MINUTES OF HARRISONBURG PLANNING COMMISSION
March 14, 2012

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 14, 2012, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Members absent: Alan Finks and Bill Jones.

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

Vice-Chair Fitzgerald called the meeting to order and determined there was a quorum with five of seven members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the February 8, 2011 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the February 8th Planning Commission meeting.

Dr. Dilts seconded the motion.

Mr. Way abstained from the vote because he was not present at the February meeting.

All voted in favor of approving the minutes. (4-0)

New Business

Zoning Ordinance Amendments – Parking Lot Landscaping Ordinance

Vice-Chair Fitzgerald read the agenda item and asked staff to review.

Mr. Fletcher said shortly after the Planning Commission's public hearing on January 11th for the ordinance amendments related to the proposed parking lot landscaping regulations, and prior to staff advertising the ordinance amendments for City Council's hearing on the matter, staff recognized there could be confusion on the interpretation of some of the proposed requirements as they relate to the City's existing definition of a "parking lot." At the same time, it also came to our attention that several existing parking requirement standards for specific uses referred to a section that staff was proposing to delete from the City Code. To be as absolute and accurate as possible, staff ended the prior amendment process, made the appropriate changes and has re-advertized the Zoning Ordinance amendments for Planning Commission's review. If the Commission again recommends approval of the amendments, the proposed Parking Lot Landscaping Ordinance and related ordinance amendments will move forward to City Council in April. Although not previously discussed, if City Council chooses to adopt the amendments, staff recommends the proposed changes take effect September 1, 2012.

To easily recognize the changes to the proposed amendments, the new text is shown in "red." The first major change includes adding clarification to the City's existing "parking lot" definition. Staff is proposing this definition be read as follows (the underlined statement is the additional text): *Parking Lot*: A defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. <u>A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress.</u> Staff has for years interpreted that all of the listed areas are part of a "parking lot," but in an effort to be clear and consistent and to meet the intent of the proposed landscaping ordinance staff has proposed to modify this definition as shown. This change also initiated the removal of Section 10-3-25 (2),

which refers to the definition of a "parking lot" and which was not previously discussed. The change also prompted a change to the proposed "landscaping island" definition.

Another major change not previously discussed includes the proposed modifications to Section 10-3-25 subsections (7) (c.), (12) through (20) and (27). These subsections specify particular parking space requirements and also refer to the existing landscaping requirements in Section 10-3-25 (3). Staff is proposing to remove each reference.

Staff is also proposing to amend Section 10-3-25 (21). This section outlines the parking space requirements for manufacturing and industrial plants, research and wholesale stores, testing laboratories, assembly plants, and warehouses or similar facilities. This section also states that "modifications to landscaping requirements may be approved by the zoning administrator or the planning commission upon review of site plans." This section was already inconsistent with existing Section 10-3-25 (3), which totally exempts industrial sites from landscaping requirements. The proposed parking lot landscaping ordinance is intended for *all* parking lots, including industrial sites, so it is recommended that 10-3-25 (21) be amended to remove the last sentence.

Along with other minor tweaks to the proposed ordinance, the last notable change to the text is regarding the adding of new uses within Sections 10-3-56.3, 57.3, and 58.3, for the zoning districts of R-6, R-7, and MX-U respectively. Since each district is a master planned community and further because staff was already proposing to add "parking garages" as a use permitted by-right in each district, staff is also proposing to add "parking lots" in each of the proposed subsections.

Finally, and almost unnoticeable, staff had minor revisions made to the Parking Lot Landscaping example drawings which are to be inserted into the Design and Construction Standards Manual.

Vice-Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if there was anyone wishing to speak in favor of the ordinance. Hearing none, she asked if there was anyone wishing to speak in opposition of the ordinance. Hearing none, she closed the public hearing and asked Planning Commission for discussion or a motion.

Mr. Way said I would like to thank staff for their diligent work on this.

Mr. Chenault made a motion to recommend approval of the proposed Parking Lot Landscaping Ordinance and ordinance amendments.

Mr. Way seconded the motion.

Vice-Chair Fitzgerald said there is a motion on the table and a second. She then asked for a voice vote on the motion.

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

Vice-Chair Fitzgerald said the motion passes and this will move forward to City Council on April 10, 2012.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said proactive zoning inspectors visited the Purcell Park area of the City in February where they found a total of eight violations. The violations consisted of discarded materials and inoperable vehicles. Next month zoning inspectors will be in the Parkview sector of the City.

Other Matters

Rockingham County Rezoning Along Port Republic Road

Vice-Chair Fitzgerald asked staff to comment on the matter of the Aspen Heights rezoning proposal along Port Republic Road in Rockingham County.

