

MINUTES OF HARRISONBURG PLANNING COMMISSION
December 14, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, December 14, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Members absent: None.

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 all members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the November 9, 2011 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the November 9th Planning Commission meeting.

Mrs. Fitzgerald seconded the motion.

Commissioner Finks and Chairman Jones abstained from voting because they were not in attendance at the November 9th meeting.

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

New Business

Rezoning – 136/152 West Elizabeth Street (M-1 to B-1)

Chairman Jones read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 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 following land uses are located on and adjacent to the property:

Site: Lot comprising a 20,000 +/- square foot vacant building and an additional undeveloped parcel, zoned M-1

North: Vacuum repair shop fronting West Wolfe Street, zoned M-1

East: Across Norfolk Southern rail line, commercial uses, zoned B-1

South: Across West Elizabeth Street, parking lots, zoned M-1

West: Parking lot, zoned M-1

The Fairfield Center is requesting to rezone two lots comprising of roughly 35,500 square feet of lot area from the M-1, General Industrial District to B-1C, Central Business District conditional. The properties are located along West Elizabeth Street, adjacent to the Norfolk Southern rail line. The larger lot includes an approximate 20,000 square foot building, addressed as 136 West Elizabeth Street, most recently used as storage and previously the location of the Coin and Gift Shop. At one time, the building housed the Wampler Feed and Seed Company business. Although Blacks Run is nearby, this property is not located within the floodplain.

As described within their submitted documents, the Fairfield Center hopes to renovate this building to provide a location where non-profit, and for profit, organizations and businesses could share space including meeting rooms, conference space, and reception areas. It is their vision that each organization or business would share ownership of the property.

By-right, the B-1 zoning district has no parking requirements, no setback regulations, and maximum height allowances of up to 75 feet in height. As the applicant was requesting a rezoning for two lots which could be sold separately, staff was very concerned about how a rezoning could impact the City's downtown, especially downtown parking demands. If these parcels were zoned B-1, multi-use, multi-story buildings could be erected with no consideration to onsite parking, relying only on the existing downtown parking resources. Knowing that the City already has limited public parking, staff did not want to place further strain on that issue.

However, after meeting with the applicant, staff learned they had already met with representatives of Virginia's Department of Historic Resources to begin their process in working toward obtaining tax credits for historic rehabilitation to help offset the cost of the renovation to the building. Staff was pleased to learn they were preserving the historic building, but further satisfied with the development plans for the property because the strict rules associated with obtaining those benefits indirectly limits what can be done to the structure and the overall magnitude of the building. During the meeting, staff explained the significant concern of the parking constraints, a concern for almost any rezoning in the City's downtown to the B-1 zoning district, and that rezoning property to B-1 without consideration to parking places the City in a very difficult position, potentially leaving the burden of providing parking for private uses on the City's tax payers.

In learning of staff's parking concern and in explaining how they already intended to provide parking for the planned organizations knowing the importance of having nearby parking for their business and clients, the applicant submitted the following proffer:

- The use of tax map parcel 35-S-19 will be limited to parking.

With the submitted proffer, if approved, the zoning of these properties would restrict the use of the undeveloped parcel to only parking, but all permitted uses within the B-1 district could operate within the existing building (on tax map 35-S-6). It should be clearly understood that the rendered drawings and proposed arrangement of the building and parking lot are not proffered. Essentially, these documents demonstrate only the feasibility of having such a layout.

As noted above, the recently adopted Comprehensive Plan now designates both of these properties as Mixed Use Development Areas (MUDA) (the previous Comprehensive Plan designated the lot with the building as MUDA but the undeveloped lot was designated Neighborhood Residential). Generally, the MUDA Land Use Guide designation most closely resembles the characteristics of the B-1 zoning district. Having such a designation, however, does not automatically mean that all rezoning requests to the B-1 district conform to the Comprehensive Plan, but in this particular case, staff believes it helps.

