

MINUTES OF HARRISONBURG PLANNING COMMISSION

May 14, 2014

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 14, 2014 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, and Jefferson Heatwole.

Members absent: Henry Way

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 six members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the April 9, 2014 Planning Commission meeting.

Mrs. Banks noted the change in the minutes regarding the word "tenant" to "tenet."

Mr. Da'Mes moved to approve the minutes as presented from the April 9, 2014 regular Planning Commission meeting.

Dr. Dilts seconded the motion.

All members voted in favor of approving the April 2014 minutes.

New Business

Street Closing – Wilson Avenue and Boulevard Avenue

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: Wilson Avenue is a substandard public street (a portion of which is a paper street) that intersects North Main Street approximately 300 feet south of the North Main Street/Mt. Clinton Pike intersection and runs parallel to Mt. Clinton Pike for approximately 1,320 ft. Boulevard Avenue is an undeveloped public street located off of Wilson Avenue extending about 690 feet to the south.

North: Undeveloped property, zoned R-2

East: Single family homes fronting Wilson Avenue and North Main Street, zoned R-2

South: Single family homes fronting Wilson Avenue and North Main Street, zoned R-2; a non-conforming single family home fronting North Main Street, zoned B-2; the Harrisonburg Rockingham Community Services Board property fronting North main Street, zoned B-2; and property owned by GSW Investors, zoned M-1

West: GSW Investors property, including operations of Rockingham Construction and Special Fleet Service, Inc., zoned M-1

Northside, LLC (the applicant), a family owned LLC, is requesting to close 62,004 +/- square feet of public street right-of-way (ROW) of two separate streets: Wilson Avenue and Boulevard Avenue. The closure request is the first step of a multi-step process the applicant is initiating so they can enter into contract with an interested buyer to construct what they hope is commercial

development—conceptually, a grocery store. After this month’s review of the ROW closing, a preliminary plat and rezoning request are planned to be simultaneously reviewed next month. The reason the closure request is occurring first, is because if the City is not interested in closing the ROW, then the interested buyer does not want to move forward as their conceptual building layout utilizes areas that are now public street ROW.

There are multiple layouts and maps within the packet to assist in understanding this request. The applicant has provided three different layout sheets. Sheet EX-1 illustrates the public ROW requested for closure. Sheet EX-2 demonstrates a preliminary layout of what their parcels could look like after the ROW is incorporated into their adjoining properties along with showing a planned public street ROW dedication, which essentially is an extension of Technology Drive. This same sheet also roughly depicts what the preliminary plat will look like for next month’s Planning Commission meeting. Sheet EX-3 illustrates the portion of property they plan to request be rezoned to B-2 and shows a different configuration of what the surrounding parcels could look like if the area is rezoned.

The applicant owns 25 parcels adding up to about 16.66 acres of property in this area of the City with public street frontage along Wilson Avenue, Boulevard Avenue, Mt. Clinton Pike, and North Main Street. About 4.14 acres (four parcels) are located on the northern side of Mt. Clinton Pike at the corner of Mt. Clinton Pike and North Main Street. This property is zoned M-1 and is home to Harrisonburg Motor Express, a trucking company owned by a part-owner of Northside, LLC. At this time, that property has been unassociated with the development plans that have been discussed with staff. The majority of their property (12.52 acres), and the larger area desired for commercial development is located on the southern side of Mt. Clinton Pike and the western side of North Main Street. Aside from the corner parcel—a 30,881 square foot lot zoned M-1—all other property is zoned R-2. In addition to this acreage, Joseph and Linda Moore (Joseph being the owner of Harrisonburg Motor Express), own 1.99 acres made up of two parcels zoned R-2; they reside at that site. In all, 14.51 acres is the total area the applicant and Joseph and Linda Moore together are hoping to sell for development. (Staff has provided a map within the packet depicting the information just described.)

With regard to the streets requested for closure, Wilson Avenue is a substandard public street (a portion of which is a paper street) that intersects North Main Street approximately 300 feet south of the North Main Street/Mt. Clinton Pike intersection. The entire public street ROW runs parallel to Mt. Clinton Pike for about 1,320 feet, where roughly 670 feet is paved. Over half of the length of ROW is 50 feet wide, while the remaining portion is 30 feet wide. Boulevard Avenue is an undeveloped, paper street located off of Wilson Avenue extending about 690 feet to the south. Boulevard Avenue is 30 feet wide. The paved section of Wilson Avenue does not extend to its intersection with Boulevard Avenue, and it currently only serves four single family detached structures, three of which are owned by the applicant and the fourth being owned by Joseph and Linda Moore.

The applicant is requesting to close Wilson Avenue from North Main Street to just beyond its intersection with Boulevard Avenue—about 835 feet in length, most of which is 50 feet wide—while requesting to close Boulevard Avenue in its entirety. If approved as requested, there would remain approximately 485 feet in length of Wilson Avenue as undeveloped public street ROW. As planned, this remaining ROW will not be landlocked from other public street ROW because, as shown on Sheet EX-2, the planned extension of Technology Drive would intersect this undeveloped remaining portion of Wilson Avenue.

As is standard practice, all property owners adjacent to the requested areas for closure will have the opportunity to purchase up to 50 percent of the ROW width along the entire length adjoining their property. In all, 16 parcels are adjacent to the ROW requested for closure; nine are owned by the applicant, two are owned by Joseph and Linda Moore, two are owned by GSW Investors, one is owned by Harrisonburg Rockingham Community Services Board, one is owned by Harrisonburg Rockingham Community Mental Health and Others, and one is owned by Richard and Betty Sampson.

As shown on Sheet EX-1, there is City public water and sewer infrastructure as well as overhead utility lines owned by HEC within and adjacent to the areas requested for closure. If approved, the City will reserve easements for all of these utilities in the existing ROW with the ordinance that deeds the property to the new owners. The applicant is aware of this issue and is preliminarily showing on Sheet EX-1 the locations of where easements should be established.

The applicant must understand that if the ROW is closed and purchased, the City will no longer provide snow removal or any other maintenance services on Wilson Avenue. With regard to sanitation services (trash pick-up, recycling, etc.), unless special arrangements are worked out with the Department of Public Works to continue traveling the paved section of Wilson Avenue, residents will have to place their sanitation items along the street their parcel ends up having street frontage upon. Public school bus services would be provided as is determined necessary.

Aside from the matters described herein, the City does not need to maintain ownership of the subject ROWs to provide any other City services. Staff recommends closing the 62,004 +/- square feet of ROW of Wilson Avenue and Boulevard Avenue only with the following two conditions:

1. The City shall reserve easements for all public utilities in the subject areas.
2. The recording of the street closing shall not occur until, or simultaneously with, the dedication of the extension of Technology Drive.

It should be understood that the City cannot accept the dedication of the extension of Technology Drive until the associated preliminary plat is approved by Planning Commission. The final plat that dedicates Technology Drive (which only requires administrative review), cannot be approved until the complete street is built or a form of surety is accepted by the City to cover all public improvements.

It should be further understood that staff's favorable recommendation for the ROW closure request provides no bearing upon any future development proposal—including the planned preliminary plat and rezoning.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Colman asked if there would be any future consideration given to closing the rest of Wilson Avenue.

Mr. Fletcher said the original proposal requested all of Wilson Avenue be closed; however the applicant did not need the entire length of the street. After discussion between City staff and the applicant it was agreed that it made most sense to keep it open at this point so that if the adjacent properties ever developed, they could access and have a public street built off of that internal public street as opposed to multiple entrances along Mt. Clinton Pike. Of course that will require more dedication of public right-of-way to build that street because it is insufficient right-of-way at this time.

Mr. Heatwole said am I to understand that the portion of Wilson Avenue that would not be closed would eventually connect to Technology Drive right-of-way extended in this area?

Mr. Fletcher replied yes.

Mr. Da'Mes asked if all the adjacent property owners had been notified, or talked to, in regards to what the process is for obtaining that property.

Mr. Fletcher said to my understanding the applicants have spoken to everyone except Richard and Betty Sampson, they were unable to connect with them; but the applicants can probably further discuss that with you. A very large property owner adjacent to this is the GSW Investors property, and I met with them directly just to get their understanding and to find out where they fit into this plan. They do not have a position one way or the other; as long as they have access out to Mt. Clinton Pike if Boulevard Avenue gets closed.

But to answer your questions, tonight's procedure is not a public hearing; therefore, the adjacent property owners were not notified. It is a public hearing at City Council next month and all adjoining property owners will be notified.

Mr. Colman asked if the applicant's intent was to purchase all of Boulevard Avenue.

Mr. Fletcher said they do not need it; whether or not they are interested in buying it is up to them.

Mr. Colman said does that leave a potential for a "no man's land" type situation if the City closes the street and the applicant's do not purchase it?

Mr. Fletcher said the adjacent property owners would get first right of refusal on the right-of-way and if they do not want it the applicants could acquire it. You would have to ask them if they were interested in it; but the City would not just leave it open, someone would have to buy it.

Chair Fitzgerald asked if there were any further questions for staff. Hearing none, she said this is not a public hearing; however we do invite the applicant or the applicant's representative to come forward and speak.

Mr. Bill Moore with Balzer and Associates, the consulting engineer for the applicant and developer, said we can answer any questions you may have regarding the street closures. We do want to clarify one thing on the final plat – posting a bond for Technology Drive would allow the final plat to be approved, correct?

Mr. Fletcher replied yes.

Chair Fitzgerald asked if there were any questions for the applicant's representative. Hearing none, she asked if there was any further discussion.

Mr. John Serrell, 109 Fairway Drive, said he owns property at the intersection of Technology Drive and Mt. Clinton Pike, and he is in favor of this project.

Chair Fitzgerald asked if there was anything further or perhaps a motion.

Mr. Baugh said on the second recommended condition are we intending to say that the recording of the street closing could be simultaneous with the street dedication, just not before?

Mr. Fletcher replied that is correct.

Mr. Baugh said that is what I thought it meant, but when I read it I am not sure that it says that. Could we not just say “the recording of the street closing shall not occur before the dedication of the extension of Technology Drive?”

Mr. Fletcher said that is fine, that works.

Mrs. Turner said I have a question. Should we have included a condition that the roadway would not be closed unless the preliminary plat, showing that all lots will have street frontages as required, be recorded at the same time? Is there another mechanism by which that is assured to happen?

Mr. Fletcher said when I was looking at this it was with the assumption that the preliminary plat and the dedication of the street are all the same plat. But it is a good point because we do not have a plat at this time; therefore, I think it is a good condition to have. There should be a condition that the platting of the lots shall occur in the same way as the extension of Technology Drive. Perhaps it could be just as simple as a condition ensuring that all newly created lots have public street frontage.

Dr. Dilts moved to recommend approval of the street closings with the three conditions:

- the City shall reserve easements for all public utilities in the subject areas;
- the recording of the street closing shall not occur before the dedication of the extension of Technology Drive; and
- all newly created lots have public street frontage.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the motion (6-0) to recommend approval of the street closings with the three conditions.

Chair Fitzgerald said this item will go before City Council on June 10th.

Zoning Ordinance Amendment – Article Y. Floodplain Zoning District (2014 Amendment)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said The City of Harrisonburg is requesting adoption of an updated Article Y, Floodplain Zoning District of the City’s Zoning Ordinance per requirements of the Federal Emergency Management Agency (FEMA).

The Virginia Department of Conservation & Recreation (DCR), on behalf of FEMA, periodically conducts Community Assistance Visits (CAVs) to Virginia communities that participate in the National Flood Insurance Program (NFIP). The primary purpose of the CAV is to help the City maintain compliance with NFIP requirements. City Staff met with a representative of DCR as part of a recent CAV and the outcome of the meeting identified some changes that needed to be made within Article Y in order to maintain compliance with the NFIP requirements. After evaluating the needed changes, rather than trying to modify the existing text, staff chose to adapt FEMA’s 2011 Virginia Model Floodplain Ordinance text specific to the City’s needs, thus ensuring all current requirements would be met. This update is very similar to the Floodplain Zoning District amendment City Council approved in 2007; however at that time the flood map was revised as well. A formal adoption of a compliant floodplain ordinance must be completed this summer to complete the CAV review.

Staff recommends adopting the updated Article Y, Floodplain Zoning District of the Zoning Ordinance.

Chair Fitzgerald asked if there were any questions for staff at this time.

Mr. Colman said I have a couple of questions and one of them is with the definitions section. With the current ordinance, the definitions are listed in the front of the ordinance; it is always useful to have the definitions at the beginning so you know what you are reading when you are going through the ordinance. The proposed amendment has the definitions in the back; I do not know if this is something we can change or not.

Mrs. Banks said if it is a preference of the Planning Commission we can certainly change that.

Mr. Fletcher said the existing Floodplain Ordinance from 2008 was also the model, so the model changed as well.

Mr. Colman continued saying in the current regulations it lists penalties and but they are not listed in the new regulations.

Mrs. Banks said the Floodplain regulations are part of the Zoning Ordinance and therefore we refer back to penalties within the zoning regulations for the floodplain.

Mr. Colman said in terms of Section 10-3-163, Use and Interpretation of FIRMS, in my experience the map is what determined if a property was in the floodplain or not. This section is basically saying that if something seems to be in the floodplain or if the Floodplain Administrator makes the determination to have a survey done, then that property could possibly become part of the Floodplain. This is not something we have done before and I feel it is significant.

Mr. Fletcher said this is one of the sections that we proposed to DCR that we would like to remove and they wrote back and said this section needs to remain in the regulations and should not be deleted.

Mrs. Turner said I believe that was Section 10-3-162 (17) that you are remembering; but you are correct, I do not specifically recall about Section 10-3-163.

Mrs. Banks said Section 10-3-163 is a new section to the regulations.

Staff discussed with Planning Commission the specifics of Section 10-3-162 (17) which states “it is the duty of the Community Floodplain Administrator to take into account flood, mudslide and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the Community, whether or not those hazards have been specifically delineated geographically (e.g. via mapping or surveying).” FEMA has explained that this should be included within the regulations to allow more flexibility for the Floodplain Administrator.

Chair Fitzgerald asked how much flexibility does the Floodplain Administrator need.

Mrs. Turner replied that FEMA cannot answer that question; honestly there are some things within the ordinance that FEMA can just not clearly answer for us.

Mr. Colman said I can see where there are some situations when you look at the profile and the floodplain should be further out than it is based on the topography. Do you look at the profile or the actual map?

Mrs. Turner said that is exactly one of those things that just does not make a whole lot of sense when interpreting the regulations. We just have to have it there. This is one reason why we decided to go with the model; FEMA wanted these items within the regulations.

There was one item that we could remove, page 15, under definitions; FEMA did say we could remove this item. It is the definition of Coastal A Zone, we can remove it from our regulations; we do not have it.

Another definitions item that is a change is under substantial improvement; if you are new construction or substantial improvement than certain things apply to you. Currently, the definition of substantial improvement says the term does not however include any alteration of a historic structure; therefore the way our ordinance is currently worded historic structures are exempt from the regulations. We work with people who own historic structures and try to get them to comply to the best that we can when they are renovating. The new regulations change that and basically say that they have to comply up until the point where it would preclude their designation as a historic structure or a contributing structure to a historic district. The new ordinance states that "documentation that a specific ordinance requirement will cause removal of the structure from the National Register of Historic Places or the State Inventory of Historic places must be obtained from the Secretary of the Interior or the State Historic Preservation Officer."

Mr. Heatwole asked if there was any way to modify these regulations.

Mrs. Turner replied if we want to continue to be part of the NFIP, then we need to adopt these requirements.

Chair Fitzgerald asked if there were further questions for staff. Hearing none, she opened the public hearing and asked if there was anyone wishing to speak.

Mr. John Serrell, 109 Fairway Drive, said he owns property that, when purchased in 2002, it was not in the floodplain. A motel was developed next to my property on a site on which nothing existed for nine years. They raised the property over five feet and now the motel is out of the floodway and my property is in it. I have sent engineering data to Stacy over a year ago and asked her to review it for my engineers, and it was never reviewed. I wrote letters several months ago to Community Development and asked for specific engineering and legal questions to be answered; they have never been answered. I met with the City Attorney and he promised me answers; I have not got them. Mayor Ted Byrd has promised me in writing answers to my questions and I have not gotten any answers.

I filled my property and now it is two feet higher than the motel. The motel is certified as one foot out of the floodway, so how can my property still be considered in the floodway and the motel not? I have asked for answers to these questions, I have been promised answers and I have not received any. I would like to see all of this (Floodplain Ordinance Amendment) tabled until all my questions are answered. Please come out to my property and see what I am talking about. I have been ignored by the City and this is the perfect time to tell you all to come to my site and see what I am talking about.

I am paying \$10,000 a year and lost a sale of my property because of this; I do not care about that, it is not an issue. But, when I am not treated fairly I do not appreciate it.

Thank you for your time.

Chair Fitzgerald asked if there was anyone else wishing to speak. Seeing none, she closed the public hearing. She then asked staff if they would like to address the speaker's comments.

Mr. Fletcher said the changes to the regulations proposed tonight do not change the floodplain map.

Mrs. Turner said as far as what he has asked, we have discussed it with FEMA and they found there was not a problem. We take our direction from FEMA with regard to floodplain matters. Mr. Serrell has been answered multiple times, maybe not this last time he asked; but he was answered the three or four times before when he asked similar questions. The last I heard of this was that the City Attorney was going to contact him about it. I do not know if that has happened, I can check into that. I do not know what answer he can get from the City Attorney at this point, FEMA has provided his answer.

Mr. Colman asked if his property was in the floodplain or the floodway as he referred to it.

Mrs. Turner said it is in the floodplain, I do not believe he has anything in the floodway.

Mr. Colman asked if the property was in the floodplain on the old maps (prior to the 2008 change).

Mrs. Turner replied no.

Mr. Colman said he filled his property so he can be identified as out of the floodplain.

Mrs. Turner said he would still need to apply for a letter of map revision (LOMR) and he is not interested in pursuing that level of investigation into it.

Mr. Colman said so there is a course of action and if he does not want to follow the course of action that is on him.

Mr. Baugh said I cannot comment on what discussions he has had with the Mayor or the City Attorney, but I can generally say this has been going on for years with Mr. Serrell, it is not new information. He is somewhat insistent that the solution be handled a certain way.

Mr. Heatwole questioned how the Serrell property could be one foot higher than the motel, yet still be in the floodplain.

Mr. Fletcher said what he has done on his property may make the site higher, but for it to be recognized on the map he first has to apply for a LOMR so that FEMA recognizes the property as out of the floodplain. Mr. Serrell does not want to do that.

Mr. Da'Mes said he is paying extra flood insurance each year, which is quite significant. There has to be more to this than what we are hearing.

Mr. Heatwole asked if the City had an idea of how much a LOMR would cost.

Mr. Fletcher replied no.

Mr. Colman said you would have to pay an engineer to do the study and then provide the calculations to FEMA. Then turn in the application to the City and the City would apply to FEMA. That is how the process works. I do not see any other way around it for this site; the City cannot decide if a property is no longer in the floodplain.

Chair Fitzgerald asked if there were any further questions or discussion regarding the amendment.

Mr. Colman moved to recommend approval of the proposed Floodplain Ordinance Amendment, Article Y, Floodplain Zoning District with the discussed changes to the formatting and the removal of the Coastal A Zone definition.

Dr. Dilts seconded the motion.

Chair Fitzgerald called for a voice vote on the motion. All voted in favor (6-0) of the motion to recommend approval.

Chair Fitzgerald said this will be heard at the June 10th City Council meeting.

Unfinished Business

None.

Public Input

Misty Cook of A+ Barber & Styling Salon, LLC on Erickson Avenue, said she is here this evening with several of her co-workers/investors to speak about signs. We opened our business in February. These ladies have been stylists in Harrisonburg and have held City Business Licenses for more than fifteen years and have finally ventured out on their own. As with any small business, when you go out on your own you have a very small budget; because of this we purchased flying banner signs (feather signs). You see these types of signs all over town. Apparently someone made a complaint about our signs and our landlord received a letter from the City informing us they need to come down. We were unaware that there was an ordinance that did not allow for this type of sign.

I did contact the City to find out more information and we did take the signs down. I did ask what the procedure was to get this regulation changed. We did a short drive around Harrisonburg after we received our letter and we found 23 businesses that have this type of sign. Many of these are small, local businesses relying on cheap advertising. We also found six electronic signs which range from small business to big business; but from my understanding these electronic signs are allowed. When I spoke with the City I was informed that the flying banner signs are distracting to drivers; my argument is that there is a lot more distractive driving going on. Are these flashing neon, LED signs not just as distracting as this fluttering sign?

We would like to ask that the ordinance be looked at and changed. Just by driving around Harrisonburg we feel that many businesses are not even aware that this ordinance is even in effect. I found out from talking with City staff that even the little yard signs are illegal; we found so many of those at businesses that we did not even count the total number. We feel we have a valid argument. We feel if the banners are in good repair and if they are attractively done, there is nothing aesthetically wrong with them. Personally, they have been a very valuable tool for our business. This was an inexpensive way for us to put our name out there. The other problem we have is our business is actually in the rear of the building, so we are not seen from Erickson Avenue. It is really easy for our business to get walk-in customers when the signs are out. We have noticed that since we took the signs down we have had a significant decrease in our walk-in traffic; the only advertising we changed was to remove the signs.

Thank you for listening.

Chair Fitzgerald said I understand that City Council talked about this issue.

Mr. Baugh replied yes we did and I was planning to bring this up tonight. Sign regulations are one of these areas that do not have to come to Planning Commission, yet often they do; that was the sense of City Council on this issue. Council is not saying they want a change to allow this; and they are not saying they want the sign regulations to remain unchanged. They more or less passed this along because we have a constituent with an issue and they are struggling with whom do I actually

need to talk to in order to get something started. Council generally referred it to Planning Commission to do with it as Planning Commission feels like it wants or wants not to.

I know the Mayor has made a couple of comments about this issue as part of the Comprehensive Plan review and while it could be done, we are probably just at the half way point before Comprehensive Plan review again; therefore, if we want to look at this in the Comprehensive Plan review that is about two years down the road. We have had some history with the sign ordinance and we have made some amendments when constituents came to us and said they just found out their sign was illegal. Then staff has said, given the things we are trying to accomplish this change might be appropriate at this time. So we do have a history of revising the regulations.

Mr. Da'Mes asked if Planning Commission could have a brief overview of the sign amendment that was done last night at City Council; this amendment was not vetted through Planning Commission.

Mrs. Turner said sign regulations are not part of the Zoning Ordinance; therefore, changing the sign regulations does not require a public hearing and it does not require a referral to or a recommendation from Planning Commission. Historically, staff has not taken sign amendments to Planning Commission first; we have only done so if for some reason City Council has asked us to.

Mr. Baugh said the amendment heard at Council last night was an issue that came up from a constituent and it went to staff for their input. The "punch line" of staff's report regarding the ordinance the City has in prohibiting a specific type of sign was that when staff called around to other jurisdictions and found we are the only place that has a prohibition on this type of signage, they recommended it be changed.

There is no inherent role of Planning Commission on this. It has been the case where Council has referred some of these matters to Planning Commission and if it is a minor tweak or something fairly straight forward it tends to just be done between staff and Council. Something like this seems to have potentially broader implications.

Mr. Da'Mes asked where are we in terms of things that are in our queue for review. I know we have telecommunications, but what is after that.

Mr. Fletcher said things that are getting pushed forward are food trucks, community gardens and horticultural uses in residential districts.

Mrs. Turner said we do ordinance amendments on a continual basis, so it is almost every other month that we are doing an amendment and it is usually to address something someone has brought up. But like Adam was saying we do have a list of things that we would like to get taken care of.

Mr. Heatwole said since this has been referred by City Council to Planning Commission, let's at least put it in the queue.

Mrs. Turner said I would interpret that first staff would like to have some sort of indication from Planning Commission whether you like these types of signs enough to want to see them legalized in some form or fashion. If you are in favor of legalizing this type of signage, let us know and we will look into it and bring you some type of options. But we do not want to spend time doing this if there is a consensus among Planning Commission that you do not like these signs enough to do this.

Mr. Da'Mes said my feelings on this is I want to look at it from a holistic picture. I believe two years ago when we discussed feather signs I believe it was a relatively new concept for Harrisonburg. Now you have LED signs and reader boards, perhaps our ordinance is a little outdated to address those.

Mr. Baugh said I think an argument against these signs is that in a lot of places they have tended to not be well maintained signs. Then you raise the question of what do you do about the not well maintained sign. Remember, we enforce on a compliant basis. We do not have the staff to be proactive and run around checking on these violations; so changing the regulations is somewhat interrelated to hiring more staff.

Dr. Dilts said part of this is that this type of signage can appear “willy-nilly” anywhere on a property. Can you imagine a worse case scenario, if you take an entire block and every business has multiples of these signs? I think if we are going to consider this we need to look at the sign regulations as a whole and what do we want our City to look like in the end.

Mrs. Turner said I completely understand that logic; however if we are going to look at it that way we are putting this business’s immediate concern off for a substantial period of time. Even if staff was ready to give full attention to rewriting the sign regulations it will take multiple work sessions and possibly more than a year, before we would even have an attempt at a draft. Honestly, I believe it would take three or more work sessions just for you all to understand our sign regulations.

If we are not going to add staff to enforce regulations regarding this type of signage, then the best thing we could do would be to write an ordinance that hypothetically allows every business to have this type of flag sign in place three times a year for thirty days. This regulation would not keep people from putting them up illegally. We probably would not even have the staff to be going out after thirty days to make sure the sign came down or to look in to the illegally placed signs.

Staff is open to discussing a whole new sign ordinance; but it is not going to resolve the immediate concern in this case.

Mr. Heatwole asked if there was a way to address the immediate concern.

Mrs. Turner replied: I have said it; Planning Commission needs to decide how interested you are in allowing more opportunities for this type of sign to legally exist.

Dr. Dilts said if one of the reasons they are illegal is because they are considered a distraction, it would seem to me that we just do not want them.

Mrs. Turner said that is what I am thinking Planning Commission needs to discuss.

Mr. Fletcher said I believe there would be more people against this type of signage than for it. Staff will do whatever this body tells us to do.

Mr. Da’Mes said I cannot speak for the group but I would feel generally not in favor of them. Having said that I am thinking maybe there is a time, like a new opening of an establishment, they would be appropriate.

Mr. Colman agreed and said there are certain times of the year that these signs might be appropriate.

After further discussion Planning Commission agreed that review of the sign regulations was something that should be put in the queue, not to trump those items already listed.

Mr. Fletcher informed the constituents that they could prepare something on their own and then go back to City Council with prepared language for an amendment.

Report of Secretary and Committees

Mrs. Banks said proactive zoning inspectors visited the Pleasant Hill area this month where they found nine violations consisting of inoperable vehicles. Next month inspectors will be in the Avalon Woods Area of the City.

Mr. Baugh said at City Council last night we took up and approved the variances and plat on the Village at Chicago Park.

Other Matters

Mr. Fletcher said next month will be a busy and exciting month. We have three rezonings, two special use permits, two preliminary plats, and one ordinance amendment. As of today the Downtown Streetscape Plan is on the agenda as well.

Adjournment

Planning Commission adjourned at 8:35 p.m.

Chair Deb Fitzgerald

Secretary, Alison Banks