

MINUTES OF HARRISONBURG PLANNING COMMISSION

March 8, 2023

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 8, 2023, at 6:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Brent Finnegan, Chair; Adriel Byrd, Vice Chair; Jim Orndoff; Vice-Mayor Laura Dent; Dr. Donna Armstrong; Richard Baugh; and Valerie Washington.

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

Chair Finnegan called the meeting to order and said that there was a quorum with all members present.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the January 17, 2023, Planning Commission minutes.

Vice-Chair Byrd moved to approve the minutes.

Commissioner Orndoff seconded the motion.

All members voted in favor of approving the January 17, 2023, Planning Commission minutes.

Chair Finnegan asked if there were any corrections, comments or a motion regarding the February 8, 2023, Planning Commission minutes.

Vice Mayor Dent noted corrections on page 17 regarding the roll call vote for the first motion to recommend denial of the request to rezone 251 Garbers Church Road. The votes for myself and Commissioner Armstrong were swapped. Vice Mayor Dent also requested that her title be updated in the roll call.

Vice Mayor Dent moved to approve the minutes, with the correction.

Vice-Chair Byrd seconded the motion.

All members voted in favor of approving the February 8, 2023, Planning Commission minutes.

New Business

Consider approving the FY2023-2024 through 2027-2028 Capital Improvement Program

Mr. Fletcher said the Capital Improvement Program (CIP) is a multi-year presentation of planned capital projects of \$50,000 or greater with an appropriate financing plan to fund the projects. The

CIP is prepared annually to facilitate planning and to set priorities among capital improvement needs over a subsequent five-year period. The CIP is designed to identify projects for all City departments, as well as for Harrisonburg City Public Schools, for which funding has already been committed or is being sought for some time within the five-year planning period.

Planning Commission's objective is to review and evaluate the CIP and, once the document is in an acceptable format, recommend the document for approval to City Council. Remember that the CIP is not a budget and inclusion of projects in the document does not guarantee that such projects will be funded by the City or by any external sources in the year presented or at the level proposed. The actual commitment of funds by the City for any capital item comes with the approval of the annual budget for each fiscal year. However, the CIP serves as an important planning tool for formulating the capital portion of the annual budget.

As can be observed by reviewing previous CIP documents, the CIP is not a static plan. It is part of annual planning and programming, where after each passing year, another year is added to the planning period to maintain the five-year forecast. Each year costs, needs, and revenue sources are reevaluated.

Staff provided Planning Commission draft project information sheets at the February 8, 2023, regular meeting and requested that Commissioners submit comments and questions to staff prior to the Planning Commission review so that responses could be prepared and provided in advance of the meeting. The questions and responses are attached herein. On Thursday, March 2, 2023, the final draft of the CIP was uploaded to the City's website.

Mr. Fletcher walked through some of the tables in the CIP, highlighting the various sections of the Project Request Form, explained how priorities may change over time, and how some of the projects might eventually be funded.

Mr. Fletcher continued, aside from the summary tables and appendices that Planning Commission did not receive in February, staff wants to bring attention to the following projects that have been amended or added since Planning Commission received the early drafts of the projects on February 8th:

- Page 19: HVAC System Replacement,
- Page 20: Cisco Switch Hardware Refresh Program,
- Page 24: HVAC Upgrades District Courts and Old Courthouse,
- Page 93: Solar Panel Installation at Keister Elementary School,
- Page 101: MTC Renovation Request, and
- Page 159: Suter Street Drainage Improvements.

The questions and comments below were submitted prior to the Planning Commission review of the CIP by Commissioner Finnegan via email on Sunday, February 26, 2023. The page numbers have been changed to reflect the current page numbers.

1. **Page 7: HFD apparatus replacement:** How long are these new trucks expected to be in service? This would seem to be locking the city into building around the size and turn radius of the newer trucks for the next few decades. [Some truck manufacturers](#) offer

electric trucks with a smaller turn radius, [which affects building and parking lot designs](#). Has HFD explored purchasing more nimble trucks for the updated fleet?

Response: The HFD is constantly scanning the horizon for technology that would improve our ability to reduce the size, and environmental impact, of fire apparatus. Coincidentally, staff evaluated the EV fire engine offered by Rosenbauer at a conference last week in Virginia Beach. Because the vehicle is extremely new, it is still in prototype delivery and the cost of the vehicle is approximately \$1 million **more** than traditional fire apparatus. As the technology around EV's continues to evolve and improve, we expect the price to come down to a market competitive level. Until that time, we continue to evaluate strategies to reduce the overall size of fire apparatus.

2. **Page 9: Fire station #5.** Is this planned to be located on Mount Clinton Pike near EMU? I have concerns about the location of the new station in an area that is not currently well-suited for frequent fire truck access (as opposed to wider roads near industrial buildings like on Acorn Drive). Has the location been selected and finalized?

Response: The preferred location for the new fire station has been selected and the City is in negotiations with a landowner to purchase land on Mt Clinton Pike near EMU. The decision to pursue land in this area of the City is based on an identified need related to reducing response times and improving service delivery. Extensive research was conducted in cooperation with the Mathematics Department at JMU in which more than 15 locations throughout the Parkview section of the city were evaluated. As counterintuitive as it may seem, a ½ mile difference in location adversely changes the desired impact of the station dramatically. A fire station on Acorn Drive would serve fewer community members than one on Mt. Clinton Pike. In addition, available sites on Acorn Drive are east of the railroad, potentially delaying the response of an engine to calls in the Parkview section. The new station is expected to handle an average of three to four calls per day.

3. **Page 22: Harrison House Renovations.** Why is the city spending \$1,565,000 on this Priority 3 project (scheduled expenditure in 2024) after it was determined that this was not Thomas Harrison's house? How much of that cost is/has been covered by grants? Is this expected to be a tourist attraction? Is this property expected to generate revenue for the city?

Response: While there was a determination made that Thomas Harrison likely did not reside within the building, the structure is still a historic building that was positioned on property likely owned by his family. At this time, \$500,000 is expected from the Margaret Grattan Weaver Foundation. It is in the City's best interest to preserve this historic structure in the heart of our Downtown central business district. A public-private partnership is envisioned as the avenue to make these improvements a reality. The renovated structure is anticipated to enhance the attractiveness of Downtown Harrisonburg, which in turn will lead to increased tourism activity and revenue for Harrisonburg. Preservation of historic properties makes our downtown more attractive to tourists as it promotes an authentic history and pride in community that cannot be manufactured. Well maintained historic sites are a marketable amenity. The "Harrison House" is part of the identity of Harrisonburg

from its name and origin story to its role in historic walking trails. One in five visitors to the region list visiting historic sites as the primary reason of their trip and top activity they do when they are here. Once they are here, they impact our local economy in numerous ways from eating meals to shopping at our stores. The Virginia Tourism Corporation statewide plan listed History and Heritage site product development as a high priority in their most recent plan.

4. **Page 23: Courts Building Project.** Is this an expansion into new buildings?

Response: The description of this project within the City's CIP Project Request Form essentially follows the description of the County's Lower Courts Building Additions project as shown on page 38 of their CIP document. As currently presented in the County CIP, the project would be an addition to the Old Courthouse and provide courtrooms for potential use by both Circuit and General District.

5. **Page 24: HVAC upgrades.** What is the state of the current HVAC systems in the jail itself? Is that also in need of an upgrade?

Response: The jail's HVAC system was upgraded in 2020.

6. **Page 25: Country Club Rd. Bridges.** Currently Country Club Rd. has diagonal bike path crossings over the railroad tracks, but no bike infrastructure elsewhere on the road. Does the design of these two bridges allow for future bike lane infrastructure on the road?

Response: Yes.

7. **Page 28: Annual street paving program.** Is the local tax revenue from the neighborhoods/areas where the streets will be repaved enough to pay for this program (\$2.1 million per year)? If not, where is that revenue coming from?

