

MINUTES OF HARRISONBURG PLANNING COMMISSION
June 8, 2016

The Harrisonburg Planning Commission held its regular meeting on Wednesday, June 8, 2016 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh; Gil Colman; Judith Dilts; Mark Finks; Deb Fitzgerald, Chair; Henry Way; and Kathy Whitten.

Members absent: None

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

Chair Fitzgerald called the meeting to order and said there was a quorum with all members in attendance and welcomed two new members to Planning Commission, along with the new City Planner, Thanh Dang. She then asked if there were any corrections, comments, or a motion regarding the May Planning Commission minutes.

Dr. Dilts moved to approve the minutes as presented.

Mr. Colman seconded the motion.

The May 11, 2016 minutes were approved as presented, with Mr. Way abstaining because he was not in attendance at the meeting.

Public Utility Application – West End of Harmony Drive (Rockingham County TM 93-7-L1)

Chair Fitzgerald read the first request and asked staff for comment.

Mrs. Banks said this request is to consider a Public Utilities application from Virginia Mennonite Retirement Community (VMRC) to provide water service onto property within Rockingham County. The subject property is identified by Rockingham County's tax maps as parcel 93-7-L1 and is located at the western end of Harmony Drive, which is also the City/County boundary. The applicant desires to install an irrigation system to provide water for gardens, where food is grown.

Per Section 7-2-4 (b) of the City Code, all uses, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sewer infrastructure, shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection. As this request is for an irrigation system, it requires Planning Commission review and City Council approval.

Currently, there is water infrastructure within Harmony Drive right-of-way, which terminates at a fire hydrant located near the end of the pavement. If approved, the applicant would install a new 1" irrigation service, meter, and frost proof hydrant on the VMRC property within Rockingham County. The applicant has been informed that an approved backflow prevention device is required when installing the new service and they should work closely with the Department of Community Development to ensure correct installation and inspections occur.

The proper application has been completed and the Public Utilities Department has completed the preliminary review of the request and has no issues with the requested service.

Staff has no concerns and the Public Utilities Department supports this application for the extension of water service into Rockingham County. Staff recommends approval.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she said there is not a public hearing for this request, however if the applicant would like to speak you may do so. Hearing no one, she asked if there was a motion or discussion from Planning Commission.

Dr. Dilts moved to recommend approval of the public utilities request for the end of Harmony Drive within Rockingham County, as presented.

Mr. Way seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

Mr. Colman abstained from the vote because he is currently working with VMRC on other projects.

All voted in favor (6-0) to recommend approval of the request.

Chair Fitzgerald said this will go to City Council on July 12th.

Alley Closing – 1,814 +/- sq. ft. Undeveloped Public Alley Adjacent to 40-U-4 and 40-U-9 through 11 and Preliminary Plat – 632 and 634 Collicello Street with Variances Requested to 10-2-41 (a) and 10-2-42 (c)

Chair Fitzgerald said we will hear the next two agenda items together. She then read the requests and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Neighborhood Residential. This designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

The following land uses, as well as the properties' existing zoning, are located on and adjacent to the property:

- Site: Undeveloped, 10-feet by 181-feet alley
Properties involved in the preliminary plat request consist of two single-family dwellings, zoned R-2
- North: Single-family dwellings and duplexes, zoned R-2
- East: Single-family dwellings, zoned R-2
- South: Single-family dwellings, zoned R-2
- West: Across Collicello Street, single-family dwellings and duplexes, zoned R-2

The applicant is requesting to close a 1,814 +/- square foot undeveloped public alley in order to acquire additional lot area to supplement the adjacent parcels that he already owns. In turn, the applicant is requesting to preliminarily subdivide the additional area obtained from the alley with the adjoining two parcels at 632 and 634 Collicello Street to create four new parcels.

The undeveloped alleyway runs lengthwise along the back half of 634 Collicello Street and directly behind three properties which have frontage on Third Street. The alley is accessible from an adjacent perpendicular, undeveloped alley to the north off of Third Street that is currently used as a driveway for the adjoining properties that front Third Street. It can also be accessed by an adjacent, developed, 15-foot alleyway perpendicular to the east, which runs from Third Street to the George's Foods, LLC property. The developed, 15-foot alleyway to the east is frequently used by residents of the neighborhood and by employees of George's Foods, LLC.

The survey of the alley submitted by the applicant reflects that all adjoining property owners would receive their half of the alley if it is closed. At this time, staff has no indication that the adjoining property owners to the north have any desire to purchase and acquire their portion; if this is the case, the applicant would be required to purchase the entire alleyway for it to be vacated.

There are no public utilities located within the requested alley closing; regardless, staff believes a 10-foot public general utility easement should be reserved over the entire alley area. The 2013 inventory of alleys document that lists alleys that could be vacated, has this alley as one that could be vacated. Staff has no objection to the requested alley closure so long as a public general utility easement is reserved over the area.

If the alley closing is approved, the applicant desires to preliminarily subdivide the existing two parcels, along with the acreage from the alley, which together totals 0.838 +/- acres, into six parcels in order to construct two duplex units, a total of four units, within the rear yards of 632 and 634 Collicello Street. To achieve this subdivision, two variances to the subdivision regulations are needed. A variance to Section 10-2-41 (a), which requires all streets (including private streets) to conform to the DCSM, and a variance to Section 10-2-42 (c) to allow lots to not have public street frontage.

The subject property is located along the eastern side of Collicello Street, between Second and Third Streets. This is an older neighborhood comprised of larger single-family homes and duplexes, with lot sizes generally smaller than 7,500 square feet. The two subject parcels are narrow, 50-foot wide by 358 +/- feet in length; each lot has a lot area greater than 16,900 square feet. Each existing parcel has a single-family dwelling located in the front of the lot, within 20-feet of Collicello Street. Both parcels back up to the 15-foot wide alley that runs from Third Street to the George's Foods, LLC property.

The applicant desires to subdivide the two parcels, leaving enough square footage for the existing single-family homes to remain compliant to zoning regulations, while creating four new lots in the rear for two duplexes. The four duplex lots would be accessible by a private drive from Collicello Street. Because these lots would not have public street frontage, a variance to Section 10-2-42 (c) is needed to allow the four lots to be created.

The private street is proposed to be 20.5-feet wide, which is basically the distance between the two existing home foundations. The street will be paved with curb and gutter along the southern side. The applicant will need to remove a bay window within one of the homes and relocate existing gas meters/service lines in order to accommodate the planned access. The private street will be marked "Fire Lane No Parking" and will have separate parking areas meeting the zoning requirements for each existing and proposed dwelling. A paved turn-around is located between proposed lots 4 and 5 to accommodate emergency and fire vehicles, where signage stating "Fire Lane Do Not Block" shall be posted.

A water/sewer easement is shown within the private street. Generally, the Public Utilities Department requires a 25-foot shared water/sewer easement; however, they are comfortable with a narrower 20-foot easement between the two homes, before widening to the required 25-feet. The water line ends at a public fire hydrant located on lot 5 and, at the request of staff, the applicant is working to loop a sewer connection from the site into the 15-foot alley to the rear of the property. This would be a shared cost as the City has a grant to make some changes to the sanitary sewer in this area of Liberty Street. Staff appreciates the applicant's willingness to work together for that sewer connection.

Because of the narrowness of the private street and the City's requirement of sidewalks along all streets, the applicant proposes a five-foot concrete walkway from Collicello Street along the southern portion of 632 Collicello Street, crossing the private street and tying into the front sidewalk of the proposed duplex units. This allows for pedestrian access to the rear units without having to walk along the private street. Staff also asked that "No Parking" signs be placed along the frontage of 632 and 634 Collicello Street and that the throat width of the private street entrance be widened from 20-feet to 24-feet. These two conditions would help to accommodate two-way traffic and sight distance when exiting the development.

As noted earlier, both existing parcels back up to a developed 15-foot wide alley, which is currently used by vehicular traffic. Rather than allowing more traffic into this alleyway, and at the request of staff, the applicant is planning to place 6-foot concrete bollards at the end of the private street to deter cut-thru traffic.

Section 10-2-41(a) states that all proposed streets (including private streets) shall conform to the standards and specifications outlined in the Design and Construction Standards Manual (DCSM), except that variances to the standards may be approved on a case-by case basis by the City Council when:

- (1) the proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the City desires;
- (2) the particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts; and
- (3) the proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the Comprehensive Plan.

As part of their request for the variance, the applicant addressed each item by noting the following:

1. The proposed pedestrian facilities will better achieve the walkable, pedestrian and bicycle-oriented environment the City desires because the sidewalks are completely separated from vehicular traffic. The sidewalk extend along the proposed building fronts, adjacent to parked vehicles, crosses the driveway, and extends as a separate sidewalk along the property boundary. This minimizes potential vehicle-pedestrian interaction. Also, this driveway is a dead-end facility only serving six residences; is only of 350-feet in length; and contains a sinuous alignment to discourage high speeds. Therefore, vehicular traffic will be extremely limited with very low speeds. Accordingly, bicycle traffic will easily be able to utilize the main driveway for access without concern for high vehicular speeds or volumes.

2. The proposed pedestrian facilities will not cause undue inefficiencies for service vehicles, nor a reduction in pedestrian safety. As described in item #1 above, the separation of the sidewalk from the vehicular lane is expected to improve pedestrian safety through reduced vehicle-pedestrian movement conflicts. Service vehicles would also be expected to have improved efficiencies due to the pedestrian facility separation.
3. The proposed pedestrian facilities would better balance the needs of pedestrians and vehicles primarily due to the maximum separation from each other. This better achieves the goals of the Comprehensive Plan for the pedestrian environment.

City trash collection would not be provided along the private street. A private service would need to be utilized or residents of the duplexes would need to bring trash to Collicello Street for pick-up. It is recommended that the property owners give approval if this scenario is desired. Snow removal along the private street will also not be provided by City forces. Lastly, the applicant has been informed that because of the number of units along the private street, they would be required to name the street for addressing purposes.

Staff supports the preliminary plat and requested variances with the following conditions:

1. The on-street parking for Lots 1 and 2 shall be removed. The property owner shall provide the initial "No Parking" signage and PW will then take over responsibility of the signage.
2. Off-street parking shall be provided for Lots 1 and 2.
3. The entrance throat width shall be increased to 24-feet at the point of tangency, and then narrow down to 20-feet.
4. A 5-foot sidewalk shall be provided from Collicello Street to the duplex units. This sidewalk shall be hard surfaced. (Staff prefers concrete surfaces.)
5. Bollards, posts, or signage shall be provided at the end of the private street to help restrict vehicular access to the public alley.

Lastly, when Planning Commission visited the site yesterday there were some concerns about off-street parking and that perhaps not enough parking was being provided for the residents. If Planning Commission feels that the applicant needs to provide more off-street parking, you certainly have the right to make that a condition of the preliminary plat.

Chair Fitzgerald asked if there were any questions for staff.

Dr. Dilts asked if the postal service would go into the private street to deliver mail or would there be mailboxes placed out along Collicello Street.

Mr. Fletcher said since it is a private street designation there may be different options for them. The mailbox setting like you see with many of the townhome developments would be an option; it is whatever works best for the operation of the post office personnel. These are generally issues that are worked out during the construction phase of the development.

Mrs. Whitten said when there are parking issues for the residents who would get the phone call?

Mrs. Banks said if there are parking issues on the private street, the residents should contact the owner/developer of the property. If they contact the City, the City would refer the caller to the owner or contact the owner themselves.

Mrs. Whitten said I drove down Collicello Street during the day today and there were lots of cars parked along the street; yet we are taking away some on-street parking. Most people I know that have houses or apartments have friends, relatives, and other people who like to visit. Each existing house will be provided two spaces. Most people who would live there will have one or two cars of their own. For me, that is a lot of cars that may end up on the street. I am thinking that people calling about parking issues along the street are not going to be the individuals residing in these units, but rather residents of Collicello Street.

Mr. Fletcher asked are you talking about parking concerns along the private street or on the public street.

Mrs. Whitten responded either. In older neighborhoods like this, some residences do not have off-street parking spaces and must rely on parking along the street. Parking is a concern I have with this request.

Chair Fitzgerald asked how many parking spots along the public street would be lost with the posting of "No Parking."

Mrs. Banks replied perhaps four; I am just basing this on the width of the two lots along Collicello Street.

Mr. Fletcher said that is correct, we would have to measure exactly what the distance is to determine the number of spaces. Remember that they are required per our conditions here, to meet the parking for the existing units as well as meeting the minimum requirements for the proposed duplexes. They are also showing that they have the capability for the additional space for each of the new units. As Mrs. Banks reminded you, there is the ability, if Planning Commission so desires, to recommend a condition to add additional parking spaces. Of course that could always put this into a "catch 22" from a bigger planning perspective of do we require more parking, which requires more pavement and more stormwater issues. Remember, when you have visitors over, there is no prohibition from parking in the grass on your property. These are just some thoughts to keep in mind as you consider the parking for this request.

Mr. Colman asked how are the parking areas along the public street going to be enforced.

Mrs. Banks replied there will be vertical signage that the developer must install. The parking would then be enforced by City forces. The signs would be maintained by the Public Works Department.

Mrs. Whitten said this would be on a complaint basis only. I think a lot of really good work has gone into this; both by the developer and staff. However, I do not feel that alone makes it the right thing to do for this neighborhood.

Chair Fitzgerald said there is not a public hearing for this type of request; however, if the applicant would like to speak at this time they may do so.

Hans Harman introduced himself and said he is the applicant for this request. Bill Moore an engineer with Balzer and Associates is here as well if there are any technical questions. I think one of the things about the parking that is important for you all to know is that we are adding spaces to the project. Also, we did not request that the on street parking be taken away, this is a condition that the City is requesting. I understand the sight distance issue and agree with the City's request. We would be happy to field any questions that you may have.

Mrs. Whitten said do you have a sense of who you would want to rent to, because this is a neighborhood.

Mr. Harman said actually these units may possibly be sold after construction. Also, one thing about the parking, and I do not want to get too far into the weeds with this because a lot of things need to come into play before the final architectural renderings, but these units may have garages as well.

Mrs. Whitten said at this point you are not sure whether the units would be sold or leased.

Mr. Harman replied no. We might just sell the lots to individuals looking to develop.

Mr. Way asked how do you feel this fits in with the rest of the neighborhood. Do you feel the density reflects the character of the surrounding properties and the general feel of the neighborhood?

Mr. Harman replied as staff stated the lot sizes are very similar to the current lot sizes in the neighborhood. The density conforms to the rest of the neighborhood. The only thing that would be different is that these units would not technically front along a public street. As far as lot size and density they absolutely are similar to what is currently there.

Chair Fitzgerald thanked the applicant and asked if there was any further discussion or perhaps a motion followed by discussion.

Mr. Finks said he would be abstaining from the discussion and vote as he is related to a property owner directly adjacent to the request.

Mrs. Whitten said I think that our City is really in a very serious place in terms of density and zoning issues when adding to neighborhoods that are already stressed. Many of the houses along this particular street and other streets that adjoin this one have been purchased by young families and they have done quite a nice job of recreating this neighborhood. This neighborhood did go through somewhat of a decline some years back.

I think about children riding their bicycles across that private street and all the vehicles that will be traveling in and out of that private street onto Collicello Street. I do not think that this request is enhancing this neighborhood in any matter and it is detrimental to this neighborhood. I, for one, stand for neighborhoods in this City and I do not think it is the best use of the property.

Chair Fitzgerald asked if there was anything further.

Mr. Way asked about the aspiration of the Neighborhood Residential designation within the Comprehensive Plan; what is it trying to be?

Mrs. Banks said this area is the ideal description of Neighborhood Residential; larger homes on somewhat smaller lot sizes, which may include duplexes.

Mr. Way said the bigger picture for the neighborhood residential is very much like the existing neighborhood and the intent would be to maintain and protect those denser, walkable neighborhoods.

Mr. Fletcher said the description speaks to the types and densities of future residential development. Really what the designation is speaking to is infill development and redevelopment of the property; and it actually states that language in the Comprehensive Plan. The interpretation can come into play where it states that it needs to be compatible with the

existing character of the neighborhood. Therefore, does Planning Commission think that the proposed development is in character with the existing neighborhood?

Mr. Way said I can see where, if the Jackson Street right-of-way could have come into play, then dividing those two lots into half across the middle and placing two single-family homes in the back. But what we are talking about here is somewhat the reformulation of the property, which looks a bit different from some of the rest.

Mrs. Banks said yes, but with your suggested subdivision you could still do up-and-down duplexes, rather than side-by-side units such as is requested. All the proposed uses are allowed by right and would not be considered an increase in density.

Mr. Fletcher said please remember we are talking about two different requests with this. An alley closing and a preliminary plat with variance requests; the applicant cannot preliminary plat the things you are mostly talking about, unless the alley is closed. That is where he picks up the ability to get the duplex density. With regard to the question of “is this too dense”, Planning Commission would not be seeing this application in this layout if it was not meeting the density requirements. This meets the minimum requirements for subdivisions of this nature. The applicant only needs half of the alley way to make this work.

Also remember what we are calling the alley in the back is actually called Jackson Street. Jackson Street is a very old platted street that for all intents and purposes, the City chooses to recognize it as an alley. One might try to argue that Jackson Street is a street and parcels should be allowed to front along that portion of Jackson Street; however, staff would disagree with this interpretation.

Chair Fitzgerald asked if Planning Commission would like to give a motion on these items one by one.

Mr. Colman said you see some of these deeper properties as you move from 3rd Street to 4th Street in this area; are we expecting the same type of development to go into these locations. Are we setting a precedent for this?

Mrs. Banks said I do not know if precedent is the right word in this case, but yes, there are a lot of other deep lots like this, not just in this neighborhood, but throughout the City in general. I would think we will be seeing more infill development such as this.

Mr. Fletcher added that in some cases infill development may not be appropriate. We recognize that in this particular case that we believe it is appropriate, which is why we offered a favorable recommendation. It provides a very walkable environment to Collicello Street and Collicello Street is also very walkable to downtown.

Mr. Baugh said it has not come up that often, but when people acquire multiple larger lots it does give them more flexibility to do things under the existing rules. Does this whole concept of someone being able to acquire several adjoining lots and suddenly having more room to do things, does that in and of itself create some issues that we may want to think about addressing down the road?

Mr. Fletcher said what Planning Commission might be referring to is the “massing” of the buildings in these infill spaces. That is definitely an issue that can be discussed.

Dr. Dilts said I think the number of cars issue does not necessarily make this a special case; this kind of construction could happen there any way. As the City fills in, there will be more traffic

in general. I am not sure that it is necessarily a compelling argument; but, I do understand the concern.

Mrs. Whitten said I think you have to always ask yourself how you would like it if you lived there. When we were at the site yesterday I said this is a privately maintained driveway and parking, which means when I come home from work and cannot park in my space I have to call to complain; but who do I call?

Mr. Way said this is completely off topic, but when we begin to think about the Comprehensive Plan update, in the future we should try to get a better sense of what each particular neighborhood in the City is looking for. Where does that neighborhood want to go?

Chair Fitzgerald said we can talk a bit more about that later when we get to it on the agenda. Do we have a motion on this particular request?

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

Mr. Way seconded the motion.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote on the motion.

Planning Commission voted 5-1 in favor of the motion to close the alley. Mr. Finks abstained from the vote.

Chair Fitzgerald asked if there was any further discussion on the preliminary plat request.

Mrs. Banks added that if the development were retained under a single ownership the owner could post the private parking and have illegally parked vehicles towed; somewhat like you see in the student housing facilities. If the property is sold for individual ownership, then each one of the units in the back has three parking spaces and if you own that property, I believe it is your right to have an illegally parked vehicle removed from your property.

Mr. Way asked if there was any interest in removing the condition about no on street parking in front of these properties.

Mr. Fletcher replied you may; however, that was a staff recommendation. Let it be clear that staff is only in favor of the request with that condition. This was thoroughly discussed with Public Works regarding sight distance and not allowing parking in this area.

Mr. Way said if you look at these plans and see where the private road is tying into the public street; it is rather wide. Could there not be enough sight distance? One argument you could make for allowing people to park right up to the entrance of the private street is that it would slow vehicles down as they are entering or exiting the private street.

Mr. Fletcher said think of it similar to when you have intersections and no parking restrictions at public intersections.

Mr. Way said I think we are concerned about taking away four parking spaces along the street.

Dr. Dilts added that you are providing four off-street parking spaces, two for each house that is currently there, in place of the four that are being removed.

Chair Fitzgerald said there is a trade-off of some respect. She then asked if there was a motion on the preliminary plat.

Dr. Dilts moved to recommend approval of the preliminary plat with the requested variances as presented by staff.

Mr. Way seconded the motion.

Chair Fitzgerald asked if there was further discussion.

Mr. Way said it fits the bill for all the requirements; but from the neighborhood standpoint does it work? We have one letter of complaint from a neighbor. I just do not have a good sense of the right or wrong for the Collicello Street neighborhood. I will probably move to support it because in the abstract it makes sense.

Mrs. Whitten said you do not always have to do the maximum of what is allowed just because it meets all the requirements. Add the cars and the people and then move there yourself. Zoning is supposed to maintain property value and stabilize, does this?

Chair Fitzgerald called for a roll call vote on the motion.

Commission Colman – yes.

Commissioner Whitten – no, because I believe it is a density concern. I do not feel that it is compatible with the existing neighborhood and I have great concern about the parking.

Commissioner Way – yes.

Commissioner Dilts – yes.

Commissioner Baugh – yes.

Chair Fitzgerald – yes.

Chair Fitzgerald said the motion to recommend approval passes (5-1). These two items will go to City Council on July 12th with a favorable recommendation.

Special Use Permit – Pleasant Valley Elementary School and Alternative Learning Center (Educational Use in M-1)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Public/Semi-Public. This designation states that these lands are designated for public and semi-public use. They include lands owned or leased by the Commonwealth of Virginia, the federal government, the City of Harrisonburg, and other governmental organizations. Examples of uses included in this category are public schools, libraries, City Hall and City administrative and support facilities.

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

- Site: Non-conforming elementary school and related facilities, zoned M-1
- North: Across Pleasant Valley Road, Tenneco Manufacturer, zoned M-1
- East: Massanutten Vocational School, zoned M-1
- South: General Electric Auto-Auction, zoned M-1
- West: Across Early Road, Interstate 81 and exit 243 interchange.

The applicant is requesting a special use permit (SUP) per Section 10-3-97 (9) of the Zoning Ordinance to allow an educational use within the M-1, General Industrial District. The property

is located on the southeast corner of the intersection of Pleasant Valley Road and Early Road. If approved, an existing school would become compliant with zoning regulations, an additional learning facility could be constructed on the site, and it would allow for expansion of both uses as necessary in the future. This review will also bring the existing use and allow the proposed use to be considered in compliance with off-street parking requirements. The 16 +/- acre site has been the home of Rockingham County's Pleasant Valley Elementary School since it opened in 1967. In 1983 the property was annexed into the City and given the M-1 zoning classification, where educational uses are not permitted by right, and thus the use has been non-conforming since it has been within the limits of the City.

Rockingham County desires to relocate the existing Dayton Learning Center/Alternative Learning Center to this site. The Dayton Learning Center is part of the Rockingham County School System and functions substantially the same as a public school. Their mission is to enable students from the four high schools and four middle schools in Rockingham County to achieve academic success, gain valuable self esteem, and receive a diploma from their home high school. Upon meeting with city staff to discuss the possible relocation of the Learning Center to the Pleasant Valley Road site, staff informed the applicant that the M-1 zoning classification does not allow schools by-right and a SUP would be required.

As noted earlier, Pleasant Valley Elementary School has operated from this location since 1967 without any concerns. The campus is primarily used as a school with operating hours between 8:00 a.m. and 4:00 p.m. There are various school related functions, such as school plays, parent teacher conferences and open playground facilities that often occur after hours. The school has a capacity of 50 employees and 376 students.

The proposed Learning Center would operate between 8:45 a.m. and 2:45 p.m., with occasional after school or weekend activities associated with the school use. The existing Dayton Learning Center is used for a variety of after hour uses (such as line dancing and square dancing) and at this time it is unknown if any of these uses will continue at the Alternative Learning Center. However, the applicants consider these uses to be associated with the Learning Center; therefore, they are part of this request. The new center will have a capacity of 15-20 employees and up to 150 students.

If the SUP is approved, the Alternative Learning Center would be required to go through a comprehensive site plan review prior to construction to ensure compliance with all development regulations. This would include all necessary street improvements that would be required along the frontage of Pleasant Valley Road and possible dedication of right-of-way. The extent of this work would be determined during the comprehensive site plan review process.

Staff has also informed the applicant that the City's Comprehensive Plan and the Harrisonburg-Rockingham Metropolitan Planning Organization's Long Range Transportation Plan's Vision List proposes a new road to be constructed through this property to improve connectivity in that area as part of the Exit 243 interchange improvements. The schedule for the proposed road is uncertain.

Lastly, per Section 10-3-25 (12) of the Zoning Ordinance, Planning Commission must review and approve the proposed off-street parking plans for the uses. As previously stated, Pleasant Valley Elementary School would have up to 50 employees and 376 students. Currently, there are 76 parking spaces provided for the school. Included within this report is the site layout for the existing school and parking lot. This existing parking arrangement has worked for the school

for more than 30 years within the City, and staff has no concerns that the parking layout is insufficient.

The applicants are proposing a minimum of 57 parking spaces for the Alternative Learning Center; however, the attached site plan shows that more can be placed on site. There is also a separate bus loop shown, as most of the students would arrive to the center by bus; only about 10 percent would drive to the school. The projection of 57 parking spaces is based somewhat upon the Rockingham County Code of one space per employee, one space per high school student, and one visitor space per 20 spaces. Therefore, given the projected capacity of 20 employees and 150 students, of which 10 percent drive, they would only need 20 spaces for the maximum number of employees, 15 spaces for students, and two for visitors – a total of 37 spaces. Staff believes the projected number of 57 parking spaces is adequate for the Alternative Learning Center use.

Planning Commission's review and acceptance of the parking would bring both facilities into compliance with off-street parking requirements; however, staff has informed the applicants that any future expansion to the facilities, which would be permitted without applying for another SUP, could necessitate a re-approval of the parking plan by Planning Commission.

Although located within an industrial area, the property has functioned well as an educational use for almost 50 years. As listed above, Massanutten Vocational School is directly adjacent to the subject property and when combined, these two parcels make up more than 30 acres of land in this area being used for educational purposes. At this time the adjacent industrial uses are not of such intensity to be a detriment to the operation of the site as a school facility and staff has no concern with allowing educational uses at this site.

Staff supports a favorable recommendation to City Council for the requested SUP to allow an educational use within the M-1, General Industrial District. Staff also supports the provided parking layouts for the facilities.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Finks said from looking at an aerial of the property as it currently is, it appears the elementary school would lose the activities field. Was that addressed at all with the applicant?

Mrs. Banks replied from the GIS aerial it looks as if the new building would not be built near the activity field.

Mr. Finks said he is currently looking at a Google Earth Map that shows a soccer field in the location where the building would be constructed. Was this addressed with the applicant at all?

Mrs. Banks said that was not addressed with the applicant; however, the applicants are here with us this evening so we can ask that question of them.

Chair Fitzgerald opened the public hearing and asked if the applicant or the applicant's representative would like to speak.

Mr. Steve Reed, Director of Maintenance for Rockingham County Schools and Mr. John Hash with Timmons Engineering Group introduced themselves to the Planning Commission as representatives for the SUP.

Mr. Hash said Timmons Engineering Group prepared the plat of the subject parcel. The existing elementary school is technically a non-conforming use and this has not been an issue until some

additional work was planned to be done on the campus. Therefore, we are asking for the SUP to bring the existing elementary school into conformance and to construct the new facility. We feel this is an appropriate use for this property. We would be happy to answer any questions.

Mr. Reed said to answer the question regarding the soccer field – that area is really not used by the elementary school. All of the play areas associated with the elementary school are in the back of the building. If in the future we needed to have more play areas for the elementary school, we have area between the building and Early Road. Right now the area you are questioning is just area to be mowed.

Chair Fitzgerald asked if there was anyone else desiring to speak in favor of the request. Hearing none, she asked if there was anyone desiring to speak in opposition of the request. Hearing none, she closed the public hearing and asked Planning Commission if there was further discussion or perhaps a motion.

Mr. Colman moved to recommend approval of the SUP as presented by staff.

Mrs. Whitten seconded the motion.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote on the motion.

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

Chair Fitzgerald asked if there was any further discussion on the parking layout for the two facilities. Hearing none, she asked if there was a motion.

Mr. Colman moved to approve the parking layouts as requested by the applicant.

Mrs. Whitten seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (7-0) of the motion to approve the parking for the two facilities.

Chair Fitzgerald said the SUP will move forward to City Council on July 12th and the parking approval is completed with Planning Commission's approval.

Rezoning – 482 South Main Street (R-3 to B-2C)

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

Mr. Baugh said before we get started, I need to recuse myself from this request. Mr. Baugh then left the Council Chambers (8:18 p.m.).

Mr. Fletcher said the Comprehensive Plan designates the properties as Professional and Neighborhood Residential. The Professional designation states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas. The Neighborhood Residential designation states that this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be

compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots.

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

- Site: Harrisonburg Elks Lodge No. 450, zoned R-3
- North: Union Bank, zoned B-2C
- East: Campbell Court, which is a multi-family housing complex, zoned R-3
- South: Single family detached dwellings located along Paul Street and South Main Street, zoned predominately U-R/R-P (one property is zoned R-3)
- West: Across Paul Street, a single family detached dwelling, a professional office, and a multi-family structure, all zoned R-3, and across South Main Street, Lindsey Funeral Home, zoned R-3

The property owner is requesting to rezone three parcels totaling 2.31 +/- acres of property from R-3, Medium Density Residential District to B-2C, General Business District Conditional. The largest of the three properties, tax map parcel 26-O-1 located on the corner of South Main Street and Paul Street, includes 1.59 acres; the middle lot, tax map parcel 26-O-21, which has about 91 feet of frontage along Paul Street, is a 0.36-acre tract; and then, the third lot, tax map parcel 26-O-20, which has about 58 feet of frontage along Paul Street, is also a 0.36-acre tract.

The reasoning behind the requested rezoning began when the property owners were gearing up to allow a restaurant on the property. As staff learned of their planned use, we informed them that such a use was not permitted. Although the existing structure has an existing commercial kitchen, the kitchen space has operated as a restaurant only for members of the Elks club, which is permitted under the R-3 district. A restaurant that is open to the general public is only allowed by right mainly on property zoned B-1 or B-2.

Currently, under the R-3, Medium Density Residential District, the subject site's lot area could allow up to 16 single family homes, 12 duplexes (24 units), or 50 townhomes, or any permissible combination of the foregoing stated units. Through approval of a special use permit, the site could also contain a maximum of 33 multi-family units. Any residential unit has the ability to be occupied by a single family or four occupants. The R-3 district also permits, by right, other uses and non-residential uses including: college and university buildings and functions, which are either owned or leased by such institutions, and which may include fraternities and sororities; hospitals, convalescent or nursing homes, funeral homes, and medical offices; professional offices, which includes offices limited to personal services customarily performed by professionals such as doctors, dentists, architects, engineers, lawyers, accountants, real estate agents, and insurance agents and brokers; charitable or benevolent institutions; places of worship; public and private schools; governmental uses and community centers; child and adult day cares; private clubs and golf courses; cemeteries; public uses; and accessory buildings and uses.

Often, a rezoning that changes a property's zoning from a residential district to a business district would increase the intensity of the permissible uses. However, if the rezoning request with the submitted proffers is approved, the allowable uses under the B-2 district would be quite limited and less intensive than the current R-3 district allows. The applicant has proffered the following:

- The following B-2 uses would be permissible on the site:
 - i. Restaurants contained within the existing structure in the two rooms shown on the provided drawing as “Dining,” and the area shown as “Kitchen,” specifically not including drive through food service.
 - ii. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
 - iii. Accessory buildings and uses customarily incidental to any of the above listed uses.
 - iv. Public uses.
 - v. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.
- The property owner could apply for any special use permit allowed in the B-2 district.
- All freestanding signs shall be no taller than 10 feet in height, no freestanding sign shall be larger than 100 square feet in area, and any signage may not be LED or contain scrolling message boards.

If approved, the submitted proffers significantly limit the permissible B-2 uses. Aside from being able to use the existing building, where the submitted drawing indicates as “dining” and “kitchen” for a restaurant that is open to the public as well as for the ability to have concealed wireless telecommunication facilities at the property, the proffers essentially would only allow charitable, religious, educational, and benevolent institutional uses as well as public uses, which the site can already operate under the existing R-3 zoning district. To be clear, limiting the restaurant use to within the existing structure and only within the areas as indicated means that no outside dining may occur on the site that is associated with the public restaurant. Outside dining may occur, however, for events associated with the Elks club and for any events held by individuals or groups that rent the Elks club facility as is permitted. Furthermore, it should be understood that if the existing building is demolished or somehow altered, where the spaces identified as “dining” and “kitchen” as shown on the submitted drawings, no longer exist, then a restaurant open to the public would not be permitted on site; only the uses identified in roman numerals “ii – v” as shown above would be permitted by right.

With regard to the proffer associated with signage, the 100 square feet limitation for freestanding signs is equal to the limitation that is permitted for B-1 properties. Typically, B-2 zoned properties, if they have enough sign area allotted to the site, can have freestanding signs as large as 240 square feet in area. Specifically for the site, the property would only have about 131 square feet of sign area available for use as the property’s street frontage along South Main Street is about 131 feet in length. Since the site is near residentially zoned properties, as is the case today under the existing R-3 zoning, any use that operates on site would be limited as to the locations of particular advertising. Staff explained to the applicant that, as is currently regulated within the Sign Ordinance, wall signs (which are signs mounted on the exterior of the building) shall not be placed on side or rear walls of the building that abut and that are within 100 feet of a

residential district. It may be that advertising wall signs would only be permitted that display toward South Main Street.

The applicant should be aware that, if approved, the existing building could become non-conforming to setback regulations. This is because the B-2 zoning district's building setback requirements are 30 feet along the front property line, which is typical of most districts, and then 10 feet on both sides and along the rear; however, when a shared line abuts a residential district, the minimum setback then increases to 30 feet. Furthermore, if any structure is to be greater than 35 feet in height, then one additional foot of setback is required for each foot above 35 feet adjacent to shared lines of residentially zoned property.

With regard to off-street parking requirements, like any site, the minimum number of parking spaces shall be provided for all uses. Staff does not believe the existing marked parking spaces, or even the size of the existing parking lot, will be sufficient for the Elks club use as well as for the planned restaurant. The restaurant would be required to provide one parking space for every 100 square feet of gross floor area used by the restaurant (note that this includes the kitchen area, kitchen storage/walk-in freezer areas, dining space, bathrooms, etc., not just the space the applicant has indicated as "dining" and "kitchen"). The Elks club use is required to have one parking space for 10 percent of the building's maximum occupancy (they would be allowed to remove the portion of the building to be used as the public restaurant from the calculation). As well, staff is aware that five onsite parking spaces are currently being leased to Mather Architects, P.C. at 37 Paul Street for that professional office use to be compliant with off-street parking regulations.

Currently, the site has around 75 – 80 parking spaces delineated (the spaces are not clearly demarcated). It is possible that restriping of the lot could increase the number of parking spaces, but again we caution the property owner to understand that the minimum required parking spaces for all uses will likely be higher than they might be anticipating. If the rezoning is approved, prior to the restaurant opening to the public, the property owners must confirm with the Department of Planning and Community Development that minimum parking requirements for all uses has been met. An architect will likely be needed to determine the maximum occupancy of the building, which will then help determine the minimum number of parking spaces that is needed. Staff will also need a more accurate representation of the square footage of the space that will be used by the restaurant. (Staff has already suggested to the applicant that they should begin this investigation. If the rezoning application continues on the current schedule, City Council could approve the request on July 12th, the rezoning then becoming official on the evening of July 26th. If the restaurant operator wants to be open to the public as soon as possible, given this timeframe, there should be ample time to figure out the number of needed parking spaces.) If the layout of the existing parking lot does not provide enough parking spaces and restriping the lot does not work to their advantage, then additional parking spaces must somehow be accommodated. This could be accomplished by constructing more onsite parking spaces, which the site should have plenty of area to accommodate, or they could try to establish a shared parking agreement with adjacent properties as is permitted by Section 10-3-26 (a) of the Zoning Ordinance. Staff does not believe it is possible to utilize the reduction in required parking spaces allowed for two or more uses as is permitted by Section 10-3-26 (b), as per the table in the ordinance, both of the planned uses require 100 percent of the minimum parking spaces at many of the same times.

If the property owner does not want to physically construct all of the minimum parking spaces and believes a lesser amount would be sufficient, the applicant would have the ability to apply for a special use permit per Section 10-3-91 (8), which allows for reducing the minimum required parking spaces so long as the amount of space that would have been used for parking remains as open space and is so noted in the deed to the property. If this is a desired option, the earliest a special use permit could be approved by City Council would be August 9th, which means they would have applied by June 7th, which is the day before the public hearing for the rezoning requested herein.

Given the limitations of the uses that could operate on the subject site per the submitted proffers, a traffic impact analysis was not required for the rezoning application. Regardless, staff was still very concerned about traffic and the impacts it could have on the surrounding neighborhood. Much of staff's traffic concerns revolved around the distribution of traffic through the Old Town neighborhood as this matter is already a concern since the Old Town neighborhood is enrolled in a City Traffic Calming Program. After much discussion, from a traffic perspective, staff believes the neighborhood will benefit from the site having eliminated the allowable R-3 uses, which at this time could likely create more negative impacts to the adjacent Old Town neighborhood than any use permitted by the submitted proffers. As noted above, the site's lot area could allow up to 50 townhomes or any permissible combination of residential units, all of which could be occupied by a single family or four occupants and add a significant amount of traffic throughout the Old Town neighborhood.

Neither the existing use or the proposed uses or proposed zoning exactly match the current long term plans for this area. The Comprehensive Plan designates the largest of the three subject parcels as Professional. Properties with public street frontage, and a few internal properties, along South Main Street from Campbell Street southward to Martin Luther King Jr. Way (aside from one parcel that is designated Public/Semi Public) is designated as Professional. This means the long term plan for these properties is to have professional service oriented uses with development consideration to be cohesive to the character of the surrounding area. The Comprehensive Plan further identifies that conversion of houses in these areas to office and professional service uses should be performed with attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas. Although the site is not designated Planned Business, that designation is for areas that could sustain commercial development but need careful controls to ensure compatibility with adjacent land uses and states that the maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment. Issues that are evaluated include: control of access; use of service roads or reverse frontage development; landscaping and buffering; parking; setback; signage; building mass and height; and orientation in regard to aesthetic concerns.

The two smaller parcels that are part of the rezoning request are designated Neighborhood Residential; this type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the existing character of the neighborhood. These are older neighborhoods, which can be characterized by large housing units on small lots. The Neighborhood Residential designation matches closely with the R-2 zoning district regulations and should include residential development similar to neighborhoods like Old Town.

It should be known that this is not the first request to rezone a property from R-3 to B-2 within this block of South Main Street. The Joshua Wilton House property at 412 South Main Street was rezoned in 1987 from R-3 to B-2C before being rezoned from B-2C to B-1C in 2015. Then, the Union Bank and Trust property at 440 South Main Street, which is adjacent to the subject site, was rezoned from R-3 to B-2C in 1991 before receiving approval to amend its B-2C proffers in 2011. There is clearly a desired trend from property owners to utilize properties in this area different from the Professional designation, and it does not appear these uses have had a negative impact on this section of South Main Street. Planning Commission might consider evaluating during the upcoming Comprehensive Plan review whether the City should maintain the existing Professional designation for this block and the blocks to the south on this side of South Main Street.

Staff believes the requested rezoning is acceptable given the significant limitations proffered by the applicant.

Staff recommends approving the rezoning request from R-3, Medium Density Residential District to B-2C, General Business District Conditional.

Mr. Joseph Bowman said he is a Trustee for the Elks Club. We have done a lot of work on the club to keep it nice. We have restored the entire front and the inside of the building; it is just beautiful inside now. I am one of the Trustees that desire to keep the building; it has been for sale in the past. I think with this rezoning and restaurant we will not have to worry about putting it up for sale in the future and can protect the building. Thank you.

Mr. Way said I have a question for staff; B-2C, why not B-1 zoning.

Mr. Fletcher replied the applicant did not apply for the B-1 zoning.

Mrs. Whitten asked if it was suggested.

Mr. Fletcher said are you asking whether it was considered or if it was desirable?

Mr. Way asked if it was desirable. I am thinking in terms of the need for all the extra parking, as well as the possible set back issue. With B-1 you do not have the parking or the set back issues.

Mr. Fletcher said it is a bit difficult to answer a hypothetical question given that the applicant requested B-2 zoning.

Mr. Colman asked, can we recommend that B-1 is the better option for them.

Mr. Fletcher replied I do not mean to be curt about this, but it is unusual to answer such questions when the application is for B-2.

Chair Fitzgerald said the big unanswered questions then are how many parking spaces can actually fit in the back of the property when striped in the most efficient way possible and what is the square footage of the building itself.

Mr. Colman asked how many more spaces are you estimating would be needed.

Mr. Fletcher replied honestly, we cannot estimate. That is why we have been trying to paint this picture throughout this entire evaluation process and we continue to emphasize to the applicant that the parking is an issue. Rezoning it does not get you entirely out of the woods; you must still comply with the parking requirements for the different uses. We run into this situation often, and you may hear us talk about it with certain M-1 properties that apply for a SUP for

recreational uses. These fall under the same category for parking requirements and we tell them that before they invest too much into the project they might want to have an engineer or architect determine the maximum occupancy, so that they can understand what the minimum parking requirement would be.

Chair Fitzgerald said there are a couple of options going forward with this, after they figure out what the requirements are. They could re-stripe, add parking, or even change out the size of the restaurant within the building.

Mr. Finks asked for staff to explain again the reasoning for not conducting a traffic impact analysis.

Mr. Fletcher said the question about traffic impact analysis (TIA) will come up for many different reasons – rezonings, subdivisions, special uses sometimes trigger it, and Comprehensive Site Plan reviews. The City’s TIA threshold is more strict than VDOTs. When the vehicle trips in a peak hour are at 100 or more and anytime that a proposed development meets that threshold the City has the ability to require a TIA, it does not mean that they have to do it, it just means that they have hit the threshold where the City has the authority to say “we are concerned about traffic, and you need to do a TIA” to tell us, based upon what the proposed development is, what the remediation abilities could be for the traffic. It does not tell you where entrances need to be located or how big a building could be to reduce the amount of traffic coming to the site. What it does is it evaluates the proposal that is in for review and it tells you how to remediate issues that are generated from the site.

This particular proposal did not meet that threshold.

Mr. Colman asked how is it determined if you do not even know how many parking spaces are needed.

Mr. Fletcher said it is based upon the use not the number of needed parking spaces.

Mr. Colman said that is what I am saying there is not a determined restaurant size yet. So are you implying that just the restaurant use, any size, plus the charitable use was determined to not meet a threshold?

Mr. Fletcher said I emphasized that it was not triggered, what I should be saying is that the Department of Public Works did not believe it was necessary to do a TIA based upon the type of restaurant that is proposed for the site.

Chair Fitzgerald opened the public hearing and said the applicant has already come forward to speak; is there anyone else desiring to speak with regard to this request? Hearing none, she closed the public hearing and asked if there was a motion.

Mr. Colman moved to recommend approval of the rezoning request for 482 South Main Street, from R-3 to B-2C with the conditions as presented by staff.

Dr. Dilts seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (6-0) of the motion to recommend approval.

Chair Fitzgerald said this item will go to City Council on July 12th.

Mr. Baugh returned to the Council Chambers at this time (8:51 p.m.)

Rezoning – 2205 Evelyn Byrd Avenue (R-3 to B-2C)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Whitten said she would be recusing herself from this request; she then left the Council Chambers (8:51 p.m.)

Mr. Fletcher said the Comprehensive Plan designates this area as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses.

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

Site: Undeveloped property, zoned R-3

North: Across Evelyn Byrd Avenue, rear entrance to Target and undeveloped parcels, zoned B-2

East: Harrisonburg OB/GYN medical offices, zoned R-3

South: Duplex units located along Emerald Drive, zoned R-3

West: Medical offices, zoned R-3

The subject property was created in December 2006 when the site was subdivided and split from the parent tract of property that was improved with the Harrisonburg OB/GYN office complex that is now identified as tax map parcel 77-L-12B located at 2291 Evelyn Byrd Avenue on the southwestern corner of Evelyn Byrd Avenue and Crystal Lane. At the time of the subdivision, along with the dedication of the standard public general utility easements, the subject site was further encumbered with private drainage easements and a private detention pond easement. These easements are illustrated on the 2006 subdivision plat, which is incorporated with the application materials herein.

The applicant is requesting to rezone the 1.27-acre tract, which has almost 155-feet of property frontage along Evelyn Byrd Avenue, from R-3, Medium Density Residential District to B-2C, General Business District Conditional. As explained within the applicant's submitted letter, they have been unsuccessful in selling the property for several years and thus are hoping the rezoning will provide a little more marketability for the site by expanding upon the allowable medical and professional office uses as is currently permitted within the R-3 district by further allowing business offices.

If approved, the applicant's submitted proffers would significantly limit the allowable uses. The applicant has proffered the following:

1. The site shall only permit business and professional office uses.
2. All uses allowed by an approved special use permit shall be permitted.
3. The existing vegetation (trees and shrubbery) parallel to and within 30 feet from the southern property boundary shall be maintained to provide a vegetated bugger to protect the adjacent residential uses from uses on the subject site; or, an evergreen vegetative buffer shall be created parallel to and within 10 feet from the southern boundary with the intent to create a dense screen, where such evergreens shall be planted at no less than 5 feet on center and 6 feet in height at the time of planting.

There is a change that I need to discuss regarding the vegetation buffer. The area that the applicants had previously proffered would be within 30-feet from the southern property boundary and they would then have the ability to have a 10-foot vegetative buffer along the southern property boundary. The suggestion for the buffer came from staff, where we had concerns knowing that the property was a planned business designation and the ability of using the site a bit more intensely than that of the adjacent residential properties to the south. Later we discovered that the property boundary is not where we thought it was; the boundary is actually further south within this shared access easement with the adjoining residential uses. We communicated this issue to the applicant and provided them with the opportunity to amend the proffer if they so desired, because the original intent was to have the evergreen buffer. The applicant did indeed provide us with the updated proffer statement and that is why the difference in the specific proffer statement. The new proffer statement reads:

The existing vegetation (trees and shrubbery) parallel to and within 45-feet from the southern property boundary shall be maintained to provide a vegetated bugger to protect the adjacent residential uses from uses on the subject site; or, an evergreen vegetative buffer shall be created parallel to and within 10 feet from the southern boundary with the intent to create a dense screen, where such evergreens shall be planted at no less than 5 feet on center and 6 feet in height at the time of planting.

During the review process, staff explained to the applicant that if the rezoning is approved, the site will be encumbered by additional minimum building setback regulations due to the surrounding properties being zoned residentially. As identified within the Zoning Ordinance, the B-2 zoning district's building setback requirements are 30 feet along the front property line, which is typical of most districts, and then 10 feet on both sides and along the rear; however, when a shared line abuts a residential district, the minimum setback then increases to 30 feet. Furthermore, if any structure is to be greater than 35 feet in height, then one additional foot of setback is required for each foot above 35 feet adjacent to shared lines of residentially zoned property. Because all of the adjacent properties are zoned R-3, Medium Density Residential District, even if those properties have private covenants that prohibit residential uses, the additional setback requirements apply because the Zoning Ordinance's regulation does not delineate the "use" on the residentially zoned property, but rather more broadly states that it applies along lines that abut a "residential district." This means, if the rezoning is approved, the buildable area of the lot will be more restrictive than typically permitted for B-2 zoned properties that are adjacent to other B-2 parcels. (A visual reference of the potential buildable area is included with the application materials.)

Typically, a property that is zoned B-2 has more advertising abilities than a property zoned R-3. If rezoned, this would be true for the subject property. However, since the site is surrounded by properties that are residentially zoned, as is the case today under the existing R-3 zoning, any use that operates on site would be limited as to the locations of particular advertising. Staff explained to the applicant that, as is currently regulated within the Sign Ordinance, wall signs (which are signs mounted on the exterior of the building) shall not be placed on side or rear walls of the building that abut and that are within 100 feet of a residential district. Similar to the setback regulations, this restriction does not specify this restriction being only applicable when the adjacent property is "used" residentially, but rather when the adjacent property is a "residential district."

As noted above, the Comprehensive Plan identifies the subject property as Planned Business. This designation states that these areas are suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. The Comprehensive Plan further explains that when properties are being developed and redeveloped in Planned Business areas, the maintenance of functional and aesthetic integrity of the site should be considered including matters such as: control of access; use of service roads or reverse frontage development; landscaping and buffering; parking; setback; signage; building mass and height; and orientation in regard to aesthetic concerns.

Staff believes that many of the matters that the Comprehensive Plan recommends addressing for Planned Business properties have been sufficiently addressed through the combination of the site location, the submitted proffers, and existing regulations. As already explained, existing minimum setback regulations (which incorporates additional height restrictions) as well as existing sign controls should help govern the functional and aesthetic integrity for those specific matters. The site is also relatively limited given all of the easements and drainage areas that a development will have to accommodate. With regard to landscaping issues, the already established parking lot landscaping regulations should address much of the concerns this designation emphasizes for consideration. And finally, staff believes the third proffer submitted by the applicant, which will provide a buffer along the existing residentially developed properties to the south, adequately accommodates any buffering concerns.

Staff does not believe rezoning the property to B-2 with the submitted proffers will negatively impact the surrounding area.

Staff recommends approving rezoning tax map parcel 77-L-12A from R-3, Medium Density Residential District to B-2C, General Business District Conditional as submitted by the applicant.

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.

From the audience, the applicant, Dr. Whitten, stated he had nothing additional to add.

Chair Fitzgerald asked if there was anyone else desiring to speak regarding the request. Hearing none, she closed the public hearing and asked Planning Commission for discussion or a motion.

Dr. Dilts moved to recommend approval of the rezoning at 2205 Evelyn Byrd Avenue from R-3 to B-2C with the proffers as presented by staff.

Mr. Colman seconded the motion.

Chair Fitzgerald asked if there was any further discussion. Hearing none, she called for a voice vote on the motion.

All voted in favor (6-0) of the motion to recommend approval.

Chair Fitzgerald said this will move forward to City Council on July 12th with a favorable recommendation.

Mrs. Whitten returned to Council Chambers at this time. (9:03 p.m.)

Discussion of the Comprehensive Plan Update

Chair Fitzgerald read the agenda item and asked staff for input.

Mr. Fletcher said we do not have a presentation for you; the memo you received in your packet and the informal discussion we had last month (which is captured in the May minutes) basically reflect what the Planning Commission should be considering this evening. In May we passed that five year threshold of being in the time frame of which Planning Commission needs to take into consideration whether the Comprehensive Plan (CP) needs to be reviewed. As we identified last month, the State Code requires within Section 15.2-2230 for the CP to be reviewed at least once every five years to determine if it is advisable to revise the plan. What Planning Commission needs to consider this evening is that “official determination” of whether this body believes the CP should be amended, and if so, then discussions can begin as to how you would want to do that.

As staff was asked by Planning Commission last month to remind everyone of the process that was undertaken in 2011 and, as explained in the memo, we really wanted to provide the picture of both the 2004 and the 2011 process. They were two very different processes, which just goes to the point that there is really no wrong or right way to update the CP, or in the way in which you wish to gather public input. Generally speaking, the community likes to be heard and they want to have public participation. Over the years participation has increased in the planning process, which is something that staff always appreciates; we like to hear feedback from the public.

With that, I will stop talking and turn this back over to Planning Commission. We are here to answer any questions you might have.

Dr. Dilts said the first sentence of the memo says “the State Code states that at least once every five years the Comprehensive Plan shall be reviewed to determine whether it is advisable...” Therefore, we are saying we will go ahead and review it and then determine whether we are going to amend it. Is that correct?

Mr. Fletcher said my interpretation of what that code section is saying is that the review by the local Planning Commission is, in many respects, something you are doing all the time. Planning Commission is utilizing the CP as a tool when reviewing different development plans. I believe the intent of this section of the State Code is that you are just officially determining whether it should be amended or not.

Dr. Dilts asked if she was correct in stating that a plan was designed in 2004 using a consultant.

Mr. Fletcher said that is correct.

Dr. Dilts asked whether it was a modification of a previous plan or whether it was a brand new plan?

Mr. Fletcher replied it was a brand new plan.

Dr. Dilts said it has been about twelve years since that plan, which was then reviewed and amended in 2011. Is it appropriate to think about doing something significant or major? Has enough happened in that twelve years where we really need to look at the significant changes in that plan. The only reason I ask this is because the answer will determine how we will approach it now.

Chair Fitzgerald said that is the big question. Is it time to go back and not “tweak” the plan; but go back and look at the City as it is now, and to relook at the big picture.

Dr. Dilts said correct, and there have been major developments within Rockingham County that affect what goes on in the City.

Chair Fitzgerald said in 2004, as I recall there was a committee of Planning Commission, City Council, and citizen members that were the core of the CP re-write.

Mr. Fletcher said correct, that information is within the memo. The committee consisted of 15 members; comprised of all members of the Planning Commission, two members of City Council, a representative from the School Board, and six citizens. At that time all five voting precincts (Keister, Simms, Spotswood, Stone Spring, and Waterman) were represented.

Mr. Finks asked what determined who was picked to be on the committee.

Mr. Baugh replied it was very ad hoc.

Chair Fitzgerald said this was something new for the City at the time; it was a new way of going about the CP review.

Chair Fitzgerald said as I recall the number of people who came to the input sessions in 2004 was relatively small and there was some sense that the next time we do this (2011) we have to really figure out how to get more people involved in the process. The 2011 review was largely driven by staff and Planning Commission; but the number of people who came and gave input during the planning sessions was considerably increased.

Mr. Fletcher said in 2004 there were approximately 70 citizens that participated, which is very minimal. However, in the time period between the beginning of the 2004 and the beginning of the 2011 reviews, there were considerable technological changes and advances. We suddenly had the ability to reach out to people in different ways. We are even beyond that at this point. The City has its own capability to reach out to people; we want people to participate in local government. Another component of the 2011 CP input was the fact that there was a very large pedestrian & bicycle element with very active individuals for that cause.

Dr. Dilts said she is more in favor of doing something in line with the 2004 CP review; even the fact of getting a consultant if we have the resources to do that. I was involved in what was called "the Blueprint for Liberty" when I resided in Liberty, Missouri. It was a build out design for Liberty by 2050. It was really interesting with some very fascinating public sessions where they gave different examples of the ways things could look and people could discuss it or vote on it. I am wondering if, even with using a consultant, there may be new ways of reviewing this plan; especially given our technological advances. So I am pushing more for something like the 2004 CP review, because I think there have been some significant changes in the City.

Mr. Way said we have crossed over that 50,000 mark in the population threshold and that changes a few things in categorization; and somewhat psychologically as well.

Chair Fitzgerald asked staff what would you like from Planning Commission this evening.

Mr. Fletcher said it would be nice to perhaps have someone officially move on the determination regarding the CP. After that, there is really no wrong way with which to move forward. Thinking on the idea of a consultant that Dr. Dilts just offered, I can at least tell you there are not funds within the upcoming budget cycle for Community Development to be able to pay for that. We might consider discussion of whether we want to do an update of the data and allow staff to do that, and then as we move into the upcoming preparation of the next budget cycle we try to propose additional funds to hire a consultant. Staff updating the data saves a great deal of time

for money purposes. We did that last time, and it is not just planning staff that collects the data, we get together with a team of staff participants from many different departments to compile data. That is one option you may want to consider. Once you get the data updated you can review it and ask “how do we want to frame this work?” That might be the time a consultant could come in.

Dr. Dilts moved that Planning Commission determined a need to update and amend the City’s Comprehensive Plan.

Mr. Way seconded the motion.

Chair Fitzgerald called for a voice vote on the motion to update and amend the CP.

All voted in favor (7-0).

Chair Fitzgerald said the question before you now is: “how?”

Mr. Fletcher said you may want to consider if the public has any ideas of how they might want to move forward. You might want to hear ideas from the public as to what their vision may be.

Mr. Colman said I think it would be a good idea as Mr. Way was saying, is there some way we can bring neighborhoods together and get an idea of where they would like to be. That would help to guide us as we work through this in the future; because right now we are going by what we think neighborhoods want.

Mr. Fletcher said there are a couple of ideas that this body has expressed interest in doing for the next round of comprehensive planning. I will speak to the most recent idea, which Mr. Way and Mr. Colman have just referred to this evening, regarding neighborhoods and plans for particular neighborhoods. We do not often talk about this, but it is in the CP, where we actually have identified some of those spaces. It is within Chapter 4, which is called the Plan Framework Map. This shows where the neighborhood preservation areas, neighborhood revitalization areas, the downtown revitalization area, and the Edom Road revitalization areas are located. Within each of those preservation areas or revitalization areas is a description in the CP that says these areas have the following concerns, problems, and issues in which there should be plans identified for these areas. So our CP already identifies that we want to do that, the problem is that we have never had the staff to be able to devote to do that. We are a staff of two when it comes to planning proposes; lots of other localities have ten planning employees. We have just never had the staff to do the things you are talking about this evening; but we have identified the importance of that already in our existing CP. All of this framework information came from the 2004 plan.

The 2011 plan update was very much an amendment of what was there; we added some things, we took out some things at that time. There is a lot of merit to the layout of our existing CP. There was the idea expressed by this body of having a chapter solely devoted to the downtown area; I informally talked to other folks in the community about that issue and they loved that idea. So that might be something you want to consider to definitely do. There are so many different ways that things could be done; but, remember we have a good CP. I am not saying that it does not need to be revamped; I am just saying that it is a good plan and we do our best with following it.

As to the process, I think this body needs to think about and figure out exactly how you want to move forward. We can reach out to the public information officer to get information out to the

public. We could put this on our agenda repeatedly for the next several months as we continue to talk about it. This would get the discussion moving forward at every meeting with new ideas on how to proceed. The public could join in on these discussions and tell us what they are looking for. We could utilize our public relations staff to reach out to the media. All of this is entirely up to you as we move forward.

Mr. Way asked if City Council had a say in this.

Chair Fitzgerald said it was mentioned last month about the possibility of having a Planning Commission – City Council worksession.

Mr. Baugh said I can certainly ask them. It would not surprise me if the answer is yes. I know in the past there were some meetings within the early stages of the proceedings. This would give council members the opportunity to say what some of their thoughts are. I am not certain that we did that in 2011.

Mr. Fletcher said we had an informal meeting, or worksession, with City Council in Council Chambers as we got started on the process.

Mr. Baugh said he would talk to Council about the idea. We did have a discussion several months ago where you had some council members talking about creating a more streamlined CP without a whole lot of the current stuff in it now. I suspect that is not what the majority of this group is thinking; or what I am thinking for that matter. Frankly, we can ask Council for their input, but it is this body's job to actually move it forward.

Mr. Finks said do we need to make a motion for public comment at the next meeting or for how we want to proceed?

Dr. Dilts asked whether it is better to have something like a draft plan that you put out for comment.

Mr. Baugh said in the past it has somewhat been starting off with general input from the public, creating a draft, which then generated comments.

Mr. Fletcher said are we getting public input about the process in general; folks come in and say we want you to do this; we want public comment periods at these locations, and so forth. Or do you all determine the process you want and let the public know this is how we are going to do it and do you all have any thoughts on this process?

The last time we did this, this body determined the process without public input and then reached out to the public and said here is the process, come and give us your comments on the draft.

Mr. Baugh said this was all done under the context that we were going to take the 2004 plan and use it as the template for the 2011 plan. So it is completely different from what we are discussing now.

Dr. Dilts said I am personally more comfortable with figuring out a process and then presenting the process to the public and asking them “what have we missed?”

Ms. Dang said if I could make the suggestion that perhaps staff could come up with a couple of alternative processes and then present that back to this body. You could then pick one you like, add to it, or not, and we could move forward from there as to whether you want to ask the public for feedback on the agreed upon process. Mr. Fletcher is correct about all the new technology;

and the Be Heard Harrisonburg website would be a good forum for posting that process and for soliciting feedback.

Mr. Fletcher said if the group decides to go this direction, please give us some time to do this. It may not be next month, or even the month after that, but we will bring it forward.

Mr. Colman said this is the citizen's plan and I think it might be a good idea to get citizen input on the process throughout; rather than bringing it to them and saying this is the way it is going to be. I really like the idea of having the citizens involved as much as possible throughout all processes.

Mrs. Whitten said again let's not forget that we have a good plan already and we do not want to just go right back to the drawing board completely.

Mr. Fletcher said what I have found in our experience is that people have a lot of great ideas and they do not realize that those ideas are already within the CP.

Mr. Baugh said I have two conflicting thoughts on that. One is that what we came up with in 2004 really was forward thinking enough and people were kind of just playing catch up to it. In 2011 it was a big factor of "you need to be doing this and it should be in the CP" when actually it was already there.

Mrs. Whitten said the disconnect we have is that we have a good plan, we have good ideas, but trying to put it to "how do we change the things" that are wrong with that CP; because we always are rushing right in to saying "well it is only a guide." Therefore, when we want to do something that maybe does not go right along with the plan, or not even close to the plan, then that is the statement that is made – only a guide. This has been going on forever.

Mr. Baugh said I would say the one thing we see more and more of is actually the coming together action of people who see something in the CP and question why it was not done that way as described in the CP. Sometimes it is just something that we have not gotten around to developing or deciding on because we are making the decisions on those things that are happening right now. We do get a lot of questions as to "why haven't you done this?"

Mrs. Whitten said the CP should not be the "pie-in-sky."

Mr. Baugh said you have heard me talk about this often, the fact that we have specifically had a lot of input on historic preservation and environmental sustainability standards; so I do think there will be some input, regardless of how much we use the existing template, along these lines. Even if not, I believe there is already support in this group to say that those are areas where we feel it needs to be moved to the front of the line and not just part of the mass of things.

Mr. Fletcher said what I always like to emphasize is that there are two main components to planning – there is plan writing and there is law writing or ordinance writing. People often forget about the latter. To really follow a plan you have to have the law that makes people do what you want them to do. At the end of the existing CP there are the five year objectives, the things we want to tackle, and one of those objectives was the parking lot landscaping regulations. We wrote the parking lot landscaping regulations that were adopted in 2012. Another is to consider implementing a rental housing registration annual inspection program to ensure compliance with building code and to promote safe and decent sanitary housing – that has come up many different times over the years and in different contexts. And, as you can see, it states sufficient funding is necessary to secure this program. So when we are asked as to why we do

not just start tackling these things one after the other; well, that is what we try to do. But do not forget that we have all of these immediate things that are in front of us every month that spur us in different directions.

Mr. Baugh said exactly; look at the chicken ordinance, business gardens, and wireless telecommunications.

Chair Fitzgerald asked staff if they were clear with the direction in which to head for now.

Staff agreed they understood.

Unfinished Business

None.

Public Input

Poti Gianakouros, 98 Emery Street, said in the spirit of getting this all kicked-off with the reconsideration of the CP and asking ourselves if things have changed since 2011. When I got to know you all in about 2012, I can remember a very valuable quote from this body – “you are asking us to re-imagine lawns and I do not think Harrisonburg is ready for that.” I think Harrisonburg is ready, so unless City Council gets to it first by passing an ordinance, or sending forward a suggestion for review, I think that we are in a place where we can re-think the relationship between the City and its residents. Are we a fortress that imposes rules or are we an integral part of the participation in the life of our citizens.

Rebecca Brown said I live here and when I hear about partially streamlining the City plan, I kind of sense a negative thing that citizens could come back to you and ask why have you not done this yet. But it is a way for us, as citizens, to highlight what is important to us the things that you have already said are important to you. This is a really great communication tool between me and a body such as this. My fear is that if you streamline the process and take things out of the CP I would like the opportunity to see what you are removing. Then I could say whether or not I thought it was something valuable and I want it continued. So I just hope that if you decide you should streamline this plan that you will give the public the opportunity to see any items taken out.

Mr. Baugh said to Ms. Brown, you are expressing concerns that this board already has. I think Planning Commission and you are on the same wave length.

Report of Secretary and Committees

Mrs. Banks said zoning inspectors visited the Maplehurst & JMU area of the City this month where they found only 2 violations; signage and indoor furniture. Next month they will be in the Hawkins Street area of the City.

Mr. Baugh said I attended the Rockingham County Planning Commission meeting and they had one agenda item last night. It was a rezoning by a client and they approved it. They did a great job.

Other Matters

Dr. Dilts said I wanted to ask if we could make sure a motion is made after the public input portion of a request, with a second, and then we have discussion. What appears to happen is that if someone is not necessarily in favor of something they are reluctant to make a motion or

to approve it. It is my understanding that by making a motion, you get something on the table in order to have a discussion. Is that a pattern we would like to continue in?

Planning Commission agreed to Dr. Dilts' recommendation.

Mr. Colman said a question was asked last month about a Planning Commission representative for the Board of Zoning Appeals. I would like to throw my name into the hat for that position.

Planning Commission consented to Mr. Colman as the BZA representative.

Mrs. Banks noted that with Mr. Heatwole resigning there is an opening for a PC liaison on the bicycle/pedestrian committee.

Mr. Fletcher asked Ms. Dang if she would like to fill Planning Commission in on where that particular process is right now.

Ms. Dang said since I have left the Department of Public Works there is a gap with staff, and therefore Tom Hartman, the Assistant Director of Public Works, is serving as the point-of-contact until my old position is hired and they are on-board. In the mean time, Public Works has received approval to hire, and has actually signed a contract with the Berkley Group, a planning consulting group, to assist with the planning process of the Bicycle & Pedestrian Plan, all the way through getting it to adoption by City Council. This is anticipated to be early spring of 2017. I know that later this week staff and the Berkley Group will be doing a kick-off meeting along with the bike/pedestrian subcommittee. So if there is someone on this body who would like to volunteer to be the liaison, we can get you in touch with Tom Hartman and the committee.

Planning Commission members were going to take this into consideration and review their schedules.

Mrs. Banks added that the list for attendees to the Rockingham County Planning Commission has several blank spaces through the end of the year. I have placed a copy before each of you. If you are available sometime, just let me know and I will add your name.

Chair Fitzgerald asked what the July agenda was looking like.

Mrs. Banks said right now we have an ordinance amendment to the landscaping regulations, a preliminary plat with a variance request, two special use permit requests – one for professional and business offices in M-1 and the other for multi-family units in R-3, which was tabled from tonight's agenda and is planned for next month. There is also a rezoning request for a mixed R-2/R-3 property to rezone to B-2C along with a special use permit request to reduce the number of parking spaces.

Mrs. Banks asked if Planning Commission would like to invite Mr. Da'Mes and Mr. Heatwole back to the July meeting to present their certificates or wait until August.

Planning Commission agreed to invite them to the meeting for a short presentation at the beginning of the meeting.

Adjournment

The Planning Commission meeting was adjourned at 9:45 p.m.