Mr. Fletcher explained the proposed development and showed aerial images and the planned layout of the area under consideration. He said that Rockingham County has received an application from a student housing development company to rezone 23.1 acres of property along Port Republic Road to make way for a 184-unit student housing development just outside the City limits. This property currently has multiple zoning classifications and proffers limiting its development to professional and business uses along the Port Republic Road frontage and then duplex and townhouse units to the rear of the property.

The subject property abuts several single family home lots within the City's Ashby Meadows and Stone Spring Village neighborhoods. Although the houses on these lots are located in the City, the parcels are split between the City and the County, and therefore the subject property does not directly abut the corporate limits of the City. There are also two properties within Ashby Meadows, adjacent to the subject property, zoned R-3C (in the City) for professional office uses.

Although the City has no jurisdictional authority in the matter, we have been asked to provide comments to the County offering our thoughts on the development's impact. Note the development would not be a traditional student housing complex. Rather than large, 12 unit apartment buildings, as is often built in the City, this development would be designed to look like a residential neighborhood with single family detached homes, duplexes, and townhouses. Like other student housing complexes, the development would offer onsite amenities such as a clubhouse and recreational areas. The development would not connect to Skylark Lane, which is a City public street within the Ashby Meadows subdivision that was stubbed toward this property. A gate would be installed to allow only emergency access.

Mr. Fletcher explained that Planning staff has met with the developer and their engineer and discussed concerns of having student housing abutting our single family home neighborhoods and that the plan is not cohesive with the rest of the planned development in the City's section of this part of the Port Republic Road corridor. We suggested the developer consider some type of buffering between the complex and the single family home lots and to further consider how their proposed orientation of the units could affect the single family lots. Along with other proffers, the developer proffered that a fence will be installed along the northern property boundary to provide a physical and visual barrier. However, other than providing a physical barrier, the fence would not provide much of a visual barrier because the elevation of the student housing units would be much higher than the single family home lots.

The developer and their engineer stated they have been in communication with the Public Utilities Department regarding the issue of wanting to connect to the City's sewer. However, the Public Utilities Department stated they declined to meet with the developer and know very little about the

development because they did not want to discuss any issues with the developer until they met with the County to discuss the matter. The developer told Planning staff they were hoping to connect to the City's sewer but not to the water. Typically, in these situations developments either connect to both utilities or none at all.

Mr. Fletcher also said the developer contacted the Department of Public Transportation. The Department of Public Transportation typically does not like to run their transit buses outside the City limits. They also do not like to drive on private property. There is no turn around provided for the development so if a bus were to drive onto this private property, it would have to drive through the parking lots and private drives to maneuver back to Port Republic Road. The developer proposed to locate one bus shelter along Port Republic Road of which the Director of Public Transportation said did not seem sufficient for the needs of this development. The Director of Public Transportation was also concerned with the location of the bus shelter because if a bus picked students up at the proposed location the bus would have to continue traveling Port Republic Road into the County to the intersection with Reservoir Street to return to the City. If, however, the bus shelter was located on the opposite side of the street from its proposed location, students would have to cross Port Republic Road to get to the bus stop. This would also require a bus to travel Reservoir Street into the County to the Port Republic Road intersection and then travel Port Republic Road back into the City. Neither of which was a good situation.

Mr. Fletcher illustrated on the proposed layout where right and left deceleration and turn lanes would be constructed on Port Republic Road to serve the development. He said representatives from the Virginia Department of Transportation (VDOT) believed the turn lanes should accommodate the traffic impact from the development.

Vice-Chair Fitzgerald asked for clarification regarding the traffic generated from this development being either public bus transportation or personal vehicular transportation.

Mr. Fletcher stated the developer explained they could provide private bus transportation similar to the other developments they have developed across the nation.

Dr. Dilts said that traffic was one of her biggest concerns.

Mr. Fletcher then pointed out where the developer would provide fencing near the adjacent single family home lots that are located in the City and also where a fence would be provided along a property line in the County adjacent to a single family home lot.

Mr. Chenault stated that developer's application demonstrates they would request County water and sewer.

Mr. Fletcher said the applicant's engineer confirmed with staff that although the information submitted by the developer demonstrates they would connect to County water and sewer they are hoping to connect to the City's sewer system and that the information in their application was incorrect and out of date.

Mrs. Turner said staff does not know the specifics of how that scenario would play out. If the developer cannot work out an agreement to connect to utilities in the City, it does not necessarily mean the proposed development would go away. They could end up constructing the appropriate infrastructure to connect all utilities in the County.