This entire block of West Elizabeth Street is designated MUDA, and therefore, the subject property falls well within the area the City is promoting for mixed-use-type development and generally for continued growth. Such development, at this location, is very positive as it provides economic and social vitality in the City's core. Furthermore, approving the proposed rezoning preserves and protects environmental and cultural resources while also promoting traditional neighborhood development, where such space is pedestrian friendly, near mass transportation options, and focuses on live-work-type environments.

Staff supports Fairfield Center's request to rezone the subject properties from M-1 to B-1C.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Mr. Tim Rubeke, Executive Director at the Fairfield Center, said we think this is a great project; not only for our purposes, but for the community in general and the other non-profits that may come to the building. I am asking that you approve the staff's recommendation in favor of our request. We are here to answer any other questions that you may have, but first, I would like to give you the opportunity to hear some comments from the Fairfield Center's President of the Board.

Mr. Tom Domonoske, President of the Board of Directors for the Fairfield Center, said the history of this building is one of the things that excite us about the property. There is a tablet at Rockingham Memorial Hospital (RMH) that is dedicated to William G. Leake, who passed away in 1908. The reason I am talking about him is because he originally built the front, two-thirds of this building and this is where he operated his building supply and store. He made his living from the activities that took place in his building. Mr. Leake died from blood poisoning due to an injury to his foot in 1908. There was nowhere for him to receive treatment in the Valley and he had to travel to Charlottesville, where he was told they would need to amputate his leg and he might survive. He decided to return to Harrisonburg and before he passed away he founded RMH by leaving his estate in order to build a hospital in Harrisonburg. In his will is a quote, "Well knowing from my own experience the great need of the community in which I live, of an institution in which the afflicted may receive proper care and attention, and be relieved and comforted in their bodily sufferings." Because of his actions, others joined together to donate funds and ultimately RMH was constructed. After Mr. Leake's death, his building was purchased by the Wampler Feed and Seed Company.

What we would like to do with the Fairfield Center is to bring back the history of this building, and the service to our community by involving many non-profits who may come into this project as owners. A permanent place for them in the downtown area where their constituents can come for services; still fulfilling William G. Leake's idea of caring for the community. To accomplish this

we need you to approve our request for the rezoning from M-1, which would allow the manufacturing of various things, to B-1, which would allow for a building that creates community space here. If there are any questions, we would be happy to answer them.

Dr. Dilts said I have to admit that I do not know what the Fairfield Center is or does. I meant to look it up, but did not get the chance.

Mr. Rubeke said the Community Mediation Center, now doing business as the Fairfield Center, was established in 1982 as a non-profit, with the mission of focusing on conflict resolution services and training. When people are in conflict we help them work it out. We also provide training to people who want to better handle communication and miscommunication, in order to prevent conflict. We have a number of programs geared to helping people to listen better, and arrive at solutions that they think fits them the best. More than half of our cases come directly from the courts and we have a very good relationship with the judicial system. The remainder of our cases come from previous clients, word of mouth, and other sources.

Dr. Dilts asked if the Fairfield Center was grant supported and donation supported.

Mr. Rubeke replied we have donations, grants, and some fees for services. We do fund raising events. The training we offer is also a revenue generating source for us.

Chairman Jones asked if there were any further questions. Hearing none, he asked if there was anyone else wishing to speak in favor of the request. Hearing none, he asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing and asked Planning Commission for discussion.

Mr. Way said I think this is a very good option for adaptive reuse of a property. It seems appropriate considering the history of this building; I did not realize the history of the original owner. I think we should be encouraging this type of sensitive and productive adaptive reuse.

Mr. Da'Mes agreed with that statement and reiterated the thought of rehabilitating a building that has been abandoned for as long as this is extremely appealing. While we take rezoning as a very serious matter, I think this is a perfect fit and I am enthusiastic to offer a motion to recommend approval of this request with the proffer.

Mr. Finks seconded the motion.

Chairman Jones said there is a motion and a second, is there any further discussion. Hearing none, he called for a voice vote on the matter.

All voted in favor of the motion (7-0) to recommend approval of the rezoning request from M-1 to B-1 with the proffer.

Chairman Jones said this item will move forward to City Council on January 10, 2012.

Capital Improvement Program

Chairman Jones said the next item on the agenda is the Capital Improvement Program (CIP). He then asked staff for review.

Mr. Fletcher said staff does not have a formal presentation; however, I would like to make one clarification regarding a question for Public Works about four projects, numbers 65, 66, 68, and 71, all of which were sanitation and landfill related items. The question came up as to where do these projects come from, they seem to have just appeared from nowhere. What has happened was a

transition in the way the CIP was structured regarding Public Works; there used to be a Sanitation Fund. In last year's Sanitation Fund those four projects were listed as page numbers 99, 100, 101, and 114, respectively, and they are very similar to what is proposed in this year's CIP, with some slight fluctuation in potential costs, in the General Fund.

Mrs. Turner said Department personnel are here to answer questions. Just remember these are all items that are \$30,000 or greater and not routine expenditures. This is a budgeting tool, and not part of the budget; anything that would be funded by the budget would still need to go through the normal process. This is a helpful tool in preparation of the budget, to have an overall view of what might be needed.

Chairman Jones asked if there were questions from Planning Commission.

Mr. Finks said I have a couple of questions regarding traffic lights. Starting on page 21, it identifies for next year a light at Liberty Street and Acorn Drive; Virginia Avenue and Acorn Drive; and Stone Spring Road and Beery Road. Has there been a study on this? What is the reasoning behind these three lights, because we have been attempting to go the other direction with keeping traffic lights out of the traffic pattern if possible?

Mr. Jim Baker, Director – Public Works Department, said the signals that are proposed here are signals that are determined to be a need due to the traffic volumes on the primary roads and secondary streets that intersect them at these locations. There is an evaluation that is done to determine what type of delay there is, it is called a warrant study, and we do those for every signal that is in the City. We have been known to take signals down and the same warrant study is done for that process too. Warrant studies are based on traffic volumes, the impact of delay from the side streets entering the intersection, safety concerns, accident frequency, pedestrian and school bus traffic are all taken into consideration before we make a recommendation for a signal. Some of these intersections that are recommended a few years out may not be warranted now, but based on the volumes we are seeing we believe we need to prepare for it.

Mr. Finks said these three are all proposed for 2013.

Mr. Baker said they are all warranted.

Mr. Finks said thank you; that sounds reasonable to me.

Mr. Da'Mes asked about the signaling device on traffic lights for emergency vehicles.

Mr. Baker said yes, that is called pre-emption for emergency vehicles. All new signals installed have the pre-emption system with them and we have been working with the Fire Department on retrofitting some of the existing streets.

Mr. Da'Mes asked what would be the timeline to get a majority of the signals done.

Mr. Baker replied that depends on how much the Fire Department can help us with the financing of these devices.

Mr. Da'Mes said I did not see it in the CIP.

Mrs. Turner said it is on page 3, under the Fire Department and not Public Works.

Mr. Way said I am seeing a few projects about widening roads and putting in medians within South Main Street; has there been any discussion about installing landscaping within those medians?

Mr. Baker said that street widening project is in conjunction with James Madison University (JMU) and that would be, if constructed, supported by JMU and it would have landscaping within it.

Mr. Da'Mes said I noticed that the annual street paving program is significantly higher in 2014, what is the reasoning behind that?

Mr. Baker replied we do an annual paving evaluation of all of the streets and currently we are lagging behind; we have not had enough money to keep up with the current plan of resurfacing primary streets on a schedule of every ten to twelve years, and residential streets every fifteen years. What is happening is, we do our evaluation and we get to a certain year and the volumes are greater so the costs jump up. Also you are seeing some streets, such as South Main Street, are five lanes wide and they come around in the cycle so often that the costs go up.

Mr. Da'Mes said when we do our paving are we subcontracting out everything, or are we using our own facilities.

Mr. Baker said we contract out the entire overlay program. The only paving we do with our City forces would be small parking lots, alleys, or a very small project. We are not outfitted with our staff to do a major overlay project such as the streets.

