

MINUTES OF HARRISONBURG PLANNING COMMISSION

May 13, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 13, 2015 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Members absent: Gil Colman and Henry Way.

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

Chair Fitzgerald called the meeting to order and determined there was a quorum with five members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the April 8, 2015 Planning Commission meeting.

Dr. Dilts moved to approve the minutes as presented.

Mr. Da'Mes seconded the motion.

All members voted in favor of approving the April 2015 minutes as presented (5-0).

New Business

None.

Unfinished Business

Discuss Staff Revisions to Proposed Wireless Telecommunications Facilities Ordinance

Mr. Fletcher said we do not have an official presentation planned for you this evening and we were thinking that we would use this as a worksession to review the ordinance. We do have some pictures in PowerPoint to more or less help you understand what we are referring to with the exemptions for the wireless telecommunications that are public uses and to point out the reasons for doing the exemption. Along with that there are some photos representing the concerns and suggestions that some of the industry representatives had with us not allowing any height increase at all for collocations. We gave it some thought and said okay, we believe a five foot increase will be sufficient. Honestly, when you see the photos, you will probably get a good idea of why we are comfortable with five feet, and because what they are hoping to achieve with the height increase they can achieve in five feet.

I am open to suggestions as to how you may want to review this – we can go page by page or if you have a particular item you may want to start with. I do have two things that I would like to change within the draft. On page two, this is more of a housekeeping issue, at the bottom of the page under telecommunications tower definition – we used to refer to the public safety towers, however, we are now being more specific to the Harrisonburg-Rockingham Emergency Communications Center (HRECC) and I believe the description should be replaced with “towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center.” Then on page three I have another minor issue under the wireless telecommunications facility definition, second sentence which states “...such facilities can consist of one or more antennas, accessory equipment, equipment cabinets,...” and I would like for it to state telecommunications towers, not simply tower. Aside from those two items, I have nothing further to change.

One of the biggest concerns that came out of the internal staff review from many of the individual departments was that they have facilities that fall under the definition of a wireless telecommunications facility. HRECC, the Public Works Department, the Public Utilities Department, and Harrisonburg Electric Commission all have things that fall under the definition of wireless telecommunications facility and they very much wanted an exemption from all of these regulations, which we completely agree with. We did not want to give them just a blanket waiver, so we chose some language that gave them no setbacks, no height limitation, etc. and wanted them to be sensitive to the environment in which they are located. They basically do this already, because most people do not even know that these things exist.

Mr. Fletcher previewed several of the different wireless telecommunications facilities that are currently in use by different departments of the City and would be exempted within Article CC. He continued, saying that some of these photos are good examples to demonstrate the microcells that private installers could be putting up as well; of course they would be required to be painted the same color as the pole that they would be attached to for camouflaging purposes.

To give you a quick synopsis of some of the concerns that came in from the industry representatives include that they would not like a special use permit process required for any wireless telecommunications at all, even in residential. They wanted to go much higher by right and felt that not allowing an increase in the height of the support structure was ridiculous (as I explained earlier we did consent to an increase of five feet). I did find it interesting that as soon as our locality showed a good understanding of the technology, the industry representatives were more willing to demonstrate what they really could do with concealing and camouflaging this type of equipment.

Mr. Fletcher then asked Planning Commission how they would like to proceed with the review of the draft ordinance.

Chair Fitzgerald said is the five feet in the height of the support structure the one area where you felt you gave the most compromise.

Mr. Fletcher said it is probably the biggest area of compromise.

Mr. Heatwole asked if the industry has seen the change regarding the five feet.

Mr. Fletcher said no, they will get the opportunity to review this again when this moves forward. I will resend all the information to all the industry representatives so that they will have it as a lead up to the public hearings.

Mr. Heatwole asked if the change to five feet took care of what the industry was saying they needed by right.

Mr. Fletcher replied that the choice of words is very important here; they do not need it, they want it. The five feet is accommodating for them.

Chair Fitzgerald asked if there was anything else staff received a push back on from the industry.

Mr. Fletcher said no. The representatives very much appreciated the distinction between camouflaged and concealed. They appreciated that we worked in the Spectrum Act 6409 applications. They did want us to go into a bit more detail on the timing of the review and the shot clock rulings, etc. We felt it was not necessary; we are so far above the reviews on that. Perhaps larger municipalities have difficulties meeting a 90-day deadline; we do not.

There was one comment as to whether or not it was an option to state that Section 6409 would only apply to the existing facilities that we have as of today. There was only one mention stating that they thought such a regulation was inconsistent with the federal regulations. The industry representatives that I have more confidence in made no mention of this inconsistency at all, if that tells us anything. I say we continue to move forward with what we have.

Chair Fitzgerald asked about the removal of the flush mounting in the definitions.

Mr. Fletcher said yes, we did remove the “flush mounting” proposed definition. The industry representatives did provide some detailed drawings regarding mountings and the separation that is needed when you mount at a certain angle and so forth. Since we would require them to collocate, they have to camouflage, and in many instances we are talking about a special use permit where we are looking at all the details; therefore, we felt we could get rid of the flush mounting definition and requirements.

Chair Fitzgerald said there is a big sense of streamlining from the previous version of the ordinance to this one.

Mr. Fletcher said yes, we did take the opportunity to combine some of the regulations that were repetitive into one section.

At this time Mr. Fletcher asked Planning Commission if they were ready to move forward with the draft ordinance.

All members of Planning Commission consented to moving forward with the Wireless Telecommunications Facilities ordinance.

Mr. Fletcher said we will put this out for staff review this month and we hope to see this next month at Planning Commission. There was one other item within the amendments regarding the addition of radio and television stations and studios within the B-1 district as a permitted use. Currently, it is not listed as a use at all. We did contact WHSV about the one ordinance amendment because it will affect them by requiring that they screen any future antenna. We did not receive any push back from them after we explained that they could keep everything that they had and would be considered non-conforming; however, they would have to screen antennas added after the ordinance amendment went into effect.

Public Input

None.

Report of secretary and committees

Mrs. Banks said proactive enforcement visited two areas again this month – the Industrial/Technology Park area and the Northeast area. There was one violation found in the Industrial/Technology Park area and 45 violations consisting of tall grass and weeds, inoperable vehicles, and discarded materials in the Northeast area. Next month inspectors will be in the Exit 243 area at the south end of the City.

Mr. Baugh said at City Council last night we had two matters from this body – the Parking Lot Landscaping Ordinance that Council had tabled for further input from the builder’s association; they had no further comment and the amendments were approved unanimously. Council also heard the rezoning request for proffer amendments of the Strawderman property on Port Republic Road. As you are aware, during the Planning Commission public hearing on this I had recused myself and left

the room; but for the City Council public hearing I recused myself and remained in the room and listened to the proceedings. I do not have a sense that any particular arguments were advanced to Council that were not advanced to this body, not that the presentation was any different. There probably had been personal communication with the applicant and Council Members. The four voting City Council members unanimously accepted Mr. Strawderman's argument and the neighbor's argument that this is not a real big deal because it existed previously.

Chair Fitzgerald said I can report that I attended the Rockingham County Planning Commission meeting and enjoyed very much the fascinating conversation about motor-cross. I think they had a completely full house with more than an hour of discussion on this topic alone. The input was very controversial and for me it was interesting to watch.

Other Matters

Mr. Fletcher said there are multiple items for next month. The item that was tabled tonight will likely be coming back; we have the Wireless Telecommunications regulations; a special use permit on Acorn Drive for a business office in M-1; a zoning ordinance amendment together with a special use permit for residential use in M-1; and Chatham Square is coming back for a master plan amendment.

Adjournment

Planning Commission adjourned at 7:25 p.m.

Chair Deb Fitzgerald

Secretary, Alison Banks