Mr. Fletcher clarified that the public utility connections and the public transportation issues would have to be worked out administratively with the City Manager's office.

Vice-Chair Fitzgerald asked if there was concern from a traffic impact perspective about access to the hospital.

Mr. Fletcher said from a realistic perspective one could argue there is a concern. But since VDOT looked at the numbers and were okay with the development accommodating its impact by providing turning and deceleration lanes from Port Republic Road, there must not be that big of a concern from a traffic numbers perspective.

Mr. Way said he was concerned with the idea of having student housing in this area because when one takes a broader look at the neighborhood, including the single family homes and duplexes in the County, those neighborhoods are becoming surrounded by multi-family units both on Port Republic Road and on Reservoir Street. He was surprised there has not been opposition from the single family and duplex neighborhoods in the County.

Mr. Fletcher clarified that a public hearing on the matter has not yet occurred.

Dr. Dilts asked for clarification as to the existing proffers on the subject property.

Mr. Fletcher explained the proffers limit development on this parcel to professional and business uses along the Port Republic Road frontage and then duplex and townhouse units to the rear of the property. This layout is very similar to the original proposal for the Ashby Meadows subdivision in the City. However, the developer of Ashby Meadows only received approval to have professional office uses and a heavily proffered B-2C lot for the Harrisonburg Community Health Center business along the Port Republic Road frontage.

Mr. Way said he is surprised there is a demand for more student housing.

Mr. Fletcher said staff is also surprised that there is still a desire to build more student housing. He said staff continues to question that from interested developers who call and meet with staff with similar ideas. We continue to express our concerns about the impact that building more student housing could have on the City. We discussed this concern with the current developer and shared our concern about what happens to the older student housing units, which if left vacant could become neglected and badly maintained. The developer said this development would not deter students from living in the older student housing complexes and they believed this development would cater to a different and maybe wealthier demographic of students.

Mr. Way said the proposed development is a bad example of planning because it would be both remote and suburban. It would generate a lot of traffic and there would be impact on our existing student housing units. He then questioned if the proposed development was located in the County's UDA (Urban Development Area).

Staff was unsure if this property was in the County's UDA. Staff was also unsure if the County had actually designated their UDAs because the County had not yet shared information with City Planning staff about where their UDA's were to be located. Prior to the City adopting its UDAs, City staff shared the proposed location with County Planning staff. Since the County had not communicated those areas with City staff, they may yet to have designated their UDAs.

Mr. Way said the density of this development does not seem appropriate.

Mr. Fletcher explained that if this development were proposed in the City's undeveloped area on the other side of Ashby Meadows (near CVS at the corner of Peach Grove Avenue and Port Republic Road, the property owned by the Heatwole's and the Eagle's), Planning staff would most likely be opposed to it as it does not conform to the long term plans of the City. He also believed the

residents of Ashby Heights would come out strongly opposed to the student housing development similar to when they came out strongly opposed to a student housing development along Peach Grove Avenue, adjacent to the Port Crossing Shopping Center, which was further away from their neighborhood.

Mr. Way questioned if the proposed development would put pressure on the remaining undeveloped acreage in the City along Port Republic Road (referring to the properties owned by the Heatwole's and the Eagle's).

The above question was not answered.

Mr. Chenault then said he remembered Council saying "no" to the proposed development along Peach Grove Avenue for many of the same reasons that Planning Commission does not like this proposed development and if this proposal were in the City, more than likely the City would say "no."

Vice-Chair Fitzgerald asked if there were things Planning Commission could suggest to help protect the nearby, single family home neighborhoods.

Mr. Fletcher explained that when staff met with the developer and their engineer they discussed ideas such as different layouts of the student housing complex. He said he appreciated the developer's intention to prohibit students from entering Skylark Lane and driving through the single family home neighborhood, but at the same time funneling so much traffic in and out from one entrance connecting to Port Republic Road may not be the most desirable or safe situation either. Arguments could be made that allowing them to drive onto Skylark Lane and distributing the traffic could be a better situation.

Mr. Chenault said it is clear the developer of Ashby Meadows intended to have the traffic connected since they stubbed Skylark Lane into the County.

Mrs. Turner pointed out that during the proposal and development of Ashby Meadows residents along King Edwards Way did not like the idea of their street connecting with Ashby Meadows so it is probably safe to believe that the residents of both neighborhoods would not like the idea of students driving on their streets and through their neighborhoods.