One of the things we are investigating instead of the conventional plant mix mill overlay operation, where we mill off the top two inches of overlay, is a new type of pavement rejuvenation. With this you apply a liquid spray to the pavement; this is something new to the United States, but has been used in Europe for years. This method could help to stretch the dollars a bit more; we could see this being used next year.

Mr. Finks said I have had a number of people ask me about the location of the Regional Jail facility; where is this site.

Mr. Kurt Hodgen, City Manager, said the facility we currently have downtown does serve as the regional jail. We are certainly not saying it is time to construct a new jail, or an addition to the old; but the possibility is being explored. Other options that would be explored for a facility would be the vacated State prison camp, to the north of town and the possibility of contracting with Shenandoah County at their new Regional Jail Facility. The last thing we want to do is have to expand the jail on the existing site. Twenty years ago it was a good thing to have the new facility built along with the new courts; but if we could, cost effectively, eliminate the downtown jail we would like to do so.

There are many things going on at the State level when it comes to the Regional Jail Facility. I have been reading where other states are taking their prisoners out of the State facilities and in theory that could free up some bed space so that the State inmates currently staying in our facility could be relocated.

Mr. Chenault asked if the State was providing any correctional facility construction funding.

Mr. Hodgen said no. That is another issue, even if we needed to expand the jail facility, the Commonwealth would have to approve it and come up with funding for their share of the facility. We could determine tomorrow that it is needed, but it may take five years before we see the first shovel of dirt turned.

Mr. Da'Mes said I saw an expenditure for Community Services.

Mr. Hodgen said yes, that is another item which floats a year out each time we do the CIP. The City and County share in the costs of the Health Department, Social Services, and Community Services Board and all three of those agencies are out of space. Several years ago we went ahead and put a project in for them; again it is another item that is dependent on State funding support, which is not likely. The plan for this is to have a facility that puts all three of the agencies under one roof, at property on North Main Street, currently occupied by the Community Services Board. They actually have enough space for what we presume would be two, multi-story buildings, with parking and would serve all of those agencies. This is another expenditure that we hope does not need to be made in the near future and would again be dependent on some outside support.

Mr. Da'Mes said I am trying to understand about Tower 1 being sold and replaced.

Mr. Hodgen said what the City has done over the years when we buy the more expensive fire apparatus is a lease purchase agreement with the equipment contractor; we then pay it off over the three years of the lease. There have been times when we just purchase right up front without the lease. It just depends on the financial circumstances at the time.

Tower 1 is a particular piece of equipment that is not all that old, but we have not had good success with it. Certainly, with the number and kind of calls that we have in the City, we need a reliable piece of equipment.

Mrs. Fitzgerald said she was curious about the Heritage Oaks replacement equipment; was the big increase in the replacement budget from the Master Plan or from the Golf Course Committee or other. This cost is almost doubled.

Mr. Lee Foerester, Parks and Recreation Director, said we try to update the replacement figures with the manufacturer yearly. There is an engine that we are aware is coming down and it may come this year or next year; either way it would add significantly to the price of those types of replacement equipment. Another difference from last year is we only projected three years out, we have now projected five years out; which adds close to \$95,000 to the overall budget costs.

Chairman Jones asked if there were any further CIP questions for the Departmental personnel. Hearing none, he asked Planning Commission if they had any further comments.

Mr. Chenault recommended forwarding the CIP, as is, to City Council for the January 10, 2012 Council meeting.

All voted in favor (7-0).

Subdivision Ordinance and Zoning Ordinance Amendments Associated with the UDA Grant Project

Chairman Jones read the agenda item and asked staff to discuss.

Mr. Fletcher said in completing the work associated with the awarded Virginia Department of Transportation (VDOT) Local Assistance Grant for Urban Development Areas (UDAs), staff is proposing multiple City Code amendments to align subdivision and zoning regulations with the City's Comprehensive Plan. As listed above, there are nine sections of the Subdivision Ordinance and 20 sections of the Zoning Ordinance that staff is proposing to amend.

