

MINUTES OF HARRISONBURG PLANNING COMMISSION
January 12, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, January 12, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, Deb Fitzgerald, and Bill Jones.

Members absent: Alan Finks and Henry Way.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with five of seven members in attendance. He then welcomed new member Judith Dilts to the Planning Commission. He stated there are two sets of minutes for review and asked for approval of the minutes from the December 8, 2010 regular Planning Commission meeting and the Comprehensive Plan Review meeting.

Mr. Chenault moved to approve the minutes from both the regular Planning Commission meeting and the Comprehensive Plan Review.

Mr. De'Mas seconded the motion.

All voted in favor of approving the minutes. (5-0)

New Business

Chairman Jones said at this time he would like to amend the order of the agenda and hear the rezoning request for Grant Street first.

Rezoning – 724 Through 740 Grant Street (B-2 to R-2)

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that 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. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

Site: Single-family homes zoned B-2

North: Across 4th Street, single-family homes zoned R-1

East: Single-family homes and vacant parcels zoned R-2

South: Automotive sales and service business zoned B-2; across 3rd Street, commercial businesses zoned B-2

West: Across Grant Street, commercial businesses and vacant parcels zoned B-2

In July 1969, after several months of public input and public hearings, the Harrisonburg City Council adopted changes to the Zoning Ordinance and a new Zoning Map as part of a Comprehensive Plan review. One area of the City that was comprehensively rezoned from a residential district to B-2, General Business district was the Chicago Avenue corridor (known at that

time as the Mt. Clinton Turnpike) from 2nd Street to just beyond 4th Street. Included in the rezoning were seven parcels, two of which fronted directly onto Chicago Avenue and five parcels that fronted along Grant Street, one block removed from Chicago Avenue. The owners of those five Grant Street parcels are now requesting to be rezoned from B-2, General Business District to R-2, Residential District.

When the comprehensive rezoning occurred, four of the five lots had single-family homes on them. In the 42 years since, they have remained single-family dwellings. The fifth lot remains vacant. Recently, one of the property owners approached the City about renovating and constructing an addition to their home. However, because it is zoned B-2 and is non-conforming to use, staff informed the owners that renovations would be limited to 50% of the fair market value of the home and the addition would be considered an enlargement of the non-conforming use; thus, not permitted. After much discussion with staff, the home owner approached the adjoining neighbors about rezoning their lots.

Staff recommends approval of the rezoning, which would change the above tax map parcels' zoning from B-2, General Business District to R-2, Residential District. The Comprehensive Plan Land Use Guide designates this area as Neighborhood Residential, which supports the rezoning change to R-2. If approved, the subject parcels' zoning would be consistent with the zoning of the properties on the opposite side of this block, which front Stuart Street and are located between 3rd and 4th Streets – all zoned R-2. Note within the packet that the adjoining property owners, along Stuart Street, submitted a letter of support for this rezoning request.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if the applicants or their representative would like to speak.

Sonya Shaver, 740 Grant Street, said she is the resident who desires to make some changes and upgrades to her home. My house is almost 100 years old. All the lots within this request are single-family homes and have been single-family homes since the subdivision was done. It was residential and we would like to request that it be changed back to residential. We feel that we are a part of a neighborhood even though we are on the perimeter of the neighborhood; all of our back yards adjoin R-2 neighbors. I would be happy to answer any questions you might have.

Chairman Jones asked if there was anyone else wishing to speak in favor to the proposal. Hearing none, he asked if there was anyone wishing to speak in opposition of the proposal. Hearing none, he closed the public hearing and asked Planning Commission for discussion or a motion.

Mr. Chenault said I happily move to approve this rezoning request. This is a beautiful neighborhood. I am very familiar with it, having grown up nearby. Therefore, I move we recommend approval of the request to rezone from B-2 to R-2 residential.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote.

All voted in favor of the motion to recommend approval of the rezoning request from B-2, General Business District to R-2, Residential District. (5-0)

Chairman Jones said this will move forward to City Council on February 8, 2011.

Preliminary Plat and Special Use Permit 10-3-48.4 (6) – The Angle (Velocity Property Group)

Chairman Jones said we will hear the next two requests together because they deal with one particular piece of property.

