



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Meeting Minutes Planning Commission

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Wednesday, February 10, 2021

6:00 PM

Virtual

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### 1. Call To Order

The Harrisonburg Planning Commission held its regular meeting on Wednesday, February 10, 2021 at 6:00 p.m.

Chair Finnegan called the meeting to order and said that there was a quorum with all members present. This meeting will be held as an electronic meeting due to the emergency and disaster represented by the spread of COVID-19. This meeting will be conducted by the following electronic communication means: electronically through GoToMeeting and Granicus. The public had the opportunity to provide comments in advance via email and will have the opportunity to provide comments by phone at designated times during this meeting. Because calls are taken in the order that they are received, we ask that the public not call the comment line until the item you are interested in is being presented or discussed.

### 2. Roll Call/Determination of Quorum

Members present by electronic, video communication: Jim Orndoff; Kathy Whitten; Richard Baugh; Isaac Hull; Laura Dent; Adriel Byrd, Vice Chair; and Brent Finnegan, Chair.

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

### 3. Approval of Minutes

Chair Finnegan asked if there were any corrections, comments or a motion regarding the January 13, 2021 Planning Commission minutes.

Commissioner Byrd moved to approve the minutes, with the following amendment, to correct all references to the Planning Commission meeting that was held on Wednesday, January 13, 2020 to the correct year of 2021.

Commissioner Orndoff seconded the motion.

All members voted in favor of approving the January 13, 2021 Planning Commission minutes (7-0).

This was approved.

3.a.

#### 4. New Business - Public Hearings

4.a. Consider a request from Virginia Mennonite Retirement Community, Inc. (VMRC) to rezone parcels by amending the existing master plan area known as Park Village

Chair Finnegan read the request and asked staff to review.

Ms. Banks said that VMRC is a +/- 46.2-acre property comprised of three subsidiaries; Park Village, Inc., Heritage Haven Inc., and Virginia Mennonite Home, Inc. An institutional overlay master plan for the original +/- 45-acre tract of VMRC was approved in March 1997. This master plan described all uses within the campus, but primarily focused on the Virginia Mennonite Home subsidiary and the construction of the five-story Park Gable retirement housing and fitness center. VMRC took advantage of reduced setbacks and greater height for the Park Gable building, as well as relief in parking requirements for the campus. In June 2004, an addition was made to the 1997 master plan when +/- 1.2 acres along Park Road was added to the Park Village, Inc. section of VMRC. In July 2009, the master plan was amended to add a child day care center as one of the allowable uses for the Woodland Facility, located on a +/- 3.5-acre portion of the Virginia Mennonite Home, Inc. portion of VMRC. The child day care center never moved into the Woodland Facility and in December of 2009 VMRC again amended the master plan to demolish the Woodland Facility and surrounding cottages in order to construct the Green House Homes, which provides skilled nursing care for up to ten occupants in each building. The homes were to be constructed along a loop road within the Woodland area and relief from the required parking was approved as part of the master plan amendment. In July 2011, VMRC once again amended the Woodland area to allow for a reduction in setback requirements for the Green House Homes after right-of-way was dedicated along Parkwood Road and Virginia Avenue for the public streets. The most recent update to the master plan occurred in 2017 when VMRC recast the vision for the Park Village, Inc. subsidiary to allow for the replacement of existing buildings and increasing walkability and connectivity, both internally and to other neighboring places surrounding the VMRC campus. Additionally, +/- 124,700 square feet of former maintained and improved public street right-of-way was added into the Park Village area's total acreage and are now private streets.

Included within this packet is a map that illustrates the boundaries of the VMRC Master Plan and a breakdown of the associated "umbrella" subsidiaries.

The Comprehensive Plan designates this site as Neighborhood Residential. These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill

development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.

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

Site: Detached single family dwellings, zoned R-2

North: Detached single family dwellings, zoned R-2; and duplex dwelling associated with VMRC - Park Village, zoned R-2 / I-1

East: Duplex dwelling associated with VMRC - Park Village, zoned R-2 / I-1; and quadplexes associated with VMRC - Park Village, zoned R-3C / I-1

South: Detached single family dwellings, zoned R-2

West: Detached single family dwellings, zoned R-2

Park Village, Inc., a subsidiary of VMRC, would like to modify their previously approved master plan to include two parcels, which are located across Park Road from the main campus, into their institutional overlay. If approved for inclusion, the entire institutional overlay area for the VMRC complex would total +/- 46.9 acres. The subject parcels border the institutional overlay district; however, they are zoned R-2, Residential District. The properties currently have detached single family dwellings and the applicant has stated that, if their request is approved, the properties will be redeveloped for single family detached or duplex units, both of which are allowed by right within the R-2, Residential District.

