because everybody rubber stamped it. They meet, they discuss it seriously, they review these things, the School Board is not really part of that. Their contribution they just sort of hand to us and say you asked for it, here it is.

Vice Chair Byrd said Commissioner Baugh you have sold me on this idea because one you are correct, public schools is this entity in many ways. Two, it protects staff because I do not think it is right for the citizens to be thinking "City staff said this" and I am like who are you talking about. Then they are going the Public Schools said that but you are over here talking to these City staff members, they do not handle that. We have all of these different sections that do respond. We get the transportation and traffic, public water. We did have one that was heavily about the handling of water and staff provided a memorandum about different water conditions because it was clearly evident that more information needed to be provided. Whereas often the whole Public School part came into play because people wanted to know is this going to increase school bus traffic to this area. There is always this concern that the high schools are overcrowded...it was as if they wanted

to discuss a thing through another means in the first place. I think it would be a good idea. It just protects staff from having to have these particular conditions that someone might have overlooked and went alright in this particular situation this may be the case and someone else is going “oh see staff said this” I can see that being a concern.

Ms. Dang said from the conversations that I have been part of in the last week with Councilmember Dent, I would summarize what I perceive as a concern that community members may try to aggregate all of the numbers presented in the staff report and that may not be a fair representation. And concurrently, the City is working on this population study that is more specific looking at Harrisonburg specific data and coming up with the methodology specific to Harrisonburg’s conditions and changes we are experiencing here. Aggregating all the numbers you see in the staff report may exceed or may not be the same as what the population projection that Weldon Cooper will come up with in seven to nine months.

Vice Mayor Dent said especially since these 42 students, there is no real way of knowing how many are new to the City.

Ms. Dang said or what projects may actually get constructed.

Chair Finnegan said there was a story in the Citizen about the of the 2,886 residential units that City Council has approved since 2021, 55 units are under construction and just 25 have been completed. I think it is easy to lose sight sometime in these hearings of City Council can stop housing from being built. City Council does not build housing.

Vice Mayor Dent said cannot make it be built.

Chair Finnegan said I think that is something that often gets lost. Just because something gets approved does not mean that it gets built.

Ms. Dang said based on this discussion what Vice Mayor Dent expressed was that ultimately staff could rework a statement or add to explain that.

Vice Mayor Dent said if you could put all of that in two lines that would be great.

Commissioner Washington said those numbers would be beneficial because as a parent knowing where units are being built and how many students using the infrastructure walking, biking, etcetera, those numbers are important. But if those numbers are inaccurate or if folks are not on the same page in regard to where those numbers are coming from then they are misleading and not really doing the job. As we talk about planning a City, and planning the school because schools are apart of the fabric of our community, I think being on the same page in regard to how we are accommodating families, new residents and students is valuable.

Vice Chair Byrd said I recall reading one report where the application was for student housing and because it was a large number of units their math produced a large number of students. I am not saying that college students do not have children but I am saying if someone is promoting selling

housing to students, it is often not to family having students. It is usually to the younger demographic ages of 18 to 24.

Chair Finnegan said I would also say similar to a lot of other things that we see when we rezone something, these things convey to the next owner. In similar ways, if you look at South Avenue the college apartments and no college students live there. They did at one point, but the demographic has shifted. The old housing became the more affordable housing. The new housing became the student housing. You can maybe project this as being marketed this way, it is being marketed to students we do not anticipate very many school students from this particular student housing. Then 20 or 30 years down the road, who is to say.

Vice Chair Byrd said I was just bringing up that example to point out the wishy washiness of the number. If adding a disclaimer helps dissipate the idea of using these numbers to aggregate to make some point, I think it would be in staff's best interest.

Commissioner Baugh said staff and ours. We get attached to it as well.

Vice Mayor Dent said above all Council's because we are the ones getting that pressure.

Ms. Dang said the new Assistant to the City Manager is meeting with departments to talk about how the formatting of the staff report sections might be reworded. Your comment [to Chair Finnegan] was timely.

Vice Mayor Dent said that new assistant, Brian Vandenburg, is also the project manager for the Weldon Cooper study.

Commissioner Washington said what is the process in getting those numbers into the staff report?

Ms. Dang said somebody comes to us with an idea about their project. It could have been anywhere between a month before they submitted the application or a year or more. Once they submit an application I usually say it is a two and a half to three-month time period for them to get the approval depending on if the special use permit requires one reading or two like rezonings or Zoning Ordinance amendment might require [two readings at City Council]. In the pre-application phase, unless it is a short-term rental or a major family day home where Meg and I might meet individually with property owners and not involve all the other City departments, these can be pretty straightforward pre-application meetings in a small conference room one on one with individuals. If it was a project like what you saw with Rockingham Drive, we had pre-application meetings with the applicant where Community Development, that is Planning and Zoning, Engineering, Building Inspections, if requested because they may not be needed, Fire Department, Public Works; they are looking at transportation, bike-ped, solid waste where the dumpster is going to be. Kind of letting them know they are going to have to figure out that provision to provide private dumpster service if needed. As of late we have started getting environmental suggestions because we do not have anything regulatory, but it could be a suggestion about trees or other things like that. I would say our Community Development office in the past have made [environmental comments] anyways but it is good to hear that from another departments. HEC [Harrisonburg Electric Commission] participates, they are not technically a City department but they participate

in that meeting, Public Utilities also, the Housing Coordinator. Public Transportation sometimes if needed depending on the project. You can see all these departments are involved in these conversations and when the application is submitted, the review packet. The application materials goes out to all of these departments as well and we receive their review comments back. Talk to them if needed and coordinate. Our staff reports do not call out all the departments, we try to speak in a unified voice, this is staff's recommendation, but we will call out when there is an initiative that a particular department is leading. Like I described Public Works with working on a study.

Commissioner Washington said the School Board then gets the information when sending out the packets?

Ms. Dang said they are not in the pre-application meetings but yes they do receive the packet. We also send it to other utility companies like Columbia Gas and Rockingham County for their comments and depending on the distance from the County line, Rockingham County may have been involved in the pre-application meeting. HCPS staff provide us the numbers and school zones that area is currently serving. The school zones could be in the future redistricted and changed and things but based on current boundaries they give us those schools that area is served by.

Commissioner Alsindi said how do we evaluate this process? I know we have made some comments but having those single departments and there is no cross functionality here. Do you see those cracks of functionality there? Do you have comments that you are not convinced about it and you feel that two departments might need to have that conversation?

Ms. Dang said that happens often. We receive the written comments... what I omitted was that a small group of us...it is not a negative thing when we are in conflict, we just have to work out our comments. We are working on it independently and some of us might miss things that others are seeing but we also get together to have a meeting and a conversation about each of the items after reviewing having everybody's comments in front of us.

Chair Finnegan said there are a lot of City policies that are at cross purposes. I would say that the off-street parking requirements are at cross purposes to transit ridership. There are just different concerns.

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

Ms. Dang said there are nine items however four through nine are all related together with the same Quarry Height request. Zoning Ordinance amendments will be presented separately, that is something that effects the City; that is an amendment that effects any property that has that particular zoning. The Comprehensive Plan amendment, rezoning, special use permits, there are three of them for Quarry Heights will likely be presented in one staff report. Number three is that cash proffers item that Vice Mayor Dent had described and then one and two are other rezonings. I know it looks like a lot but my recommendation we just still plan for one meeting, but I am open to you all's discussion. I do anticipate that Quarry Heights will generate a lot of public input.

Chair Finnegan said is staff going to present each of those separately or are they going to group them together and do one big presentation.

Ms. Dang said I plan to group items five through nine together.

Ms. Dang said I wanted to welcome Nyrma Soffel, for those of you that were not on the site tour may not know, that she is our new Planner. However, she has been with the City and with our department since 2018. She will be focused more on future long-range planning projects but from time to time you may see her presenting here on a staff item.

*Adjournment*

The meeting adjourned at 9:00pm

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Brent Finnegan, Chair

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Anastasia Montigney, Secretary