Mr. Fletcher said you have recently received the staff report amendment for these requests. However, with recent events, and with staff giving further scrutiny to the layout of the proposed project, we realized that it does not conform to all requirements of the Zoning Ordinance. In realizing that, we cannot continue with the preliminary plat variance and the special use permit public hearing because the layout does not conform to the Zoning Ordinance. Therefore, we would like to proceed with presenting to you what is proposed and if you feel that it is appropriate to allow something of this nature, then we can table this and perhaps come up with an ordinance amendment that would permit such a layout in the R-3 zoning district.

Mr. Fletcher then said the Comprehensive Plan designates this area as Medium-Density Residential. This designation states that these areas are near major thoroughfares or commercial areas. They contain a variety of housing types such as single-family, duplex, and two or three story apartments and densities can range from 1 to 15 units per acre.

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

Site: Duplex dwelling, zoned R-3

North: Across Foley Road, single family homes, a duplex, and apartments, zoned R-3

East: Single family home and a duplex, zoned R-3

South: Across Ridgeville Lane, single family home, zoned R-3

West: Across the intersection of Foley Road and Ridgeville Lane, single family homes, zoned R-3

Concurrently with a separate preliminary plat application requesting four Subdivision Ordinance variances, the Velocity Property Group is requesting a special use permit per Section 10-3-48.4 (6) to allow for the construction of multi-family units on the corner properties at the intersection of Foley Road and Ridgeville Lane. The developer plans to construct nine townhouse-like apartment units on little more than half of an acre.

The submitted layout illustrates two buildings; one, five-unit structure fronting Ridgeville Lane and one, four-unit structure, where the front of the units face the adjoining properties to the east. One ingress/egress would be provided from Foley Road. Due to the topography of the site, the units would be built into the hillside—meaning the front of the units would reveal two stories while the back of the buildings would expose three stories. There would be 24 parking spaces, which is one additional space than the required minimum. Each unit would have a one car garage counting toward the total required parking spaces.

As required in the R-3, Medium Density Residential District, the off-street parking lot is located to the rear and side of the buildings with vegetative screening being provided along Foley Road and adjacent to the eastern property boundary. The submission also contains landscaping details including deciduous street trees planted at two inch caliper every 50 feet, and small, ornamental trees, at six-foot minimum height during planting as shown on the submitted layout. Additional hedges and shrubbery would also be provided as illustrated.

As described in the preliminary plat staff report, the developer would dedicate five-feet of right-of-way and construct improvements along Foley Road including street widening, curb, gutter, and

sidewalk. They would also cost-share with the City to install the appropriate infrastructure to help control stormwater. No street improvements would occur along Ridgeville Lane.

As part of the requirements for obtaining a special use permit to build multi-family units in the R-3 district, an applicant must substantiate that they have met several conditions to justify the development. Although this development satisfies some of the conditions as described in the Zoning Ordinance Section 10-3-48.6 (e), staff does not believe the proposal demonstrates all of the necessary characteristics that warrant its approval.

Subsection (3) particularly emphasizes the importance that the development's design be compatible with adjacent existing and planned single family, duplex, and townhouse development. Although we appreciate the applicant's intent to use "high quality construction" and to be "eco-conscious," we do not believe compatibility has been achieved. Architecturally, the design of the units is contrary to the residential character of the neighborhood. Staff recognizes the objective of the applicant to build a product that is "contemporary," but the character of these units is out of place in this neighborhood and would be befitting of a more urban setting.

Perhaps more importantly, the density of the proposed development is not compatible with the surrounding area. Currently, the property is 29,810 +/- square feet; after the dedication of right-of-way per the plat variance submission, the property would contain 28,244 +/- square feet. If approved, the lot area would permit a maximum of nine apartment units, which is what is proposed. Staff, however, views the final composition of the lot area differently than the developer. As described in the preliminary plat application staff report, the subdivision of the property requires the applicant to dedicate right-of-way along both street frontages, but the applicant is not dedicating property along Ridgeville Lane, which staff supports, but not to allow for an increase in density. By allowing the applicant to dedicate an easement instead of dedicating the property for street right-of-way, the retained square footage allows the applicant to build a ninth unit, maximizing, and in staff's opinion, compounding the density on this small property. Staff does not believe it is in this neighborhood's best interest to grant the special use permit.