If the rezoning and associated master plan amendment is approved as requested, it would allow for a reduction in the front yard setback from 30-feet to 10-feet along Park Road, College Avenue, and Shank Drive. There would also be a reduction in the side yard setback from ten-feet to five-feet in the Park Village area as shown on the master plan site drawings. This will allow for flexibility in the future with the redevelopment of these parcels. It should be understood that this particular setback reduction is only for the two parcels located on tax map parcels 51-D-9 and 52-G-1; the remainder of the Park Village neighborhood will continue to follow the previously approved master plan from July 2017.

The proposed master plan amendment describes that only single family detached or duplex dwelling units will be on the two subject parcels. Required off-street parking will be provided by garage or driveway space, and VMRC has proffered that garages will not be permitted to be converted into living space. Additionally, because they are proposing only single family and duplex dwelling units, there are no parking lot landscaping requirements that must be met as single family and duplex dwelling development is exempt from parking lot landscaping regulations.

Staff has no concerns with the request and supports the rezoning and associated master plan amendment for these parcels into the Park Village, Inc. subsidiary within the VMRC campus as presented.

Chair Finnegan asked if there were any questions for staff.

Commissioner Byrd said that he wanted to offer clarification for those concerned regarding the

project. The sides of College Avenue that are not paved are dirt and gravel. It currently does not have sidewalks, correct?

Ms. Banks said correct.

Commissioner Byrd asked if the setbacks start after that.

Ms. Banks said that the setbacks start from the property line. Referencing a site drawing within the Power Point presentation, Ms. Banks identified the actual property line and the existing edge of the pavement on the site right now. Ms. Banks continued saying that the surveyor has been out there, and this has been identified by the surveyor as the actual edge of pavement and the property line. All setbacks are measured from the property line.

Commissioner Whitten said that drawing is very helpful. Thank you for that.

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.

Scott Kleist, Vice President of Facilities for VMRC, 1501 Virginia Avenue, spoke in support of the request. I do not have further comments. What was explained by staff was very clear and expressed what we are trying to accomplish on that space. I am open for questions.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there were any callers. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said that reducing the setbacks sounds good to him. I also understand that the reduction in setbacks does not result in more housing, but I do think that reducing setbacks potentially sets a precedent that could allow for more housing to be built on the same amount of land in the future.

Councilmember Dent said that she read the letters that raised concerns about the small size of the setback, but from the diagram, it looks like the actual distance from the street is further than ten feet. Is that correct?

Ms. Banks said that the distance from the pavement to the property line is confirmed at ten feet, maybe more.

Commissioner Byrd said that when he goes jogging in that neighborhood, a lot of people walk along the gravel side, if cars are not there. I can understand someone thinking that the setback would begin from the pavement and not after the gravel area. When I saw those letters of concern, I wanted to clarify that anyone observing understood where the measurement begins.

Chair Finnegan said that the speed limit in that neighborhood is 25, so that is a close residential neighborhood with a low speed limit. The reduced setbacks might make less sense if the speed limit was higher in that neighborhood.

Commissioner Whitten said that there has been good discussion and the plan seems to be well thought out. I am comfortable that staff has explained the reasoning and the logistics of the setback and that they are only applicable to those two parcels. I move to recommend approval of the rezoning request.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

- Commissioner Baugh       Aye
- Commissioner Byrd        Aye
- Councilmember Dent      Aye
- Commissioner Hull        Aye
- Commissioner Orndoff    Aye
- Commissioner Whitten    Aye
- Chair Finnegan         Aye

The motion to recommend approval of the rezoning request and master plan amendment passed (7-0). The recommendation will move forward to City Council on March 9, 2021.

**A motion was made by Whitten, seconded by Byrd, that this PH-Rezoning be recommended for approval to the City Council, due back on 3/9/2021. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Orndoff, Byrd, Whitten, Hull and Baugh

**No:** 0

**5. New Business - Other Items**

- 5.b.** Consider a request from SM Valley Mall, LLC to preliminarily subdivide a +/- 38.77-acre parcel at 1915, 1925, 1945, and 2005 East Market Street

Chair Finnegan read the request and asked staff to review.