These amendments would not only fulfill the requirements of the VDOT grant, but it would successfully execute several recommended strategies of the Comprehensive Plan, listed within the UDA section in Chapter 5 (page 5-10). In brief, these recommendations include promoting the development of mixed residential and mixed-use areas, and to develop a zoning approach to require,

permit, and/or provide incentives for the development of low density and medium density mixed residential neighborhoods, live-work neighborhoods, and traditional neighborhood development (TND).

To be clear, these amendments would not create more regulations or requirements for developments; rather, they would afford more flexibility for property owners/developers. For many sections, the amendments simply add language that clarifies or further promotes developments to be of traditional neighborhood design. The most significant amendment is within the off-street parking regulations of Article G. That amendment creates more options and flexibility for developments to share parking.

Although not being reviewed by Planning Commission as it is not required, staff is also proposing amendments to the Design and Construction Standards Manual. The intent of those amendments is similar to the objectives of the modifications for the Subdivision and Zoning Ordinances. The proposed amendments to all three regulatory texts will be presented to City Council next month.

And with that being said, I will hand over tonight's presentation to Milton Herd of Herd Planning and Design, LTD, a consultant hired through the VDOT grant.

Mr. Milton Herd said it is nice to be back before you again, I believe we were here in March and since that time a lot of work has been done. You have updated your Comprehensive Plan and we have been working with staff on developing these ordinance amendments. As stated earlier, these are ways you might be able to refine your ordinances to create better opportunities, or reduce snags, to building developments that are walkable and pedestrian oriented. Your ordinance is already very far along in that effort. You are a City and you have a long history of urban type development that is accommodated within your ordinances; for example the B-1, Central Business District. We looked at your Mixed Use District and some other districts that perhaps some refinements could be done to make them more attractive.

I have a short series of slides to review some of these proposed amendments which I would like to review with you and then take any questions you may have.

As previously eluded to, the idea was to look for ways to refine all the land development regulations; to be able to encourage a more compact, walkable mixed use environment. Again, it is worth noting that while this particular part of the work is part of the VDOT grant, it was not required by the UDA State Legislation. This effort is a follow-on to that legislation, initiated by VDOT through a grant program to help localities go one step further, it was not a requirement of the State; however, it is a requirement of the grant program to do something at this point.

Mr. Herd continued saying there are two pieces here, the first is proposed amendments to the subdivision regulations and the other is amendments to the Zoning Ordinance. Within the Subdivision Ordinance, the first section regarding purpose and intent, we are proposing additional language that really ties the purposes to the Comprehensive Plan with things like promoting economic reuse of funds, protecting environmental quality and specifically mentioning promoting pedestrian and bicycle friendly streets. You will also notice several housekeeping items throughout both of these documents; and this second section is one of them. We are changing the term Major Street Plan to Master Transportation Plan throughout, simply because that is the most current term that the City is using.

Under Section 10-2-1 we have also added a definition of variance, because that is used throughout the Subdivision Ordinance and this language is taken almost literally from the State Code. But we

also added language to include the interpretation of the standards when something justifies a variance in order to achieve the goals and policies of the Comprehensive Plan.

Within Article C, Design Standards, there was a housekeeping item to simply call that section Streets, because it is inclusive of all the things having to do with streets, alleys, easements, blocks, sidewalks, etc. Additional language was added to allow variances on a case-by-case basis, by the City Council when the variance would achieve a more desirable, walkable environment. Also under Design Standards, there is a proposal to delete items that are redundant with the Design and Construction Standards Manual (DCSM).

Mr. Herd continued saying in terms of changes to the Zoning Ordinance, we discovered a few opportunities to increase flexibility; it is a very light change, including some housekeeping changes. The first item was to just update the list of zoning districts. A definition was added for drive-thru facilities so that it could be distinguished from the various types of uses that it could be attached to; that is so you can treat them separately for times when you are concerned about walkability and pedestrian environment.

Within Section 10-3-26, regarding parking location, an interesting thing involved here is the idea of trying to promote shared parking. One of the potential barriers we saw was that the current standards require a permanent easement between the agreeing parties to share the parking; I suspect that could be an impediment for some. Therefore, we suggest modifying language to remove that easement requirement and added additional language that would require that the agreement be enforced as long as the uses are substantially the same. We believe this would be helpful to people that want to enter into this type of shared parking arrangement. We have also created a table that provides a simple way of calculating potential parking reductions on a very consistent basis; this could be done by the Zoning Administrator, rather than having to go through Planning Commission. We kept the language that would allow Planning Commission to grant further reductions in parking based upon other factors.