Staff recognizes that allowing this development would provide this neighborhood with a few street enhancements and potentially improve some of the existing stormwater issues. However, staff does not want to give up the City's planning initiatives and ideals to gain those improvements nor do we want to set a precedent of maximizing density and permitting architectural incongruity to this or any neighborhood in the City. Although staff supported the preliminary plat variances request, staff does not support this special use permit and recommends denial of this application.

Report Amendment

After further scrutiny of the above described request, and specifically the layout of the proposed development, staff has recognized that the arrangement of the proposed buildings and parking lot would not meet all regulations of the R-3, Medium Density Residential District.

During the review of this request, staff paid particular attention to the new regulations that require such developments in this zoning district to ensure that parking lots are located to the rear or side of buildings and screened where necessary. Meeting this requirement proved to be difficult due to the unusual shape of the lot and the fact that the parcel has two street frontages. Nonetheless, the engineer and developer managed to arrange the development in a fashion that would meet the new requirement. Staff acknowledged in the report that the four-unit building's front façade would be oriented, atypically for such a development, to the side property line, to meet this regulation.

Unfortunately, after the reports were released, staff discovered that although the development would meet the new regulation, it would not satisfy the requirement that the front façades of each principal building shall face a dedicated public street or the limits of a private parking unit and that no rear façade shall face a dedicated public street. As illustrated in the proposed layout, both buildings' rear façades would face Foley Road and the four-unit building's front façade would not face a public street or the limits of a private parking unit.

The new directive within Section 10-3-48.6 (b) requires that “when an off-street parking lot/garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lots/garages shall be located to the rear or side of buildings and screened from the street by the building or landscaping or walls.” The rest of that section then goes on to describe appropriate screening. A separate, longstanding regulation of the Zoning Ordinance, which also is a part of this newly implemented zoning district; Section 10-3-48.6 (c), requires “the front façade of each principle building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street.”

To be clear, what this regulation means is if an apartment use is approved, where the development would be within an established single family home neighborhood, the development must meet more specific requirements pertaining to the location of the parking lot/garage. If the development is not located within an established single family home neighborhood, the parking lot/garage locations and appropriate screening requirements are not applicable, however, they must abide by requirements within Section 10-3-48.6 (c).

Given this new information, a couple of things shall be acknowledged and discussed. First, if the City desires to maintain these regulations, then the subject request cannot be built in the layout as shown. Thus, the developer would have to re-evaluate the site and propose a new layout that meets all requirements of the Zoning Ordinance. However, if it is not desired to be this restrictive, then the Zoning Ordinance can be amended to allow this development's layout, or similar layouts, to proceed, and then to be constructed.

Mr. Fletcher then said if there are any questions related to the presentation he would address them now, otherwise, the applicant has some information to share with you

Mr. Chenault asked if the thirty foot setback along Ridgeville Lane needed the easement in order to get to thirty feet.

Mr. Fletcher replied that the five foot easement does not need to be taken into consideration; the easement is just there for the street improvements. The setbacks can be pulled from the property line.

Mr. Da'Mes said when you say frontage from the street, are you talking about both streets.

Mr. Fletcher asked if he was referring to the setback requirement or the façade of the units.

Mr. Da'Mes said the façade of the units.

Mr. Fletcher said the front façade of the units have to face a dedicated public street or the limits of an internal private parking facility. The rear facades cannot face a public street.

Mr. Da'Mes asked does that mean the public street or the primary street for the project; because in this case you have a primary street, which is Foley Road. Ridgeville Lane is more like a secondary street.

Mr. Fletcher replied it is somewhat subjective as to what is the primary road. Obviously they are both not built to City standards; but, they are both public. What it comes down to is the fact that it is very difficult to build apartment units on this property. There is still the availability to build single-family, duplex and townhouse dwellings.

Dr. Dilts asked if the only access to the front of the four unit complex was from the parking lot; there appears to be no access from the road.

Mr. Fletcher said that is correct; there are no sidewalks from the four units directly to the public street.

Chairman Jones asked if there were any further questions. Hearing none, he stated that this was not a public hearing and then asked the applicant to speak.

Hans Harman, President of Velocity Property Group, said he has an option to purchase the property in question; but he is not the property owner. I want to thank the Planning Commission for their service to the community, this is an important job. Unfortunately, tonight you are not going to get the best side of me, I am rather frustrated with City staff right now and they are aware of that. This has been a very challenging property to deal with and I hope you understood everything that Mr. Fletcher just reviewed; this is a pretty complex development.

I am a professional and I approach this job as a career and as my profession. I hope you can understand that as a professional I have done everything within my intelligence and know how to approach the development of this parcel as responsibly as I possibly can. There are some other by-right alternatives for this property that I feel would not be in the best interest of the neighborhood. I am trying to do what I feel is the best outcome for this neighborhood and hopefully you can understand that.

We are a local business and have been in business since 1953 in this community. Hopefully, we are a respected entity in this community and the last thing that I want to do is to tarnish that respect. You do not make it in business since 1953 by making poor decisions and approaching things irresponsibly.

I want to discuss this neighborhood in question because it is pretty important. I want to discuss the economic life cycle of the neighborhood. The economic life cycle of this neighborhood is an interesting story. Mr. Fletcher refers to this neighborhood as a single-family home neighborhood and with all due respect, I completely disagree. It is a medium density R-3, neighborhood and it is probably the most unique assortment of structures of any community I have seen in the City. There are townhomes, apartment units, single-family homes, and duplexes in the neighborhood; most of which are older structures. So quite honestly you have a neighborhood that has been consumed by City; it was once suburban, now it is urban. There are 11,000 residents within a one mile radius of this location. In a City of 45,000 people, that is pretty dense. This is a prime location; close to the hospital, JMU, shopping, and more. There has been other redevelopment interest in this neighborhood that staff has, quite honestly, scared away. It makes sense to try to consolidate this neighborhood; out with the old and in with the new. It is an economic life cycle and it is time for this neighborhood.

I would like to talk about what I feel is a fantastic project for this area. It is a project that embodies the future of what is responsible and what is sustainable development and building. There is an over-run of multi-family housing in this City, I am sure each of you has heard that. I have a waiting

list for my units because I am not a student housing developer; I cater to a professional market that is underserved.

I am very frustrated tonight, because I sat down on multiple occasions with staff to discuss this project. I basically laid out multiple options and layouts. In my opinion, we all unanimously agreed that the layout before you tonight, was the most responsible way to do this project. This is a triangular property, I do not know how you develop a triangular piece of property with two road frontages, and have units that do not face a public street. Somewhere in this scenario common sense has to come into play and does it really matter which is the front of the dwelling. It is irrelevant and this is a bad ordinance. It is an ordinance that needs to be changed; it is poorly written and prohibits me from doing my job responsibly.

I would like to take the opportunity to discuss with you some thoughts that I have about the City staff's comments. This is out of the ordinance and staff report – "it is important that the development's design be compatible with adjacent existing and planned single-family, duplex, and townhouse development. Although we appreciate the applicant's intent to use high quality construction and to be eco-conscious, we do not believe compatibility has been achieved. Architecturally, the design of the units is contrary to the residential character of the neighborhood." I would like to talk about the neighborhood for a moment. I am going to show you three images that were already shown during the staff presentation. The first is across the street, a single-family home, constructed of CMU (concrete masonry unit) walls, with a pitched roof. The second image is beside the home, it is a multi-family apartment building, built out of brick, vinyl siding and a pitched roof. The last photo is a duplex dwelling, directly beside the apartment building. It is a newer structure, and has a bit more architectural appeal and character. These three properties are all beside each other and my question to you is what is the architectural compatibility of the neighborhood? Staff states that the character of the proposed units is out of place in this neighborhood and would be more befitting of an urban setting. Is staff recommending that I "dumb down" or cheapen my design to be more befitting of this neighbor? In my opinion they are asking that I build an inferior product to be compatible with the neighborhood; is that responsible? What is out of place with the proposed project? Is it the lap siding; many of the structures I just showed you have lap siding. Is it the large aluminum clad windows instead of small vinyl or metal windows? Is it the metal roof? The fact that the units have garages? My question to staff -what is so out of place?

Mr. Harman then resumed his presentation showing various photos of existing contemporary structures within older, established neighborhoods. I am trying to do the best job that I can. It is a complex situation and a complex property. I completely disagree with staff's comments that I am not compatible. Staff asked for a fence, I am providing a fence. They asked for hedge rows, I am providing hedge rows. I do not know what else to do except brand my business on what staff thinks is compatible with neighborhoods. I would be happy to answer any questions that you may have for me.

Chairman Jones asked if there were any questions or comments for Mr. Harman.

Mr. Da'Mes asked staff of the different layouts that were previously presented to staff, is there a preferred option?