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

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

- Site: Retail shopping center, zoned B-2
- North: Across University Boulevard, business and retail/commercial uses, zoned B-2
- East: Across East Market Street, business and retail/commercial uses, zoned B-2
- South: Business and retail/commercial uses, zoned B-2; Warehouse and sales use, zoned M-1
- West: Business and retail/commercial uses, zoned B-2

The applicant is requesting to preliminarily subdivide one parcel into three lots consisting of a +/- 0.78-acre lot (Wells Fargo) a +/- 0.75-acre lot (Popeye's), and a residual lot consisting of +/- 37.24 acres (Valley Mall). The first two lots will have frontage on East Market Street, and the third lot will have frontage along East Market Street and University Boulevard. The application includes variance requests from the Subdivision Ordinance for deviation from public general utility easement requirements and to not construct sidewalk along University Boulevard. If approved, the applicant intends to sell the two smaller lots and retain ownership of the residual Valley Mall parcel.

The subject property is an existing retail shopping center with public water and sanitary sewer currently serving the site. The mall building is served by a 10-inch private water line that surrounds the entire building. The proposed two "new" lots are served by a 12-inch public water main which runs along the length of the property frontage parallel to East Market Street. An existing 8-inch public sanitary sewer main runs along the northern property boundary within the University Boulevard right-of-way and serves the existing site through a series of private sanitary sewer easements. With regard to stormwater management, the site is developed with existing stormwater facilities.

As part of the preliminary plat, the applicant is requesting variances to Sections 10-2-43 and 10-2-61(c) of the Subdivision Ordinance. Section 10-2-43 requires a 10-foot wide public general utility easement along front lot lines and any lot adjacent to public right-of-way and requires at least a 10-foot wide public general utility easement centered on the sides or rear of lot lines. The applicant has stated that the land being subdivided is developed and all buildings are currently served by necessary utilities and easements. Therefore, new public general utility easements along interior and exterior lot lines are not needed. The applicant is proposing a variable width public general utility easement (labeled on the preliminary plat as a "permanent joint-use utility easement") to extend the entire length of the property frontage along University Boulevard. Also, the applicant is proposing to dedicate a variable width utility easement along the entire frontage of East Market Street for the three proposed parcels. This easement will be at least 10-feet from the center of any public sanitary sewer or water lines, and 5-feet from the center of any other utilities (electric, cable, phone, etc.). Location of the proposed variable width utility easement will be delineated on the final plat once all the utilities are located. The title of the easement will be determined once it is known what utilities are there.

Section 10-2-61(c) of the Subdivision Ordinance requires sidewalk be constructed and, where necessary, right-of-way be dedicated when a property that is being subdivided fronts on an existing street and adjacent property on either side has an existing sidewalk. The residual Valley

Mall parcel has +/- 700 feet of street frontage along University Boulevard and no sidewalk. The adjacent property, identified as tax map parcel 78-C-4, has sidewalk; therefore, construction of sidewalk and right-of-way dedication, if necessary, is required. The applicant has stated that construction of the sidewalk would impose a significant unplanned expense at a time when Valley Mall sales and income have decreased due to the pandemic. Also, there are existing utilities in the path of the sidewalk that would require relocation, adding significantly to construction costs.

Strategy 13.1.5 of the Comprehensive Plan encourages measures to expand the network of pedestrian infrastructure (sidewalks and shared use paths) so that streets will have pedestrian accommodations on both sides of the street and staff supports sidewalk construction throughout the City. Currently, the City has a fully funded project for sidewalk construction within this area which includes the Valley Mall frontage along University Boulevard. The project is funded by the Virginia Department of Transportation (VDOT) with funds becoming available in 2023. The project includes sidewalk along University Boulevard and Evelyn Byrd Avenue with an estimated completion date around 2026-2027. Although staff does not agree with the applicant's reasoning for the variance to Section 10-2-61(c), staff supports the variance because the sidewalk construction funds are already secured. The applicant has agreed to dedicate a variable width (12 to 15-ft.) public sidewalk easement along the University Boulevard street frontage. This will allow construction of the new sidewalk without the need for the City to obtain right-of-way and will also allow for relocation of utility junction boxes outside of the sidewalk area and into the new easement.

