

## MINUTES OF HARRISONBURG PLANNING COMMISSION

August 14, 2013

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 14, 2013 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Gil Colman, MuAwia Da'Mes, Judith Dilts, Deb Fitzgerald, Jefferson Heatwole, and Henry Way.

Members absent: None

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

Chair Fitzgerald called the meeting to order and determined there was a quorum with all members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the July 10, 2013 Planning Commission meeting.

Mr. Way moved to approve the minutes as presented from the July 10, 2013 regular Planning Commission meeting.

Mr. Heatwole seconded the motion.

Dr. Dilts abstained from voting because she was not in attendance at the July 10, 2013 meeting.

All members voted in favor of approving the July 2013 minutes (6-0).

### New Business

#### *1,557 Square Foot Area Street Closing Kin Group, LLC*

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the following land uses are located on and adjacent to the property:

Site: Undeveloped Collicello Street right-of-way, adjacent to property zoned R-7

North: Undeveloped Collicello Street and undeveloped 6<sup>th</sup> Street recently approved for closure and to become zoned R-7 when purchased by the applicant

East: Undeveloped property, zoned R-7

South: Undeveloped Collicello Street

West: Undeveloped Collicello Street and undeveloped property, zoned R-7

Kin Group, LLC is requesting to close a 1,557 +/- square foot portion of undeveloped Collicello Street right-of-way (ROW) located in the block between 5<sup>th</sup> Street and undeveloped 6<sup>th</sup> Street. The applicant owns all adjoining properties, which are now zoned R-7, Medium Density Mixed Residential Planned Community District. If closed, the undeveloped ROW would become part of the R-7 master plan.

The applicant is the same entity that has been to Planning Commission and City Council on three separate occasions to make way for an R-7 development. In June 2012, the applicant requested to close a 3,000 square foot undeveloped portion of a public alley located between 5<sup>th</sup> Street and undeveloped 6<sup>th</sup> Street. Then, in February of this year, the applicant requested to close over 33,000 square feet of undeveloped portions of Collicello Street, undeveloped 6<sup>th</sup> Street, and undeveloped

ROW near Edom Road. Finally, in June, the applicant requested to rezone almost three acres of property, which included the undeveloped public ROW areas as described above, to the R-7 district. Planning Commission recommended in favor of, and City Council approved, all three requests.

During the rezoning request process, it was explained that Kin Group, LLC would return to Planning Commission and City Council to request closure of this 1,557 square foot undeveloped ROW as this area is planned to contain a significant retaining wall, which is important to the road design. The subject area is also the location of a portion of the shared use path that would connect bicyclists and pedestrians from Collicello Street to Edom Road and vice versa.

As has been known throughout the planning of this development, Columbia Gas has a six inch pipeline located in the Collicello Street ROW. This gas line runs through portions of the subject area herein described. The City will retain an easement for Columbia Gas prior to closing the ROW and it will be the responsibility of the applicant to accurately identify the location of the infrastructure and to work with Columbia Gas to identify on a plat where easements shall be located. The applicant has been aware of this situation for some time and has already been communicating with Columbia Gas regarding this matter.

There are no public water or sewer lines within the subject areas, the areas are not used for trash pick-up, and the City is not interested in maintaining ownership of this section of the ROW.

With the easement as described, staff recommends closing this portion of undeveloped Collicello Street.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she said this is not a public hearing; but, if the applicant or the applicant's representative would like to speak they may do so at this time. Seeing none, Chair Fitzgerald asked for discussion or a motion on the request.

Dr. Dilts moved to approve the street closing as requested by Collicello North.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this item goes before City Council on September 10, 2013.

***Alley Closing – Undeveloped Oak Drive (Between 22-E-9 & 22-F-8)***

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the following land uses are located on and adjacent to the property:

- Site: Undeveloped Oak Drive right-of-way, adjacent to property zoned R-1
- North: Across Circle Drive, the continuation of undeveloped Oak Drive and single family homes, zoned R-1
- East: Undeveloped parcel, zoned R-1
- South: City of Harrisonburg's Rocktown Trails at Hillendale Park, zoned R-1
- West: Single family home, zoned R-1

The City is proposing to close a 9,386 +/- square foot portion of Oak Drive—an undeveloped public street right-of-way (ROW) located off of Circle Drive. Oak Drive was platted in Rockingham

County as Conrad's Addition as Part of Sunset Heights and did not become part of the City until the 1983 annexation. No part of Oak Drive has ever been constructed. The section to be closed is 50-foot wide extending approximately 190-feet in length south from Circle Drive toward the City's Rocktown Trails at Hillandale Park property.

Knowing the City has never had plans to construct this section of Oak Drive, the Bicycle and Pedestrian Subcommittee—a subcommittee of the Harrisonburg Transportation Safety Advisory Commission—has discussed for sometime using this area as a possible access point into Rocktown Trails. After adjoining property owners expressed concerns about the use of this section as an officially recognized access to the trail system, and after Bicycle and Pedestrian Subcommittee members evaluated the site and determined a nearby location to be a better spot to create an access point, the City made an agreement with adjacent property owners to close this ROW and establish a new, smaller ROW more than 50 feet to the east. The new location will be more suitable for trail users while at the same time being sensitive to the privacy of the adjacent property owners. The new ROW would be 20-feet in width stretching about the same distance and would be constructed as a shared use path for individuals to access the mountain biking trails from this neighborhood and vice versa.

There are no public water or sewer lines within the Oak Drive ROW, it is not used for trash pick-up, and there are no private utilities within the undeveloped street ROW; therefore, no easements need to be retained.

Staff recommends closing the 9,386 square foot portion of undeveloped Oak Drive.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Way asked if the City had support of both adjoining property owners.

Mr. Fletcher replied yes.

Chair Fitzgerald asked if there were any further questions. Hearing none, she said this is not a public hearing, but if there is anyone present who would like to speak regarding this request you may do so now. Seeing none, she asked if there was discussion or a motion on the matter.

Mr. Way said he likes the symmetry of this, we have been closing some alleys recently and now we are opening a new right-of-way for public use. I feel this is a nice effort on behalf of all parties. I move to recommend approval of the closing.

Mr. Da'Mes seconded the motion and said I know that in previous years this neighborhood was a bit reluctant with bike paths. I am glad to see that staff and the community have been able to work together to get this connectivity.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this item will be heard at City Council on September 10, 2013.

### **Unfinished Business**

None.

### **Public Input**

None.

### **Report of secretary and committees**

Mr. Fletcher said in July City forces visited the Long Avenue/Norwood Street area of the City for proactive zoning. Eleven violations, consisting of tall grass and weeds, inoperable vehicles, and discarded materials, were found. This month the inspectors will be in the Greystone Street area of the City for inspections.

Mr. Baugh said at City Council last night we approved two items from Planning Commission; the ordinance amendment regarding through lots and the Daly property preliminary plat with variances. The Chicago Avenue commercial development, Family Dollar, was tabled by the applicant. They actually requested that it be deferred to the September 10<sup>th</sup> Council meeting.

I also attended the Rockingham County Planning Commission meeting and they had one matter on the agenda, a radio tower issue which would require a rezoning and then a special use permit before the County. The County does seem very interested in what we are doing regarding our telecommunications.

### **Other Matters**

Mr. Fletcher said provided before you this evening is the completed research regarding the telecommunications regulations. It is a rather comprehensive document; covering many different things. In the packet we have provided information on the basics, as to “what is telecommunications and how are they regulated.” There is information on what other localities are doing. As well, we included information on some of the new technology that is being deployed on sites and what things might be changing within the industry.

This information has been sent to industry representatives and we have received most all of the communication back from them, which has all been very positive so far. These comments will be comprehensively put together to share with you, so that you can review everything together and we can begin the discussion on this next month. Lastly, we have identified the inventory of telecommunications equipment and their locations. In the correspondence with the industry representatives I asked them to confirm their equipment locations within the City.

There is no need to discuss this tonight; I just wanted to get it out to you because it is a lot to review. This is online for the public, so you may get some feedback from the public as well.

Chair Fitzgerald asked if there would be a presentation on this at the next meeting.

Mr. Fletcher said we will try to figure out over the next month how we want to present the information. There may be a condensed presentation in more layman’s terms.

Chair Fitzgerald asked if there was any further discussion.

Mr. Way said he has a couple of things he would like to bring up. The Downtown Streetscape Plan had a presentation last week, and I would like to encourage any of you to go on line and have a look at it and perhaps give some input.

The other question I have is about possible zoning violations and what is the process someone needs to take to have it addressed.

Mrs. Turner described the process that staff would take regarding complaints and said the concerned neighbor should contact Community Development with as much information as possible regarding the violation and that staff would look into it.

Mr. Way said he does have another question; this one regards the Municipal Building situation. How much would Planning Commission be involved in that; it seems to be something that comes under our review. I was just wondering what and how that process would be.

Mr. Baugh said this is an issue that has gone from being not on the radar at all, to very intensely debated, within a two week period. I can say that of the discussions, while there have been a number of suggestions as to what Council should do, I cannot say that Planning Commission has particularly come up; however, I can see where this has some potential for Planning Commission involvement.

Mr. Way said I do not want to push anything; I was just interested because under the City Code it says public buildings come through the Planning Commission.

Mr. Baugh said that is definitely something for us to keep in mind.

Mr. Fletcher said public buildings come to the Planning Commission with respect to the CIP. Traditionally, design, layout, and site development have not come to Planning Commission. For example, the Harrisonburg Department of Transportation Building, which is currently under construction, was not reviewed by Planning Commission.

Mr. Baugh said that is one disconnect that is happening within the community. I think a lot of people are looking at this and perhaps even comparing it with the Downtown Streetscape Plan presentation. They are saying I went to the Downtown Streetscape meeting and it was really good, and the process is valuable, why are you not using the same process for the Municipal Building. The Downtown Streetscape is a plan that is in many aspects, driven internally through staff. It has been put together, reviewed by Council, and sent out for various public review sessions. The Municipal Building is a multi-million dollar construction project; the two are not reviewed in the same way. This does not mean that we are not open to public input; but at this stage we are not there yet.

Mr. Baugh continued saying as Mr. Chenault said last night, we are discussing the relationship between a major City construction project, with some details still to be determined and input still welcomed, but still a project that largely had the budgeting lined up and that we really want to move forward with. Now it is inter-related with this park that while it has a lot of support, still remains an aspirational thing. We do not know that the park would be here thirty years from now. It is easy to understand how the two groups should be meeting, talking, and planning together; however, there is more to it than just that.

Chair Fitzgerald said sometimes in the past Planning Commission has been used as kind of a filter for comments. It is a way to formally have a conversation with people before having it move to Council.

Mr. Baugh said exactly. I had a suggestion come to me this evening that has some potential to address this issue that way. I do appreciate this being brought up.

Mr. Colman said along these lines, I have a question regarding the Comprehensive Plan. What is the role of the Planning Commission when it comes to the Comprehensive Plan? We obviously follow the plan when it comes to requests before Planning Commission, so on things that are beyond those requests what is our role?

Mr. Baugh said if you look at our Comprehensive Plan you actually have numerous goals and aspirations that in theory, sight unseen, almost any of which if it has not resulted in more specific

implementation of policies, this would be the place where it could start. If we felt that as for the implementation of the Comprehensive Plan we needed to step something up in a particular area, it would begin with Planning Commission.

Mrs. Turner said the Comprehensive Plan is very broad. It talks about educational facilities, parks and recreational facilities, about art and culture; not all of these are things that Planning Commission really gets to put their hands on. It is a plan that is to be used and considered by other groups when they are doing things as well; for instance the Parks and Recreation Department, or Public Safety. It does not mean that everything mentioned in the Comprehensive Plan is also something that Planning Commission gets to have a hands-on look at it too.

Mr. Colman said we look at the Comprehensive Plan as a filter before we make a decision. If the Municipal Building was a private building we would have a lot of say in what was going on and the Comprehensive Plan would be very influential.

Mr. Baugh said unless it was a by-right development.

Mrs. Turner said the property where the Municipal Building is located is zoned B-1, Central Business District. There are no setback requirements; therefore, lot line to lot line development is allowed, up to 75-feet in height and no on-site parking requirements.

Mr. Way said after discussing this more with Mr. Fletcher as a side bar conversation, let me put this out here because I feel it is a good public discussion for here. I was looking at the City Code, Section 10.1.6, which reads: *No street, square, park or other public way, ground or open space, public building or structure shall be constructed or authorized in the city or in the planned section or district thereof, nor shall any real property be acquired by the city until and unless the general location, character and extent thereof has been submitted to and approved by the city planning commission.* Does the Municipal Building fall under this Code Section?

Mr. Baugh said that is a good question and I have never asked staff about this. This is only the second time that I have ever had someone mention this section to me. The other time was on the periphery of the construction of the new high school. I believe there was some discussion among Planning Commissioners whether they ought to insist on their right to review; but nothing came of it at that time.

Mr. Fletcher said I am not quite certain about how all those things (street, square, park or other public way, ground or open space, public building or structure) are viewed and how the CIP captures all of them.

Mrs. Turner said the CIP does capture all those.

Mr. Fletcher said when you look at the detail of the CIP it explains all of the things that go into it and it lists the priorities.

Mr. Baugh said does the mere fact that we review the CIP every year cover all of those things.

Mrs. Turner said yes, the CIP does cover all of those things; however, it is always at the pleasure of the City Council if they want to refer something to Planning Commission to review. Regardless, even if something were not in the CIP it would not get to you unless Council wanted to send it to you anyway.

Mr. Way said I just wanted to explore ways of offering some consultation or some process without it holding up the City Council process.

Chair Fitzgerald said Planning Commission could focus on specific conversation; a way to get out the themes that people are concerned about in a way that is formal and structured and public. It is something to think about.

**Adjournment**

The meeting was adjourned at 7:45 p.m.

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Chair Deb Fitzgerald

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Secretary, Alison Banks