Response: The City receives maintenance funds from the state through the Virginia Department of Transportation. These maintenance funds are used for all aspects of maintenance related to our transportation system. The City does provide some general fund dollars to assist with maintenance operations.

8. **Page 34: Traffic Detection Cameras.** I've noticed that many of the old cameras don't detect cyclists. Is PW prioritizing the new bell-shaped cameras on identified bike routes (e.g. Dogwood crossing West Market)?

Response: Detection systems are upgraded based on the age of the system, other improvement planned at the intersection, or from recommendations from staff. We are aware of the limitations of older detection systems and will work to provide improvements as we are able.

9. **Page 36: Enhanced Signage Equipment.** Several [studies](#) have shown the [relative ineffectiveness](#) of RFPBs in preventing pedestrian crashes, compared with traffic-calming

features such as raised [crosswalks, bulb-outs, and traffic refuge islands](#). Is there a plan to implement more effective traffic engineering solutions, as opposed to the less effective RFPBs at pedestrian crossings in Harrisonburg?

Response: VDOT has recently updated their recommended guidance as it relates to pedestrian crossings. These recommendations are based on roadway configuration, speed limit, and presence of pedestrian crossings. These recommendations still include RRFB's as a recommended solution, but also recommends other enhancements be placed at the crossing as well.

10. **Page 46: Bluestone Trail.** What comprises the majority of the projected \$15 million price tag for this? Is that mostly land acquisition or construction?

Response: The largest contributor to cost is the required bridge that will need to span Blacks Run and the railroad. This structure is expected to be approximately 450 feet in length.

11. **Page 60: Central Ave. sidewalk.** If school bus service is not being offered to children in this neighborhood, it would seem that this should be a more immediate priority to provide a safe route to Keister. Why is this not a higher priority? Do these students have a safe route to school without the sidewalk?

Response: Improving sidewalks around schools is a priority of Public Works, and we had recommended ARPA funds for a segment of the Central Avenue sidewalks. As we are able to apply for and receive grant funding, we will pursue improvements in these areas of the City.

12. **Pages 120 - 143: water & sewer projects.** I added up all the projected total costs for these Public Utilities projects (pages 120 - 143) and came up with a grand total of \$183 million. This may be a question for the City Treasurer or Commissioner of the Revenue (rather than Public Utilities) -- Has Harrisonburg undertaken an analysis of projected revenue similar to [this analysis done in Eugene Oregon](#), which would show how future tax revenues may (or may not) cover these expenditures? If not, what is the plan to pay for those significant projected expenses?

Response: Water and sewer are enterprise funds; there is no tax money used for this. The City generates its own revenue and therefore we plan our own strategy through our Long Term Financial Model. There is a rate increase plan to cover all costs including CIP, which is certainly a major driver. The Director of Public Utilities has given a presentation to City Council each of the last few years as our annual budget is the first year in each revised strategy.

The questions and comments below were submitted prior to the Planning Commission review of the CIP by Vice Mayor Dent via email on Monday, March 6, 2023.

1. Pages 6 and 9: Fire Stations 4 and 5. I'm surprised to see these happening the same year, 2025. I thought the plan was to build FS5 first, and then refurbish or rebuild FS4, so we have the backup of FS5 while FS4 is being renovated.

Response: Great question; your inquiry prompted staff to double check documentation and discussion that occurred in January regarding the timing of the projects. Originally, Fire Station 4 was planned as shown in FY24, however, in mid-January staff decided that Fire Station 4 should be demonstrated as occurring in FY25. After another conversation among staff, we will place Fire Station 4 expenditures and funding sources in FY26.

2. Page 28: Annual Street Paving. This may be affected by the proposed road reconfiguration - at no extra cost?

Response: The roadway reconfiguration will have no effect on this project, as this project is based on pavement condition. Roadway reconfigurations are planned on roadways that are already planned to be repaved.

3. Page 29: Garbers Church/Bluestone ES New Traffic Signal. I'm surprised to see this off in the "Future" when it's a known problem now.

Response: The only warrant that is partially met for this signal is pedestrian due to the elementary school. The addition of the sidewalk along the eastern side of Garbers Church Road and the planned roadway reconfiguration does and will provide additional safety measures. Staff will continue to monitor this intersection to determine if additional warrants are met in the future.

4. Page 42: Chicago Ave and Waterman Drive. Likewise surprising that it's in the "Future" as IJJA funding is likely more imminent.

Response: At this point staff needs to better identify the needs and possible solutions for this corridor before we can be successful with any type of grant application. This CIP includes \$150,000 for a small area study in FY24 to study both the transportation and stormwater needs of this area. Following that study staff will have a better idea of funding opportunities and this CIP project may be advanced in subsequent years.

5. Pages 41-66: Several Public Works projects contain the statement "This project would achieve progress towards meeting the Sustainable Transportation Targets in the City's Environmental Action Plan approved by Council on June 14, 2022." Most of these projects are pushed off to "Future" in whole or in part. Some may be done sooner with grants from SmartScale (such as the Reservoir St. Sidewalk). I wonder: how can we meet the ambitious targets for GHG reduction within the time frame required, rather than some vague "Future" date?

Response: If a project is shown as future, it does not mean that staff will not actively pursue studies or grant opportunities that could accelerate the timeframe of the project. However, during the preparation of the CIP each year, it is very difficult to forecast how these projects may develop and grants become available. Therefore, staff places

realistic costs in the future column to confirm priority for the project, and allow the public to understand the scale of needs in our transportation system.

6. Page 62: Solar Implementation Plan. Excellent!
No response provided.

7. Pages 70 and 75, Splashpad and Kids Castle: A couple of projects have funding listed from Capital Project Fund when it should (apparently) be in "Other Revenue" for ARPA funding.

Response: Correct. However, the CIP was submitted way before the ARPA funds were allocated.

8. Pages 87 and 88: Chiller and Boiler Replacement at Harrisonburg High School. Are we considering alternatives for greater efficiency and/or use of alternative energy, such as heat pumps?

Response: At this time we have not considered alternatives to increase efficiency, however we would be open to exploring alternatives to improve efficiency.

9. Pages 90 and following: Roof Repair and Parking Lots at the various schools: are we considering solar at the time of the roof repairs, and EV chargers (infrastructure at least) at the time of the parking lot resurfacing?

Response: Yes, we would like to install solar panels at the same time that we replace roof sections, as funding is available. All pavement replacement or resurfacing would include EV charging stations if funding is included.

10. Page 120: Western Raw Water Line. Where is the funding for the **Eastern** Raw Water Line? I'm surprised not to see it in this CIP, as it's a large ongoing project.

Response: The project funding is complete and was removed last year.

Mr. Fletcher added to comment #1 from Vice Mayor Dent that operationally Fire Station 4 would not go off-line until Fire Station 5 was built and operational. In the conversation we had over the past two days, we are going to recommend a change to move Fire Station 4 forward one year. We probably will not reflect those funds until FY26, so we want to reflect that. I will make those changes. That will have a domino effect affecting all of the summary tables. If you find the document acceptable this evening, and you want to offer a favorable recommendation to City Council, please include that change in your recommendation or motion.

Mr. Fletcher added to comment #7 from Vice mayor Dent that I suspect that there are funds in the CIP fund, but as the response noted, these were identified before the ARPA funding was identified. This does not change much. It changes the location of the funding source but does not change the summary tables. I will find the correct answer and make the appropriate accommodations.

The questions and comments below were submitted prior to the Planning Commission review of the CIP by Commissioner Washington via email on Tuesday, March 7, 2023. Page numbers have been changed to reflect the current page numbers.

1. Who sets priorities and what is the criteria for being a priority 1, 2 or 3?

Response: Within the Introduction section of the CIP document, it explains that priority codes are assigned by the CIP Committee in conjunction with Department Directors. The CIP Committee includes the City Manager, Deputy City Manager, Assistant to the City Manager, Director of Finance, Director of Community Development, and the Sustainability and Environmental Manager. The Introduction also explains the basic criteria for each priority code. Priority 1 means the project is absolutely required, which staff typically interprets to mean required by law. Priority 2 is a project that is highly desirable, affects efficiency and effectiveness. Priority 3 is simply a desirable project. While there are descriptions for priority 4 and 5 projects, such projects are not included in the CIP document nor were there any projects categorized as 4 or 5.

2. How is equity considered throughout the process?

Response: As noted within the Introduction section of the CIP document, the CIP is not a budget, but a planning tool. The actual commitment of funds for any capital item comes with the approval of the annual budget for each fiscal year, where public hearings are held prior to adoption of the budget. All the proposed projects within the CIP will likely not be funded exactly as outlined due to budgetary restraints.

Equity could be accounted for in different ways. One way is through Planning Commission's review, which allows questions to be asked and recommendations to be offered by the Commission to City Council for consideration. Examples include recommending changes in priority for any particular project or to recommend moving a project to a different desired fiscal year for completion. City Council holds a public hearing on the CIP, which allows the public to offer comments or concerns.

If there are ideas to strengthen equity in this process, suggestions are welcomed.

3. Page 4: Will someone be hired to take on this project, or will current staff be asked to do this on top of their daily tasks? While I'm not sure how often cyber attacks happen, shouldn't the city's technological upgrades to increase efficiency and cyber security happen asap?

Response: The project will be managed by I.T. staff in coordination with a Value Added Reseller (VAR). This is the normal process for purchasing products from Laserfiche, Documentum, Hyland, as well as other vendors in this arena.

The documents are mostly stored as paper rather than electronically; therefore, there is no immediate technology need or cybersecurity risk. The original stakeholders for the project were Human Resources, Finance, and the Commissioner of the Revenue. The

Commissioner has a product that was purchased with their assessment and billing software. The other departments have not had this as a priority, so the project has been pushed back several times. Recently, there have been discussions in the City Manager's and Community Development departments, but these discussions are in their early stages.

4. Page 22: Does the city have a budget for historic preservation? Is it the City's job to maintain historic buildings and structures?

Response: The City does not have a specific line item budget for historic preservation. With regard to this project, the Harrison House is owned by the City. At this time, \$500,000 is expected from the Margaret Grattan Weaver Foundation. It is in the City's best interest to preserve this historic structure in the heart of our downtown central business district, which can enhance the attractiveness of downtown and, hopefully, increase tourism activity and revenue for Harrisonburg.

5. Page 25: Are these bridges only used for car transportation or are these bridges that can encourage safe bike and pedestrian transportation?

Response: The reconstructed bridges would include bicycle and pedestrian accommodations.

6. Page 27: Does this include constructing new sidewalks in areas that don't have sidewalks?

Response: A majority of this project is dedicated to the maintenance of existing curb and gutter and sidewalk segments in the City. New sidewalk segments are typically constructed under other CIP projects or as yearly budget funding allows.

7. Page 29: Why is this priority 3? Could this not be executed asap?

Response: This signal only partially meets warrants. Staff will continue to monitor this intersection and recommend signalization if warranted in the future.

8. Page 31: With all of the new development that is slated to go in this area, infrastructure and adequate traffic equipment should be more than a priority 3.

Response: At this time, staff maintains its recommended priority ranking.

9. Page 34 and page 36: How does traffic detection cameras take priority over street signal upgrades and enhanced signage?

Response: Upgrades in traffic signal detection improves the technology at these intersection and allows for 1) 24/7 traffic and pedestrian counts, which are used by staff to study traffic patterns and recommend improvements, 2) improves the detection ability of the intersection and staff hears numerous concerns from cyclists about not being detected at intersections, 3) improves the video at each intersection, which aids during incident management activities such as detours on I-81. Note that these cameras do not record.

Because of these benefits associated with upgrades to the detection systems, Public Works supports the higher priority given to this project.

10. Page 37: What are the effects of light pollution in these areas?

Response: The addition of LED street signs has little to no effect on light pollution, as these are only located at signalized intersections, which already have streetlights in the area.

11. Page 53: Project 3: Is there conversation around expanding this program throughout the city?

Response: Staff needs more information about this inquiry to adequately address the question.

12. Page 58: Are all pedestrian signals ADA compliant? If not, this should be Priority 1.

Response: All pedestrian signals in the City are compliant as of the date of initial installation. This project is to upgrade pedestrian signals to the most current standard, which requires an Audible Pedestrian System (i.e., the signal talks to the pedestrian). We are only required to upgrade to the most current standard when maintenance activities occur, therefore Public Works supports a Priority 2 for this project.

13. Page 70: This project should be bumped up in priority due to how long the project has been on the table as well as creating equity in regards to water recreation throughout all communities in Harrisonburg. Outdoor learning spaces for the children are extremely important. I hope this happens with improvements to school schedules that will allow students to take advantage of outside time.

Response: We were successful in gaining ARPA funding for this project. The project has already been started with some conceptual planning and will continue through the construction phases that hopefully keep us on a schedule that will allow for the project to progress in a timely manner.

14. Page 113: This is vague.

Response: This item would be similar to what we have proposed and are actively developing for HHS. Our intent will be to renovate the instructional spaces of THMS, upgrade technology, and ensure ADA access for all. Since this project is anticipated for 2027, we have not yet begun working through the specific details of the renovation plan.

Mr. Fletcher said I am available to answer any questions.

Chair Finnegan asked for clarification to one of his questions regarding the County's Lower Courts Building Additions. The answer states "[a]s currently presented in the County CIP, the project

would be an addition to the Old Courthouse.” A number of years ago, they were looking at taking over the Denton Building. I could not tell if this is an expansion.

Mr. Fletcher said the way it is presented is that it would be an addition to the existing court building.

Chair Finnegan said that is how I read it, but it said “addition to the old Court House” which in my mind means the building that is on Court Square.

Mr. Fletcher said that is correct.

Vice Mayor Dent clarified the requirements for a motion.

Chair Finnegan said voting in the affirmative does not mean that we love everything in here. It means that we understand that these are the priorities. This is not a budget.

Mr. Fletcher said we do not offer any recommendation. These are the needs. These are the demands. These are the projects that we are presenting to serve those needs.

Vice Mayor Dent said, for instance, I do not love adding to the Court House building. I would not like to tear down the Denton Building. What are the solutions? We do not know yet.

Commissioner Baugh said we are not making that decision here. City Council will eventually make that decision. As we note from the past, once you make that transition... The building we are sitting in right now went through about three iterations of what we thought we would do. We seriously looked at another one that we did not go with. This is intended for planning purposes. Decisions will ultimately get made, just like the funding.

Vice Mayor Dent asked would it come through Planning Commission first?

Commissioner Baugh said it depends on what you are talking about.

Mr. Fletcher asked for clarification.

Vice Mayor Dent said the Court House addition proposal.

Chair Finnegan said that is property of the Courts, right?

Commissioner Baugh said I bet City Council will be talking about that in closed session.

Mr. Fletcher asked is there anything that you wanted to discuss that is in here?

Vice Mayor Dent said you mentioned, and I remember that this is in the works, that the Sustainability and Environmental Manager was part of the CIP process. I am not going to insist that you put the solar statement up front because there is the solar feasibility study as one of the projects.

Mr. Fletcher said we still included that statement in the introduction to recognize that. This document is not detailed to get into those types of issues.

Vice Mayor Dent moved to recommend approval of the CIP with the two amendments as presented by staff. The changes include moving the Fire Station 4 expenditures to FY26 and moving the funding for the Splashpad and Kids Castle from the capital projects to “Other Revenue.”

Vice-Chair Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of CIP passed (7-0). The recommendation will move forward to City Council on April 11, 2023.

New Business – Public Hearings

Consider a request from BISAPACA, LLC for a special use permit to allow occupancy of not more than 4 persons at 511 East Market Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) per Section 10-3-40 (7) of the Zoning Ordinance to allow occupancy for up to four persons within each unit of a duplex dwelling, zoned R-2, Residential District. The property is located at 511 East Market Street. The property has a duplex and the applicant states that there are three bedrooms in each unit. In the R-2 zoning, a family or no more than two unrelated persons may occupy a dwelling unit. In the applicant’s letter they are requesting a SUP to allow for three unrelated persons per unit, for a total of six possible tenants. The property has a parking lot on site that will be able to provide adequate parking for tenants.

Land Use

The Comprehensive Plan designates this area as Mixed Use and states:

“The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block,

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

While surrounding properties have requested rezonings to R-3C, Multiple Dwelling/Medium Density Residential Conditional and R-5C, High Density Residential Conditional, they typically have either proffered to have only professional office uses, or if dwellings were allowed, they had proffered to limit the number of unrelated persons that are allowed in a single unit.

While not an exhaustive list, examples of nearby rezonings and SUPs through the years include:

- In April 1995, City Council approved a rezoning at 510 East Market Street (TM 27-B-1) from R-2 to R-3C. That rezoning included proffers prohibiting all uses except for professional offices.
- In April 2001, City Council approved a rezoning at 503 East Market Street (TM 27-E-3) from R-2 to R-3C. That rezoning included proffers that allows any uses permitted by right in the R-1 and R-2 districts, restricts occupancy of dwelling units to a family or not more than two persons, and allows for professional offices to occupy the building.
- In July 2013, the property owner of 632 East Market Street (TM 33-V-5) applied for the same SUP as being requested herein. Staff and Planning Commission recommended denial and City Council denied the request.
- In February 2021, the City approved a rezoning for 518 East Market Street from R-2 to R-3C. The proffers prohibited a number of uses allowed in the R-3 district and did not restrict occupancy, which allows the property to have the by right ability of having a family or not more than four persons per unit. The property has a mixed-use building with professional offices and one dwelling.
- In February 2022, City Council approved a rezoning request at 50 and 52 Reservoir Street from R-2 to R-5C with proffers that limit the occupancy to a family or not more than three unrelated persons.

The R-2 zoning district shares the same occupancy restrictions as the R-1, Single-Family Residential District. Owner-occupied dwellings may be occupied by a family (regardless of the number of individuals in the family) plus two tenants. Non-owner-occupied dwellings may include rental space for occupancy by not more than one person. In other words, when a dwelling is non-owner occupied, by right, property owners can rent to a family (regardless of the number of individuals in the family) plus one other person or they may rent to two tenants.

While the applicant has described to staff that they do not intend to rent this property to college students, staff understands that there are concerns that the property could be rented to college students and could cause an increase in traffic, parking, noise, and less accountability of the property. When comparing student housing and non-student housing units, there is typically a

difference in lifestyles and schedules. These lifestyles sometimes have clashing elements that can cause tensions between neighbors.

However, staff is also aware of the housing needs within the City. According to the City's Comprehensive Housing Study that was completed in January 2021, the property is located in Market Type C and these neighborhoods are among the fastest growing neighborhoods in the city and are characterized by a large number of college-aged persons (age 18-24). In this particular situation at this property, staff feels that the need for more housing in the community outweighs some of the concerns that are surrounding the idea of student housing. As noted below, staff has added a suggested condition that if Planning Commission or City Council feels that the property becomes a nuisance, the special use permit can be recalled for further review.

Recommendation

Staff recommends approval of the SUP request with the following conditions:

- Dwelling units may be occupied by a family or not more than three (3) persons.
- If in the opinion of Planning Commission or City Council, the increased occupancy becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Note that the number that is conditioned is the maximum number of occupants requested by the applicant.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent asked is the not more than three persons a proffer or a condition.

Ms. Rupkey said it is a condition. It is called a condition if it is a SUP. They requested the three in their letter.

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.

Paul Riner, agent for the applicant, came forward regarding the request. I am also the son of the applicant, but more importantly I am the managing agent, the leasing agent for the property. I do not have a lot to add. I want to thank Ms. Rupkey for her help and walking us through this process. Initially there was discussion about rezoning. It was settled that what we were looking for was really a SUP for the allowance of the three individuals or a family on each level of the duplex. Over the past three years, extensive renovations were done to the property, both interior and exterior. It included paving of the right-of-way alley which is used by the adjacent property, 50 and 52 Reservoir Street which received the R-5C rezoning request last year. This is something that we did as part of the paving of the parking for our building to make it more accessible to our residents, knowing that is a shared alley. We have put the work into the duplex to make it fully functional on their own. Because of the square footage in both of those units, we feel that the use is affirmed for three individuals or a family, as opposed to the current zoning which allows two individuals or a family.

Vice Mayor Dent said you say that the last neighboring property (50 and 52 Reservoir Street) did not share this availability of parking. you say that as a reason for this added density. That building or those units are a special case from Our Community Place because they are housing people who were formerly homeless who do not have cars. That is why we waived the requirements for the parking minimums. We appreciate that there is a right-of-way along your property to get back to that property should they ever need parking there.

Mr. Riner said we put that in our letter as an understanding that as the rezoning to R-5C, if the use ever changed away from OCP, they would still hold the ability to not require those parking spaces. It was an affirmation that we have plenty of parking because there was discussion about parking during that rezoning request. We wanted to put forward that we have adequate parking.

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

Vice-Chair Byrd said I was surprised that the current density was so low having driven by that location many times. I see no issue with increasing to the three persons per unit.

Chair Finnegan said a lot of the houses along that stretch are pretty big houses. A lot of them show up on that map from 1873 or something. There is a map where Old Town does not exist. A lot of these houses were built with different sizes of families in mind. I think this is an appropriate request. I would support it.

Vice-Chair Byrd moved to recommend approval of the SUP request with the stated conditions.

Commissioner Baugh seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of SUP passed (7-0). The recommendation will move forward to City Council on April 11, 2023.

Consider a request from Way Way Back LLC for a special use permit to allow business and professional offices at 909 and 919 Virginia Avenue.

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

1. The transaction involved is the item taken up on the March 8, 2023 Planning Commission Agenda as Item 5(b), a request for a SUP to professional office.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of the Planning Commission in this matter.

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is requesting a special use permit (SUP) per Section 10-3-97 (3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District at a site addressed as 909 and 919 Virginia Avenue. If approved, Huber Architects intends to locate their office to the site. The building on the property is currently undergoing renovations for Red Root & Company, a small-scale herbal goods manufacturer, which is allowed to operate by right within the M-1 district. The intent is for both businesses to occupy the property.

The applicant has submitted a site layout illustrating how they can accommodate minimum off-street parking requirements. The applicant is aware that if the business and professional office use expands on the property, then more off-street parking spaces would be required by the Zoning Ordinance.

The applicant has been informed that if the SUP is approved, that a change of use for the structure shall be obtained from the Building Inspections Division.

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.”

With the Neighborhood Residential designation, one could contend that approval of the SUP to allow business and professional offices would promote uses on the property that do not conform with the LUG’s recommendation. However, given the circumstances, where at least one by right use of the M-1 district would operate on the property, staff believes allowing certain business and professional offices should not have any more adverse impact on the surrounding neighborhood.

Recommendation

Staff recommends approval of the special use permit with the following conditions:

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

Approval of a special use permit per Section 10-3-97 (3) would allow business and professional offices. Staff recommends condition #1 to prohibit medical offices due to the higher volume of clients and vehicular traffic typically experienced with medical offices in the City compared to other types of business and professional offices.

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

Ivan Huber, co-owner of Way Way Back, LLC and owner of Huber Architects, and Corey MacDonald, owner of Red Root & Company and member of the LLC, came forward in support of the request. We are happy to answer any questions.

Chair Finnegan asked you are not required, with this use, to build the parking that you are building. Is that correct?

Ms. Dang said they had already submitted a plan for the renovations of Red Root & Company showing the parking that they would accommodate. It is the same number of parking spaces that are shown on the site layout. It took into account both businesses operating at that location. If, hypothetically, the SUP did not get approved, they could reduce the number of spaces that they construct on the site because the offices require more parking spaces than the what the Red Root & Company would require.

Chair Finnegan asked is the intention to allow this to be other office space? It sounds like what you are doing would not necessarily need a lot of parking at this time.

Mr. Huber it is about 400 square feet of business use. The rest would be M-1. Ms. Dang, in your notes you said 300 square feet per parking space?

Ms. Dang said for every 300 square feet of gross floor area of the office space would require one parking space.

Mr. Huber said technically we would need two spaces for that. Red Root & Company would need another two spaces. We are providing six spaces. That gives us a little wiggle room for growth.

Chair Finnegan asked do you think that is fair? I am curious about parking minimums in general across the City. Does that seem reasonable to you?

Mr. Huber said 300 square feet for a business use sounds reasonable. I thought it was 150 and I thought that was very restrictive. It would be a lot of unnecessary pavement. If it is 300, I feel better about that.

Vice Mayor Dent said I see that there is a disabled parking space and apparently a ramp at the front entrance. Given the two-story building, is there a requirement for an elevator or is it up to the owner to decide which levels should be accessible?

Mr. Huber said it is split-level. There is rear access on the lower level. We are providing a second ADA spot below and access to that level. There are two ADA spots. We are providing accessibility to both levels.

Vice Mayor Dent said both levels have accessibility because they are on different terrain levels.

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

Chair Finnegan said I ride past this site about four times a day. This is on my bike route to work. I am not in favor of a whole lot more car traffic, but I do not believe this will generate a whole lot of extra traffic in the neighborhood, given its design. I have no concerns and would support this.

Vice Mayor Dent said I think it is a wonderful reuse of a historic building. It is good to see that refreshing of existing buildings into new businesses.

Vice-Chair Byrd moved to recommend approval of the SUP request, with the recommended conditions.

Commissioner Armstrong seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Abstain
Vice-Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP request passed (7-0). The recommendation will move forward to City Council on April 11, 2023.

Commissioner Baugh returned to the meeting.

Consider a request from Robert M. Reedy for a special use permit to allow building material sales and storage yards, contractors, equipment sales, and storage yards at 3520 South Main Street

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the applicant is requesting a special use permit (SUP) to allow building material sales and storage yards, contractors, equipment sales and storage yards and other similar uses at a property addressed as 3520 South Main Street. The applicant owns a heating and cooling contracting company that provides residential and light commercial installation and repair. Most work is completed off-site where repairs are needed. The building will primarily be used to store materials. There will be a light machinery element to the business for making ductwork and bending metal. The business will also have offices to support the operation and include receptionists and dispatchers. The office will also be where the service and installation teams meet to review jobs and receive trainings.

Land Use

The Comprehensive Plan designates this area as Industrial and states:

These areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.

Uses surrounding the property are primarily considered industrial uses, such as the Waste Management site (3580 South Main Street), Truck Enterprises, Inc. (3440 South Main Street), and Ferguson Plumbing Supply (44 Reedy Circle). In January 2021, City Council approved a rezoning at 3506 South Main Street and 32 Reedy Circle from B-2 to M-1C to allow for a tractor trailer sales, maintenance, storage, and the incidental offices for such a business.

Recommendation

The proposed SUP is consistent with the Comprehensive Plan. Staff recommends approval of the request.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent said you mentioned some light manufacturing, working with the metal, but that in itself is not enough to meet the threshold that it requires industrial zoning? Is it okay in the business district?

Ms. Rupkey said yes.

Chair Finnegan asked if there were any more questions for staff. Hearing none he opened the public hearing and 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 I agree with staff that bending metals is not an extreme industrial process. I have no issue with the changes being requested and will likely vote in favor.

Vice-Chair Byrd moved to recommend approval of the SUP as presented.

Vice-Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the SUP passed (7-0). The recommendation will move forward to City Council on April 11, 2023.

Consider a request from Greendale Road LLC to rezone 2720 Dorval Road

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said The Crossings Subdivision is located at the southeastern edge of the City and straddles Greendale Road near its intersections with Dorval Road and Ramblewood Road. The portion of the subdivision within the City was rezoned to R-2C, Residential District Conditional in June 2007, with a proffer that there will be no more than 52 single-family detached dwelling lots within the City. In 2007, the overall design of the subdivision proposed a total of 91 single-family lots within the City and Rockingham County. The property was subdivided in 2007 and in 2021. There are 35 lots located entirely within the City that are part of The Crossings, Phase 1. The Crossings, Phase 2 subdivision created 9 additional single-family lots in the City and 40 lots in County.

In October 2018, City Council approved a public utility application to provide water and sanitary sewer services to the portion of the subdivision within the County. Later, in January 2019, the portion of the subdivision within the County was rezoned from R-3C, General Residential District Conditional to PSF, Planned Single Family. The approval authorized an increase of lots within the County from 32 to 40 and approved an accompanying Master Plan depicting 30.9 percent of gross area reserved as open space. In December 2022, City Council approved a rezoning for R-8C, Small Lot Residential District Conditional for six lots addressed as 2744, 2725, 2762, 2766, and 2770 Dorval Road that decreased the setback in a way that is mirrored for the current proposed rezoning. The project's engineered comprehensive site plan was approved by the City and County on February 6, 2020, and is actively under construction.

The parcel located at 2720 Dorval Road is part of a larger single-family detached housing development that is currently zoned R-2C, Residential District Conditional and R-8C, Small Lot Residential District Conditional (City), and PSF, Planned Single Family (County).

Proffers

The existing 2007-approved proffers for the subject site and the other R-2C-zoned City properties include (written verbatim):

1. The uses will be limited to all uses in Article H-R-1 Single Family Residential District. Only area and dimensional regulations for single family from the R-2 Residential District will govern for lot sizes.
2. Existing Ramblewood Road will be straightened with right and left turn lanes on Greendale Rd.
3. Greendale Rd. will be widened with curbs and gutter and sidewalk per city standards. In addition a left turn and through lanes will be provided at the Ramblewood intersection.
4. There will not be more than 52 lots in the City of Harrisonburg.

Similar to the recent application to rezone the nearby properties to R-8C, the applicant acknowledges that a rezoning to R-8 without proffers would open the opportunity to further subdivide the lot to create more dwelling units and would allow duplexes by right, thus, to be consistent with other proffers on nearby properties, the applicant has proffered the following (written verbatim):

1. Duplex dwellings are prohibited.
2. Area and Dimensional Regulations

Except as provided in article T, and as required in article CC for wireless telecommunication facilities, the following area and dimensional regulations shall apply:

Lot Area Sq. Ft.	Minimum Feet					Maximum	
	*Lot Width	Lot Depth	Front Yard	Side Yard	Rear Yard	Stories	Height
Single-Family Detached: 7,000	60	100	10	10	20	3	35
Other Uses: 6,000	60	100	10	10	25	3	40

* Measured at the point of require front setback line.

3. The driveway entrance will be located away from the intersection of Dorval Road and Greendale Road as generally illustrated on the attached work sheet labeled Exhibit A.

By prohibiting duplex dwellings, the proposed proffers would maintain the same by right uses as proffered in 2007. The proposed proffers would also maintain the same area and dimensional requirements as proffered in 2007, except that the minimum front yard setback would be 10 feet instead of 30 feet.

Proposed proffer #3 requires the driveway to be located further than the required 50 feet from the Greendale Road intersection.

Land Use

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

“These areas have been developed or are planned for residential development containing a mix of large and small-lot single-family detached dwellings, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Duplexes may be appropriate in certain circumstances. Mixed use buildings containing residential and non-residential uses might be appropriate with residential dwelling units limited to one or two dwelling units per building. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for grouping of residential properties on a development site to use the extra land for open space or recreation. The intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas should be around 7 dwelling units per acre and 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.”

The proposed rezoning conforms with the Comprehensive Plan.

Recommendation

Given that all the use and area and dimensional regulations of the 2007 proffers would remain in place except for the front setback requirement and that the County properties within the development require only a minimum front yard setback of 5 feet, staff believes that this neighborhood would not be adversely affected and therefore, staff recommends approving rezoning the property from R-2C to R-8C.

Chair Finnegan asked if there were any questions for staff.

Vice-Chair Byrd said it sounds like someone trying to address the issue of the shape of the land with the setbacks.

Ms. Rupkey said it is a smaller lot. This gives the ability to face the same direction as the other houses.

Vice Mayor Dent said it is not just the size of the lot, it is the steepness of the terrain, as we saw in the previous agenda item.

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.

Bryan Nesselrodt, contractor for the project, came forward in support of the request. You are right. It is the challenge of the shape of the lot. As the setbacks are now, the house would sit farther back from the existing homes. I am trying to make it match what is there already and give us a bigger buildable envelope.

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

Chair Finnegan said I agree with staff. I would support this. I think it is a good use of the lot that might not otherwise have housing built on.

Vice-Chair Byrd said the proffers address a lot of the things we would end up discussing. I will likely vote in favor.

Vice-Chair Byrd moved to recommend approval of the request, as presented.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Orndoff	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 April 11, 2023.

Consider a request from DH Land LLC to amend proffers for 1250 West Market Street

Consider a request from DH Land LLC for a special use permit to allow warehousing and other storage facilities at 1250 W Market St

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the subject property is part of the Wellington Subdivision, which was first preliminarily platted in 1998 to create 40 single-family home lots and was approved in April of that year. The developer at that time failed to move forward with the project and the preliminary plat expired. In March of 2000, the developer came back before the Planning Commission to

resubmit the previously approved preliminary plat and received approval. The final plat was approved soon after.

The +/- 2.09 acres of land currently being considered for a proffer amendment was originally zoned R-1. In July 2000 it was part of a larger, proposed plan of development and was rezoned to R-3C to allow for the development of 29 townhome units. The subject property was then rezoned again in August 2003, despite staff's recommendation for denial, from R-3C to B-2C. (Note that as part of that application, another +/- 13.76 acres was simultaneously rezoned from R-1 to R-3C, which staff supported). The existing proffers, approved in the 2003 rezoning eliminated certain B-2 uses, but continues to allow many commercial activities, some of which have further controlling details and prohibitions. A copy of the 2003 proffers is attached.

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

- Site: Undeveloped property, zoned B-2C
- North: Undeveloped property, zoned R-1
- East: Harrisonburg Electric Commission Substation, zoned B-2
- South: Across West Market Street, Thomas Harrison Middle School, zoned B-2
- West: Across Brickstone Court, single-family detached dwellings, zoned R-3C

The applicant is requesting to amend existing proffers for a +/- 2.09-acre site zoned B-2C, General Business District Conditional and is simultaneously applying for a special use permit (SUP) per Section 10-3-91 (2) to allow warehousing and other storage facilities in the B-2 district. If the requests are approved, the applicant desires to construct a self-storage facility.

Proffers and SUP Conditions

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

The Owner hereby proffers that the use and development of the Property shall be in strict accordance with the Special Use Permit Supplemental Conditions Statement submitted simultaneously with this Proffer Statement. The use of the property shall be limited to warehousing and other storage facilities and accessory uses as permitted under City Ordinance Sections 10-3-91(2) and accessory uses customarily incidental to the warehousing and storage use.

Additionally, the applicant has proposed the following SUP conditions (written verbatim):

1. Building Design:
 - a. The structure shall contain a maximum of 98,000 sq. ft of interior self-storage.
 - b. The exterior appearance of the building shall be substantially similar to the attached rendering, which shows the elevations facing West Market Street and Brickstone Court. The building will incorporate residential-style exterior materials in varied colors and textures, such as brick, architectural panels with an embossed stucco-type finish, faux windows profiled metal accents and trim.
 - c. No exterior entrances to individual self-storage units.
 - d. Building height shall be limited to a maximum of thirty-eight feet (38').

2. Landscaping and Aesthetics:
 - a. No perimeter fencing of the Property.
 - b. Landscaping buffer to be maintained as shown on the Concept Plan along the western property boundary by maintaining the existing vegetative buffer and providing supplemental evergreen screen plantings. Landscaping shall be installed per the Note 5 detail on the Concept Plan.
 - c. Shielded exterior lighting fixtures.
 - d. Sidewalk to be installed along West Market Street frontage, and Brickstone Court frontage north to the primary entrance to the site. Sidewalk design to be finalized during the engineered site plan approval process taking into account existing storm drainage features on those frontages. Applicant will provide to the City a minimum of seven and one-half feet of dedicated right of way or an easement for maintenance and repair from the back of curb along the frontages improved by sidewalks. Applicant also agrees to grant right-of-way or an easement for sidewalk maintenance and repair from north of the entrance shown on the Concept Plan at the time of future improvement and extension of Brickstone Court, using the same distance from the centerline as the typical section south of the entrance.
 - e. Street trees will be planted along the West Market Street frontage as generally depicted on the Concept Plan. The trees will be planted approximately thirty-feet (30') on center with allowances for any existing utility or drainage improvement conflicts.
3. Hours of Operation shall be restricted as follows:
 - a. The office shall be open Monday through Sunday from 9 a.m. to 5 p.m.
 - b. The storage units shall be accessible to customers from 6 a.m. to 10 p.m. daily.

Note that the submitted conceptual layout is not proffered or conditioned by the applicant. The applicant is also working on updating the conceptual layout to include the sidewalk along Brickstone Court as described in SUP condition 2.d.

The applicant has in effect proffered out all uses except for warehousing and other storage facilities and accessory uses and has offered SUP conditions to reduce the visual impact of the self-storage facility on surrounding properties. Staff is appreciative of the applicant's willingness to accommodate several suggestions to the application offered by staff including, but not limited to, the condition to construct sidewalks and to dedicate right-of-way or easements for maintenance and repair.

Land Use

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

“These areas have been developed or are planned for small-lot single-family detached and single-family attached (duplexes and townhomes) neighborhoods, where commercial and service uses might be finely mixed within residential uses or located nearby along collector and arterial streets. Mixed-use buildings containing residential and non-residential uses and multi-family dwellings could be appropriate under special circumstances. Attractive green and open spaces are important for these areas and should be incorporated. Open space development (also known as cluster development) is encouraged, which provides for

grouping of residential properties on a development site to use the extra land for open space or recreation. Like the Low Density Mixed Residential designation, the intent is to have innovative residential building types and allow creative subdivision designs that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and the protection of environmental resources or sensitive areas (i.e. trees and floodplains). Residential building types such as zero lot-line development should be considered as well as other new single-family residential forms. The gross density of development in these areas could be around 20 dwelling units per acre. Commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.”

To the west of the subject property, across Brickstone Court is a residential neighborhood (Westfield Subdivision) designated in the Comprehensive Plan as Medium Density Mixed Residential and Low Density Residential, and to the north is an undeveloped +/- 5.85-acre property designated Medium Density Mixed Residential. Brickstone Court serves as an entry point into the existing residential neighborhood and would serve as an entry point for future residential development to the north. Note that the Comprehensive Plan’s Street Improvement Plan anticipates a public street extension of Brickstone Court. While staff appreciates the transparency of the applicant to be very specific to the development they wish to provide, and in trying to be accommodating to the surrounding uses and responding to staff’s suggestions, we believe the subject property should be developed for residential uses as recommended by the Comprehensive Plan’s Land Use Guide (LUG). Of course the property owner still has the ability to take advantage of the property’s existing proffers and allowable uses.

Staff acknowledges there is a Harrisonburg Electric Commission (HEC) substation to the east of the subject site and that the subject property has frontage on West Market Street, a principle arterial street. However, to the west there are single-family detached homes and townhomes that back up to and front along West Market Street. While some might not consider an HEC substation to be an ideal neighbor, there are residential neighborhoods in the City that are adjacent to substations that co-exist (i.e. near the intersection of Ramblewood Road and Mint Springs Road and near the intersection of Reservoir Street and Dutch Mill Court).

Staff believes that if there is demand to provide for self-storage in this general area of the City, while they may or may not be actively for sale, there are other properties nearby that could accommodate a self-storage facility as either a by right use in the M-1, General Industrial District or with approval of a SUP on properties zoned B-2 and that are designated in the LUG for Industrial uses. The Comprehensive Plan states that:

“These [industrial] areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities. They include the major existing and future employment areas of the City.”

Finally, staff does not believe this property, which is designated in the LUG for Medium Density Mixed Residential, should be rezoned to allow a self-storage facility when there is need for more

housing and this location is walkable to a school, a City park, a multi-use trail, and to commercial uses.

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 will not generate 100 or more peak hour trips, which is the threshold for the City to require a Traffic Impact Analysis (TIA).

As previously described, the applicant has proffered and offered SUP conditions to construct new sidewalks and to dedicate right-of-way or easements necessary for new sidewalks and streets.

Recommendation

Staff recommends denial of both the rezoning and special use permit requests.

However, if there is desire to approve the requests, staff recommends accepting the proffers and SUP conditions as submitted by the applicant.

Chair Finnegan asked if there were any questions for staff.

Vice Mayor Dent asked did we recently approved an addition to the self-storage facilities on Waterman Drive in the vicinity there?

Ms. Dang said yes, along Waterman Drive.

Mr. Fletcher said that was a rezoning from R-1 to M-1. It was a very uniquely shaped area of the R-1 parcel.

Ms. Dang said that rezoning abutted a property that was already zoned M-1 which is also part of the self-storage facility.

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.

Todd Rhea, Clark & Bradshaw, came forward in support of the request. I will be presenting on behalf of the applicant Hearthfire Development. The Hearthfire representatives are at a national self-storage conference this week in New Orleans.

Hearthfire is seeking a rezoning to amend the existing proffers on the subject B-2 zoned parcel along West Market Street. Hearthfire is also seeking a specifically tailored and closely conditioned SUP within the B-2 district to allow for interior self-storage on that parcel. It is instructive to note that the parcel is currently zoned B-2 commercial. It has been zoned commercial for the last 20 years. It can be used for a wide variety of intensive commercial uses. We are not seeking a residential to commercial upzoning. We are committing this parcel to a single non-intensive commercial use which is compatible with and geared toward providing service largely to

residential customers. It is a use which generates almost no traffic, noise, or off-site impact. Staff has focused, in its report, on that the future LUG map, this parcel is designated as medium density mixed residential and has raised concerns with approving our request for a low-intensity commercial use despite the parcel being currently zoned commercial. I have reviewed this issue in detail many times with staff and will note again, for the Planning Commission, that this parcel is the last residentially designated parcel on the LUG map on the north side of West Market Street. It immediately borders a long commercial district corridor on the LUG map and as such should be considered a transition parcel where either use is appropriate. Importantly, this parcel borders a large HEC substation and, as you saw in the pictures, a large electric transmission line and cell tower which makes residential development, while feasible, less than optimal. In fact, the proposed self-storage use provides a perfect transition from the commercial district and substation lying to the east and the largely developed residential neighborhood to the west. Brickstone Court also provides a natural breakpoint for this transition. The low-intensity self-storage use on the frontage parcel would in no way inhibit or discourage residential development of the five-acre parcel lying behind it which runs back to the large Frazier Quarry industrial property to the rear of the site. If this parcel were currently a residentially zoned parcel which we were seeking to upzone, then this LUG stance may be more persuasive. What we are requesting is a downzoning to a very specific and targeted low intensity commercial use designated as a transition use.

I am going to touch on the specific conditions outlined by staff and developed by the applicant during the last six months of discussions with staff and City departments. The Planning Commission will note that the applicant has been intentional as to how the self-storage use will be sited on the subject parcel. We have presented a small scale, single parcel, mini-master plan. The applicant will provide extensive public sidewalk improvements along West Market Street and Brickstone Court, where none exist today. The building itself is designed to maintain an exterior residential finish and feel for transition purposes, including exterior windows. The applicant has limited industrial type exterior features. There is no perimeter fencing on the site. There are no exterior doors or storage access on the property. Proffered are landscape screening and street trees, especially the West Market Street arterial and along the entire western boundary facing the Wellington Subdivision, shielded and directional lighting, and limited hours of operation. The applicant has also removed the question of what future uses this site could be subject to under a general commercial rezoning, by proffering and conditioning the property to a single use and committed site layout and appearance conditions. It is notable, from a community amenity standpoint, that while the City is seeing these modern and convenient interior self-storage units being developed along the interstate and along the east side of town, there is nothing of this amenity category with this type of design and interior access only on the west side of the City. West side residents would be gaining valuable proximate access to this amenity without having to make an across town trip.

As stated, the applicant has taken a very intentional and detailed approach with staff in bringing these requests before the Planning Commission and City Council in a targeted and specific format. From the beginning of the entitlement process, we have proactively offered and been fully responsive to staff proffer and condition requests to provide this compatible transition with the existing residential neighborhood to the west. I am personally familiar with this two-acre parcel. From the initial Wellington Subdivision by the Beckwith family back in year 2000, followed by Tim Lacey's development of the residential portion of Wellington from 2004 onward and the

rezoning of this parcel to B-2 Conditional. As long ago as the first subdivision plat and declaration for Wellington in the year 2000, the subject which is lot 40 in that subdivision plat was specifically exempted from the exclusive residential use covenant covering the balance of the subdivision. It was known then that this parcel would have residential development challenges, given the substation and quarry. This reality was acknowledged when the parcel was rezoned to commercial by the City Council in 2004. It remains true today. We have presented the City with a high-quality and detailed transition use under the proffer amendment and SUP applications before you. We ask for your recommendations for approval of this high-quality interior self-storage use with conditions on this commercially zoned parcel. I am happy to answer any questions the Planning Commission, public or staff may have for the applicant this evening.

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

Vice Mayor Dent asked did you mention that there have been some of these interior self-storage facilities built along the interstate?

Mr. Rhea said there is one that U-Haul is building, right next to the new Rocktown High School, right along the interstate. There are several under construction in the Stone Port area, while not in the City are across the line in the County which would be along Port Republic Road east of town.

Vice Mayor Dent said I am not familiar with this type of storage unit. How does that work? How do you get large items to the second floor?

Mr. Rhea said this is great. I have used these before. You come up and there is a big door, open area. You go in. There are lift elevators and push carts. You back your car into this garage area, unload onto the cart. If you are on the first floor, you go right to your unit, or you take the elevator to the second or third floor. There is a lighted hallway. The doors are inside, off of that lighted hallway. You cannot see them. The U-Haul building along I-81 do the orange doors for the U-Haul branding and have windows where you can see through there to the doors. This is not designed that way. You would not see any of the interior doors based on the proffered rendering.

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

Vice-Chair Byrd said I have interacted with these types of storage facilities. They tend to have a key to access the building. A lot of the stuff is in the building. People drive up. They will have a large door and a garage. A lot is contained within the building structure, which is why there is not a need for a fence. It looks like a big office building from the outside, if you did not know better, depending on the architecture. From what they are presenting, that is not the architecture it would be. The issue is that it is a transitional area, and the change is which businesses we will allow there. I would like to hear what other commissioners have to say about it. I am on the fence.

Commissioner Armstrong said I think that having the school across the street, as well as the residential home development to the west, if I were to imagine and wish, I would wish for some

restaurant or grocery store or something that is a real residential service. I appreciate that the applicant has gone to efforts to make this blended and to use it as a transitional area. It is 50-50.

Chair Finnegan said it sounds like some commissioners are on the fence.

Vice Mayor Dent said I agree with Commissioner Armstrong. Given that it is currently zoned B-2 and they could by right build anything within those limitations, I would rather see a more active community amenity than something so inert and static, and monolithic looking. Maybe that is an amenity, but that is part of why I was bringing it up that we recently approved an expansion of the storage facility nearby. When I was reading through this, one word that jumped out at me was “faux” as in faux windows, meaning fake. As I thought about it, something that has to try that hard not to look like what it actually is maybe does not belong there.

Commissioner Baugh said I can see it as a close call, but I am leaning toward... Commissioner Armstrong said she was about 50-50. Vice Mayor Dent said she was leaning against. I think I am with her on that. I think that I would like to see something that fits into the neighborhood better. It is interesting, the argument. As with Vice Chair Byrd, I am familiar with these in other places. There was a big one of these in Rockingham County a few years ago. I think they do typically draw some opposition. I think that there is a way of presenting these that are all about pointing out that they will not be disruptive, particularly when they have residential around this. I think it is a hard-wired thing to try to speak of it in terms of not upsetting the neighbors or it is not going to be a big intrusive use. I do not think that is the issue here. We do not see neighborhoods here complaining about it. Where I am on it is that it would be nice to have something that fits in more with the neighborhood than almost giving up and expecting that we will never get that, so make it the best transitional thing that we can. In a way, if you do that, it is not really transitional because we are not saying that we need more transition here. We are saying that we like the idea of commercial or modified commercial. That is what the proffers in the existing zoning are. That is your transition. We have said that we want a modified commercial use in that spot directly adjacent to the residential neighborhood. I am leaning toward no, but I am not going to say that this is the worst thing in the world if I was on the losing side of the vote.

Chair Finnegan said I agree with Commissioner Baugh and Vice Mayor Dent. If it is 50-50, I am leaning towards the staff's recommendation. In doing some research of why we are seeing a proliferation of these, where there is a lot of multi-family housing, where there are people struggling to find housing, that is where you see a lot of storage units. Harrisonburg fits both of those descriptions right now. We do not get a say over much. We do not get a say over whether Dollar General comes into our neighborhood if it is in a B-1. When we have the decision in front of us, do we want things that enrich the neighborhood or are just the best thing that we can get at the time? For that reason, I would lean towards denial. I do see the need and sometimes the reason for the need is unfortunate and is systemic.

Commissioner Orndoff said I understand the need for something similar to this in that location because there is a residential neighborhood and people in residential neighborhoods do not have an enormous amount of storage. This appears to be something that solves that problem and is not objectionable from its exterior design. I could go either way on this.

Commissioner Washington said I would like to see something that would improve community connectivity. Something that is as passive as self-storage does not do that. You have people coming into the community to drop off or pick up their stuff but not engaging with the people or the amenities around there. Do we need more stuff? It is a no for me.

Commissioner Baugh said they are designed to be that way, the very thing you said you do not like about them. Normally, it seems like this is going to be intrusive... As much as I have heard people saying that they do not want the storage next to them because it is going to be disruptive, and there will be people going in and out, these things that are packed are the most inert looking buildings that you ever wanted to see. On a nice weekend day, when the people are out and about moving stuff, you will see three or four cars there. They back up and they go in. Whatever you like about the idea of connectivity and our sense of community, people moving around, they are not that. They are very self-contained and do a very good job of doing what they do inside the building so that whatever is going on is not impressing itself on anybody else.

Vice-Chair Byrd said speaking of faux architecture, I see nothing wrong with faux architecture. People do that for a number of general neighborhood reasons. Certain places you go to, all the stores look like houses because they want that type of architecture to blend in with the surrounding neighborhood. I am going to make a motion to deny this, but I will vote against that motion. Regardless of how terrible the housing situation is that would require more storage, if it requires more storage, then it requires more storage.

Vice-Chair Byrd moved to recommend denial of the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Vice-Chair Byrd	No
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend denial of the rezoning request passed (6-1). The recommendation will move forward to City Council on April 11, 2023.

Vice-Chair Byrd moved to recommend denial of the SUP request.

Commissioner Orndoff seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
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Commissioner Baugh	Aye
Vice-Chair Byrd	No
Vice Mayor Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend denial of the SUP request passed (6-1). The recommendation will move forward to City Council on April 11, 2023.

Public Comment

None.

Report of Secretary and Committees

Rockingham County Planning Commission Liaison Report

Chair Finnegan said there were three items. A citizen-initiated zoning amendment for a meat processing facility. They changed the language from no structure or area associated with the use should be located closer than 150 feet from any property line to no holding pens or areas used for slaughter. I think it had to do with an adjacent property where they wanted to have this meat processing facility. The ordinance amendment for the meat processing facility passed 5-0. There was some discussion around a rezoning at Crossroads Farm. It was a height increase. It had to do with on the hills where... They were asking for a slight height increase, if they are measuring from the top of the graded land where the house is. If they have a walkout basement apartment below grade... They were not actually asking to raise the height of the houses. Where they are positioned on the hill, they want to be able to add another story below it. That was a master plan revision. There was a petition in opposition to it. It had 33 signatures because they were concerned about blocked views, but they were not actually raising the height of the building. The height difference depends on which side of the building you are on. Chair Harvey voted no, but it passed 4-1. There was a third item to amend a portion of the master plan for Massanutten Village to allow a monorail rollercoaster that goes down the hill and close to Grenoble Woods. It is a recreational ride. They referred to it as a monorail coaster ride. The concern was not the sound of the coaster, it was the sound of the people on the coaster going past their property. It was approved 5-0.

Board of Zoning Appeals

None.

City Council Report

Vice Mayor Dent said we had the grand finale of the Bluestone Town Center and also Peach Grove Avenue. After much debating, Bluestone Town Center passed 3-2. Peach Grove Avenue passed 5-0.

Chair Finnegan asked you have not heard the other Garbers Church Road request?

Mr. Fletcher said the reason why Lingerfelt was heard at the last meeting was because the applicant specifically requested to be delayed until the 28th, so they presented it then. Next week is 251 Garbers Church Road and the SUP to allow a Public Works facility to deviate from the Zoning Ordinance.

Ms. Dang said these last couple of months, the Planning Commission meeting has taken place after the City Council meeting. The approval of the 71 Board Street STR request, the SUP for the deviation for the Homeless Services Facility on North Main Street and the Zoning Ordinance Amendment for the R-7 district that was part of the Bluestone Town Center request took place on February 14th.

Other Matters

Review summary of next month's applications

Ms. Dang said that the list that was emailed and is in front of you includes a SUP for a property on Virginia Avenue, a preliminary plat and a public utility application. We recommend one meeting.

Chair Finnegan said there is an off chance that I may not be at that meeting. I am intending to be at that meeting, but there is a possibility I may not depending on flight delays.

The meeting adjourned at 7:43 p.m.

Brent Finnegan, Chair

Nyrma Soffel, Secretary