

MINUTES OF HARRISONBURG PLANNING COMMISSION
September 9, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, September 9, 2015 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: Adam Fletcher, Acting Director of Planning and Community Development/City Planner; and Alison Banks, Senior Planner/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 August 12, 2015 Planning Commission meeting.

Dr. Dilts moved to approve the minutes as presented.

Mr. Heatwole seconded the motion.

All members voted in favor of approving the August 2015 minutes as presented (7-0).

New Business

Alley Closing – Between 33-C-4 & 5 (1,610 sq. ft. Perpendicular to & off of East Johnson Street)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the following land uses are located on and adjacent to the property:

Site: A 1,610 square foot portion of undeveloped public alley right-of-way adjacent to 33-C-4 and 5, both zoned R-2

North: Across East Johnson Street, a single family dwelling and a non-conforming apartment building, zoned R-2

East: Single family dwellings, zoned R-2

South: Single family dwelling and a duplex, zoned R-2

West: Single Family dwellings, zoned R-2

The applicants are requesting to close a portion of an undeveloped public alley right-of-way approximately 10-feet in width and 161-feet in length, totaling 1,610 square feet running perpendicular to East Johnson Street. The alley is centered between the middle of two driveway entrances off East Johnson Street; the entrances serve the properties at 135 and 147 East Johnson Street respectively. In order to maneuver through the alley one must drive onto one of the two properties. The applicants residing at 135 East Johnson Street desire to close the alley in order to prevent cut-through traffic on and along their property.

As noted, the alley is undeveloped and therefore not maintained by the City. The area is not used for trash pick-up, there are no public or private utilities within the right-of-way, nor is the alley marked for any potential future trails. However, the alley is located in an area that has some drainage issues and there may be potential to use this alley in the future for stormwater drainage improvements. If the alley is closed, staff recommends an easement be placed across the entire portion for future drainage or stormwater management projects.

The applicant should be aware that if City Council elects to close the alley, they must have a survey prepared in order for the City Attorney to draft the ordinance for closure. The survey should show if the alley will become part of the applicant's existing parcel, or if the alley will be divided among the adjoining parcels.

Staff recommends closing the alley as long as an easement is reserved giving the City permission to utilize this area for drainage or stormwater management.

Mr. Da'Mes asked if the applicants were to place a storage building or a fence within the easement, and then later the City said we need to put a drainage pipe through the easement, how would that work.

Mrs. Banks said the City has easement language which discusses situations such as you described. For the most part, fences are permitted within an easement; but the owner must understand that the fence may be removed by City forces at some point for access into the easement. An accessory building would not get a building permit approved through the zoning division if it were to be placed within an easement. An accessory building could be placed right up to the easement line, but not within the easement.

Mr. Colman said the easement would probably take the entire ten feet.

Mrs. Banks said yes, the easement would cover the entire alley.

Mr. Fletcher added that the accessory structure may not even be an issue, because if the alley is split right down the middle with the adjoining neighbor, then the setback would be the same as the easement on each parcel – five feet.

Chair Fitzgerald said we are not required to have a public hearing on this matter; but, if the applicant or a representative would like to speak they may do so at this time. Hearing no one, she asked Planning Commission if they had further discussion or a motion.

Dr. Dilts moved to recommend approval of the alley closing as presented.

Mr. Way said I am happy to second the motion; however, I would like for us to keep an eye on the alley closings that are occurring. I think that this particular closing is fine, and it makes sense for the applicant. We are looking at bicycle and pedestrian access tonight as well. One of the principles of a good walking environment is to have some permeable street networks and the idea that people will have multiple routes to get through areas. I am not saying this is a problematic alley closing; but I believe we should keep our eye on some of the ones we have or will be seeing. I do offer a second on the motion to approve.

Chair Fitzgerald said we did talk about that somewhat on the site visit yesterday as well.

Mrs. Banks said we did discuss it. Also, on the "official/unofficial" bicycle and pedestrian alley closing map this alley is noted as okay to close. The alley directly to the east is marked for a future trail.

Mr. Baugh said I am supporting the motion. Many times we get these requests and historically they are somewhat de facto; the alleys have been taken over by the adjoining property owners and nobody actually uses them as their means of access. However, with this issue there is actually some use of the alley.

Dr. Dilts said at some point it would be interesting to talk about the alleys. I have an alley right next to my house that would be a mud-pit if I did not do anything to it; the care of the adjoining

alley falls on the people that actually care about the alley. It seems somehow unfair that people use the alley over and over again, all day long, and the reason they can use it, is because someone like me is taking care of it.

Chair Fitzgerald asked if there were any further comments or discussion. Hearing none, she called for a voice vote on the motion to recommend approval as presented.

All voted in favor to recommend approval of closing the undeveloped alley as presented (7-0).

Chair Fitzgerald said this will move forward to City Council on October 13th.

Special Use Permit – 206 South Avenue (Business and Professional Office Section 10-3-97(3))

Chair Fitzgerald read the request and asked staff for a review.

Mrs. Banks said the Comprehensive Plan designates this area as Commercial. This 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: Warehouse and office building, zoned M-1

North: Church, zoned R-1

East: Warehouse and showroom building, zoned M-1

South: Non-conforming apartment buildings, zoned M-1

West: Across South Avenue, single family homes, zoned R-1 and vacant parcel, zoned M-1

The applicant is requesting a special use permit (SUP) per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District. The site is along the northern side of South Avenue, about 240 feet west of its intersection with South High Street, in an area with a mix of residential and small scale industrial and business uses. The site is improved with a 5,380 +/- square foot warehouse/office building.

The applicant, who owns and manages multiple properties throughout the local area, desires to relocate his business, Castle Property Management, to the site. The office/administrative component of the business is described as having limited customers, with a majority of the work handled through the mail or by phone; however, there is a large warehousing component for supplies, appliances, building materials, and other equipment for managing property. If approved, the applicant would utilize a portion of the building for the offices of Castle Property Management and a possible future tenant. The remainder would be used as warehousing for Castle Property Management.

Previously, the subject property had been used for industrial warehousing and office space for Southern Refrigeration, a permitted use within the M-1 zoning district. The applicant should be aware that if the SUP is approved, the conversion to a business office use will likely require a change of use permit to ensure the use complies with building code.

Parking for the office use would be calculated at one parking space for every 300 square feet of gross floor area. Warehousing requires one parking space for every two employees working on a

maximum shift and one space for each vehicle associated with the warehouse. If approved, staff would work with the applicant to determine the minimum number of off-street parking needed for all uses. Meeting the minimum parking requirements for the intended uses should not be a problem as there is a large parking area which already exists. The property owner must simply delineate the spaces required.

This block of South Avenue, which is designated in the Comprehensive Plan as Commercial, is a mix of residential uses, a church, and a personal service establishment. Staff believes a business office, and the associated warehousing would be compatible with the existing uses in the area and brings the use of the property closer to compliance with the Comprehensive Plan.

Staff recommends approving the special use permit.

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

Glen Loucks of Harrisonburg said Mrs. Banks has done an excellent job of explaining the site and my intentions to you. I am here to answer any particular questions you may have. We have had an office on North Main Street for about 18 years. We starting managing some properties on South Avenue where we saw this property and thought that managing an office and warehouse from this location would be a much better location for our tenants. We desire to make this location our permanent home.

Chair Fitzgerald asked if there were any questions for Mr. Loucks. Hearing none, she asked if there was any one else desiring to speak with regard to the special use public hearing. Hearing none, she closed the public hearing and asked for a motion on the request.

Mr. Colman made a motion to recommend approval of the special use permit as requested.

Mr. Heatwole seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this will move forward to City Council on October 13th with a favorable recommendation.

Rezoning – 475 Lucy Drive/2065 Reservoir Street (R-3 to B-2)

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Commercial. This 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 dwelling, zoned R-3

North: Business and professional offices, zoned B-2

East: Undeveloped parcel, zoned B-2

South: Across Lucy Drive, Charleston Townes student housing complex, zoned R-3

West: Mabel Memorial Church, zoned R-3

The applicant is requesting to rezone a 37,643 square feet parcel located primarily along Lucy Drive from R-3, Medium Density Residential District to B-2, General Business District. Given the property's shape and its location near the Lucy Drive/Reservoir Street intersection, the property is identified with two addresses—475 Lucy Drive and 2065 Reservoir Street.

The subject site is a historical piece of real estate as it was home to the Mabel Memorial Schoolhouse, which staff understands was built in the early 1900s and may have been connected to James Madison University's early history. The schoolhouse structure was later used as a residence. Only portions of the building remain as much of it was demolished in 2013 after Lucy Drive was extended to Reservoir Street.

The 2004 Comprehensive Plan Land Use Guide designated the subject site as Medium Density Mixed Residential; at that time, the site did not have Lucy Drive public street frontage as the nearby properties had not yet been developed. During the 2011 Comprehensive Plan update, this site, and the adjacent property to the west fronting along Reservoir Street, were given the Commercial designation with the publicly recognized plan that the parcels would in the future be developed commercially. Currently, all privately owned properties along the northern side of Lucy Drive are designated Commercial, where the subject site remains the only remaining property on the north side of Lucy Drive that is not zoned B-2 and not in compliance with the Plan's Land Use Guide. Rezoning the property as requested would bring the property in line with the City's long term plan for this side of Lucy Drive.

With regard to public water and sewer, sanitary sewer is currently available in the Lucy Drive public street right-of-way (ROW); however, public water is not. Water infrastructure is located nearby in the Reservoir Street ROW and further east within the Lucy Drive ROW. Because of this, the development of the property will likely require a public water main extension. This is a typical engineered Comprehensive Site Plan matter—not one associated with this rezoning. Staff has already made the property owner aware of this issue.

If approved, all land use permissions of the B-2 zoning district would be afforded to this lot, including all allowances of the City's Sign Ordinance. The property owner did not submit a plan of development; however, like all developments, during a project review, the site must be developed in accordance with the City's Design and Construction Standards Manual, where the developer could be required to perform a Traffic Impact Analysis, improve the site's public street frontage, and install any other required public improvements.

Staff has no concerns with rezoning this parcel to the General Business District and recommends approving rezoning the site from R-3 to B-2.

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.

Eddie Warner, 514 Powell Drive, Annapolis, MD, said he is the owner of the property. There was a question about some of the trees on the site, and as you saw from the photos of the property, basically the trees are around the perimeter. I had thought about building out the structure and having a small office located there; the property is small, not even an acre. I do not have any developers lined up to purchase the property. If you have any questions for me regarding the request I would be happy to answer them.

Chair Fitzgerald said we were at the site yesterday and the trees are very beautiful; I believe they are some of the oldest in the area.

Mr. Warner said there were tenants living in the house; however, after the extension of Lucy Drive, the place has been unoccupied and is more of a mowing chore and tax burden.

Mr. Colman said I have a question – does the structure have water and sewer at this time.

Mr. Warner said no, it was cut off when the road was built. I really do not know any other options for the site. I want to do something because it is a tax burden and that is why I asked that you favorably consider my application. The rezoning goes with the flow of the area and perhaps could be combined with some of the other properties in the area.

Chair Fitzgerald asked if there were any further questions for the applicant. Hearing none, she asked if there was anyone else desiring to speak regarding the rezoning. Hearing none, she closed the public hearing and asked for comments or a motion on the rezoning request.

Mr. Da'Mes said this is a very busy area at five o'clock in the evening. I know there are improvements planned for the area and it would have been nice to see how those plans would affect this intersection. Will there be a stop light there?

Mr. Fletcher replied yes.

Mr. Colman moved to recommend approval of the rezoning as requested.

Mr. Heatwole seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

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

Chair Fitzgerald said this will move forward to City Council on October 13th with a favorable recommendation.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said proactive zoning is still on hiatus because we are still one person down within our division.

Mr. Baugh said I have two things to report on. At City Council we took up the Monger property requests on Bruce Street and the Charleston Townes preliminary plat request. Both were unanimously approved by Council.

The other thing I was going to mention is that this was my month to cover Rockingham County's Planning Commission. They were reviewing the expansion of their Urban Development Area (UDA) which again is transportation related and they have expanded the existing area to the Southeast of the City.

County staff also presented a residential housing study that I thought was very interesting. I do not know exactly how to summarize it other than ask me about it or contact their staff. One of the more

interesting things about the study, and many people are surprised by this, is that a majority of the County's residential units are actually on property that is zoned for agricultural. If you stop and think about it, the County's residential zoned property tends to be in the towns or Lakeview, Preston Lake, or Belmont.

The other interesting item was a proposed rezoning just outside of the City limits on South Main Street, across from the Heritage Market area. This request was tabled. Staff had recommended against it because it was not consistent with the Comprehensive Plan; however, the Planning Commission Chairman suggested it be tabled so Planning Commission could think about it a bit more. What I thought was interesting, was that it reminded me of discussions heard in the City about ten years ago. It was a very interesting meeting with the County.

Chair Fitzgerald thanked Mr. Baugh and asked if there were any other reports.

Mr. Way said I have a quick update regarding the downtown park planning. We met today to discuss a variety of things and are hoping to kick-off fundraising in November. There was a discussion regarding the staging of development of the park. There were questions about who actually owns and manages the park because it is on City land, but it is being developed privately. We also discussed commissioning an architect/designer for the project, which will probably happen in the next six months or so.

Chair Fitzgerald said the idea is to stage part of it and then use the success of the first stage to help fund the next stage.

Mr. Way said absolutely, it will help to spur the fundraising.

Other Matters

Thanh Dang, Transportation & Environmental Planning Manager with the Department of Public Works, said she is here tonight to present a status update and other updates of the Bicycle and Pedestrian Plan. The City's Bicycle & Pedestrian Plan was adopted in 2010 (amended 2011) and is part of the City's Master Transportation Plan as referenced in the Comprehensive Plan. The Master Transportation Plan establishes the City's long-range transportation policies and projects. To stay relevant, it is the City's goal to update the Bicycle & Pedestrian Plan once every 5 years. Like the previous update, the Bicycle & Pedestrian Plan is being updated 1 year in advance of the Comprehensive Plan update, and will inform the next update of the Comprehensive Plan.

The Bicycle & Pedestrian Plan update is being led by the Department of Public Works and the Transportation Safety & Advisory Commission's Bicycle & Pedestrian Subcommittee. However, this is the City's Plan and the Department of Planning & Community Development, Parks & Recreation, Public Transportation, Police, and Economic Development are involved. Before the Plan is submitted to City Council to consider for adoption in summer 2016, the Plan will be reviewed by the Transportation Safety & Advisory Commission and the Planning Commission.

City staff and the Bicycle & Pedestrian Subcommittee initiated an information gathering period starting with a public workshop on May 19, 2015, followed by a public comment period. There were over 30 attendees at the workshop and 59 written comments received, not including comments collected during the workshop.

City staff presented an update to City Council on July 28, 2015. Summaries of the workshop, comments received, and information presented to City Council made available here, <http://www.harrisonburgva.gov/bicycle-pedestrian-plan>.

Moving forward, city staff and the Bicycle & Pedestrian Subcommittee will host meetings with Stakeholder Focus Groups, and will develop methodology to prioritize projects. Below is a summary of next steps.

Proposed Stakeholder Focus Groups

The purpose of Stakeholder Focus Group meetings is to gather practical feedback and guidance from various perspectives, and to foster buy-in and consensus among partners and organizations that play an active role in implementing plan policies and recommendations.

City staff and the Bicycle & Pedestrian Subcommittee will host Stakeholder Focus Group meetings surrounding:

- Business and Economic Vitality
- Safety, Enforcement, Safe Routes to School, Youth & Families
- Institutions: Higher Ed and Retirement Communities
- Housing Providers: Apt Complexes, Property Managers
- Disadvantaged Populations

There will be one meeting per focus group. These meetings will take place in September 2015. Focus groups will also be guided through a series of lead questions.

Proposed Factors for Prioritization of Infrastructure Projects

Transportation needs will almost always be greater than the funds available to address them. Prioritizing infrastructure projects as part of the Bicycle & Pedestrian Plan helps guide the City to the best use of limited funds, and provides support for grant applications and allocation requests from state, federal, and private sources (e.g. Revenue Sharing, Transportation Alternatives Program, Highway Safety Improvement Program, and funds available through the House Bill's (HB2) prioritization process).

The Commonwealth Transportation Board (CTB) will use the HB2 prioritization process, which evaluates projects based on "weights" (key factors) of economic development, congestion mitigation, accessibility, safety, and environmental quality. Similarly, the City will use a prioritization process for the City's Bicycle & Pedestrian Plan. Active Trans Priority Tool (APT), developed by the Transportation Research Board, is a methodology for evaluating and prioritizing pedestrian and bicycle improvements along existing roads. The methodology is flexible, allowing communities to assign factors and weights reflective of their own goals and values. APT has been used by many communities including the City of Charlottesville in development of its 2014 Bicycle & Pedestrian Plan.

Following the identification of the projects within the Bicycle & Pedestrian Plan, city staff will prioritize the projects. Staff will use the factors and weights developed by using the APT system, and will include the results in the final plan.

It is important to note that the Bicycle & Pedestrian Plan is a planning document. As such, after the Plan is adopted, City Council is not required to pursue or fund the highest scoring projects. This is especially helpful if there is a constraint or opportunity that makes a lower ranking project a better option to pursue before a higher ranking project.

City staff and the Bicycle & Pedestrian Subcommittee have completed Step I as laid out in the APT guide, which is to define the purpose of the prioritization effort by determining the following:

- APT will be used to prioritize both bicycle and pedestrian improvements and will evaluate each of these modes of transportation separately.
- Based on the input received at the May 19 public workshop visioning exercise, improvements in the Plan should promote safety, enable connectivity, be accessible to all users, be orientated to kids being able to bike and walk to school safely, and be implemented in a timely manner.
- Prioritization will be used to rank all of the location-based projects recommended by the Plan.

Projects considered will include spot improvements, roadway segments, and entire neighborhoods.

Step 2 of the APT process involves the selection of factors. City staff is reviewing definitions and availability of data for the following factors:

- Connectivity - Higher scores may be considered for projects along routes with higher demand and projects with more connections to existing and/or proposed infrastructure.
- Equity - Higher scores may be considered for projects in areas with higher population density and projects in areas with higher levels of poverty.
- Existing Roadway Conditions - Higher scores may be considered for projects along routes with higher volumes of traffic, and higher posted speeds.
- Implementation Effort - Higher scores may be considered for projects that are less expensive (scaled by quartile to reduce impact of outliers), are eligible for grant funding, and can be incorporated into a scheduled roadway reconstruction or resurfacing project.
- Public Support - Higher scores may be considered for projects that receive greatest public supplement represented by a recommendation by a committee, or via quantitative documents of requests/comments from the public.
- Safety - Higher scores may be considered for projects that address an area with a history of bicycle or pedestrian crashes. For bike facility projects, higher scores may be considered for projects along routes with higher levels of traffic stress as identified on the City's Bike Map (<http://www.han-isonbmgva.gov/bike-map>).

Ms. Dang said Planning Commissioners are invited to provide suggestions on these factors. Are these factors appropriate? Should these factors be defined differently? Should other factors be considered? What order should factors be ranked from highest weight to lowest weight? Weights are numbers used to indicate the relative importance of different factors.

Ms. Dang said if you would like more information or a guidebook on the Active Trans Priority Tool regarding tonight's update you may visit www.pedbikeinfo.org/planning/tools_apr.cfm. She then asked if there were any questions for her.

Mr. Colman asked where would need fall into play with this update. I am saying that from a standpoint that we want connectivity and it seems to be related to need. My big focus is on the schools, many children bike to schools. It seems to me this is an immediate situation that we need to look at – connectivity and safety.

Ms. Dang said that need could play into public support as well; there is always a needed demand for something not existing currently. There are so many variables that we can plug into this for data.

Mr. Heatwole spoke of a concern regarding bicyclist safety and offered to help in any way he could with the Bike & Pedestrian Committee and the focus groups.

Ms. Dang said Adam and I had discussed that perhaps Planning Commission would like to appoint someone to be a liaison with the sub-committee.

There was a consensus among Planning Commission that Jefferson Heatwole would be the person for the position and Mr. Heatwole accepted.

Ms. Dang finished by sharing the proposed timeline for the update:

- September - Host Stakeholder Focus Group meetings
- September 28 - Subcommittee meeting- discuss and recommend to City Council factors, weights, and variables for prioritization
- November 16 - Subcommittee meeting- discuss compiled comments, maps, and prioritization
- January 25 - Subcommittee meeting - review draft Plan
- January 25 - March 1 - Public Comment Period Open
- Mid-February - Host Public Open House
- March 28 - At subcommittee meeting, review changes and discussions, and make recommendation
- Spring 2016 - Submit and present draft Plan to Planning Commission and Transportation Safety & Advisory Commission
- Summer 2016 - Present to City Council and Public Hearing.

Mr. Way said thank you for your work on this and are you looking for any substantial input right now, or do you want us to get in touch with you via email.

Ms. Dang replied you can talk with me this evening or send an email at your convenience.

Mr. Colman said it is good to see we are going in this direction and we appreciate what you are doing.

Chair Fitzgerald thanked Ms. Dang and asked what was October Planning Commission looking like.

Mr. Fletcher said we have a repeat special use permit request for Windsor Road, which you all may remember from last June. It is a Major Family Day Home and they desire to increase to 12 children – City Council had placed a condition of only 10. There is also an ordinance amendment that we are working on to create flexibility for business and professional offices to meet minimum off-street parking required in the downtown area. The third item is a request to ensure that a school is providing enough off-street parking for the use. This is for the Minnick School – they are moving their school to a new site.

Adjournment

Planning Commission adjourned at 8:05 p.m.

Chair Deb Fitzgerald

Secretary, Alison Banks