Mr. Fletcher responded by saying that staff sits down with all developers prior to submissions of projects and staff did sit down and look at several architectural renderings in this particular

situation. Staff then stated that from a preliminary viewing of this we preferred the broken-up look, rather than one long, continuous building.

Mr. Fletcher continued by stating he would like to clarify one comment made by the applicant regarding whether or not this was a single-family, duplex neighborhood and that perhaps there is some subjectiveness to this. It clearly says in the ordinance that a single-family detached or duplex neighborhood is defined as meeting one of the following – a single-family house or duplex is located on at least one side, not rear of the lot containing the parking lot or garage, which this property clearly does, or at least fifty percent of the lots along both sides of the street within the same block are single-family or duplex. This is not subjective, by definition in the ordinance it is a single-family, duplex neighborhood.

Mr. Da'Mes asked what is the square footage of the units.

Mr. Harman replied they are 1,200 square foot units, seven of the units will be two bedroom units, and two of the units will be three bedrooms. I did not discuss what some other by-right alternatives might be at this location and I would like to address that. These alternatives are not quite as desirable outcomes for the neighborhood. I could apply for a building permit tomorrow that would allow me to construct a duplex at 752 Foley Road. I would not have to do any of the street improvements that the City has asked me to do. I could build eight bedrooms there and construct it as nicely or cheaply as I choose and market it to students. That is not the best thing for the neighborhood and it is not what I want to do.

He then continued by stating that I could correspondingly apply for a building permit for 746 Foley Road, which is right now a duplex with four bedrooms in the upstairs unit and one bedroom in the downstairs unit; but, I could increase that density to four bedrooms in each unit. That would be a total of sixteen bedrooms that I could market to college students. Those are my by-right alternatives.

But be realistic, I know what is going to happen to this piece of property – someone is going to come along and develop something much less responsible, and quite honestly, probably cheaper. That would be a shame, because this neighborhood would lose. I am proposing something that in my opinion is very nice; nineteen bedrooms and marketed to professionals. I cannot tell you that students will not live there; but, it is not my intent.

Chairman Jones asked if there were any further questions. Hearing none, he asked if there was anyone else with the project wishing to speak.

Mr. Ed Blackwell with Blackwell Engineering said he just wanted to speak in general, regarding the property. I have worked with the current owner, Mr. Kline, and tried to come up with something for this property and there are a few issues with this particular property being a triangle. The ordinance probably needs to be expanded to include unique properties like this or perhaps a way Planning Commission and City Council could give a variance to this unique shaped property. With this triangular lot you cannot have it front on one side with parking in the rear; yet not have the rear on another road frontage. Therefore, I feel the ordinance needs to be tightened up.

He continued and stated that one issue with this particular development is that there are street improvements that need to be done, and stormwater issues that need to be addressed in the neighborhood. When you have a lot of road frontage such as these lots do, it costs a lot of money to do those street improvements and stormwater issues. You either have to have more lots to sell, or rent, in order to generate the income to do the improvements. We are looking at \$40,000 worth of

stormwater improvements that need to be done. It costs money to do these fixes and one way to generate that money is to develop a few more rentable or sellable units. The current owner has dealt with these same economics for this property. It could be left as is; but, who does that help. I think there are issues with this neighborhood that need to be addressed.

Chairman Jones asked if there was anyone else wishing to speak in regard to the development.

Mr. Frank Gordon, property owner at 782 Foley Road, said a number of the people who live in this neighborhood were unable to attend tonight and in the interest of time I have met with them to come up with a very concise statement that reflects the view of these individuals. I feel bad for Mr. Harman's frustration with this, but I wonder, given the laundry list of exceptions that he needs, if the frustration simply exists from trying to drive a square peg into a triangular hole. Perhaps going with something by right may not be as awful as he may think.

At this time Mr. Gordon read the statement. *"The undersigned property owners and residents of the Ridgeville neighborhood welcome appropriate development of the parcels in question and we admire the ecological aspirations of the Velocity Property Group, however we concur with the Planning Staff's recommendation that the request for Special Use Permit be denied. We believe the large number of dwelling units proposed would have an adverse effect on neighborhood safety due to the substantially increased demand on the already taxed infrastructure even with the proposed improvements to Foley Road. The developer has stated that building a smaller number of units is not financially viable. While this fact is regrettable, we do not feel that the safety of our families and the harmony of our neighborhood should take a back seat to the applicant's ambitions or economic constraints. The applicant's goal of meeting the perceived demand for dwelling units of contemporary design manifest as a repetitive cuboid façade is glaringly incompatible with the traditional architecture of the rest of the neighborhood, and as such we consider it undesirable.*

We thank the commission for considering our concerns, and we wish the applicant all the best luck in finding a more appropriate location for their project."

He then submitted to Planning Commission the prepared statement signed by nine other property owners in the Ridgeville Neighborhood.

Chairman Jones asked if there was anyone else wishing to speak at this time.

Sharon Grogg, 770 Ridgeville Lane, said her main concerns are issues with the streets. You are discussing the improvements along Foley Road, but, nothing has been mentioned about Ridgeville Lane. Ridgeville Lane is a very narrow street; two cars cannot even pass each other without going into someone's yard. The proposed five new apartment units will be facing Ridgeville Lane and will likely cause more traffic. Currently, the school bus has difficulty making the turn in this area. Lastly, I also feel that this looks like an out of place apartment building.

Chairman Jones asked if there was anyone else to speak. Hearing none, he asked Planning Commission for their thoughts or comments.

Dr. Dilts summarized that the positives to this project would be: improvements to the storm drains and improvements to the street; the land would be improved with newer dwellings; occupancy would attract professionals as opposed to student population. She continued that the negatives would be: density of the dwellings; and the fact that a ninth dwelling would be located on the property because they would be using the land set aside for the easement as part of the total square footage; City ordinances do not allow this by right; there is a question about the architecture fitting

into the architecture of the existing varied neighborhood; and there would be an increase of the traffic in the area. I believe we received a note in our packet that discussed the effect of this on the entrance to the neighborhood from Reservoir Street and the increase in traffic there.

Planning Commission agreed that this somewhat summarized what they had heard this evening.

Mr. Fletcher said the further question is the view of the Planning Commission about how the language in the ordinance plays out. Is this something we want to keep and continue to be as restrictive as they are; or would you like to see an amendment in a way that would allow such development to occur. Obviously much thought would need to be given to what changes would take place and then what the affect would be, not just on a triangular piece of property, but across the City.

Dr. Dilts asked if the City generally does traffic studies to see the impact of the development.

Mr. Fletcher replied yes we do, but not on such small developments that generally have such low traffic volumes. Our threshold is 100 vehicle trips in the peak hour and knowing that this does not even come close, it was never discussed. However, sections within the Subdivision Ordinance and the Design and Construction Standards Manual require the improvements to the street, because of situations such as this when subdivision occur. So we do capture some of the improvements that are necessary on such small developments without doing a traffic impact analysis. As most of us are aware, Reservoir Street is to be widened, some of the specifics of the plans are still being worked out, but there would be at least a turning lane of some manner, and pedestrian/bicycle facilities.

Dr. Dilts asked would this be at the intersection of Foley Road and Ridgeville Lane.

Mr. Fletcher said the entire stretch of Reservoir Street to the City limits.

Mr. Chenault said I support the concept of not having the rear of units face a public street; however, this is a lot where it does not work. It seems to me that maybe on a City wide basis perhaps the ordinance should be adjusted to come up with some other way to address lots of this nature. One thing that occurs to me is the use of screening of the rear of the dwelling from the street, landscaping or walls, something that will mitigate that rear view. The other thing that I will say right now is that I do not like the idea of the ninth unit using the five foot easement.

Mr. Harman addressed the issue of the easement area and said it gets very complicated and complex. When you have a piece of property, you also have a buildable envelope; in other words the box that you are left with after taking all appropriate setbacks is what you can build a building within. In this case it has two front setbacks, thirty feet from both streets, this is not normal, plus you add in the fact that it is a triangle. If I were to dedicate land and do street improvements for Ridgeville Lane, I would lose not only the square footage of this lot, but the setback is five foot greater; therefore, I could not build garages with these units.

Mr. Chenault said I must have misunderstood, I was under the impression that you got to the edge of the five foot easement.

Mr. Harman replied no. This is a very challenging piece of property.

Mr. Chenault said do we have any idea how many units in this neighborhood are rentals? Let's take Avalon Woods into consideration too.

Mr. Fletcher said I cannot give you an immediate answer; but it can be figured out. I agree it is odd to have two front setback regulations, but every corner lot in the City has that situation.

Mr. Chenault said personally I am in favor of trying to adjust the ordinance to address lots of these types and come up with some type of alternative to what we have now.

Mrs. Fitzgerald agreed.

Chairman Jones said the shape of this parcel presents challenges that I have not previously seen during my time on this Commission. In an earlier presentation this evening we saw a lot along Grant Street with this same triangular configuration. I feel the applicant's frustration, and I apologize on behalf of staff and the City. Obviously this is not something that we see on a regular basis, it presents some challenges that we have not seen in all of our deliberations. I agree that we certainly need to take a look at this and make an adjustment to the ordinance so that better accommodation can be afforded in the future. I personally like the project from the aspect of the demographic that you are going after; I am somewhat opposed to continued apartment complexes. I think in the very near future we will be beginning to look at an adjustment for here.

Mr. Chenault said I am not deaf to the pleas of the other property owners that have spoken tonight; but, what concerns me more than the style of architecture is the fact that your neighborhood is going to face significant challenges in the future as more rental property owners try to come in and use up the vacant land there and there is a fair amount of vacant land in this area. While I acknowledge that this architecture is different than most of the architecture in this neighborhood, I also recognize that I do not see a unifying type of architecture in the neighborhood. What does bother me is I feel there are a significant number of rental units in this neighborhood and I want to look further into this.

Lastly, I do not think anybody needs to be apologizing to anyone. We all work hard and if I thought I was going to be able to get through this year without having someone upset with me I would probably not be doing my job. I hope we can move forward from here in a positive manner.

Mr. Da'Mes added that he felt that Mr. Blackwell's idea of expanding the ordinance to include odd shaped parcels would be the best route to take.

Mrs. Fitzgerald said so the idea would be to come forward with an alternative or an addition to the ordinance.

Mr. Fletcher said if we can get a verbal commitment from the applicant to continue the public hearings until after an amendment can be made to the ordinance, then this project, or something similar can be brought back to a public hearing.

Mr. Blackwell asked if they could be given some time on this decision; there is a contract to purchase that must be looked at.

Mr. Fletcher said if we can get a verbal commitment from the applicant than the City will re-advertise the public hearing. We will work very diligently on getting this back to you next month.

Mr. Da'Mes said I do not think we are asking for an amendment that will make this project work; we are just trying to say "let's find some more flexibility" in a unique situation.

Mr. Harman said I like the intent of the ordinance, I really do. The intent of the ordinance is to keep cars from being parked along public streets; I think that is a great ordinance. It is just not practical. We live in an area that has a lot of grade and sloping property. When you try to develop one of

these properties that has a hill, or is a triangle, and where a building just does not fit into that situation and you cannot practically make it work.

Chairman Jones said then am I understanding that the applicant will work with staff on bringing this back before the Planning Commission.

Mr. Blackwell replied yes.

Chairman Jones then said there is one other item under new business that I have penciled in and that is to propose a change of date and/or time of the site visits for Planning Commission to better accommodate schedules.

Mrs. Fitzgerald said she made this request because cemented into her teaching schedule is a Tuesday/Thursday, 2:00pm slot. Given that we have one new member and another new member joining us next month, I propose to wait until we have a full complement of members to discuss this matter.

Mr. Fletcher added that we could do this through email. The tour is advertised on the agenda for the next month, so as of right now the tour is still set for February 7th. I will get an email conversation going about possible days and times that work for everyone. My suggestion is to stay away from the meeting day.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said Proactive Zoning visited the Sunset Heights sector of the City, where they found ten violations consisting of inoperable vehicles and discarded materials. Next month they will be in the Reherd Acres area of the City.

Other Matters

Review of 2010 Annual Reports

Mr. Fletcher said at the end of the year staff provides to you two reports, one is the Planning Commission Annual Report that will be forwarded on to City Council; therefore, if you have corrections let us know, otherwise it will need a motion to move forward for Council review. The other is the internal Community Development Annual Report so that you can see what other subdivisions take place, and other zoning matters that we as staff do throughout the year.

Mrs. Fitzgerald made a motion to forward the Planning Commission 2010 Annual Report on to City Council for their review.

Mr. Chenault seconded the motion.

All voted in favor of the motion. (5-0)

Adjournment

The meeting was adjourned at 8:25 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks