



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Meeting Minutes - Final-revised Planning Commission

Wednesday, July 13, 2022

6:00 PM

Council Chambers

1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, July 13, 2022, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Present 5 - Brent Finnegan, Jim Orndoff, Adriel Byrd, Donna Armstrong , and Laura Dent

2. Roll Call/Determination of Quorum

Members present: Brent Finnegan; Adriel Byrd; Kathy Whitten; Valerie Washington; Dr. Donna Armstrong; Laura Dent; and Jim Orndoff.

Also present: Thanh Dang, Assistant Director of Community Development; Adam Fletcher, Director of Community Development; and Nyrma Soffel, Office Manager/Secretary.

Present 5 - Brent Finnegan, Jim Orndoff, Adriel Byrd, Donna Armstrong , and Laura Dent

3. Approval of Minutes

Chair Finnegan called the meeting to order and said that there was a quorum with all members present and asked if there were any corrections, comments or a motion regarding the June 8, 2022 Planning Commission minutes.

Commissioner Whitten moved to approve the minutes.

Commissioner Byrd seconded the motion

All members voted in favor of approving the June 8, 2022 Planning Commission minutes.

3.a. Minutes from the June 8, 2022 Planning Commission meeting

4. New Business - Public Hearings

None.

5. New Business - Other Items

5.a. Consider a request from McDorman Properties LLC to rezone 209 and 211 Broad Street

[Note: This item was listed incorrectly on the meeting agenda under “New Business - Other

Items” and should have been listed under “New Business - Public Hearings.” A public hearing was held during this meeting for the request.]

Chair Finnegan read the request and asked staff to review.

Ms. Dang said currently, the property is zoned R-2, Residential District, where, among other uses, single-family detached homes and duplexes are allowed by right. Conforming single-family detached home lots must have a minimum of 7,000 square feet of lot area while conforming duplex parcels have a minimum of 11,000 square feet of lot area (or 5,500 square feet per lot if the duplex structure is divided in to two, separate fee simple parcels). The current R-2 district regulations do not allow three- or four-unit structures. Per the City’s Geographic Information System (GIS), the subject property has over 6,500 square feet of lot area. If the property were undeveloped, while the parcel has less than the required 7,000 square feet of lot area needed for a single family detached home, because the parcel is a lot of record, the site is still allowed to have no more than one single family detached home. It appears the building was constructed in 1955 as a four-unit apartment building; given this information, up to this point, the property was presumed nonconforming.

In April 2022, the current property owner applied for electrical and mechanical permits to install four heat pump systems to prepare the building for occupancy and stated that the property had been vacant for some time. As stated within Section 10-3-20 (b)(2), among other things, nonconforming uses may be continued so long as such use is not discontinued for more than two years. Furthermore, Section 10-3-21 (b) then explains that if a nonconforming use is changed to a more restricted nonconforming use for more than two years, “the original nonconforming use shall be deemed abandoned and the use shall not thereafter be changed back to the original nonconforming use.” Eventually, it was determined that three units were vacant and discontinued for more than two years; thus, the four-unit multi-family structure had lost its presumed nonconforming status and would only be permitted to have one unit on the property.

In recognizing this unfortunate situation and in knowing the City’s great need to provide and maintain existing housing, staff advised the property owner of two options to gain the ability to maintain or to re-establish the four-unit building. The first option was to appeal the Zoning Administrator’s decision with the Board of Zoning Appeals. In knowing that the property was designated Mixed Use by the Land Use Guide, which is the designation often associated with the B-1 district, and in knowing that the B-1 district offers flexibility with residential density, setbacks, and off-street parking requirements, staff informed the property owner of a second option, which was to request rezoning the property from R-2 to B-1.

As noted above, the Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire

neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

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

- Site: Multi-family building, zoned R-2
North: Single-family detached dwellings, zoned R-2
East: Across Broad Street, single-family detached dwellings, zoned R-2
South: Multiple-family dwellings, zoned R-2
West: Residential and non-residential uses, zoned B-1

The applicant is requesting to rezone the property from R-2, Residential District to B-1C, Central Business District Conditional. The property is located on the west side of Broad Street between the intersections of East Wolfe Street and East Rock Street. The existing building is a four-unit multi-family structure. However, as noted above, staff has determined that the property has lost its ability to have a four-unit multi-family building and thus the property must conform to the R-2 district, which, residentially, only allows one single-family detached home on the parcel.

With the requested rezoning, the applicant has proffered the following (written verbatim):

1. The property shall only be used for residential dwellings, except that any allowed special use permits shall be permitted as approved by City Council.
2. Dwelling units may be occupied by a single family or no more than two (2) unrelated persons.
3. Structures/buildings shall be no taller than 52 feet in height and limited to no more than four stories.

The B-1 district allows many types of non-residential uses including, but not limited to, retail, restaurants, offices, and hotels. If approved, proffer #1 eliminates the property's

ability to contain, by right non-residential uses.

The B-1 district also allows dwelling units to be occupied by a family or not more than four persons, however, proffer #2 restricts dwelling units to be occupied by a single family or not more than two persons, which is similar occupancy to the UR, Urban Residential district.

The B-1 district allows a maximum building height of 75-feet. While the applicant has no plans to construct a new building on the property, proffer #3 is intended to address any concerns someone might have that if in the future a new building is constructed on the property; the building's maximum height would be limited to 52 feet and no more than four stories.

While the applicant has not proffered a minimum number of off-street parking spaces, there is an alley behind the property that gives residents the ability to park behind the building. Residents can also park on city streets. Given the parcel's size, location, alley access, on-street parking abilities, and the submitted proffers, staff does not have concerns with off-street parking matters.

The B-1 district is commonly known for the massing of large commercial or mixed use buildings along street frontages; but, B-1 also provides opportunity for flexibility with setbacks and parking requirements. B-1 properties can also contain only residential uses (single-family detached, duplex, townhomes, and multi-family), which is exactly what the by right permissions would allow via proffer #1. The subject property and all properties on the west side of Broad Street are designated in the Comprehensive Plan as Mixed Use, and as previously noted, this designation is often associated with the B-1, Central Business District. Furthermore, properties to the west of the subject property are already zoned B-1.

Staff believes the outcome of the rezoning would be in compliance with the Comprehensive Plan and promotes the retention of much needed housing in the City. Staff recommends approval of the rezoning from R-2 to B-1C.

Chair Finnegan asked if there any questions for staff.

Commissioner Whitten asked do we know the period of the vacancy?

Ms. Dang said there are four apartments. The applicant may be able to correct the information I have here. The information I have is based on consumption data from the Public Utilities Department. It appears that one of the apartments had no consumption between 1998 and 2007. [Correction: there was consumption between 1998-2007, then no consumption until March 2022] There was another apartment that had consumption between 2016 to November 2019, and there was a period of no consumption that followed that. Another apartment had about period of about 10 years of no consumption. They were all at different periods of time. Three of the apartments had vacancies of greater than 24 months at different periods, therefore we determined that it had lost its non-conformancy.

Commissioner Whitten asked has it been occupied in the last couple of years?

Ms. Dang said it appears that there has been occupancy in the building. Again, the applicant can describe how it has been operated.

Chair Finnegan said on the site visit, there was someone living in one of those units.

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.

Joe McDorman came forward in support of his request. I am the owner of the property that you are looking at. I bought the property in October of last year. I am very new with the ownership of it. The inside units have all been remodeled and updated. The floors were sanded and finished. All the outlets, light fixtures and plumbing fixtures have been replaced. There is new vinyl flooring in the kitchen and bathrooms. We repainted everything. They are fixed up. All four are rented. I do not know... the previous owner... I do not know any more than that since I just bought the property.

Commissioner Whitten said I am glad that you have done repairs. Obviously, if it had gone vacant for so long, it was in disrepair.

Mr. McDorman said yes. Some of the decking out back was redone. I brought a plumber in and fixed some leaks. Everything is operational. I would like to eventually put air conditioning units in. I also replaced natural gas furnaces. They are all updated.

Councilmember Dent said I think I saw in here that you were looking to install heat pumps. Is that instead of or were you looking to supplement the air conditioning and natural gas?

Mr. McDorman said the pumps outside are for the air conditioning.

Councilmember Dent said, yes, but a heat pump can replace the heating as well.

Mr. McDorman said it is natural gas heat. The natural gas heaters are set up for air conditioning. The unit outside, when it kicks on, it blows the air conditioning into the units. It is not electric heat.

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 Whitten said I have a concern about the height. Four stories on that street, in a residential neighborhood where the houses across the street are... It is completely different, the rest of that neighborhood. I think the height would also impact the parking. If you tore down an old house and put up a four-story building there, which is what you could do, and it certainly has been done. It happened in my neighborhood. It makes space for a lot

more people. Twice as many, total. I do have a concern about the 52 feet. I realize that is under the B-1 zoning, but this is a different situation than this B-1. All the rest of the conditions are certainly very different from anything we would see in B-1, the restrictive nature of it. I would really like to see the height be a little more restrictive.

Commissioner Armstrong asked when you talk about height are you talking about the height of the building as it is now, or the potential height?

Commissioner Whitten said the potential height. If he tore down one of those buildings, there are three along there that are the same. Any one of those with this zoning could be torn down and a new building be built to four stories. You would have three buildings in a row that would be four stories high. I want you to imagine. Could you show us that picture of the street again?

Mr. McDorman asked if he could respond to the concerns. Chair Finnegan explained that the public hearing is closed. He further explained that the concerns are not specific to the applicant. The concerns are due to the permanent nature of the rezoning, which means that subsequent owners would have the right to make the changes described.

Commissioner Whitten said we have to look at that because that certainly has happened. If you have gone to the beach lately, you might notice that the cute little house that you would rent is not there anymore and there is a McMansion. That happens and is pertinent to this. Imagine that this house, instead of two stories with four apartments, was four stories with eight apartments. The one next door is very similar in design. The one on the corner is the same footprint.

Councilmember Dent asked is this really 211? We are looking at 209 and 211. Are they both in the same building?

Ms. Dang said that the building is 211, but our tax map system has two addresses for it. As far as mailing goes it is 211 units A, B, C and D. We always identify what our mapping shows in case anyone has that number on their records.

Commissioner Byrd asked if a theoretical future building was built to that height and likely would have more dwelling units, would that run into a conflict with another ordinance about parking?

Ms. Dang said no, because the B-1 district does not require off-street parking.

Commissioner Whitten said it could run into a problem with the neighborhood because there are certainly not enough spaces behind or on the street to accommodate it. In theory it could be all three of those buildings. If that happened, you could have a parking issue.

Commissioner Orndoff moved to approve the rezoning request, as submitted.

Councilmember Dent seconded the motion.

Chair Finnegan said (addressing Commissioner Whitten), before we vote on this, I hear your concern. This has come up before about on-street parking. I think that either now or very soon, Harrisonburg is going to be at a place where we are going to have to understand that on-street parking is not something that you are entitled to for free. That is going to be really hard for a lot of people. I know that in your neighborhood you have parking permits. That is something that I think we are going to have to expand the parking permits to more places in the City. I hear your concern and I understand the conflict that it would create but I also can say that the folks who are parking on the street, those spots do not belong to those properties.

Commissioner Whitten said I understand that. I understand that four stories is four stories and it does not have to have anything to do with parking. It has to do with the esthetic and how does that mesh with the rest of this neighborhood.

Chair Finnegan said I would argue that if you look at those units there and look down the street, there are only a handful of units that look like that. Most of them are single-family houses down that street.

Commissioner Whitten said you are making my case.

Chair Finnegan said they already do not conform to the rest of the neighborhood.

Commissioner Whitten said I think four stories is a lot different than two.

Chair Finnegan said it is twice as big. I intend to vote for this because I think... I understand the concerns that Commissioner Whitten has brought forth. I think that I agree with staff in their recommendation that we need to keep these as housing units. I intend to vote for this.

Chair Finnegan called for a roll call vote.

- Commissioner Armstrong Aye
- Commissioner Byrd Aye, I was thinking a lot about the height thing.
- Councilmember Dent Aye
- Commissioner Orndoff Aye
- Commissioner Washington Abstain
- Commissioner Whitten Aye, with the suggestion that City Council consider the height of the buildings in this neighborhood.
- Chair Finnegan Aye

The motion to recommend approval of the rezoning request passed (6-0) with Commissioner Washington abstaining. The recommendation will move forward to City Council on August 9, 2022.

A motion was made by Orndoff, seconded by Dent, that this PH-Rezoning be recommended for approval to the City Council, due back on 8/9/2022. The motion carried with a recorded

roll call vote taken as follows:

Yes: 6 - Finnegan, Orndoff, Byrd, Whitten, Armstrong and Dent

No: 0

6. Unfinished Business

None.

7. Public Comment

None.

8. Report of Secretary & Committees**8.a. Proactive Code Enforcement (On hold)****8.b. Rockingham County Planning Commission Liaison Report**

Commissioner Armstrong said this one was a two and a half hour meeting. There were two housekeeping items that were non-controversial and unanimously approved. There were two items that were previously tabled. They had no new information, so they left them tabled. There were two items that led to a lot of discussion. The first one was an ordinance amendment for certain land uses to add supplemental standard for “Kennel Operation, Commercial.” The staff were putting this forward to establish humane dog breeding conditions. They were trying to prevent the proliferation of puppy mills. I was astonished how much people are asking and getting for these dogs, these mixed breed dogs that are not pedigreed. It is a big money maker, but they are also noted in counties around the country as being inhumane. The whole purpose was to prevent Rockingham County from becoming known as a puppy mill county. The controversy came about because of the term “commercial.” The Planning Commission was looking for a clear definition that would distinguish it from usual farm and rural families occasionally breeding their animals and selling the puppies and being able to have a clear definition of “commercial” that would distinguish from that. They did not pin that down to their satisfaction, so they tabled it until they could get a better definition of dog breeding. Most of the people were speaking in support of this because of the humane animal treatment idea.

The next one was a rezoning application by Gas City LLC for 31 acres that they were proposing to rezone from A-2 Agricultural to B-X Business Interchange. This was written up a little while ago in the Daily News-Record. The idea was to build a long-haul truck rest stop which would include showers and truck wash. There was a lot of history here to catch up on and I hope I understood this right. Apparently, the Rockingham Planning Commission votes on the rezoning, but the SUP only go before the Board of Supervisors. They split it. That caused problems because it is very hard to separate those two. The intention was to build this facility. It was disentangled to some extent because this B-X zone designation is fairly new. It was only created this past year. It is recommended for more urban centers. It is definitely recommended for locations with City water and City

wastewater treatment services. The 31 acres are on groundwater. All the residences around there are groundwater. One of the public comments was that they had a well that was 750 deep. It is a low groundwater there. Going along with that is that they do not have wastewater treatment. Putting aside the potential SUP for this truck stop, there is still the question of this B-X designation given that there are not the services in place that are recommended. There were 12 comments. Two of them were in favor. One of those was the engineer consultant for the project. There were ten opposed. A lot of the objections were related to the water and wastewater. Another major objection was traffic safety and congestion. Apparently, there are currently problems at some times of the day with a lot of congestion there. There was a lot of concern from the public about putting in this truck stop at that exit. The public referenced their Comprehensive Plan a lot. Some of them quoted from it extensively. It was certainly a touchstone for the public response. I noticed that and thought about our discussions on the Comprehensive Plan. This was tabled unanimously because they felt that they did not have enough information about the impact on the groundwater, the wastewater, and fire is volunteer there. They were concerned about putting businesses in there that would be only served by a volunteer fire department. All of these issues were not adequately addressed for them.

Councilmember Dent asked where was this? What exist was this?

Commissioner Whitten said it was the Mauzy exit.

Commissioner Armstrong said it is exit 257 and Mauzy.

Councilmember Dent said there is a large complex there already.

Chair Finnegan said that is the Liberty station and Burger King. I think this is diagonally on the other side of the interstate.

Mr. Fletcher said it is right across from the Liberty gas station.

Commissioner Whitten said it is a stop. It is more than just a gas station. It is a place where trucks can stop and rest and shower.

Commissioner Armstrong said there is a truck wash there, too.

Commissioner Whitten said the layover would involve those trucks running in that parking lot for the whole time that they are there.

Councilmember Dent said it would involve a lot of water usage.

Commissioner Armstrong said that the consultant that was there estimated four to five thousand gallons per day. They did not have to have any assessments because it was not a SUP. It was a rezoning.

Chair Finnegan said I was sitting in on a Rockingham Planning Commission meeting some

time in the last two years when they created the B-X designation. This is the first that has tried to use it. I thought it was an odd, very specific designation because it has to be within a certain distance from an interstate stop. I do not know if this was the specific project that they had in mind when they made that. Is this the second time they tabled it?

Commissioner Armstrong said I do not think so because it was not listed as unfinished business.

8.c. Board of Zoning Appeals Report

None.

8.d. City Council Report

Councilmember Dent said City Council got a little weird last night with the SUP request for STR at 41 Port Republic Road. We sent the unanimous recommendation to approve, with the conditions that we agreed on, such as pulling out forward onto Port Republic Road, plus the one that we added to allow no more than three vehicles on site. City Council struck down both of those conditions. There was a discussion about the way that it was worded, cars must pull forward onto Port Republic Road. Councilman Jones asked the City Attorney Chris Brown if that is a ticketable offense. Mr. Brown said that if someone backs out and gets into an accident, the concern was whether that could be used as a nuisance to revoke the SUP and blaming the property owner instead of the people who were pulling out. I was baffled. We did not even question that. We thought that it was a great idea. It came from staff and we all agreed with it.

Commissioner Byrd said it was for that reason. If there are more accidents caused there, then it is a nuisance.

Councilmember Dent said Councilman Jones did not want to put the burden on the property owners because they are good, local, business people.

Commissioner Whitten said they are not even going to be there.

Councilmember Dent said I was baffled, but if that is the consensus, I will vote to pass it. We had some talk about whether we might reword it to say that instead of “cars must pull out” to say something like “the property owner shall instruct...” Again, we left it out with the premise that they could make their own house rules and give people directions for how to get there. It was clear that several of the Councilmembers were agreeing with that so we passed it with striking those two requirements.

9. Other Matters

9.a. Review summary of next month's applications

Chair Finnegan asked staff to review.

Ms. Dang said you have received the handout outlining the applications that will come

before you in August. We received seven requests for six sites. Staff recommends holding one meeting on August 10th. The second alley request listed should say adjacent to 420 Effinger Street.

Commissioner Whitten asked if there has been a lot of comment on any of the items.

Ms. Dang said no because we have not posted signs or sent out notices yet.

Commissioner Whitten said that signs are up on Campbell Street.

Ms. Dang said that when the applicant had applied, we were planning for the item to be presented tonight, so we had already put signs. Then they decided to table it. In case anyone wants to know why there are only signs on one section of the alley and not both of those behind Campbell Street, it is because the original request was for one section of the alley. Since then, the applicant has added a second section. You will see another set of signs going up.

Chair Finnegan said this could be a long one. We do not know.

Councilmember Dent asked what is this about amending the regulations for STRs? We debated about that a lot.

Commissioner Orndoff said that is a meeting by itself.

Commissioner Byrd said it is language about the bed and breakfast.

Chair Finnegan said it was just for bed and breakfast. Is that just striking the term bed and breakfast?

Ms. Dang said that there are a couple of proposed amendments. It is striking the term bed and breakfast, amending the definitions of homestay and STRs, clarifying that STR and homestay have no minimum off-street bicycle parking requirements, and to require operators to maintain the dwelling as their primary residence because the language currently says "property."

Commissioner Armstrong said says to expand upon the "acceptable documents" to prove that.

Ms. Dang said I do not have the ordinance in front of me, but it states a state issued identification and maybe one other document. There could be any combination of tax forms.

Chair Finnegan said I think that is a good idea. We do not have people out enforcing this, but I think that is a good addition.

Commissioner Whitten asked is that what is asked for currently? You are saying "expand

upon the acceptable.” What are considered the “acceptable”?

Ms. Dang said what we would like to do, going off memory here, is state issued identification, driver’s license, tax forms, combination of utility bills. Sometimes, one’s identification or utility bill may or may not be enough evidence.

Commissioner Whitten said the school system does the same thing.

Chair Finnegan asked what do we currently require?

Ms. Dang said any of them. We want to clarify that we have this option to require whatever is acceptable to the Zoning Administrator so that we as Zoning staff have confidence that it is the person’s residence.

Commissioner Armstrong asked how many days must it be their residence? Or is it none?

Ms. Dang said it has to be their primary residence, so generally that is where they file their taxes.

Commissioner Armstrong asked what primary residence mean?

Mr. Russ said for your Virginia taxes it is 183 days for the year. For your Federal taxes, there are some circumstances such as someone who works off-shore and is not actually at his physical home most of the year, but it is still his primary residence for Federal tax purposes. It would be the 183 days.

Commissioner Whitten said it is a slippery slope. Who keeps that clock?

Councilmember Dent said I never understood that. Your primary residence and yet you are trying to rent it out? Maybe they are away for a while? I am confused. Is it homestays where they are required to be there but not STR?

Mr. Fletcher said the numbers of days in a year that someone needs to reside there was part of the discussion in the work sessions. We did not go that route of specifying what that meant. We just said it is the primary residence to keep it as simple as possible. The by-right homestay and the STR regulations are very similar. The key difference are the 90 nights a year and four people. There are some other intricacies in the code, but those are the two big distinctions. Whether or not a person must be at the residence during the lodging period has everything to do with whether it is your owner-occupied primary residence. If you are a tenant, but it is your primary residence, you are required to be there during the lodging period. The conversation was regarding the understanding that an owner is likely to be more vested in the property than a renter, therefore the restrictions are greater for a renter-operator. An owner is allowed to not be there during the lodging period.

Chair Finnegan said I would imagine that landlords would want to add a clause in that tenants cannot rent it out as an Airbnb, but we do not know that and it is not our job to

enforce it.

Councilmember Dent said that means you cannot rent an apartment, take off and sublet it so to speak, under the City rules for the homestay.

Mr. Fletcher said I hesitate to answer your question because you said “apartment” which means something. You are also saying “sublet” which if it is long-term you can still sublet.

Commissioner Armstrong said I have questioned with our prior applicants how many properties they own. There was one application that really sounded like the applicant owned multiple properties in the City.

Mr. Fletcher asked are you saying that they owned multiple properties as STRs?

Commissioner Armstrong said that is my point. We have no way of knowing that. We are getting an application for a STR on one of those. If they have multiple properties and they are applying for multiple STRs, is that occurring?

Mr. Fletcher said no because we are verifying at the time of their application what their primary residence is.

Commissioner Armstrong said so you could not have multiple STRs.

Commissioner Whitten said multiple family members could.

Chair Finnegan said that is why we had the primary residence clause in there. We wanted to make sure that people are not buying up houses and turning them into STRs.

Commissioner Armstrong said there is a property near me that I think is an STR. It is rented to students during the school year. That is what I think is happening. Now it is unoccupied.

Mr. Fletcher said we have a map. We have them located. It could be homestay. It could be a STR. I am remembering one in your neighborhood.

Commissioner Armstrong said then that is not fulfilling this “primary residence” because there is nobody living there when the renters are not.

Mr. Fletcher said remember that the rules changed. There were many up front in the early days of the STR applications in 2019. There were different conditions placed. Then we amended the regulations about a year in. I do recall one in the Purcell Park neighborhood that did go through a STR application.

Commissioner Whitten said there is one off of Port Republic Road.

Mr. Fletcher said it might be Weaver Avenue.

Chair Finnegan said many of the ones that we approved in 2019 may have been under different rules, so they get an exemption.

Mr. Fletcher said they do not necessarily get an exemption. They just have to follow the approvals that were granted to them.

Commissioner Whitten asked has the requirement not been “primary residence” from the beginning? I do not think that changed.

Mr. Fletcher said I do not recall. I have to go look.

Chair Finnegan said that was my one sticking point. I am not moving off of the primary residence rule.

Mr. Fletcher said it could have been that most of them, if not all of them, had that condition. What you (Commissioner Armstrong) are describing, just give us a call and we will do an investigation.

Commissioner Armstrong asked did you have STR prior to 2019?

Chair Finnegan said I think it was 2018 when we started doing that.

Mr. Fletcher said we began the conversation about amendments in the 2018 time period. When you look at our annual reports, you will see a spike in 2019. That was all the STRs that we were doing. To answer your question, were there STRs prior to the ordinance being recognized. Yes, and they were illegal.

Chair Finnegan said there was no legal way to operate an Airbnb prior to that. Are we ok with having one meeting? I hope we can save a little time when we actually hit that one since we did it tonight. Does anyone have any concerns about these rezoning requests, STRs, preliminary plats are usually straightforward?

Commissioner Whitten said I think that the alley closings typically take a long time, and we have two of them.

Councilmember Dent said I wonder about the first item, rezoning to higher density. Sometimes that brings out comments.

Commissioner Byrd said I was going to mention that. We have an R-1 to R-5C. Those tend to encourage a lot of discussion.

Chair Finnegan said the question that we need to decide now is, do we want to do one meeting or do we want to split it into two? Staff’s recommendation is to have one meeting. The August meeting dates are Wednesday, August 10 and Tuesday, August 16. Are we in for a potentially long night or do we want to do two medium nights?

Commissioner Whitten said there are two rezonings because the second one has a SUP. I am in favor of starting at 6:00 p.m. and trying to get through it.

Chair Finnegan said if you go back and watch the videos, we do have certain requests where there are a lot of public comments, but usually the longest meetings are due to the people up here. I include myself in that. If we feel like we have a long night, I encourage everyone to prepare some questions or comments in advance to try to be efficient.

Commissioner Byrd said I think that one night would be sufficient. It sounds like because we are looking at it like this, we are thinking about the Zoning Ordinance Amendment more now before the meeting. We are aware that we have these alley closings. We have had a chance to hear people's concerns in talking about it.

Chair Finnegan said I encourage everyone to make notes on the packet, so that we are ready to go.

Councilmember Dent said I think that staying with the one meeting with the caveat that we will actually get to experience how long it gets and whether we might regret not having called the second meeting. I like this forewarning approach so that we can think through it like this.

The consensus was to maintain one meeting in August.

10. Adjournment

The meeting adjourned at 6:50 p.m.

NOTE TO THE PUBLIC

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

INTERPRETATION SERVICES

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

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

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

NOTE TO PUBLIC

Community members will be able to attend the meeting according to best practices and procedures associated with pandemic disaster.

1. Masks are not mandated but strongly encouraged
2. Social Distance rules will apply

The Public can also view the meeting live on:

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

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

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

Community members also may provide comment prior by e-mailing Thanh.Dang@harrisonburgva.gov.