The buildings on the proposed new lots (Wells Fargo and Popeye's) meet current setback regulations for the B-2 zoning district. Staff has discussed with the applicant that off-street parking and parking lot landscaping requirements must be met for each of the new lots. The applicant has stated they intend to create a shared parking agreement between Valley Mall and the new lots. This will resolve any parking or landscaping deficiencies and the applicant is aware that the shared parking agreement will need to be in place prior to approval of the final plat.

Additionally, located on the subject property is a non-conforming billboard sign. When a property has non-conforming signage and the property owner desires to subdivide the property, then the subdivision will trigger the requirement for signs to conform to the current sign regulations. The applicant has been informed that the non-conforming billboard sign will need to be removed. The applicant is aware that removal of the billboard sign will need to occur prior to approval of the final plat.

Staff recommends approval of the preliminary plat and variances as requested.

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

Hillary Zahm, Macerich, 500 North Michigan Avenue, Chicago, Illinois spoke in support of the request. I have nothing more to add. We have worked closely with staff and will continue to do so

through the process. We are grateful for the staff support.

Justin Lippa, Macerich, 1162 Pittsford-Victor Road, Pittsford, New York, spoke in support of the request. I have nothing further to add, but I am happy to answer any questions you may have.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he opened the matter for discussion.

Chair Finnegan said that it has been too long. I do not remember what was there along Route 33 before Popeye's. Were there always buildings there?

Ms. Banks said that Popeye's redeveloped a bank parcel.

Chair Finnegan said then there have always been buildings there on Route 33.

Ms. Banks said yes.

Commissioner Whitten said that there are more buildings. There was a Suntrust, Crestar at one point. A smaller amount of that property was used by the bank than is there now.

Chair Finnegan said that it seems that there is more parking being converted into other buildings or other lots. It does make sense. I do not remember the last time that parking lot was full. I do not remember the last time the parking lot at Valley Mall was at 75% capacity. It makes sense. I do not have any objections to this request. I do agree with staff. I do not agree with the applicant's reasoning that they need a variance because of the expense. It just so happens that they got lucky and there is already funding in place for this.

Commissioner Byrd said that a better reasoning would have been to cite that the City already plans on building a sidewalk there and has the funding to do that in the recent future. When I was reading the request, I was trying to figure out what was causing all the triggering. I realized that the variance was causing the billboard to be a concern and bumping into the need to finish the sidewalk. It seems that most people's concern was the reasoning for not building the sidewalk being presented, as opposed to the matter of the sidewalk already being constructed.

Chair Finnegan said that it is important that the public record show that this is not a precedent for foregoing building sidewalks. This is a special case where the VDOT funding for this sidewalk has already been secured. We are not making an exception to that.

Commissioner Whitten said that is very important. We have lobbied for those sidewalks out there. I would never want to go on record as voting for something that allowed someone to not build sidewalks. This is a special case. Is everyone in Planning comfortable with what you referred to as a pinched-down area for the utilities? Do you foresee any issues with that?

Ms. Banks said that staff is comfortable. Staff and the applicant worked closely with Public Works regarding the easement size and the location. We are comfortable with what is laid out.

Commissioner Baugh said that there is precedent on this, and the precedent is that we make people put in sidewalks unless they can show there is a good reason not to. I agree with what has been said, including that with us controlling it and already having planned for the sidewalk. One thing that they did mention that is relevant is the easement. It allows us to control the interaction with the existing utility easement. I move that we approve the preliminary plat, as submitted, with the requested variance.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

- Commissioner Whitten Aye
- Commissioner Baugh Aye
- Commissioner Orndoff Aye
- Commissioner Byrd Aye
- Councilmember Dent Aye
- Commissioner Hull Aye
- Chair Finnegan Aye

The motion to recommend approval of the preliminary plat, as presented passed (7-0). The recommendation will move forward to City Council on March 9, 2021.

**A motion was made by Baugh, seconded by Byrd, that this Action Item be recommended to full council to the City Council, due back on 3/9/2021. The motion carried with a recorded roll call vote taken as follows:**

**Yes:** 6 - Finnegan, Orndoff, Byrd, Whitten, Hull and Baugh

**No:** 0

**6. Unfinished Business**

None.

**7. Public Comment**

None.

**8. Report of Secretary & Committees**

**8.a. Proactive Code Enforcement (On Hold)**

On hold.

**8.c. Rockingham County Planning Commission Liaison Report**

Chair Finnegan said that there were two items. One was postponed at the request of the applicant. The one that was heard was a rezoning request for Pleasant Run, LLC to rezone a parcel from R-2C, Medium Density Residential with conditions, to R-5C, Planned Neighborhood with conditions, to allow for up to 337 total dwelling units. This is situated on the south side of Pleasant Valley Road (Rt 679), east of Osceola Springs Road (Rt. 704). That was a pretty large one. There was quite a bit of public comment. People were concerned about traffic and school overcrowding and shifting school districts. It sounds like that project is a six-year build-out. The Rockingham County School District has about six years to make adjustments and move district lines. One of the comments from the Planning Commission is that it is not a gradual change in density. It is a dense development. There is a need to increase density to save land and preserve farmland. That did get approved.

Rockingham County Planning Commission Liaison Schedule:

- March 2 Commissioner Orndoff
- April 6 Commissioner Baugh
- May 4 Commissioner Byrd
- June 1 Commissioner Whitten

**8.b. Board of Zoning Appeals Report (No February Meeting)**

None.

**8.d. City Council Report**

Councilmember Dent said that the first couple of items were the Police accreditation and the presentation from the Criminal Justice Planner. More pertinent to Planning Commission, we heard from Bluestone Land LLC regarding 161 and 241 Blue Ridge Drive from the December Planning Commission meeting. It was highly contentious. City Council sent the request back to staff to review and either omit or amend the first and third sections that this development did not meet and send the request back to Planning Commission. That will come back next month, at the March meeting. Several things have changed since this was presented at the Planning Commission in December: first the Housing Study and the added emphasis for affordable housing; second, based on that the developer added a proffer for affordable housing which is very appealing to City Council; and, the request to amend the zoning ordinance that staff had offered as an option. Planning Commission did not pick up on it, but City Council did. That was already in there. Right, Mr. Fletcher?

Mr. Fletcher said that the direction from City Council was to draft up a text to amend the section of the Code that has the conditions for the SUP review criteria. What we will do is draft that text, omitting some of that and give our review as to whether we think that is good zoning practice. There was an additional proffer which is associated with providing a guarantee of five percent of

the total number of units that will be constructed would be reserved for individuals or families that meet the threshold of 80% of the area median income (AMI) every year as established by the Department of Housing and Urban Development (HUD). What that means is that every year, when HUD establishes what the AMI is, they will have available 8 units out of 142 that will be reserved to be rented to households that meet that threshold. It does not mean that their rent will be adjusted according to their income. It means that there will be an opportunity for people to rent at least eight units in that complex that have a lower income, at or below 80% AMI. What can be a bit confusing when you read the proffer is that while using 2020 numbers, AMI was \$71,900. Eighty percent of that is \$57,500. You do the math. You figure out what is affordable based on HUD's 30% rule, you still end up with a monthly rent of over \$1,400 a month. That does not mean that every unit within that complex would be \$1,400 a month. There will likely be units that are less than that. Some of the individuals who meet the threshold, that might be in one of the eight units, may end up paying market rate because they could be in a one or two bedroom unit. If \$850 a month is market rate, then they would be paying market rate. There will not be a first come, first served basis of renting the units. There is at least an opportunity for people who are in that category of 80% or below to have an opportunity to secure an opportunity to secure a residential unit in a new complex. I think that is the message that Mr. Park was trying to convey. There was, and will always be, a desire that it is more than 5%, but there is still the opportunity that since it is being sent back to the Planning Commission that the applicant could amend the proffer if they so wish. They would not be required to. We will draft an amendment. We will give our feedback and do a quick turnaround to make sure that it gets back to this body next month, so that it can be turned over to City Council.

Councilmember Dent said that the development on South Main Street that has six buildings in the City as part of whole complex that is in the County passed. The co-housing proposal passed. We finally, officially denied the New York Avenue request for a SUP for short-term rental, instead of letting it die on the floor.

Mr. Fletcher said that Councilmember Romero requested to bring the New York Avenue item back up. That was heard at a public hearing in October 2020. City Council did not take action. While motion had been put on the floor by Councilmember Romero, the motion did not have a second and died and action was not taken. Councilmember Romero wanted it placed back on the agenda to close out the matter one way or the other, so he in turn made a motion last night to deny the request. It was unanimously voted for denial.

Chair Finnegan asked if there was a reason stated for the denial.

Councilmember Dent said that there was no reason presented or discussed.

Chair Finnegan said that before the COVID pandemic, the Planning Commission used to take tours of the sites being discussed. I would encourage all Planning Commissioners to visit the site City Council was discussing last night, that will be coming back to the Planning Commission in March, so that we may all of a frame of reference, to physically be in that space off of Blue Ridge

Drive. The easiest way to get there is off of Blue Ridge Drive. You cannot get there from Martin Luther King Jr. Way because it dead ends.

Councilmember Dent clarified that the way to get there is by Country Club Road.

## 9. Other Matters

### 9.a.

Ms. Dang said that included within your packet is a memorandum titled Planning & Zoning Projects Update, which staff began presenting to Planning Commission in January 2019 to help keep track of projects that Planning Commission or City Council has expressed interest in or has directed staff to work on, and projects that staff has initiated in response to court rulings, legislation, and other issues. We are still getting a feel for whether this update should be presented once or twice a year.

You can see in the memorandum that since the last update in February 2020, the Downtown Parking Study, review of short-term rental regulations, and the Comprehensive Housing Assessment and Market Study have been completed.

Over the next year, we will be working primarily on the Zoning and Subdivision Ordinances update project and incorporating several other projects into the update including an update to the floodplain management ordinance, regulations for community gardens, modernizing home occupation regulations and off-street parking requirements, and incorporating recommendations from the Comprehensive Housing Assessment and Market Study. In the later part of the memorandum are projects that are either on hold or have not had a lot of activity, as well as other projects in which we are participating but are not necessarily projects that will be coming to Planning Commission for review. In that last section, there only one listed, the Environmental Action Plan, which is important for you to be aware of but amendments to the Environmental Action Plan will be presented directly to City Council.

Do Planning Commissioners have any questions about the projects described in the memorandum?

Commissioner Byrd asked is number nine, Public Alleys, that was brought up in March and April 2019 too vague? I remember in 2020 we kept seeing things about alleys before the Planning Commission. It would have been helpful to understand what the City's position was concerning all these alleys.

Ms. Dang said that the direction is clear, but it is a matter of time. It is the availability of staff time to commit to completing the evaluation and coming up with what we are going to do about all the different alleys. It is quite complicated because different alleys, depending on when on they were created and what year, have different types of ownership and maintenance and other factors. It is quite involved, and we have not had the resources to complete that while continuing to do the

other work that we have either completed or are working on.

Chair Finnegan said that he suspects that there are a lot more people working from home due to COVID. I certainly am. Is the home occupation looking at that at all or does it have nothing to do with the pandemic and the effect of people working from home?

Ms. Dang said that people working from home is not going to be addressed because they are not running a business from home. This is for people who are running a business. If they were going to get a business license, that would be the address that they would be registering with the Commissioner of the Revenue's office. These are discussions that over the years have been questions about would we, as a community, be open to allowing somebody who is operating a home business to have a certain number of visitors. At this point in time, no customers can come to somebody's home. There has been interest and discussion. Somebody had done a public comment to Planning Commission about a home bakery or some type of operation several years ago, asking if a limited number of customers would be allowed to go. We would discuss what type of businesses would be allowed to have customers and how could they operate from the home.

Mr. Fletcher said that this type of concept could be incorporated in one of the modules of the Zoning and Subdivision Ordinance rewrite that is forthcoming. The first module has been quite consuming. An item like this could be incorporated into that.

Ms. Dang said that all of these items A through E that are listed here, are being evaluated or actively being worked on incorporating some type of regulations to address these things so that you and the public can provide comment on whether we need to loosen or tighten proposed regulations or what changes to the draft regulations we should be making.

Chair Finnegan said I supposed there is no way to anticipate this. I have read some speculation, market analysis, that after the pandemic is over there are certain businesses that may never reopen their office and give a stipend for people to work from home. That will obviously impact properties. We will have to see what happens in Harrisonburg. That could also mean opportunities for turning currently commercial buildings into residential buildings. We will have to see what the market forces do to that.

Commissioner Baugh said that we are hitting on two big issues with this. We probably can look at this, among other things, in the zoning update. There are two basic things that we hit. One, what type of business activity can you do out of a home? To be clear, our rules, historically, are very restrictive. We have loosened them up a little bit in a few places. I have joked, over the years, to me it looked like Beaver Cleaver's neighborhood. Somebody went through, in 1961, and made sure that Harrisonburg was going to have the very pure ordinance that was quite strict. Residences are for people to do residential things in and business activities are supposed to take place someplace else. We do have that. The other piece, in terms of the pandemic driving people to work out of the home instead of an office, I think the trigger there is how people are reporting it

on their taxes. That is something that the Commissioner of the Revenue and the Treasurer keep track of. If you report the income from an activity that looks like a home occupation, they will follow up on that and tell you to get a business license.

Chair Finnegan said we are seeing a movement in the opposite direction with Charles Marohn and the Strong Towns movement pushing to make things less rigid particularly in terms of rethinking revenue that would come in from a residential neighborhood. We will see what happens when the pandemic is over. I look forward to that time.

### **9.b. Update on Zoning and Subdivision Ordinances Update Project**

Staff continues working with consultants Kendig Keast Collaborative on Module 1, which is part one of three of the draft Zoning and Subdivision Ordinances. We are working towards releasing Module 1 for public comment around the end of March and hosting a public open house that would be held virtually in early April of this year. A comment period would follow to get feedback from you as well as the public.

Do Planning Commissioners have any questions about the Zoning and Subdivision Ordinances Update Project for staff?

Councilmember Dent asked when the next meeting is scheduled.

Ms. Dang said that the next Ordinance Advisory Committee meeting is scheduled for April 5, 2021 at 1:00 p.m.

Mr. Fletcher said that as we worked through this in our core team, we had so many comments, questions and clarifications, to challenge each other to push this project to be the best that it could be. I said that I imagine that the consultant is going to get irritated with us because we have so many questions. When we had our meeting, he said that it is interesting to work with localities all across the Nation. When you get the module to them, you have localities that will make 20 comments and go with it. Others will make 600 comments. I believe have over 800 at this point.

Mr. Fletcher said that for those who are on the committee, be ready. It is completely consuming, with question after question.

### **9.c. Update on Comprehensive Housing Study and Market Assessment**

The Comprehensive Housing Study and Market Assessment was completed at the end of January and the final report is available on the City website. The study produced 21 recommendations structured to establish a foundation to address affordable housing now and in the future. If anyone would like a hard copy, I will be happy to print one for you and get it to you.

Do Planning Commissioners have any questions about the housing study for staff?

Councilmember Dent said she is a big fan. It gives us a great roadmap, sequence and options to

decide. It is good to have that kind of priority guideline, especially that emphasize affordable housing. We are already seeing developers adding proffers to sweeten the pot to increase their chances of having it approved. Everybody wins.

Mr. Fletcher said that the study was an amazing study to go through, get that data and have it available. The next thing now is to push for the strategic application of it, understanding what is the first thing that we need to do and getting those answers to have a good strategic approach for implementing all of it. When you look at it, there is a lot to take in. For example, Blue Ridge Drive and Country Club Road project offering an affordable housing proffer. Many questions came out of the small detail of that one proffer. It shows the complexity of having to manage and implement an affordable housing program. Now, step two, we need to strategically figure out the right way to implement it and choose the right thing.

Chair Finnegan said that he tuned in to the final presentation. It was long and it was good. It confirmed and put hard data behind things that we already suspected. It will help inform the next Comprehensive Plan. It is still some time away, but it is good data to help inform the next Comprehensive Plan.

Ms. Dang said that work on the next Comprehensive Plan will be here soon. We will be evaluating it in 2023, making a determination to likely update the Comprehensive Plan.

Next month, there will be six items. Three of the items are related to the Blue Ridge Drive project. The Myers Avenue street and alley closing is coming back. That is where the applicant was requesting to close a public street right of way, but community members wanted assurance that a path could be put in for access to Spotswood Elementary School. We will have two other rezoning requests. A seventh item will be the Capital Improvement Program (CIP).

Mr. Fletcher said that you should have received all of the projects for the CIP. It has been a month, so hopefully you have reviewed all that. Please email me your questions no later than February 26, 2021. That will give a couple of days to collect those responses to include them in your packet on March 5, 2021. There are two more things coming. Just last week is when I received the data from the schools. They approved their CIP and the schools provided their data. Mr. Hartman in Public Works called me to let me know that he has an amendment. It does throw off some of the work already put in, which is not a problem, and we will get the whole package to you. The new information that is coming to you is the projects from the schools and the summary tables, so that you can see that calculations and totals.

Councilmember Dent asked for clarification. Is this the CIP projects 2022-2026?

Mr. Fletcher said yes. What we have been doing the past couple of years is that the commissioners read through everything. If you have questions, send them to me and I can either respond to it or have the appropriate representative from a different department respond to it. There is more time for them to give a thorough answer. In years past, we have invited them to the

meeting, and they would answer on the spot, but by doing this ahead of time, it gives them the opportunity to give a good thorough response to questions.

Chair Finnegan and other Commissioners requested a hard copy of the CIP. Ms. Dang said that staff will provide copies to those who requested them.

Mr. Fletcher informed the Planning Commissioners that staff is available to answer questions regarding how to read and interpret it. This is a process that takes a long time. It starts in July. In September, we meet with individual department. The CIP team reviews them and provides justifications and assigns priority codes. Out of the five priorities, only the first three score high enough to make it into the document. It is a yearly cycle for a five year horizon document. When you read it, you will see the project explanation and description, the year in which we want to utilize funding, the years in which we believe that the construction of the project will take place and to the far right of the table is its future. That can mean it is coming up next year or out in the future. It is a financial planning document that requires your review and recommendations for City Council.

Commissioner Whitten asked if there is any collaboration with Rockingham County to talk about affordable housing, some ways that we may be able to work together at the edges of our City limits and County limits. That is where there is land and where a lot of housing is going. What are we doing to work as partners together to confront this very real problem? Schools, fire protection, and police protection go into that. I think we can collaborate better than I think we are. Is there anything going on that I am not aware of?

Mr. Fletcher said that there is a group that has a component of affordable housing. It began with discussions around homelessness. In fact, a meeting took place today and happens monthly. It includes service providers that try to assist the homeless population or are low income, and the City and County staff is part of that group. People who head the group include Amy Snider, Eric Campbell, Ande Banks, Chris Brown is there as an attorney, Mr. King with the county and many service providers. While it began as a homelessness discussion, there is conversation regarding affordable housing. When we began the RFP process for the Housing Study, there were comments whether the County would be taken into consideration or whether areas of the County would be in the studies. The decision at the City level was to focus on the City. We wanted to have raw data and hard fact, not just anecdotal evidence, of what the City numbers were. As we move further away from the City, the numbers begin to be diluted and we do not have a strong sense of what happens within City boundaries. Your comment is extremely well taken. It is a reality for people who are trying to find housing or jobs in the area. That jurisdictional and political boundary is imaginary to them in many ways. Housing is everywhere. I do not think that the County is ignoring this. There are conversations about it, and they hear it at least once a month at that meeting. It is not just a City problem. It is a community project.

Chair Finnegan said that he agrees with all that Mr. Fletcher said regarding the need for a more cooperative spirit. I do think that, in very real terms, one of the challenges is that we have an

annexation moratorium that has been in place since 1984. One example is the housing development project that we heard last month that is going in near Grace Covenant Church. There is one strip of houses that is on City property. All of the other housing is in the County. That is using City roads for those cars. There are other factors to consider.

Councilwoman Dent said that is the one that City Council approved last night. It is mostly in the County, but they will be using City services. What about the taxes? What about the schools? There are complications when it straddles the line like that.

Commissioner Whitten said that she sees that as an opportunity to think outside the box.

## 10. Adjournment

The meeting adjourned at 7:30 p.m.

### NOTE TO THE PUBLIC

In accordance with the Emergency Ordinance to effectuate temporary changes in certain deadlines and to modify public meeting and public hearing practices and procedures to address continuity of operations associated with the pandemic disaster, adopted on April 6, 2020, the public will not be able to physically attend the Planning Commission meeting.

However, a phone line will be live where community members will be allowed to call in and speak with Planning Commission during the Public Hearings and the Public Comments portion of the night's meeting. We ask those that wish to speak during the public comment period to not call in until after all the public hearings and public comment on those items 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 to the meeting by emailing:  
Thanh.Dang@harrisonburgva.gov.

Community members will be able to watch the meeting live on:

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