Mrs. Turner then pointed out that the developer of the proposed student housing development met with City staff several months or even more than a year ago about developing somewhere in the City. However, they did not find anything interesting to them or zoned appropriately. She also explained that staff was not promoting more student housing be developed in the City. She said when you compare the proposed development with other student housing developments in the City the proposed development is not very dense.

Mr. Fletcher said he believed the development was near seven units per acre.

Mrs. Turner said when the developer met with staff several months ago; staff was not in favor of rezoning property for more multi-family housing. If the City was going to see more multi-family housing, we did not want to rezone property from single family home zoned property to allow for more multi-family development at such a low-density.

Mr. Fletcher also explained how the proposed development would not have been permitted in the City on the same acreage. To build the proposed development at the same density, the developer would need a larger piece of property in the City because we classify units differently than the County.

Mrs. Turner explained that during the time when staff met with the developer several months ago that staff told the developer if they were interested in building their development in the City, they could attempt to amend the Zoning Ordinance. Generally, however, staff was not in favor of having more multi-family in the City.

Mr. Fletcher said that during staff's recent meeting with the developer, the developer stated that if they could not find undeveloped property appropriately zoned in the City, to build their development they would have to purchase an old multi-family complex and demolish it to make way for their proposed project. He said staff told the developer that is definitely something we would encourage.

He then said to be fair to the developer it appears their complexes are usually quite attractive. I am sure this development would hardly ever have vacancies because they are nice units. Aspen Heights (the student housing company) also has what they call a "global perspective" because they are involved in helping communities in Africa. They have a similar business concept to the Toms shoe company (which for every shoe they sell they give a pair of shoes to someone in need), but instead of giving shoes, Aspen Heights supports needs in Africa. They offer the opportunity for their residents to donate money to their cause and they offer trips to Africa, where their residents can travel with them to volunteer to help communities in need. Aspen Heights has good intentions, but all of these good intentions do not mean this development should be located in the proposed location.

Mr. Chenault said what happens here could create a domino effect in the City. He then said that if there is bus service to this community, the developer would have to pay for it. A lot of people talk to me about wanting this kind of community for retirees, but they would rather have it located near downtown.

Mr. Da'Mes said his biggest concern was the inadequacy of public transportation.

Dr. Dilts said this development would really stretch the infrastructure.

Mr. Fletcher said that if this development is approved and if they want public transportation service to the community, the developer needs to consider redesigning their development to provide a sufficient turnaround for the City's buses.

Planning Commission agreed with Mr. Fletcher's statement.

Mr. Chenault said there has not been a respectable representation that there is a need to build more student housing.

Planning Commission then analyzed and discussed the student housing occupancy information that was generated by the Department of Public Transportation.

Mr. Fletcher said it is difficult to get an accurate representation of the vacancy rates of the student housing complexes because you never know if the student housing complexes are telling you the truth. We have had individuals who are associated with such complexes tell us that their employees will not tell the truth about their vacancy rates.

Planning Commission discussed whether the numbers represented in the information was only including students or if it included all residents, including non-students.

Mrs. Turner stated she believed the student numbers represented the actual number of students in the listed complexes, but that the vacancy rates included the rates for the complex as a whole, meaning there could be non-students also living in those developments.

Mr. Chenault questioned how many units could be built on the Harman tract where the Overlook at Stone Spring is being built.

Mr. Fletcher said the total number of units that could be built on the Harman tract, which is zoned R-5C, is proffered to be no more than 1,054 units. The first phase, Overlook at Stone Spring, would have approximately 160 to 180 units. He then said Mr. Neff's property located off of South Main Street, often referred to as Southbury Station, is zoned R-5C and proffered to have no more than 466 units.

Mr. Way said one of the overall messages is that Planning Commission is concerned with the proposed development and its impact on Port Republic Road.

The members of Planning Commission all agreed that they were not in favor of the proposed development and generally had negative feelings about its impact.

Vice-Chair Fitzgerald asked if there were other issues to discuss under Other Matters. Hearing none, she asked Mr. Chenault if he would update the Commission on City Council's actions taken on the items reviewed by Planning Commission last month.

Mr. Chenault said last night at City Council both special use permit requests were approved. I realize that at Planning Commission it was 5-0 in opposition of the request for occupancy on West Market Street and at Council it was approved 4-0; but, it was not an easy decision. Ultimately Council felt that this was a tipping point, and if there was going to be a start for rehabilitation in that neighborhood, then this type of housing was a step in the right direction. Also, I believe the proximity to Route 42 and the downtown area had a lot to do with the decision; the fact that most of the persons living in that neighborhood probably ride bicycles or walk.

Adjournment

The meeting was adjourned at 8:00 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks