

MINUTES OF HARRISONBURG PLANNING COMMISSION
April 11, 2012

The Harrisonburg Planning Commission held its regular meeting on Wednesday, April 11, 2012, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, 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 seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the March 14th, 2012 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the March 14th Planning Commission meeting.

Mrs. Fitzgerald seconded the motion.

Mr. Finks and Chairman Jones abstained from voting because they were not in attendance at the March meeting.

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

New Business

Public Utility Application – The Crossings (Dorval Road Extended)

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Crossings is a residential development of single-family detached building lots located off Greendale Road, where such lots would be located within the City and the County. In 2007, Planning Commission and City Council approved a preliminary plat for the City portion of this development that proposed a total of 35 single-family home lots within the City. At this time, those lots are platted within the City and the majority are developed. The remainder of the City portion cannot be platted until the County extension of Dorval Road is completed. The County portion would include 32 single-family home lots which the developer would like to have connected to City water and sewer facilities. Water and sewer lines currently exist within the Dorval Road right-of-way to the City limits. If the public utilities extension is approved the developer would proceed with a rezoning request for the County portion of the development.

Per Section 7-2-4 (b) of the City Code, if a residential development outside the City limits is to be connected to the City's water and sewer infrastructure and consists of 10 or more residential units, such request shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection. The proper application has been completed by the developer and the technical review is underway by the Public Utilities Department. The developer would be responsible for all engineering calculations and improvements to the water and sewer systems to facilitate the requested services.

This request applies only to water and sewer facilities to be extended into the County; and does not apply to electric. Planning staff has no concerns and the Public Utilities Department has no issues at this time.

Chairman Jones asked if there were any questions for staff. Hearing none, he asked for discussion or a motion on the request.

Mr. Finks said I see no problem with this and recommend approval.

Mr. Chenault said I agree, it is a nice single-family project that has quickly built out in the City and I second the motion to recommend approval.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval (7-0).

Chairman Jones said this matter will be heard by City Council on May 8th.

Preliminary Plat – 411 & 491 Garbers Church Road (Variance from 10-2-42(d))

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

- Site: Farm house and outbuildings, zoned R-1
- North: Single family home lots, zoned R-1 and Rockingham County property, zoned A-2
- East: Single family homes fronting along Rhianon Lane, zoned R-1
- South: Across Garbers Church Road, single family homes, zoned R-1
- West: Single family homes fronting along Glanzer Court and Rorrer Circle, zoned R-1

The applicant is requesting to preliminarily subdivide two parcels zoned R-1, Single Family Residential District, into three lots. A variance to Section 10-2-42 (d) of the Subdivision Ordinance to allow one lot to not front on a public street is also being requested. The properties include the majority of the public street frontage between Glanzer Court and Rhianon Lane along Garbers Church Road.

Planning Commission should be familiar with the two parcels proposed to be subdivided. The larger tract, known as the Traber property, a 6.24 +/- acre parcel, was reviewed by Planning Commission in July 2011 for a preliminary plat, with a variance from the same section of the Subdivision Ordinance, to create nine single-family home lots. Although approved by City Council, a final plat was never submitted. The acreage was recently sold to the applicants, who are also the adjoining property owners and the owner/operators of By the Side of the Road Bed and Breakfast.

The applicants are proposing to subdivide the two parcels into three tracts. A 1.17 +/- acre tract would be added to the adjoining bed and breakfast property incorporating the existing pond with the B&B site and providing more lot area for future expansion of the business. The vacant single-family dwelling located on the 6.24 acre lot would be subdivided as a 29,354 square foot parcel. The dwelling would meet all setback and lot size requirements; however, this parcel would not have public street frontage. A variance from Section 10-2-42 (d) of the Subdivision Ordinance is needed to allow this parcel as shown. A 20-foot, private right-of-way would be provided to allow access to the single-family home site. The third lot would contain 4.4 +/- acres and would have 80-feet of

road frontage along Garbers Church Road. At this time it is proposed to remain as one large, undeveloped tract.

Staff believes the proposed 29,354 square foot, single-family home parcel is connected to a private septic system. Section 10-2-63 (b) of the Subdivision Ordinance requires that every subdivision be provided with a satisfactory sanitary sewer system. The applicants intend to connect the home to public sanitary sewer once the purchase is finalized and they begin renovations on the house. This would require a sanitary sewer connection to the parcel prior to approval of the final plat or a written agreement with the City ensuring that the sewer would be connected.

Portions of the subdivision are within the floodplain and staff has discussed with the applicants that any new construction must meet all applicable regulations.

The proposed use of the property is consistent with the surrounding area and with the Comprehensive Plan's Low Density Residential land use designation. Staff has no major issues with the requested variance to allow one lot to not front along a public street and offers a favorable recommendation for approval.

Chairman Jones asked if there were any questions for staff.

Mr. Da'Mes said Planning Commission's prior approval for this site was for a subdivision, what became of that?

Mrs. Banks said it was a preliminary plat approval for nine single-family home lots, with a variance to allow lots which would not front along a public street. That plat was approved by Planning Commission and City Council; however, it was never final platted.

Mr. Da'Mes said therefore it never occurred?

Mrs. Banks replied yes, it was never subdivided.

Mr. Da'Mes said this area is all zoned R-1 and it was mentioned in the description that the bed and breakfast may be expanding in the future. What does that mean and what is allowed in R-1?

Mrs. Banks said a bed and breakfast is actually a special use permit within the R-1 zoning and is currently approved for the single-family home that the applicants, the Fitzgeralds, reside in. The next agenda item is a request from the Fitzgeralds to amend and enlarge their existing special use and eventually construct more cottages on the expanded site.

Chairman Jones asked if there were any further questions. Hearing none, he asked for discussion or a motion from Planning Commission.

Mr. Chenault said I really like this use and subdivision of this property much better than the previous one we reviewed last July. The bed and breakfast operation fits very well into the residential neighborhood. I am very supportive of this and actually very pleased to see this new proposal for the property.

Chairman Jones said to my knowledge there have been no complaints regarding the bed and breakfast use at this site. I do believe it is an award winning facility.

Mr. Chenault moved to recommend approval of the preliminary plat and variance request.

Mr. Finks seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the preliminary plat and the requested variance (7-0).

Special Use Permit – 491 Garbers Church Road Bed and Breakfast (Section 10-3-37(7))

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

Site: By the Side of the Road Bed and Breakfast, zoned R-1

North: Single family homes, zoned R-1

East: Vacant land and single family homes fronting Rhianon Lane, zoned R-1

South: Across Garbers Church Road, single family homes, zoned R-1

West: Across Glanzer Court, single family homes, zoned R-1

In December 1998 the applicants received approval of a special use permit (SUP) to allow a bed and breakfast facility at 491 Garbers Church Road. The request was for seven guest rooms in the main house and one guest cottage. In 2005, the applicants requested to modify the existing special use in order to expand the bed and breakfast by adding two additional guest cottages. Council approved the modification to the SUP in June 2005 with a condition that the new buildings be located no closer than 25-feet from any property line.

The applicants are now requesting a modification to the 2005 SUP to expand their bed and breakfast facility, which is located in the R-1, Single Family Residential District. They are proposing to construct three additional guest cottages. Currently, there are four guest rooms in the main house and three guest cottages, for a total of seven guest rooms. The Zoning Ordinance limits bed and breakfast facilities to a maximum of ten guest room accommodations; therefore, with the additional three cottages, the facility would reach the maximum rooms permitted. The applicants have recently purchased adjacent property in order to expand their bed and breakfast acreage and to make room for the proposed new cottages.

Each cottage would be a one story structure, approximately 500 square feet in area and look similar to the existing cottages. One cottage is intended to be constructed near the existing cottages, next to the main house. The remaining two are proposed to be located on the property near an existing pond. The locations are preliminarily shown, but are subject to relocation depending on utility availability. The cottages near the pond would be connected as a single structure, with a unit on either end, separated by a 20X25 section that would be finished like the cottages on the exterior, but remain unfinished on the interior. The interior section could be potentially be used for storage or office space. There are no plans for kitchens in any of the cottages.

Additional parking spaces would be added to the bed and breakfast in order to be in compliance with the Zoning Ordinance regulation of one parking space per guest room. A walkway would lead from the parking areas to the entrances of the guest cottages.

Staff has no concerns with this request and recommends approval of the SUP request with the condition that all cottages be constructed at least 25-feet from any property line. This is the same condition placed on the existing SUP and should help limit any noise issues that could be associated with this use.

Chairman Jones asked if the twenty-five foot setback condition has been discussed with the Fitzgeralds.

Mrs. Banks replied yes, that setback is also a condition of the 2005 amended special use permit.

Mr. Da'Mes asked what accommodations are there for the additional parking requirements.

Mrs. Banks described where parking would be provided for the new cottages and stated that one parking space is required for each guest room associated with the bed and breakfast.

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

Mr. Chenault said I move to recommend approval of the amendment to the special use permit with the setback condition. This is a beautiful facility for this neighborhood. This plan is very consistent with what the owners have already done with the site and will only further enhance the operation. This does not take away from the character of the neighborhood.

Dr. Dilts seconded the motion to recommend approval.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the amendment to the special use permit with the setback condition (7-0).

Chairman Jones said both of these items will move forward to City Council on May 8th.

Zoning Ordinance Amendment – Section 10-3-26 Industrial Operation Off-Street Parking Location

Chairman Jones read the item and asked staff for a review.

Mr. Fletcher said staff is proposing an amendment to the Zoning Ordinance Section 10-3-26 to allow particular industrial uses the flexibility to count parking spaces that are “off-site” from the use served toward meeting the required off-street parking regulations. The number of required off-street parking spaces for all uses is outlined in the preceding Section 10-3-25.

Section 10-3-26 titled Location in Relation to Building or Use Served has two subsections: (a) and (b). Subsection (a) specifies that all required parking spaces must be located on the same lot or on adjoining lots that permit the same use. This subsection also explains how common or cooperative parking locations are permitted and how the Planning Commission may further modify the number of on-site parking spaces. Subsection (b) was added to the Zoning Ordinance in March 2012 along with the other UDA related ordinance amendments. It allows uses located on contiguous but separate lots to reduce the number of required parking spaces based on period-specific demand for use. As mentioned above, if uses need further parking space reductions, Planning Commission may review such requests and approve them if they deem them necessary.

As described, Section 10-3-26 provides a great deal of flexibility for uses to meet required parking arrangements, and it indirectly provides a means to help conserve open or green space by offering provisions to allow for less construction of parking surfaces. Staff would like to make an additional amendment to subsection (a) to provide even more flexibility to help achieve the reasons stated above and also to offer accommodating provisions unique to some of the City’s larger industries

that provide manufacturing, processing, storage, or treatment of products employment. Specifically, staff proposes the following amendments to subsection (a):

- (a) All parking spaces required herein shall be located on the same lot with the building or use served or adjoining lots within a zoning district permitting the same. A common or cooperative location, ~~which provides parking for two (2) or more uses,~~ shall be in the ownership of all of the participating property owners, or shall have easement and maintenance agreements between the participating property owners ~~of~~ for a period of at least ten (10) years following the date of city approval, and shall have parking space equal to the sum required by Sec. 10-3-26 (b). The amount of space may be further reduced by the planning commission subject to its determination that fewer spaces are needed due to different hours of activity among the various uses, a guarantee of the permanent availability of such space, or other such factors. When assembly uses propose borrowing parking from other public or private parking facilities which are properly zoned and in reasonable proximity, the planning commission, upon site plan review, may modify the number of on-site parking spaces.

1. Notwithstanding the requirements set forth above, industrial operations for the manufacturing, processing, storage, or treatment of products which are not customarily found in retail centers as permitted by the M-1, General Industrial District may also locate required parking on parcels that are not on the same or adjoining parcel from the uses served. Such parcels shall be zoned B-2, General Business District or M-1, General Industrial District, located in reasonable proximity to the property in which the parking serves, and may be located across public streets and/or alleys. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval.

In subsection (a), staff proposes removing the statement: “which provides parking for two (2) or more uses” simply to clarify that an adjoining lot does not have to have an existing “use” other than providing required parking for the adjoining lot.

The more significant amendment is the addition of (a) (1). Since many of the City’s manufacturing, processing, storage, or treatment of product businesses often operate in a “campus-like” setting (i.e. Walker-Tenneco Inc. along Interstate 81, Graham Packaging Company along West Wolfe Street, George’s Inc. located on North Liberty Street, and others), staff believes it is practical to allow such uses to locate required parking on parcels that may not be on the same or on an adjacent or contiguous lot. In other words, required parking for such uses could be located across the street or “down the street” from the building where such operations occurred.

Approving the amendment provides opportunity for the described types of businesses to expand their operations and create more jobs without the concern of needing additional space on-site for required parking. For example, George’s Inc., which recently purchased Tyson’s Foods Inc.’s complex at 501 North Liberty Street, would be able to take advantage of this amendment in adding onto the existing facility and then counting parking spaces located on parcels across the street from the building toward meeting their off-street parking requirement. This amendment also opens the door for smaller, industrially zoned properties that may have been overlooked for such uses the opportunity to be utilized for these types of industries.

Staff does not foresee negative side effects from allowing these types of businesses to count

required parking on lots as described because parking lots are already stand alone, by-right uses in the B-2 and M-1 zoning districts. Furthermore, approving the amendments is fitting with regard to the Comprehensive Plan's Economic Development goal and objective to retain and enhance the City's role as the economic hub of the region while expanding its economic base and to assist existing firms to expand locally.

Staff supports a favorable recommendation to City Council.

Chairman Jones asked if there were any questions for staff.

Mr. Finks said does the City have a requirement for the amount of parking spaces for something like this.

Mr. Fletcher replied that the City does have a minimum parking requirement for uses such as this.

Mr. Finks said you mentioned in the report that they had to provide enough for one shift. I know from experience that you need enough for at least two shifts, because one shift is relieving another.

Mr. Fletcher said it is not unheard of for businesses to provide more than the minimum requirement for their parking.

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

Mr. Chenault moved to recommend approval of the Zoning Ordinance amendment.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of recommending approval of the Zoning Ordinance amendment to Section 10-3-26 (7-0).

Zoning Ordinance Amendments – Sections 10-3-84 and 10-3-85 SUP for Surface Parking Lots

Chairman Jones read the item and asked staff for a review.

Mr. Fletcher said as originally suggested by Planning Commission, staff has drafted and advertised an amendment to the Zoning Ordinance Sections 10-3-84 and 85 regarding the use of surface parking lots in the B-1, Central Business District. If approved as written, both surface parking lots and parking garages as principal uses would no longer be permitted by-right; only by special use permit (SUP).

The Commission discussed the idea for this amendment during the January 11, 2012 regular meeting of the Planning Commission when the Commission held a public hearing regarding the proposed parking lot landscaping ordinance and its associated ordinance amendments. One of the associated amendments was to modify the B-1 zoning district by relocating the use of parking garages from the by-right list of permitted uses to the B-1 SUP category. As described during that time, if that amendment is approved, to build a parking garage on any parcel zoned B-1, property owners would have to apply for a SUP, which among other requirements, must have public hearings at both Planning Commission and City Council. The Commission noted that not only were they in favor of having parking garages in the B-1 district be approved by way of a SUP, they also were interested in requiring the same of surface parking lots. The Commission advised staff to evaluate such an amendment and to also inquire of the Board members of Harrisonburg Downtown Renaissance (HDR) as to their feelings toward this idea. Ultimately, the Commission recommended

for City Council to adopt the landscaping regulations along with the associated amendments to the Zoning Ordinance. (City Council will hold a public hearing on the proposed landscaping ordinance and related ordinance amendments on April 10th, the day before the subject amendments are reviewed by the Commission.)

Since that time, staff has communicated with the Executive Director of HDR, who informed us that 12 of the 16 HDR Board members were in favor of Planning Commission's idea to require a SUP for surface parking lots on B-1 zoned parcels. With regard to the other four members, two were opposed, and two abstained.

It should be understood that the amendment would require all parking lots and parking garages to receive a SUP only if they are a principal use on a B-1 zoned parcel. The amendment would not affect the existing by-right permission of any B-1 property owner from building a surface parking lot or parking garage accessory to a principal use. In other words, parking lots of uses such as the Colonnades at Rocktown or Autozone or parking garages like that of Urban Exchange, all would have been permitted by right. On the other hand, if a property owner was interested in developing a site only as a parking lot or garage, regardless of whether the lot was undeveloped or necessitated the demolition of buildings, the property owner would be required to receive approval of a SUP. All SUPs require posting the property advertising the proposed project, advertising the issue in the newspaper, notifying adjoining property owners, holding a public hearing at Planning Commission, and holding a public hearing at City Council where such requests are approved or denied.

After considering the idea for the past few months, and after taking into account the positive encouragement from the majority of HDR's board, staff believes approving this amendment would be a good move for the long term goals of the City. Providing the opportunity for further evaluation of such uses and their impact on public streets and sidewalks would be useful given the limited availability of space downtown and the desire to redevelop with a unified vision per the ideas of the Downtown Master Streetscape Plan, which is currently being drafted by a committee headed by Department of Public Works. In addition, the Comprehensive Plan notes an objective "to make downtown revitalization a major, high priority public/private initiative, the cornerstone of the City's economic development, tourism, historic preservation, and civic pride enhancement efforts," and staff believes this amendment is a planning tool that can help in these endeavors.

Whether a private property owner is interested in providing a metered parking lot or a parking garage, requiring a SUP will allow the public the opportunity to voice their opinions on how the City's downtown functions and redevelops. Staff recommends approving this amendment.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wishing to speak in favor of the amendment. Hearing none, he asked if there was anyone wishing to speak in opposition of the amendment. Hearing none, he closed the public hearing and asked for discussion.

Mr. Way said I want to thank staff for pushing forward with this amendment, I think it is something that will help protect our downtown area and what we value about our downtown.

Mrs. Fitzgerald asked do we know what the reservations were from the two persons with the HDR Board who were opposed to the change.

Mr. Fletcher said I was only provided information of the vote.

Mr. Chenault said both individuals were downtown property developers and it was probably the fact that they just want total flexibility for projects they may be doing in the future in the downtown area.

Mr. Way moved to recommend approval of Zoning Ordinance amendments.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the Zoning Ordinance amendments to Sections 10-3-84 & 85 (7-0).

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said proactive zoning targeted the Parkview area of the City, where they found five violations consisting of inoperable vehicles and discarded materials. Next month the Northeast sector of the City will be visited.

Other Matters

Temporary Advertising Signs

Mr. Fletcher said I will give a little background on this and then Mrs. Turner can provide further information. It has been brought to our attention by the City Manager's office to consider whether there should be provisions that allow temporary advertising signs within our ordinance as perhaps our ordinance is out of date regarding such signage. It is thought that advertising is evolving into something different and maybe we should look at trying to allow this type of signage in some different capacity.

Mr. Fletcher then gave a brief presentation showing the types of temporary advertising signs that are considered illegal by the current sign regulations. Once the presentation was completed, Mr. Fletcher asked Mrs. Turner for her comments and input.

Mrs. Turner said currently our sign regulations prohibit pennants, banners, streamers, and all other fluttering, spinning type devices. As well, the small advertising signs with the wire frames that are stuck in the ground are also prohibited because most businesses already have freestanding signs and have used all of their allowable signage. I do want to point out that the subject sign regulations have been in the Ordinance since before I began to work here. After receiving a letter from Mr. Bruce Forbes several weeks ago regarding temporary advertising signage, the City Manager said perhaps Planning Commission and City Council should discuss this type signage and perhaps feather signs could be something that were permitted in some type of frequency.

Planning Commission does not always even see sign changes and sign items because they are not part of the Zoning Ordinance; but, because the City Manager suggested it be looked at by Planning Commission we are bringing it to you tonight. I have called several other localities and of those I can tell you this: Hampton allows temporary signs, which includes feather signs, once a year for 30 consecutive days per property; Winchester allows small, framed type signs or the feather signs, one per street frontage per parcel, all the time; Suffolk allows a temporary sign, which includes banners, feather signs, signs on frames, three times a year, per parcel for no more than 21-days total; Albemarle County and Manassas do not allow any signs that move in the wind, these are considered a distraction to motorists, which of course is the sole purpose of this type of sign; Roanoke allows banners and feather signs two times a year per parcel for 30-days each time.

Of course, for any program like some of these, we do not have the staff to go out and verify signage two or three times a year for however many days. We would also need to consider any type of enforcement regarding this type of signage. Right now we perform pro-active enforcement when we do our pro-active zoning; therefore, we only get to commercial corridors about once every three years; otherwise we are reactive. If someone gives us a temporary sign complaint, we go out to the business site and check it out. If the businesses on either side of the complaint, or within close proximity, also have temporary signs we go ahead and cite those businesses too; but, we do not continue along the entire corridor citing businesses. Obviously we are not able to enforce this on a continuous basis, and we have never been told that enforcement of this type of signage should be a priority over other types of violations.

These feather signs are somewhat new; but, I do not see a distinction between them and any other temporary type signage. I would think that if we were going to allow some type of temporary signage we would not make a distinction between the feather sign or the smaller, framed one stuck in the ground.

Mr. Way said what you are saying is that it is best for citizens to bring forward complaints, as appropriate, for this type of violation. Also, how do we deal with political yard signs placed around neighborhoods during elections?

Mrs. Turner replied we do not remove all the political signs. It is difficult with political signs, because if they are placed on private property they are okay. They are not advertising a product available for purchase on that property; it is more like a freedom of speech statement. They are not a business advertisement on private property. The ones on public right-of-way are different; they are there for a short period of time and the City does not worry a whole lot about them.

Mrs. Fitzgerald said to clarify, this is a growing problem in the fact that there are an increasing number of folks that are putting up these illegal signs and it is not possible to enforce them other than in sort of a spot way through pro-active zoning or complaints. It is accelerating and it is feeling more unfair for the people who remove the signs or abide by the regulations.

Mrs. Turner said I suppose that might be someone's perspective on it. I do not know if I think that is a valid concern or not. But yes, I feel that is what some people seem to think and others may think that in this business climate you should not be doing something that stifles business.

Mr. Fletcher said I have a couple of notes that I want to make certain Planning Commission understands. Signs used to be part of the Zoning Ordinance, now they are within the Building Code; but, there is still a very close association with zoning. The zoning of a property determines the type of sign you can have; therefore, the Zoning Division reviews and signs off on all sign permits. Zoning Inspectors also enforce sign regulations. What sometimes happens is that one business gets complained about, or is caught during pro-active zoning and they in turn decide to complain about their competitors.

He then asked for clarification of the jurisdictions that were listed tonight, which allow such signage, are there permits associated with them?

Mrs. Turner replied yes, most of the jurisdictions required a permit and fee.

Mr. Finks said I believe we are doing the best we possibly can. We are going around citing people when we are in that area for pro-active or complaint. Do we want to have someone drive around and look for nothing but this?

Mrs. Fitzgerald said we should encourage folks to report any violation they see.

Chairman Jones said this is an issue that is not going to go away. If the existing ordinance is as dated as it is, then maybe it is time to address this if the Commission so feels. Several thoughts come to mind about this, but, it seems it would be a logistical nightmare.

Mr. Chenault said I think something that would be helpful in several ways would be to eliminate the excuse of “I did not know about it” or “this is unfair”. When someone comes in to get the permit, give them some type of written explanation stating that this type of signage is not allowed and this is your warning. This should take some of the wind out of their sails when we go to enforce the regulations and they express surprise.

Mr. Da’Mes said I agree, but I also think that people have selective memory and they will do as their neighbor does or what they see others do.

Chairman Jones said I think that a signed document at the time the permit was issued would be helpful.

Mrs. Banks said we have attempted that before. You must realize that many times it is not the property owner or sign owner who is getting the permit, it is the sign company and they do not necessarily share that information with the owners. So yes, the property owner or business owner would be surprised when we informed them of the violation. We recently have attempted to step it up even further by sending a copy of the permit to the business owner.

Mr. Chenault said perhaps the business license process is the time to do it. That gets to the person who is operating the business on the site.

Mrs. Turner said even if we did something, and I am not saying our ordinance is out of date because we do not permit this type of signage, and want to start allowing these signs a number of times per year, I would not want to give the impression that it would help to limit the violations. I do not think it would. I do believe our recent change in the ordinance to ten days in order to correct a violation would help in some respects; it will not help a whole lot because we are not usually citing someone month after month. That would only come into play if we cite someone and tell them if they have another violation we would take them to court. If it has been more than a year since they had a violation we are not going to do that; we are only going to take them directly to court if they have violations within six, maybe eight months of one another. Also, businesses change, management changes, and we must allow for that too. I am not sure that just allowing this type of signage would help to cut down on the illegal ones. The jurisdictions that do allow them said that it is just as much a problem with people that do not get the correct permits. Then you have the signs, like the Pepsi or Coke signs, that are given to the businesses and they of course think it is perfectly great because it attracts more business to them. The Virginia Lottery is apparently giving away some of the feather signs. So my point being is that allowing them is not going to cut down on the number of illegal signs.

Mrs. Banks said when a notice of violation is sent out it goes to the property owner, which is not necessarily the business owner.

Chairman Jones said I still come back to the thought that it would be a nightmare to enforce. How many people do we have enforcing this now?

Mrs. Turner replied basically two.

Dr. Dilts said I think we leave it as it is.

Chairman Jones agreed and said address it case-by-case. Perhaps we could put it on the website.

Mr. Way said yes, encourage people to call in if they had a concern.

Mrs. Turner said are we hearing a consensus that you choose not to recommend sending any sign changes on to City Council at this time.

Chairman Jones said personally I think any change that we would do, especially in a capacity that would involve any enforcement, would be moot. We do not have the personnel to handle the enforcement.

Mrs. Turner said there is also the idea that if you thought that we should be permitting businesses to have this type of signage, then the enforcement is probably no worse with a change than it is now; that is, if you feel strongly that businesses need this type of signage.

Chairman Jones said I think how it is handled now on a case-by-case basis as the complaints arise is fine.

Planning Commission agreed with not moving forward with any changes to the sign regulations.

Adjournment

The meeting was adjourned at 8:20 p.m.

Chairman William L. Jones, Jr.

Secretary, Alison Banks