

MINUTES OF HARRISONBURG PLANNING COMMISSION

June 11, 2014

The Harrisonburg Planning Commission held its regular meeting on Wednesday, June 11, 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, 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 May 14, 2014 Planning Commission meeting.

Mr. Heatwole moved to approve the minutes as presented from the May 14, 2014 regular Planning Commission meeting.

Mr. Da'Mes seconded the motion.

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

New Business

Special Use Permit – 1214 Windsor Road

Chair Fitzgerald 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: Single-family dwelling and minor family day home operation, zoned R-1

North: Single-family dwelling, zoned R-1

East: Single-family dwellings fronting along Nelson Drive, zoned R-1

South: Single-family dwelling, zoned R-1

West: Across Windsor Road, Single-family dwellings, zoned R-1

The applicant is requesting a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a "major family day home" within the R-1, Single Family Residential District. "Major family day homes" are defined in the Zoning Ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for six (6) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.*

Currently, the applicant operates a "minor family day home," Tots 'N Toyland, at the property located at 1214 Windsor Road. A "minor family day home" is allowed through the home

occupation permit process and is defined in the Zoning Ordinance as *a child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through five (5) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. No conditions more restrictive than those imposed on residences occupied by a single-family shall be imposed on the day home.* At this time, Tots 'N Toyland has four children enrolled in the program. The applicant is working with the Virginia Department of Social Services (VDSS) to become licensed as a major family day home and expand enrollment beyond the allowable five children.

The VDSS has strict requirements regarding issues such as safety, cleanliness, play time, and floor area that individuals must meet in order to obtain a license to provide child care in a home. Approval and licensing from the VDSS does not, however, exempt an applicant from maintaining compliance with local ordinances or laws. Approval of this special use permit would allow for the applicant to operate as a major family day home, with the proper licensing from the VDSS for more than five children.

The applicant has described the facility as having an indoor activity and sleeping area of approximately 714 square feet along with an additional 400 square feet of outdoor play area. Parking is available at the top of the drive way where there is room for three cars at a time without blocking one another in. Hours of operation for the major family day home are 7:30 am until 6:00 pm, Monday thru Friday. Staff recognizes that the size of the facility and hours of operation are not conditions of the SUP and may change at times.

When operating a minor family day home with a Home Occupation Permit, care providers must abide by the regulations set forth in the permit; therefore, no person outside the family members residing on the premises shall be employed by the business. If the SUP is approved for a major family day home, the applicant may hire outside employees to work at the business. The applicant has stated that she intends to hire help after becoming licensed.

Windsor Road is a narrow cul-de-sac and does not have curb, gutter, or sidewalk along either side. While parking is permitted along the street, staff expressed concern to the applicant about cars parking along the shoulder of the road and impeding traffic. The applicant has stated that parents arrive at different times and they will generally use the driveway to drop-off and pick-up children. If needed the garage can be use for parking.

Staff does not foresee any negative impact in approving this application. Staff supports approval of the special use permit with the following condition:

If in the opinion of Planning Commission or City Council, parking becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant would like to speak.

Erica Dorsey, 1214 Windsor Road, said she is the applicant and thanked Planning Commission for the opportunity to speak. My primary goal for asking for the special use permit is to expand the allowable children in my home beyond five. I currently have four enrolled; however, three are of the ages one, fifteen months, and two. I also have one three year old. As far as their development goes socially, the younger children are doing well; however, the three year old does not really have adequate socialization. I do have a four year old daughter, but she has autism and regularly attends

a special education program through Harrisonburg City Schools. I do have a part time child attending three days a week, but he takes up an entire position and I cannot enroll another child because I am not allowed to overlap children. So only having five children does constrict the day care somewhat because I cannot get the proper children to socialize. However, I do not have any intentions of moving to twelve children. I would prefer to have two or three more, for a total of eight. In the event that I did have more than seven or eight enrolled it would only be because some were part time.

I know that the concern was with parking and I have had a really good conversation with all the parents about parking. We have regularly had traffic in and out of the home since we moved there two years ago; because our daughter is autistic and we have a younger son with epilepsy there are quite a few therapists that come and go from the house. I hope it has never been an issue for my neighbors.

It is my goal to be transparent and I love my neighborhood and neighbors; I do not want to do anything that would make my neighborhood a block party. Thank you.

Chair Fitzgerald asked if there was anyone else wishing to speak in favor of this proposal.

Barbara McKee said she lives at 1213 Windsor Road which is diagonal across the street from the applicant. We are not concerned about traffic; we have very little traffic on our street. We do not have curb or sidewalk and the street is not wide, but we do not have pedestrian traffic either. We do not think the street is well maintained, but we all like our street and the quietness of the street. Right now we do not have children in the neighborhood, except for Erica's children, so we are happy to have more children in the neighborhood. We are not opposed and are very pleased that she is going to do this.

Chair Fitzgerald asked if there was anyone else wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak against the request.

Jerry Hopkins, 1142 Nelson Drive, said he is an adjoining land owner and he would like to thank staff for sending a notice to the adjoining property owners letting us know of this change. Prior to the notice I did not have any knowledge of the request. I think I represent fifty percent of the adjoining property owners. One of the adjacent property owners, on the west side of the site, died in testate over a year ago, so there has been no one residing in the house for over a year at least. That leaves two adjoining property owners, of which I am one. I object to the special use permit. The reason I object is primarily for four reasons. We have a problem with noise from the JMU athletic fields, during the student sessions, from the blaring of the music in the loud speakers. With the additional noise of probably twelve plus children there could be considerable more noise in the quiet residential neighborhood. The second reason is I would like the integrity of the residential zoning be maintained and not to allow commercial enterprises. Thirdly, there are other properties available within the City if someone would like to open a daycare center. There is actually one at the bottom of the hill along Port Republic Road; it has been for rent for some time. With a fence around it, it would give a lot of area for children to play. It is adjoining ComSonics. Two blocks down there is another daycare center, across from the JMU athletic fields. So there are available areas to open a commercial enterprise for a daycare center. The fourth reason is in two parts and is in regard to safety. The property owner on the east side has signs on the fence that say "Beware of Dog"; people put these signs up for a reason. This is like an invitation for children to see what is behind the fence. The second safety issue is that the streets in this Ashby Subdivision would not be allowed by City standards today. The grades of the streets are very steep and when you get to

Windsor Road the pavement narrows. When you have municipal vehicles such as refuse, snow removal, or even fire trucks, there is no way they can turn around at the end of Windsor Road; they must back up. When you back up you put the burden of responsibility on that driver. Because of these four issues I recommend to the Planning Commission that they disallow the special use permit for 1214 Windsor Road.

Mrs. Dorsey asked to speak again. I absolutely appreciate what Mr. Hopkins is saying, I just wanted to clarify a few points that he mentioned. In regards to the house next door at 1012 Windsor Road, my in-laws just purchased that home and they are in favor of this request. Again, that is the house right next door. I volunteer for Hose Company Number 4, which is the fire department in the County. The City of Harrisonburg Fire Department and Rescue Squad have visited my home many times for my son's epilepsy and I understand what Mr. Hopkins is saying; however, they are able to get in and out of the area with no problems. The noise I understand; however, Mr. Hopkins house is probably fifty yards above mine. I have no intentions of moving to twelve children, and the children I do keep are very young and not rambunctious, because they must be under the age of five. That was all I wanted to say.

Chair Fitzgerald asked if there was anyone else wishing to speak in regards to the special use permit.

Mr. Roger Jones said I live at 1216 Windsor Road; I am the home closest to the Dorsey house. I notice they have built an enclosure for the children to be outside when the weather is nice. I have always been a person who believes that someone ought to be able to do with their own property as they wanted as long as it did not infringe upon someone else. If they can put up with my dogs barking, I can put up with children. Thank you.

Mr. Hopkins asked to speak again stating that while the fire trucks and refuse trucks do have access, they still have to back out of the street and there is a problem with backing out of that street. You need to ride there and take a look for yourself to understand.

Chair Fitzgerald agreed and said Planning Commission was there on Monday.

Mr. Hopkins said although the fact is that no one has the intention or adding twelve children, the special use permit allows for twelve children.

Chair Fitzgerald replied point taken – thank you. She then asked if there was anyone else wishing to speak. Hearing none, she closed the public hearing and asked for a motion or discussion on the request.

Dr. Dilts said I move to recommend approval of the special use permit request for 1214 Windsor Road for a major family day home with the stated condition.

Mr. Heatwole seconded the motion.

Chair Fitzgerald asked if there was any discussion.

Mr. Way asked how many of the major family day homes are there in the City currently.

Mrs. Banks replied since 1996 there have been five applications; currently operating there is only one. The first request in 1996 was denied. The second request was withdrawn, it was on the corner of West Market Street and Garbers Church Road, a very busy intersection, and staff was not supportive of the request. The third was at the intersection of Blue Ridge Drive and Country Club Road, some of you may recall this request. It was approved with conditions regarding parking,

entering and exiting the property. The applicant operated from this location for some time before expanding the business and opening a child daycare center elsewhere in a B-2 district. The fourth request was on Eastover Drive; this request was also approved with conditions. Again, the applicants have expanded the business and moved on to operating a child daycare center. The most recent request, which continues to operate as a major family day home, is on South Mason Street near the intersection with Martin Luther King Boulevard.

Mr. Fletcher said with each of the approved requests there have not been any complaints or concerns received from staff.

Mr. Baugh said if I remember correctly, the Eastover Drive request had fairly substantial neighborhood opposition.

Mrs. Banks said since the public hearing sign went up and the adjoining property owner letters went out, staff has only received one phone call. The caller was questioning if a sign would be allowed at the site; because they really did not think a sign would be appropriate in the neighborhood.

Mr. Baugh said as we discussed some at the site visit, what tends to happen regarding these three categories (minor, major, and child daycare facilities) is this middle category is not very heavily used. It is often seen as an intermediate step; you need licensing from the Department of Social Services, yet there is a cap on the number of children you can keep. It has historically been under-utilized because most people just make a decision do I stay under the limit and not be regulated or do I jump right into the daycare business. I do recall the applicant along Country Club Road was very clear in her intent to expand into a daycare center.

Mr. Colman asked if there were any space requirements in terms of the number of children you are keeping.

Mrs. Banks replied that is all regulated through the Department of Social Services.

Mr. Colman said do we know if in this case if they could expand to full capacity or not?

Mrs. Banks said I do not know the exact answer to that; but, I would believe Social Services would not license the applicant for twelve if the space was not available in the home.

Mr. Fletcher added that there is also a point system regarding the number of children and the number of caregivers. I do not know the precise numbers; I imagine the applicant could speak further regarding that.

Mr. Baugh said there is the fact that if you have concerns regarding the day home you have not just one, but two bodies you can turn to for answers – Social Services and the City. This really has more teeth to it than if you were just keeping five or fewer children.

Mr. Da'Mes asked, since the applicant does not intend to keep up to twelve children and does not plan to have older children, was there any thought to placing limits on numbers and ages.

Mr. Fletcher said we did not feel it was necessary.

Mr. Da'Mes asked Planning Commission what their thoughts were; should we limit to not more than ten.

Dr. Dilts replied I do not believe so.

Mr. Way said the condition addresses parking becoming a nuisance; therefore, to address Mr. Hopkins concerns that if noise or safety becomes a nuisance should we say the SUP could be recalled. These may be too subjective.

Mr. Baugh said a special use permit is always at the discretion of the City; it is not like a rezoning where it is a vested right. Citizens always have the right to come back before the City with concerns regarding the SUP based upon these representations. If it is something different from what was represented we can always look at it again.

Chair Fitzgerald called for a voice vote on the motion to recommend approval with the condition.

All voted in favor (7-0) of the request.

Chair Fitzgerald said the motion passes and will be heard at City Council on July 8th.

Zoning Ordinance Amendment – Junk Yards by SUP in M-1 (10-3-24, 25, 96, 97, & 99)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said an application was submitted by Gerdau to amend the Zoning Ordinance to allow junk yards within the M-1, General Industrial District by special use permit. The Zoning Ordinance currently defines junk yards as *any space or area or portion of lots used for the storage, sale, keeping or abandonment of junk or waste materials, including used building material, for the dismantling, demolition, sale or abandonment of automobiles and other vehicles, machinery or parts thereof*. Currently, junk yards are prohibited in all zoning districts; however, there are some nonconforming junk yards within the City limits.

Gerdau is a leading producer of long steel in the Americas and one of the largest suppliers of special steel in the world. In addition, Gerdau operates 23 recycling facilities throughout North America. In March 2014 Richard Gallegos, a representative of Gerdau met with City staff about locating a scrap metal recycling yard in Harrisonburg. The facility would collect, sort, and process scrap materials such as old home appliances, vehicles and vehicle parts, industrial by-products and steel cans for later use in the steel-making operation. Basically, the recycle facility would function as a junk yard. City staff informed Gerdau that the proposed use would not be permitted within any current zoning classification unless an amendment was made to the Zoning Ordinance.

After working with City staff on proposed language, Gerdau submitted an application to amend the Zoning Ordinance Sections 10-3-96 (8) and (20) Uses permitted by right in the M-1, General Industrial District; Section 10-3-97 Uses permitted by special use permit in the M-1 district; and Section 10-3-99 (c) Other regulations in the M-1. Upon review of the application, staff is also proposing additional modifications to Section 10-3-24 Definitions and adding a parking requirement for junk yards under Section 10-3-25.

The applicant's proposed amendments would include adding text within Sections 10-3-96 (8) and (20) explaining that vehicle salvage, storage of inoperable vehicles, or sale of junk continues to be prohibited in association with vehicle and other equipment sales or storage and for uses associated with taxicab, limousine, and bus uses, unless the property owner obtains a special use permit allowing a junk yard. Junk yards would be added as an available special use within Section 10-3-97. And adding text within Section 10-3-99 (c) that could allow materials that are otherwise permitted (i.e. at junk yard operations) to not have to be completely enclosed within structures.

At the same time, staff is proposing a minor modification to the existing definition of "junk yard" for clarification of its meaning, and to add off-street parking regulations within Section 10-3-25

specifically for junk yards. Junk yards would be required to provide one parking space per employee on the maximum shift, plus one space for every truck or vehicle used in association with the business and one space per 200 square feet of gross floor area.

Staff is supportive of the text changes for amendments to these sections. Staff believes that junk yards may be acceptable in some areas of the Industrial District under certain circumstances and with the ability to set conditions as warranted.

If the ordinance amendments are approved, Gerdau must then find an area of the City zoned M-1, General Industrial and apply for the special use permit. This application would require public hearings, notifications to adjoining property owners, advertising on the property and in the newspaper, and provides the opportunity to add conditions that City Council may deem appropriate. Thus staff does not foresee negative side effects in modifying the Zoning Ordinance for this purpose.

Staff recommends approval of the amendments and supports a favorable recommendation to City Council.

Chair Fitzgerald asked if there were any questions for staff.

(Power was out for a period of five minutes.)

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked the applicant or the applicant's representative to speak. Hearing no one, she asked if there was anyone wishing to speak in favor or in opposition to the requested amendments. Hearing no one, she closed the public hearing and asked if there was a motion or discussion regarding the request.

Mr. Way asked how other cities handle junk yards. Do they allow them by special use permit or by right?

Mr. Fletcher replied they are called different things in different jurisdictions. We kept the junk yard definition because it met the use of what they were doing. We already had something currently defined and we did not want to "pretty it up" and call it a recycling plant or what not. The definition we have of a junk yard very much defines what they (Gerdau) are. All localities do things differently.

Mr. Way asked why within Sections 10-3-96 (8) and (20) we specifically call out junk yards as not being allowed.

Mrs. Banks said because those are two uses where quite often you find that they tend to collect salvage vehicles and use them for spare parts, and so forth.

Mr. Fletcher said it was just reinforcement for those uses that quite often begin to collect that type of stuff.

Mr. Colman said now we will allow them to combine those uses with junk yards.

Mrs. Banks replied it would still require a special use permit.

Mr. Fletcher said do not be fearful that we will begin to see requests for these popping up all around the area at all the automotive repair places. For one reason it has to be screened and we are very specific about the screening. It requires the special use permit, so it is circumstantial; if there are adjacent uses that you wish to protect you have the capability to recommend conditions.

Mr. Way said what about size of the operation; was there any consideration given to maximum sizes?

Mrs. Banks said we did not take size into consideration.

Mr. Fletcher said one thing I want to point out is that these operations process some things on site, so you may see that large hook or grappler machine or a crusher type machine that prepares these materials to be loaded onto a tractor trailer and shipped out.

Mr. Colman said did staff discuss perhaps minimum space requirements? What if a taxi service wanted to have a junk yard use as well, would they have enough space to operate both?

Mrs. Banks replied again it is by special use permit and the applicant would have to meet all the requirements for the junk yard as well as all requirements for the taxi service such as parking. Also, if a taxi service is currently stripping cars inside a repair building and then storing spare replacement parts, they can do so by right.

Mr. Fletcher said it is site specific and applicants are limited by the size of the site.

Chair Fitzgerald said the special use permit process gives us the opportunity to look at these on a case-by-case basis and apply conditions when appropriate.

Mr. Way asked do we believe there is not the same worry about vehicle salvage, and storage of inoperable vehicles, and all that kind of stuff that was identified in the existing regulations.

Mrs. Banks said do we have that problem now? Yes, we get on people regularly about storing salvage, or salvage vehicles. We do not allow it and we will continue to enforce that part.

Mr. Colman said that is good the enforcement will still be in place. What does this mean for the existing junk yards?

Mrs. Banks said they can continue to operate as non-conforming uses, unless they wish to expand, at that time we would require them to apply for a special use permit.

Mr. Way asked if the non-conforming junk yards were currently within M-1 zoning.

Mrs. Banks replied yes.

Dr. Dilts moved to recommend approval of the amendments to Section 10-3-96, 10-3-97, and 10-3-99.

Mr. Colman seconded the motion.

Chair Fitzgerald said there is a motion for approval and called for a voice vote on the motion.

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

Chair Fitzgerald said this request will be heard at City Council on July 8th.

Preliminary Plat – Northside Heights (Northside, LLC)

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates the majority of this area as General Industrial with portions designated as Commercial. The General Industrial designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities. The Commercial designation states that these areas include uses for retail, office, wholesale, or service functions.

These areas are generally found along the City's major travel corridors and in the Central Business District of the City.

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

- Site: Single Family homes, undeveloped lots, and portions of developed Wilson Avenue, and undeveloped Wilson Avenue and Boulevard Avenue, zoned R-2
- North: Undeveloped parcels, zoned R-2, and across Mt. Clinton Pike, technology industrial park uses and undeveloped lots, zoned M-1 with the Technology Overlay
- East: Undeveloped parcels, zoned R-2 and M-1, and across Mt. Clinton Pike parcels containing Harrisonburg Motor Express, zoned M-1
- South: Single family homes, zoned R-2, and across North Main Street, industrial uses, zoned M-1
- West: Single family home lot, zoned R-2, and property owned by GSW Investors with operations of Rockingham Construction and Special Fleet Service, Inc.

The applicants are requesting to preliminarily subdivide 15 parcels and portions of the existing public street right-of-way (ROW) of Wilson Avenue and Boulevard Avenue. In total, the property contains 9.8 +/- acres of property, where six parcels contain a single family dwelling on each and the remaining lots are undeveloped. The applicants are the same parties that requested to close portions of Wilson Avenue and Boulevard Avenue last month. (The street closing request was recommended for approval by staff and also supported by Planning Commission with a 6-0 vote on May 14th. The public hearing for the street closing is scheduled to be held by City Council on June 10th.) As explained last month, the preliminary plat is another step in a multi-step process the applicants are initiating so they can enter into contract with an interested buyer to construct what they hope is commercial development—conceptually, a grocery store. The rezoning request for the planned development is occurring simultaneously with this preliminary plat, but is explained in a separate staff report.

At this time, due to unknown circumstances as to how the property may need to be subdivided to finalize the sale of portions of the property to an interested commercial developer, the submitted preliminary plat demonstrates two separate versions of how the property could be subdivided. Version 1 includes subdividing the 15 parcels and the portions of the public street ROWs requested for closure last month into eight parcels, where each of the existing six single family dwellings would remain on individual lots; two parcels would remain undeveloped. All eight parcels would be zoned R-2. Version 2 includes subdividing the same area into four parcels. Lot 1 of version two is the parcel that would be zoned B-2C, if the requested rezoning is approved. Lots 2, 3, and 4 of version two would maintain their R-2 zoning.

Both versions incorporate the same public street ROW dedications. The first area includes a 60-foot wide by 248-foot long extension of Technology Drive on the south side of Mt. Clinton Pike. This ROW dedication aligns with existing Technology Drive on the north side of Mt. Clinton Pike. To the south, the ROW would adjoin a 30-foot in width, undeveloped portion of Wilson Avenue, which is the remnant section of Wilson Avenue that would remain in place as was described in last month's staff report for the street closing. Staff appreciates the applicants'/ developer's willingness to dedicate and build this extension of Technology Drive. If ultimately dedicated and built, the street would accommodate a standard temporary turnaround establishing the intent to extend Technology Drive for additional development in this area.

The second public street ROW area to be dedicated is along the subject property's Mt. Clinton Pike street frontage, which stretches 730 feet in length. After completing a traffic impact analysis (TIA) for the planned commercial development, the Department of Public Works, the Virginia Department of Transportation (VDOT), and the applicants' engineer determined that a depth of about 30 feet of ROW would be needed along this entire stretch to accommodate the public street improvements required by the planned development. (VDOT was involved in the TIA due to the site's location being within 3,000 feet of a State maintained road. Such a TIA is generally known as a Chapter 527 review, which is required by State Code.) The improvements include turn lanes, a taper lane, installation of infrastructure for a future traffic signal at the Mt. Clinton Pike/Technology Drive intersection, and a 10-foot wide shared use path for pedestrians and bicyclists. Although street improvements would also be required along the subject property's North Main Street frontage, ROW dedication in this area is not needed as there is already sufficient width for the required bicycle lane and sidewalk improvements.

As a reminder, and also explained in last month's street closing staff report, the eventual final plat that dedicates Technology Drive and the additional street ROW as herein described cannot be approved until Technology Drive and the other street improvements are built or a form of surety is accepted by the City to cover all public improvements.

Both versions of the preliminary plat show and describe all required public easements, along with demonstrating the easements that would eventually be established for the existing public water and sewer infrastructure and those for the overhead utility lines owned by HEC within and adjacent to the areas requested for closure of Wilson Avenue and Boulevard Avenue. The plat also illustrates a shared access easement for the existing single family homes that would be impacted by the street closings.

In summary, the plat meets all requirements of the Subdivision Ordinance, and therefore, staff recommends approving both versions of the preliminary plat.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Colman asked if it would be 30-feet of right-of-way provided along Mt. Clinton Pike, or "sufficient right-of-way" as indicated on the plat.

Mr. Fletcher said at this point 30-feet is being proposed for dedication. There may be some fluctuations that are not too substantially different from the preliminary plat shown on the final plat. The applicants are saying ultimately there will be at least two feet of right-of-way behind all the physical street improvements, or easements dedicated for such. The 30-feet came from discussions between Public Works, VDOT, and the developer.

Chair Fitzgerald said this is not a public hearing for the preliminary plat but we typically ask the applicant or their representative if they would like to speak. Hearing no one, she asked Planning Commission for questions or discussion.

Dr. Dilts said it was never clear in my mind if they could enter from Technology Drive as well as North Main Street.

Mr. Fletcher replied yes, the parcel will have frontage on Technology Drive, Mt. Clinton Pike, and North Main Street.

Dr. Dilts asked what triggered the traffic impact study.

Mr. Fletcher said the planned development triggered the traffic impact analysis (TIA); the traffic that would be generated out of the potential B-2 uses that are being proposed in the rezoning request. When doing a TIA you take into consideration the development and all the potential commercial uses that could be located on the site and then get the total numbers of vehicles that could come and go from the site. Entrance locations, turn lanes, and traffic generated are all reviewed. The City's Transportation Planner is here this evening and he could probably answer your questions about the TIA better than me.

Dr. Dilts asked when the TIA is done it takes into account both the entrance and exits at Technology Drive, Mt. Clinton Pike, and North Main Street?

Mr. Brad Reed, Transportation Planner for the City, replied yes. With the TIA you are first looking at what are the baseline conditions at this site. Then, because they are asking to rezone, we look at any of the particular types of uses that could go on to the parcel, given its size, and what the potential number of vehicle ins and outs that could be generated by that potential development. Typically a developer request to have specific entrances and they do the TIA based upon those proposed entrances. We then review whether or not those entrances are feasible at their location and with that given amount of traffic and what improvements are being proposed in order to mitigate the negative traffic impacts that are caused by those entrances onto our existing facilities, such as Mt. Clinton Pike and North Main Street.

Dr. Dilts asked are there no recommendations for the traffic light at the intersection of North Main Street and Mt. Clinton Pike.

Mr. Reed replied the TIA shows that the traffic would not affect that traffic light in any significant way. The timing may be changed, but not the infrastructure.

Chair Fitzgerald asked if there are any further questions. Hearing none, she asked if there was a motion for the requested preliminary plat.

Mr. Colman moved to recommend approval of the preliminary plat as proposed.

Mr. Da'Mes seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (7-0) of recommending approval of the preliminary plat.

Rezoning – West of N. Main Street and South of Mt. Clinton Pike (R-2 to B-2C)

Chair Fitzgerald read the request and asked staff to review.

(Power was out for approximately two minutes.)

Mr. Fletcher said the Comprehensive Plan designates the majority of this area as General Industrial with small portions designated as Commercial. The General Industrial designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities. The Commercial designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City

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

- Site: Single Family homes, undeveloped lots, and portions of developed Wilson Avenue, and undeveloped Wilson Avenue and Boulevard Avenue, zoned R-2
- North: Undeveloped parcels, zoned R-2, and across Mt. Clinton Pike, technology industrial park uses and undeveloped lots, zoned M-1 with the Technology Overlay
- East: Undeveloped parcels, zoned R-2 and M-1, and across Mt. Clinton Pike parcels containing Harrisonburg Motor Express, zoned M-1
- South: Single family homes, zoned R-2, and across North Main Street, industrial uses, zoned M-1
- West: Single family home lot, zoned R-2, and property owned by GSW Investors with operations of Rockingham Construction and Special Fleet Service, Inc.

The applicants are requesting to rezone 6.69 +/- acres of property made up from seven parcels, portions of five other parcels, and a majority of the sections of Wilson Avenue and Boulevard Avenue that they requested for closure last month, all from R-2, Residential District to B-2C, General Business District Conditional. (As a reminder, the street closing request was recommended for approval by staff and also supported by Planning Commission with a 6-0 vote on May 14th. The public hearing for the street closing is scheduled at City Council on June 10th.) Along with this rezoning, the applicants are also requesting preliminarily plat approval for the subject property, the details of which are explained in a separate staff report. The street right-of-way (ROW) closure, the preliminary plat, and the rezoning are all steps initiated by the applicants so that they may sell the property to an interested commercial developer to build a grocery store.

The applicants' engineer submitted three layout sheets to demonstrate different details of the request. Sheet 1 illustrates the conceptual layout for the grocery store, Sheet EX-3 demonstrates the exact area of the applicants' property they are requesting be rezoned, and Exhibit A illustrates locations of cross access easements that would be provided for some of the neighboring properties.

In this rezoning, the applicants have proffered the following:

1. Cross access easements with adjoining properties shall be provided as generally shown on Exhibit A. The access road from North Main Street shall be a private road and the access road from Mt. Clinton Pike shall be a public street.
2. The following uses shall be prohibited on this property.
 - a. Vehicle, recreation equipment, or trailer sales served by a permanent building facility unless clearly incidental to an existing building. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - b. Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.
 - c. Tractor Trailer fueling stations selling diesel shall be prohibited on this property.

3. A shared use path will be constructed along Mt. Clinton Pike across tax map parcel 44-A-30 to the western property line of tax map parcel 42-B-11 (Northside, LLC). Adequate right-of-way will be dedicated, or easements provided, to accommodate the shared use path including two-feet beyond the width of the path. The path will be constructed in accordance with the AASHTO standards current at the time that the design of the facilities was performed. The shared use path will consist of a 10-foot wide asphalt surface with a 5-foot wide grass strip between the path and adjacent back of curb.
4. A left turn lane with 150 feet of storage and 100 foot taper turning into the new public road extension of Technology Drive along with a left turn lane of 100 feet and 100 foot taper turning into Technology Drive will be constructed on Mt. Clinton Pike.
5. A signal design will be provided for the intersection of Mt. Clinton Pike and Technology Drive and the developer will install all necessary conduits and all junction boxes during the road construction.
6. The extension of Technology Drive will be constructed from Mt. Clinton Pike to the existing boundary line of the remaining right-of-way portion of Wilson Avenue.
7. For any required sidewalk and curb and gutter construction along public streets, the stormwater will be managed with the proposed development.

Take note that the conceptual grocery store layout as shown on Sheet 1 is not proffered. However, Sheet 1 generally depicts the proffered street improvements that would be made along Mt. Clinton Pike and North Main Street.

The submitted rezoning request triggered the need for the applicant to perform a traffic impact analysis (TIA), which has already been reviewed. It should be understood that, along with other types of development applications, the Zoning Ordinance may require applicants of rezonings to perform a TIA if the rezoned property could generate 100 vehicle trips in the peak hour. When TIAs are required at the rezoning phase, they must be submitted and reviewed by the City before the rezoning application is accepted. Rarely are applicants required to perform a TIA at the time of rezoning because applicants often proffer the uses or other specifics of a project so that the TIA threshold is not triggered. As noted, for this request the threshold was triggered and the applicants had to complete a TIA.

After completing the TIA, the Department of Public Works, the Virginia Department of Transportation (VDOT), and the applicants' engineer determined that a depth of about 30 feet of public street ROW dedication would be needed along the subject property's entire Mt. Clinton Pike street frontage to accommodate the public street improvements required by the planned commercial development. VDOT was involved in the TIA review because the site is located within 3,000 feet of a State maintained road. Such a TIA is generally known as a Chapter 527 review, which is required by State Code. The required street improvements are proffered details as listed above. The needed ROW dedication is also demonstrated on the subject property's submitted preliminary plat.

The majority of the subject property is designated General Industrial by the Comprehensive Plan's Land Use Guide. However, small portions of the property are designated Commercial. The areas designated Commercial are the parts of the existing parcels adjacent to Wilson Avenue—along the sides of the conceptual plan's private road that extends from North Main Street to the planned development area. The subject property is bordered by more land designated General Industrial along a portion of its western boundary. Property across Mt. Clinton Pike is also designated General

Industrial. However, aside from a small adjacent area at the corner of North Main Street and Mt. Clinton Pike, the subject property is bordered on the east, south and a portion of its western boundary by land designated as Commercial. The Commercial designation was placed on lots fronting North Main Street. Except the very corner parcel (tax map 42-B-11) and the two properties where the Community Services Board operates, all properties having frontage along North Main Street are designated as Commercial. This commercially designated corridor stretches south to North Main Street's intersection with Washington Street, where the Comprehensive Plan's Land Use Guide changes to Mixed Use Development Areas—a Land Use Guide designation often associated with B-1 zoning.

Although the property is primarily designated for General Industrial use it is in an area of transition between General Industrial and Commercial use. In fact, the Comprehensive Plan land use guide uses one of the western boundaries of the subject property as the split between future General Industrial and Commercial use. Another factor in staff's favorable recommendation is transportation and how traffic should efficiently and effectively move through this area and the North Main Street/Mt. Clinton Pike intersection. Although the City desires to have commercial properties fronting North Main Street, entrances to such properties should be located as far from the North Main Street/ Mt. Clinton Pike intersection as reasonably possible. The proposed rezoning provides an opportunity to minimize entrances close to this intersection by providing access easements to the lots located closest to the corner. The associated subdivision and street closures also include the extension of Technology Drive, providing the opportunity for connectivity with Mount Clinton Pike to undeveloped land north and west of the rezoning.

Taking into consideration that the Comprehensive Plan designates much of the adjacent land for commercial use and also given the larger transportation/traffic picture, staff feels it is appropriate to recommend approval of this rezoning.

Although recommending in favor of the requested rezoning, staff does not believe this sets a precedent to look favorably upon further B-2 rezoning requests along the Mt. Clinton Pike corridor. At this time, staff believes the appropriate limit to the B-2 zoning district is at the planned extension of Technology Drive.

Chair Fitzgerald asked if there were any questions for staff.

Dr. Dilts said regarding the intersection at North Main Street, is there any current plan to put any type of turn lanes into what is now Wilson Avenue?

Mr. Fletcher said there is currently a center turn lane in Main Street. The transition area for the left turn at the traffic light begins shortly after the Wilson Avenue intersection.

Mr. Reed said there is a center turn lane in North Main Street that begins at Charles Street. After the intersection of Wilson Avenue and North Main Street the center turn lane becomes the left turn lane for the traffic light at Mt. Clinton Pike. We actually did have the applicant review the impact of the business across North Main Street from the site; but it was found to be very low traffic impact on the business and the peak traffic hours would be different.

Mr. Da'Mes said in reviewing our Comprehensive Plan, which we do every five years, I recall the discussion of wanting to maintain at least 37% of R-1 land within the City. Is there the same idea of maintaining a certain percentage of industrial zoned land within the City?

Mr. Fletcher replied when this plan of development began its discussion with City staff there were other proposed developments going on in this corridor as well. We had a couple of meetings with the Economic Development Director and he said that if M-1 property is potentially up for a rezoning he takes note of it. When we ultimately told him we were supporting this particular rezoning he did not have any negative feelings towards that issue for this property.

Mr. Baugh said I believe the figure Mr. Da'Mes is talking about (37%) is rental versus owner occupied residential property in the City. It is a calculation that does not generally translate to other zoning classifications.

Mr. Da'Mes said the point being if we rezone this M-1 and an industry wants to locate to Harrisonburg what are the opportunities that we can present? Are we allowing for sufficient M-1 area?

Mr. Fletcher yes, the Economic Development Director is on board with this.

Mr. Baugh said actually the City does have a reserve of undeveloped industrial property. We do not really have much reserve of undeveloped commercial property, other than some infill around the mall area.

Dr. Dilts said we know the area of this development is going to be raised and that there are new State stormwater guidelines that come into effect on July 1st. How do you remediate something like that; it is a large area of land that you are going to fill and raise up? What affect will it have on stormwater management?

Mr. Fletcher said perhaps we can ask the applicant's engineer to answer that question.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant or their representative if they would like to speak.

Ray Burkholder said he is with Balzer and Associates, the engineering firm that is working with the applicant on this request. With me tonight is H McNeish with MVG Development. Would you like me to start with stormwater?

Dr. Dilts said yes, as it is associated to the rising land.

Mr. Burkholder said the grade elevation will not have any impact on the stormwater; there will still be runoff if the land is lowered or elevated. We are not increasing the slope; we are actually flattening the area and leaving the back portion lower so that we can maintain some storm water detention areas there. Regardless of the new regulations that are coming in July, the City Code is actually more stringent than the State regulations. For all purposes we are actually choking back the stormwater significantly in order to hold water back to pre-developed conditions; back to more forest like conditions. We have been working with Public Works and the City Engineer and they have raised some concerns about stormwater conditions down the block, which is one reason we are held to the higher standard with stormwater management. We are doing a combination of detention above-ground and under-ground systems; it is a pretty elaborate system.

Dr. Dilts said it seems very complex because once you start building on the site you lose porosity of the ground, so you have at least three different things you are looking at there.

Mr. Burkholder agreed and said along with having to look at the water quality.

Mr. H McNeish said he is with MGV Development and we are the developers who have the property under contract and are the reason for the request before you tonight. MVG Development is

out of Denver Colorado, but we also have an office in Roanoke. I would like to take a brief moment to thank staff for their professional and diligent effort in working with us during this process. We are also appreciative of staff's recommendation of approval for the request based on the merits of both the Comprehensive Plan and the traffic access management components as indicated in the staff report. All of this of course is important to your decision making this evening. The site provides a tremendous opportunity from a retail stand point and this proffered modification that we are requesting will allow us to advance our project design for a new grocery store in this location. Regarding our tenant, I must be clear that I am bound by a non-disclosure agreement that prohibits me from naming the tenant at this time. What I ask is for your understanding and respect for this confidentially need and that you do judge this rezoning request on its merits, as well as its ability to meet the code and the other applicable criteria. What I can share with you is that our tenant is excited about this location and this community. They look forward to the opportunity to bring fresh groceries, household goods, pharmacy, and the convenience of fuel in one stop. In addition to generating jobs, both construction and upwards of 95 full time employees at the grocery store, we are excited to be here and to become part of the community. I am available to answer your questions and we are prepared to do so in order to gain your support for this request this evening.

Chair Fitzgerald asked if there are any questions for the applicant or their engineer. Hearing none, she said we feel as if we know this site very well because we have been there a number of times. Is there anyone else wishing to speak in favor of the request? Hearing none, she asked if there was anyone wishing to speak in opposition of the request. Hearing none, she closed the public hearing and asked for further questions or a motion on the request.

Mr. Colman moved to recommend approval of the rezoning request as presented.

Dr. Dilts seconded the motion.

Chair Fitzgerald asked if there was any further discussion.

Mr. Way said the point about maintaining available industrial land is an important one and the fact that it is recognized that Technology Drive is like the "final frontier" for commercial seems an important note. Also, what Mr. Baugh said about the commercial land being less available than industrial is a good point as well. This seems to balance both these concerns.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this goes to City Council on July 8th with a favorable recommendation.

Downtown Streetscape Plan

Chair Fitzgerald read the request and asked staff to review.

Mr. Brad Reed, Transportation Planner with the Department of Public Works, said I am before you this evening to talk about the Downtown Streetscape Plan, reiterate what the goals are, and what has happened since our previous meeting with you. We are bringing it before Planning Commission this evening to ask for your favorable recommendation for City Council to adopt this document as a City plan.

The objective of this plan is to bring together a unified vision for the public streetscape downtown. By doing this we are trying to create a more vibrant downtown, create a consistent look with its

sidewalks and other facilities. This document is proposing to synthesize many older, existing documents into a single plan and also build on the 2005 Downtown Streetscape Plan, which is fairly limited in scope. With this plan we are trying to broaden out into many of the side streets within the downtown core as well as areas that we believe will soon become part of the downtown core. Also involved in this is the streamlining of improvement projects and trying to reference these design elements when we have developers come in, or when we have public projects, so that we know what type of facilities belong on that frontage of those parcels.

Timeline for this project as you may recall, in January we were before this body and you requested that we return to the two committees that were involved with the development of this plan; the Harrisonburg Downtown Renaissance Landscape Committee and the Downtown Streetscape Advisory Committee. We did go back to those committees and got their comments on some of the changes that had occurred to the document since the public hearing in June 2013. After the meetings with the two committees, staff edited the plan per the comments and added in some of staff's recommended changes to try and bolster some of the ideas that came out of the committee meetings. We sent that revised document out to the two committees again so that they could review and have a final word on what the proposed document would be, prior to coming before Planning Commission.

Just to briefly go over some of the document changes; by far the most significant change has been clarifying the scope of the plan. When we were before you previously there was some confusion as to whether the scope was focused on the public rights-of-way or public spaces. We tried to really get into the goal statement and clarify this as the name implies, it is focused on the public rights-of-way that are used to transport people. All the changes were agreed upon by the committees and staff agreed to a number of other small edits. There were no comments received from the general public during this period.

After tonight's meeting we hope to go before City Council to request their adoption of the plan. Following that, there are some proposals in the plan that would require modifications to the Design and Construction Standards Manual, the Comprehensive Plan, and the Bicycle and Pedestrian Plan; therefore, after City Council adoption we would move forward to get those plans modified in order to match and reference the Downtown Streetscape Plan as the standard.

That is all I have to present and I would be happy to answer any questions.

Chair Fitzgerald said are there any questions for Mr. Reed.

Mr. Da'Mes asked how "Downtown" is defined.

Mr. Reed said we have two study areas. One is the downtown core, which is defined as the B-1 and B-1 Conditional zoning district. We also have the transition area, which we define as properties that are either identified in the Comprehensive Plan as future B-1 areas or areas that are logical extensions of the B-1. Therefore, some areas that have the potential to mesh into the downtown area might be appropriate to include in the study area because of logical extensions of transportation enhancements.

Mr. Fletcher said on page 13 of the Downtown Streetscape Plan is a map of the areas.

Chair Fitzgerald said I have been following this closely, in part because I was on the Founding Board of Harrisonburg Downtown Renaissance back in the day, but I have remained interested for a lot of reasons. I had looked back at notes from the public input from last year and I noticed there

were a lot of things in the implementation strategies that have disappeared. However, I believe a lot of my questions regarding that were answered by your clarification of public spaces and public streetscapes. One question I do have is much of the stuff that is gone, and I understand it is because of a narrowing of the focus, are really good ideas. In particular in Goal 7G from the old plan talked about developing a formal plan for the Municipal Center Area, I realize this may belong in a plan for public spaces instead of a streetscape plan; but there are some good ideas here. Another was encouraging incorporation of green spaces on redevelopment plans, which is Goal 8D from the old plan. So my question is – these are really good ideas, what happens to them now?

Mr. Reed said that is an excellent question. With regard to the green spaces; we do have another recommendation within the plan that it was actually redundant too, where it recommends that green spaces be considered on developing or redeveloping properties. It also recommended for the creation of a landscape plan in order to define what those concepts would look like, if Planning Commission and City Council so desired. These were beyond the scope of defining what belonged in the public streetscape and that is why we tried to turn that back a bit.

Chair Fitzgerald said some of these ideas that got pushed to the side in the narrowing of the focus, I understand, but are they going anywhere with those ideas?

Mr. Reed replied as far as those we removed, absolutely. One of the ideas that was actually put forth by one of the Planning Commission members during the January meeting was to have a section of the Comprehensive Plan dedicated to the Downtown Area which would be a more appropriate location for ideas like that to cover broader concepts for public spaces beyond just the streetscape.

Chair Fitzgerald said hopefully some of the ideas that are removed are being collected for future use, because there were some really good ideas. In the old plan, again, Goal 2C the language read to formalize a truck route and complete necessary intersection improvements. That is streetscape, so it is still in the plan. The language changed considerably, it softened to “encourage”, is there a reason for that?

Mr. Reed said yes, we recognize that any kind of formalization of a truck route would really be a City Council decision and Council directive. For us to direct them to do something of that sort would really be beyond the scope of the plan. Encouraging a truck route indicates there is a desire to have these larger, geometrically challenging vehicles to be directed to appropriate locations around downtown; it is really just an encouragement.

Dr. Dilts said what interested me, which does not have anything to do with the streetscape, has to do with the buildings. In the introduction it says the plan does not attempt to establish physical design standards for private structures; although the exploration of this option is a strategy in the City’s 2011 Comprehensive Plan. On page 40 of the Downtown Streetscape Plan it talks about the Downtown Historic District provides State and Federal tax credits for approved renovation and restoration of qualifying historic buildings at least 50 years old; so to me, part of the streetscape is what the buildings look like. There are facades on a number of the buildings downtown that take away from their ultimate historic nature. Is that something that was thought about? Perhaps encouraging people to think about redoing the facades of those buildings to make the downtown appear as the historic downtown it is.

Mr. Reed replied we provided ideas for how to move forward if that was desired; however, we do qualify streetscape by stating it is public streetscape. Any recommendations for private property

have been taken out of the plan, if any did exist before. For instance we had an idea about removing billboards downtown and that was removed because it was private property. We really tried to stay within that public realm, and things that we could control within the streetscape. Ideas for the frontage of buildings are one of the ideas that we did not have any push from anyone to include it in the plan, it is private property; therefore, we decided it might not be desirable.

Mr. Way said I think it is great that this exists and it is out there to inform people of the process for investing in the downtown public realm. It is very important and there are great ideas within the plan. I know street trees are mentioned intermittently throughout the plan; was there ever any consideration to have a more assertive policy statement on street trees requirements and maintenance?

Mr. Fletcher said this is a plan for public property and we do not really have requirements on ourselves for planting trees on the public right-of-way; we do them as aesthetically as we think they should be located. What I think you are really speaking to is the private development street tree planting.

Mr. Way said yes, I know we have the landscape ordinance; but why shouldn't the City have some type of requirements on itself to plant trees where appropriate, or where the sidewalk is more than nine feet wide?

Mr. Fletcher said this plan does kind of answer some of those questions about where and how we could design those things. The landscaping regulations do require street trees, they are along the street, but it is when the parking lots are adjacent to the street. Of course in B-1 if you want to build to the zero lot line and there is no location to put trees. We do not want to put forth new regulations for those things because you are affecting B-1 property and you want B-1 property to be compact and right up on the street. With street trees you would be pushing the buildings back further, which is why this is focused solely on the aesthetics of the pocket locations where we can put trees.

Mr. Way said is there a case to be made for encouraging the City itself to invest in "urban" trees by prioritizing the maintenance of City trees where appropriate.

Mr. Fletcher replied we do have a City Tree Committee, so there is a process.

Mr. Way said the spirit of this document is to try and improve the public realm downtown Harrisonburg, sometimes in specific ways, but also generally with things to emphasize and prioritize and strategies to deliver some of the bigger picture things in a more general sense. So it seems like we would want to pursue street trees and the maintenance of street trees at some point. Maybe it should happen at the Comprehensive Plan level.

Mr. Reed said one of the reasons we stayed away from the really detailed specifics is it becomes far too specific for us to dictate the types of landscaping and the locations of landscaping. The ability for us to project out and see exactly how much right-of-way will be available along the frontage of a particular parcel is really going to be on a case-by-case basis.

Mr. Way said you have some street sections for typical streets, local streets, arterial and so forth. Is there any reason why the lane width was 12-feet rather than anything smaller for those streets? In a downtown area you could probably get away with 10-feet. What is the reason that 12 was chosen?

Mr. Reed replied the reason for that is the need to recognize the arterial streets; those that include Route 11 (Main Street) and Route 33 (Market Street) which are State designated arterial thru routes. We still need to maintain the capability of supporting larger vehicles on these routes. Where we

have opportunities to narrow from the 12-feet, along some of the local streets, we do so; for example along Water Street.

Chair Fitzgerald said in the implementation strategies, Objective 3 talks about expanding parking opportunities. In the previous plan there was a strategy to replace the Water Street parking deck; did that get cut because of the public space versus public right-of-way?

Mr. Reed replied that it got cut because City Council has not yet determined the appropriate location for a new parking deck. We are specifically talking about replacing the parking deck with new infrastructure that accommodates retail uses and further expands parking opportunities. We kept that section in about trying to accommodate a mixed use feel of the new parking deck; we just did not specifically say which parking deck.

Chair Fitzgerald said if there are no further questions I will open the public hearing and ask if there is anyone wishing to speak regarding the proposed Downtown Streetscape Plan. Seeing no one, I will close the public hearing. What is being asked of Planning Commission is to recommend this document be moved forward to City Council for approval.

Mr. Fletcher said this is your official opportunity to vote to move this forward, need further revisions, whatever is your pleasure.

Mr. Heatwole said overall I like this plan, the idea and the concept behind the plan. A lot of work has gone into this and I think it is great. I do have one question. How might something like this go forward? It was mentioned that it would be adopted into several different documents if it is adopted by City Council. What happens next?

Chair Fitzgerald said to what extent is this aspirational and to what extent is it a practical guide for a series of next steps that show actual results?

Mr. Reed said there was a slide in our January meeting that discussed implementation. This is a visioning document, much like the Comprehensive Plan, essentially extending forward with a 30-year planning window of what we want the downtown area to look like. It would then be up to City Council to recommend for capital improvement requests using this plan.

Mr. Colman said so enforcement of this would be on a case-by-case basis.

Mr. Reed said that is correct. If we do have developments that are occurring along the frontage of streets on which improvements are called for within the document, we would then seek to make those improvements along that frontage.

Chair Fitzgerald said those improvements would be consistent with the vision that is expressed in the document.

Mr. Reed said yes, that is correct. The same would hold true with public projects as well.

Dr. Dilts said did you say 30-year plan?

Mr. Reed replied yes, this is intended to be a living document with regular updates as needed.

Chair Fitzgerald said very much like the Bicycle and Pedestrian Plan and other visioning documents that we have.

Mr. Da'Mes asked was it within the 2005 plan that we began getting the blue and yellow identification signs.

Mr. Reed said yes.

Mr. Da'Mes said was that the first streetscape plan?

Mr. Reed replied yes.

Mr. Da'Mes said in nine years we have developed an updated version.

Dr. Dilts said it is not called out like the Comprehensive Plan to be updated every five years or so?

Mr. Reed said it would be updated on an as needed basis.

Dr. Dilts said I was just thinking maybe we should suggest this be looked at on a regular basis.

Mr. Heatwole moved to recommend approval of the Downtown Streetscape Plan as written with the recommendation from Planning Commission that there is a review of the document within every ten years.

Dr. Dilts seconded.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this will go before City Council on July 8th.

Unfinished Business

None.

Public Input

None.

Report of Secretary and Committees

Mrs. Banks said proactive zoning inspectors visited the Avalon Woods area this month where they found 36 violations consisting of inoperable vehicles, debris, and tall grass and weeds. Please note many of the tall grass and weeds violations that were cited along Reservoir Street were on properties that are in transition with the City for purchase due to the widening of Reservoir Street. Thank you to Public Works for getting right out there and taking care of all those lots.

Mr. Fletcher said also, proactive zoning might be delayed for the next month or two because we have one less zoning inspector. We had a transition in our department where one of the inspectors is now a Site Plan Technician and we are looking to hire a new inspector.

Mr. Baugh said at City Council last night acted on the street closing and the Flood Plain Ordinance; both were approved.

Other Matters

Mr. Fletcher said next month does not look as busy as anticipated. We have an alley closing along Massanutten Street, two special use permits, and the special use permit that was delayed tonight.

Adjournment

Planning Commission adjourned at 9:15 p.m.

Chair Deb Fitzgerald

Secretary, Alison Banks