There were various refinements to several of the districts. In the R-5, High Density Residential, we added the language “connected roads and walkability” to the purpose section of that article. We also reduced the front yard minimum setback requirement within this district to ten feet. In the R-6, Low Density Mixed Residential Planned Community, we added to the purpose section under open spaces, “spatially defined by abutting building facades and/or landscaping elements.” The idea here is to encourage people to think about creating open space that is meaningful and part of the urban fabric and not just leftover drainage areas. Also added within the Purpose section under off-street parking is additional language to minimize the visual impact of off-street parking and garages through location, form, and screening. Again, these are all purposes, so if you had a rezoning you could rely on these to judge the proposal.

We added a refinement to the permitted use and special use lists so that drive-thru is excluded from uses unless approved by a special use permit. Also in R-6, we added language that provides for amendments to the project master plan by an owner of a single parcel. Anytime you have a planned development and over time parcels get sold off, it becomes a challenge, sometimes, to create amendments. Therefore, we prepared language to deal with that and language that clarifies the level of conformity that you need for the master plan. We are suggesting a five percent variation in dimensions on the master plan; that way, you have some flexibility from your conceptual plan, but you cannot be too far off, otherwise it would require a plan amendment. These same type of

changes in the R-6 are proposed for the R-7, Medium Density Mixed Residential Planned Community.

Mr. Herd continued stating that within the MX-U, Mixed Use Planned Community District, which is a really good district and has a lot of potential, we did have a few items that we thought might be advantageous for change. We added language within the purpose regarding open space and visual impacts in conformity to the master plan. A significant, but not huge, increase in the maximum density from fifteen to twenty dwelling units per acre; it gives the district a bit more potential value and long term support of mixed use areas. We also clarified that the fifteen percent open space requirement for the total tract does not have to apply to every parcel. This is more of an interpretation that seems very logical, and this statement codifies it.

Within Article T, Modifications and Adjustments, Section 10-3-115, language was added regarding location of walls and fences such that they do not impede sight distance at entrances and intersections, in accord with the DCSM. This is a good rule regardless of your concerns about walkability; it does enhance safety for both the driver and pedestrian.

That is basically it, as you can see these are relatively minor suggestions and changes; but we believe they would be helpful to you. These have been the result of us working closely with staff and combing through the ordinances and looking for snags that might be impediments, based upon our fresh reading of the regulations and staffs experience on it. If you have any questions or comments I would be happy to answer them at this time.

Mrs. Fitzgerald said I have a question, but it may be more for staff. Mr. Herd talked a bit about the visual impact of parking and how some of the changes in the ordinances will address that, are all of those changes in line with our plans for the parking lot landscaping plan?

Mr. Fletcher replied yes; but, this language is more encouraging language and not requiring those things. These changes encourage parking to go behind buildings or to be landscaped.

Mrs. Turner said it is not in conflict with any proposed parking lot landscaping ordinances.

Mr. Way said the changes made to the parking location and shared parking arrangements has me wondering if there has been any studies regarding parking in Harrisonburg and total potential parking demand and actual number of spaces currently available in the UDA area of downtown Harrisonburg.

Mr. Fletcher said I cannot tell you exactly what the study was, but there was a study for the downtown area and parking demand. I do not believe it included all of the UDA area; it was more of the B-1 area only. The shared parking table that is proposed in the changes does open up possibilities for different uses; but, for the B-1, it is a bit different. There are no parking regulations within B-1, so sharing and private agreements may already be occurring. In a B-2, area it provides the opportunity to meet the requirement that previously could not be met.

Mr. Way asked if the current sense was that there is a parking shortage downtown.

Mrs. Turner replied yes. There was a parking study done by Harrisonburg Downtown Renaissance within the past two years. They looked at peak demand and what was the usage during peak demand and there was overall consensus that we probably need additional parking in the downtown area. They had some theory based upon the center of town and how far people are willing to walk. They did not provide any hard suggestions as to how many spaces are needed and by what date. We can probably locate a copy of this study and provide it to you.

Mr. Herd said if you have a dense, vibrant mixed use downtown I think you probably have fewer opportunities for benefitting from shared parking. What the shared parking does is allow you to make the most efficient use of the parking you have so that you do not have vacant parking, even at peak hours. If you have a lot of activity in a small area you are probably going to use every bit of parking. But in theory, having the shared parking available as a tool should allow you over time to use whatever you have most efficiently.

Mr. Fletcher said to give you a small scale example of shared parking, consider the old Whetsel Seed building where Union Station is. During the day the restaurant is not necessarily that busy, but the parking is filled by the four, or so, businesses that occupy that complex. In the evening it turns over; the businesses close and the restaurant business picks up.

Mr. Fletcher said if we are ready to move on from parking I would like to discuss another topic that Mr. Herd brought up tonight – the five percent flexibility in master planned communities. I just want to reiterate the importance of this change. We have already witnessed this with one of our planned communities, Brookside Park. That community has been in for minor changes to that plan and our ordinance does not provide us the authority to grant those changes without a rezoning. We hope this language will give us the flexibility to do so.

Mr. Da'Mes asked what five percent is and how do you measure five percent.

Mr. Fletcher replied the five percent is related to how much the plan is changing. For example, if it shows a ten-foot setback for buildings and now the developer wants nine-foot setbacks instead.

Mr. Herd said it could deal with the location of a street and shifting it slightly.

Mr. Fletcher said it is up for interpretation; but, it does give us the administrative ability to grant a change.

Mr. Herd said over time you will build a record of interpretation and sort of begin to define it by your actions. The Zoning Administrator would want to keep a good record of those interpretations, because it will begin to evolve.

Dr. Dilts said I like the teeth you put in for creating the quality of life and pedestrian and bicycle friendly environments.

Mr. Herd said that gives Planning Commission and staff a little leverage.

Chairman Jones said this is opened as a public hearing for both the Subdivision and Zoning Ordinance amendments and asked if there was anyone wishing to speak in favor of the amendments. Hearing none, he asked if there was anyone wishing to speak in opposition of the amendments. Hearing none, he closed the public hearing and asked for Planning Commission for discussion or a motion.

Mrs. Fitzgerald moved to approve both the Subdivision Ordinance amendments and the Zoning Ordinance amendments.

Mr. Way seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor (7-0) of recommending approval of the amendments to the Subdivision Ordinance and the Zoning Ordinance.

Chairman Jones said this will move forward to City Council on January 10, 2012.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said proactive zoning inspectors visited the Preston Heights area of the City this month where they found one violation. That violation was an accessory structure placed in the front yard, which is illegal; as well there was no building permit for the structure. Next month zoning inspectors will be in the Wyndam Woods area, which also begins the fourth round of the three year proactive zoning cycle.

Chairman Jones said while we are on the subject of violations, I want to extend a thank you to the staff personnel in Community Development that took care of the open sewer line trench that was in my neighborhood. It had been open for quite some time and I believe it was Wayne who acted on the complaint to ensure that it was filled; I certainly appreciate it.

Mr. Finks said once again I have been accosted by a number of city residents regarding the number of people that are living in houses in certain sections of the City. I just want to pass along that people are griping and complaining again. I do not know what brought this on, but I did get peppered with it because I was supposed to have all the answers. All I could say was that we just do not have the staff to cover all of it.

Mrs. Turner said we are probably not going to know about it unless they care to call our office and give us the information that would lead us to ask questions of a property owner. Many times people call in and say "I believe students are living down the street from me," we do not have a regulation that says students cannot live down the street. We may have a regulation that does not allow six of them to live together down the street; but, we need to have the information as to why someone feels the six students are there – are there cars parked there every morning with frost on the windows, have you spoken to one of the students to confirm that six live there, we need the information so that we can make the inquiry. Please, tell people to call our office, we have the manpower to look into this.

Chairman Jones said if I recall correctly we discussed this type of situation about two years ago and some other localities used two indicators to help verify occupancy. One was water usage and the other was refuse collection.

After learning that, in fact, only one person had contacted Mr. Finks he said, I just did not have the answers for this person, but now I feel I can just tell him to contact your office.

Mr. Chenault said I just wanted to give a quick update from Council last night. The special use permit for the VMRC fence, the fitness center on Red Oak Street, and the communications tower on Reservoir Street were all approved. We were asked if we would proceed to consider developing some type of separate cell tower ordinance and take it out of the zoning process. I told City Council that we had discussed that and we would probably go in that direction. I learned a lot last night; I felt the person that was presenting the request was much more knowledgeable about these issues than the gentleman at Planning Commission. It was rather obvious that with the development of the 4G technology and so forth, the weight of the transmitters that are going on these towers are becoming extremely heavy and prohibits co-location on buildings and certain other locations.

There are going to be more of this type of request coming before us, rather than less and we need to perhaps take a look at our ordinances.

Mr. Fletcher said in knowing that this request to look into a separate ordinance was coming, staff discussed preparing a report regarding our current communication tower regulations, to help clarify any confusion you may have about how telecommunications towers currently operate in existing zoning classifications. What staff will strive to do is provide you with a brief report that explains what zoning districts allow such, how it is allowed, and so on. Then we can discuss how we may want to move forward.

Chairman Jones said would you please provide a map showing all current locations.

Mr. Fletcher said I think we can accommodate that as well.

Mrs. Turner said we can provide a map showing locations that Planning Commission and Council have approved, but we do not have a data base that would allow us to locate all towers and co-locations installed by right.

Mr. Chenault said I would like to see how other localities, of comparable size, handle communication towers and co-locations.

Mr. Fletcher said we have done some of that in the past, because this topic was looked at about three years ago.

Mr. Finks said back to the 4G technology – when going to 4G technology, are there towers that would no longer be used.

Mr. Chenault replied that the towers would still be used, but they could not have all the co-locators as previous because of the transmitter size and weight for 4G technology.

Mr. Way said we are talking about an ordinance that is very technological, which I feel as a layman I do not necessarily understand completely. I would like to know how the technological dimension would be accommodated into an ordinance.

Dr. Dilts said when researching all of this information with other localities, check again about alternative forms that these towers can take, for example the pencil tower that I mentioned last time.

Mr. Fletcher said we can definitely find out about these things, what we would not be able to do is know the expertise and technology behind that type of structure, but we will do what we can. We hope to at least have to you a report regarding communication towers within the current zoning regulations. We will continue to work towards researching the other information.

Mr. Fletcher continued by saying we had no applications turned in for next month, which actually worked out quite well, because we are bringing forward the parking lot landscaping material. However, we are going to meet one more time with some internal, departmental staff to review it again and work out any last minute kinks. As long as this meeting goes well, it should be advertised for public hearing for the January 11, 2012 meeting.

Other Matters

Election of Officers

Chairman Jones said the floor is open for nomination of officers for 2012.

Mr. Finks nominated Bill Jones for Chairman.

Mrs. Fitzgerald seconded.

Mr. Jones accepted the nomination.

There were no further nominations and all members voted in favor of Bill Jones serving as Chairman of the Planning Commission for 2012.

Chairman Jones asked if there were any nominations for Vice Chair.

Mr. Finks nominated Deb Fitzgerald for Vice Chair.

Mr. Da'Mes seconded.

Mrs. Fitzgerald accepted the nomination.

There were no further nominations and all members voted in favor of Deb Fitzgerald serving as Vice Chair of the Planning Commission for 2012.

Chairman Jones said for the office of secretary, which is usually a default position, but still needs a nomination.

Mr. Da'Mes nominated Alison Banks for the office of secretary.

Mr. Finks seconded.

Dr. Dilts moved that all nominations be closed.

All members voted in favor of Alison Banks serving as secretary of the Planning Commission for 2012.

Adjournment

The meeting was adjourned at 8:30 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks