



City of Harrisonburg, Virginia

Planning Commission Meeting

April 11, 2012

7:00 p.m.

Regular Meeting
409 South Main Street

1) Call to order, roll call, determination of quorum, and review/approval of minutes from the March 14, 2012 regular meeting.

2) New Business

Public Utility Application – The Crossings (Dorval Road Extended)

Consider a request from Greendale Road LLC for the City to provide water and sewer service to multiple single family home lots in Rockingham County per Section 7-2-4 of the City Code. Some properties are partially located in the City and the County. Lots will be accessible from Dorval Road Extended and other County roads.

Preliminary Plat – 411 & 491 Garbers Church Road (Variance from 10-2-42 (d))

Consider a request from Dennis and Janice Fitzgerald to preliminarily subdivide two lots totaling 7.9 +/- acres into three lots. The applicants are requesting a variance from the Subdivision Ordinance Section 10-2-42 (d) to allow one, 0.674-acre lot to not have public street frontage. The properties, zoned R-1, Single Family Residential District, are located at 411 and 491 Garbers Church Road and can be found on tax maps 123-O-1 and 122-B-1.

Special Use Permit – 491 Garbers Church Road Bed and Breakfast (Section 10-3-34 (7))

Public hearing to consider a request from Dennis and Janice Fitzgerald to amend their existing special use permit per Section 10-3-34 (7) to allow them to expand their bed and breakfast operation to the maximum 10 guest room facility. The property, zoned R-1, Single Family Residential District, is located at 491 Garbers Church Road and can be found on tax map 122-B-1 and partially on tax map 123-O-1.

Rezoning – 1020 Old Furnace Road Proffer Removal (R-3C to R-3)

Public hearing to consider a request from Mercedes Rosales Varens (CDL, Inc.) and Jorge Etchegoin to rezone a 12,843 +/- square foot lot with existing proffers on the R-3C, Multiple Dwelling Residential District, to a residential property. If approved, the property would be zoned R-3, Medium Density Residential District. The property is located at 1020 Old Furnace Road and can be found on tax map 32-E-2.

Zoning Ordinance Amendment – Sections 10-3-92 and 10-3-93 Setbacks from an Alley

Public hearing to consider amending the Area and Conditional Regulations of the B-2 and M-1 Zoning Districts per Sections 10-3-92 and 10-3-93 of the Zoning Ordinance. The changes would require B-2 and M-1 zoning districts to provide a 30-foot side and rear yard setback on properties that are separated from a residentially zoned property by an alley.

Staff will be available Monday May 7, 2012 at 4:30 p.m. for those interested in going on a field trip to view the sites for the May 9, 2012 agenda.

Zoning Ordinance Amendment – Section 10-3-26 Industrial Operation Off-Street Parking Location Exception

Public hearing to consider amending the Zoning Ordinance Section 10-3-26 Location in Relation to Building or Use Served, which specifies that required parking spaces shall be located on the same lot as the use served and provides the provisions for shared parking arrangements. The change would allow industrial operations for the manufacturing, processing, storage, or treatment of products which are not customarily found in retail centers the permission to locate required parking on parcels that are not the same parcel for the uses served (including parcels across public street and alley right-of-ways).

Zoning Ordinance Amendments – Sections 10-3-84 and 10-3-85 SUP for Surface Parking Lots

Public hearing to consider amending the Zoning Ordinance Sections 10-3-84 and 10-3-85 of the B-1, Central Business District. The change would remove parking lots from the by-right list of uses and relocate it to the uses permitted by special use permit category. The change would require property owners who want to construct a parking lot as the primary use for a parcel in the B-1 district to obtain a special use permit.

3) Unfinished Business

4) Public Input

5) Report of secretary and committees

Proactive Zoning

6) Other Matters

Temporary Advertising Signs

7) Adjournment

MINUTES OF HARRISONBURG PLANNING COMMISSION

March 14, 2012

The Harrisonburg Planning Commission held its regular meeting on Wednesday, March 14, 2012, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, Judith Dilts, MuAwia Da'Mes, Deb Fitzgerald, and Henry Way.

Members absent: Alan Finks and Bill Jones.

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

Vice-Chair Fitzgerald called the meeting to order and determined there was a quorum with five of seven members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the February 8, 2011 Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the February 8th Planning Commission meeting.

Dr. Dilts seconded the motion.

Mr. Way abstained from the vote because he was not present at the February meeting.

All voted in favor of approving the minutes. (4-0)

New Business

Zoning Ordinance Amendments – Parking Lot Landscaping Ordinance

Vice-Chair Fitzgerald read the agenda item and asked staff to review.

Mr. Fletcher said shortly after the Planning Commission's public hearing on January 11th for the ordinance amendments related to the proposed parking lot landscaping regulations, and prior to staff advertising the ordinance amendments for City Council's hearing on the matter, staff recognized there could be confusion on the interpretation of some of the proposed requirements as they relate to the City's existing definition of a "parking lot." At the same time, it also came to our attention that several existing parking requirement standards for specific uses referred to a section that staff was proposing to delete from the City Code. To be as absolute and accurate as possible, staff ended the prior amendment process, made the appropriate changes and has re-advertized the Zoning Ordinance amendments for Planning Commission's review. If the Commission again recommends approval of the amendments, the proposed Parking Lot Landscaping Ordinance and related ordinance amendments will move forward to City Council in April. Although not previously discussed, if City Council chooses to adopt the amendments, staff recommends the proposed changes take effect September 1, 2012.

To easily recognize the changes to the proposed amendments, the new text is shown in "red." The first major change includes adding clarification to the City's existing "parking lot" definition. Staff is proposing this definition be read as follows (the underlined statement is the additional text): *Parking Lot*: A defined area for the storage of operable motor-driven vehicles and operable accessory vehicles. A parking lot includes all areas used for parking, maneuvering, loading, driveways, travelways, and drive-throughs, except public street ingress and egress. Staff has for years interpreted that all of the listed areas are part of a "parking lot," but in an effort to be clear and consistent and to meet the intent of the proposed landscaping ordinance staff has proposed to modify this definition as shown. This change also initiated the removal of Section 10-3-25 (2),

which refers to the definition of a “parking lot” and which was not previously discussed. The change also prompted a change to the proposed “landscaping island” definition.

Another major change not previously discussed includes the proposed modifications to Section 10-3-25 subsections (7) (c.), (12) through (20) and (27). These subsections specify particular parking space requirements and also refer to the existing landscaping requirements in Section 10-3-25 (3). Staff is proposing to remove each reference.

Staff is also proposing to amend Section 10-3-25 (21). This section outlines the parking space requirements for manufacturing and industrial plants, research and wholesale stores, testing laboratories, assembly plants, and warehouses or similar facilities. This section also states that “modifications to landscaping requirements may be approved by the zoning administrator or the planning commission upon review of site plans.” This section was already inconsistent with existing Section 10-3-25 (3), which totally exempts industrial sites from landscaping requirements. The proposed parking lot landscaping ordinance is intended for *all* parking lots, including industrial sites, so it is recommended that 10-3-25 (21) be amended to remove the last sentence.

Along with other minor tweaks to the proposed ordinance, the last notable change to the text is regarding the adding of new uses within Sections 10-3-56.3, 57.3, and 58.3, for the zoning districts of R-6, R-7, and MX-U respectively. Since each district is a master planned community and further because staff was already proposing to add “parking garages” as a use permitted by-right in each district, staff is also proposing to add “parking lots” in each of the proposed subsections.

Finally, and almost unnoticeable, staff had minor revisions made to the Parking Lot Landscaping example drawings which are to be inserted into the Design and Construction Standards Manual.

Vice-Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if there was anyone wishing to speak in favor of the ordinance. Hearing none, she asked if there was anyone wishing to speak in opposition of the ordinance. Hearing none, she closed the public hearing and asked Planning Commission for discussion or a motion.

Mr. Way said I would like to thank staff for their diligent work on this.

Mr. Chenault made a motion to recommend approval of the proposed Parking Lot Landscaping Ordinance and ordinance amendments.

Mr. Way seconded the motion.

Vice-Chair Fitzgerald said there is a motion on the table and a second. She then asked for a voice vote on the motion.

All voted in favor of the motion to recommend approval (5-0).

Vice-Chair Fitzgerald said the motion passes and this will move forward to City Council on April 10, 2012.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said proactive zoning inspectors visited the Purcell Park area of the City in February where they found a total of eight violations. The violations consisted of discarded materials and inoperable vehicles. Next month zoning inspectors will be in the Parkview sector of the City.

Other Matters

Rockingham County Rezoning Along Port Republic Road

Vice-Chair Fitzgerald asked staff to comment on the matter of the Aspen Heights rezoning proposal along Port Republic Road in Rockingham County.

Mr. Fletcher explained the proposed development and showed aerial images and the planned layout of the area under consideration. He said that Rockingham County has received an application from a student housing development company to rezone 23.1 acres of property along Port Republic Road to make way for a 184-unit student housing development just outside the City limits. This property currently has multiple zoning classifications and proffers limiting its development to professional and business uses along the Port Republic Road frontage and then duplex and townhouse units to the rear of the property.

The subject property abuts several single family home lots within the City's Ashby Meadows and Stone Spring Village neighborhoods. Although the houses on these lots are located in the City, the parcels are split between the City and the County, and therefore the subject property does not directly abut the corporate limits of the City. There are also two properties within Ashby Meadows, adjacent to the subject property, zoned R-3C (in the City) for professional office uses.

Although the City has no jurisdictional authority in the matter, we have been asked to provide comments to the County offering our thoughts on the development's impact. Note the development would not be a traditional student housing complex. Rather than large, 12 unit apartment buildings, as is often built in the City, this development would be designed to look like a residential neighborhood with single family detached homes, duplexes, and townhouses. Like other student housing complexes, the development would offer onsite amenities such as a clubhouse and recreational areas. The development would not connect to Skylark Lane, which is a City public street within the Ashby Meadows subdivision that was stubbed toward this property. A gate would be installed to allow only emergency access.

Mr. Fletcher explained that Planning staff has met with the developer and their engineer and discussed concerns of having student housing abutting our single family home neighborhoods and that the plan is not cohesive with the rest of the planned development in the City's section of this part of the Port Republic Road corridor. We suggested the developer consider some type of buffering between the complex and the single family home lots and to further consider how their proposed orientation of the units could affect the single family lots. Along with other proffers, the developer proffered that a fence will be installed along the northern property boundary to provide a physical and visual barrier. However, other than providing a physical barrier, the fence would not provide much of a visual barrier because the elevation of the student housing units would be much higher than the single family home lots.

The developer and their engineer stated they have been in communication with the Public Utilities Department regarding the issue of wanting to connect to the City's sewer. However, the Public Utilities Department stated they declined to meet with the developer and know very little about the

development because they did not want to discuss any issues with the developer until they met with the County to discuss the matter. The developer told Planning staff they were hoping to connect to the City's sewer but not to the water. Typically, in these situations developments either connect to both utilities or none at all.

Mr. Fletcher also said the developer contacted the Department of Public Transportation. The Department of Public Transportation typically does not like to run their transit buses outside the City limits. They also do not like to drive on private property. There is no turn around provided for the development so if a bus were to drive onto this private property, it would have to drive through the parking lots and private drives to maneuver back to Port Republic Road. The developer proposed to locate one bus shelter along Port Republic Road of which the Director of Public Transportation said did not seem sufficient for the needs of this development. The Director of Public Transportation was also concerned with the location of the bus shelter because if a bus picked students up at the proposed location the bus would have to continue traveling Port Republic Road into the County to the intersection with Reservoir Street to return to the City. If, however, the bus shelter was located on the opposite side of the street from its proposed location, students would have to cross Port Republic Road to get to the bus stop. This would also require a bus to travel Reservoir Street into the County to the Port Republic Road intersection and then travel Port Republic Road back into the City. Neither of which was a good situation.

Mr. Fletcher illustrated on the proposed layout where right and left deceleration and turn lanes would be constructed on Port Republic Road to serve the development. He said representatives from the Virginia Department of Transportation (VDOT) believed the turn lanes should accommodate the traffic impact from the development.

Vice-Chair Fitzgerald asked for clarification regarding the traffic generated from this development being either public bus transportation or personal vehicular transportation.

Mr. Fletcher stated the developer explained they could provide private bus transportation similar to the other developments they have developed across the nation.

Dr. Dilts said that traffic was one of her biggest concerns.

Mr. Fletcher then pointed out where the developer would provide fencing near the adjacent single family home lots that are located in the City and also where a fence would be provided along a property line in the County adjacent to a single family home lot.

Mr. Chenault stated that developer's application demonstrates they would request County water and sewer.

Mr. Fletcher said the applicant's engineer confirmed with staff that although the information submitted by the developer demonstrates they would connect to County water and sewer they are hoping to connect to the City's sewer system and that the information in their application was incorrect and out of date.

Mrs. Turner said staff does not know the specifics of how that scenario would play out. If the developer cannot work out an agreement to connect to utilities in the City, it does not necessarily mean the proposed development would go away. They could end up constructing the appropriate infrastructure to connect all utilities in the County.

Mr. Fletcher clarified that the public utility connections and the public transportation issues would have to be worked out administratively with the City Manager's office.

Vice-Chair Fitzgerald asked if there was concern from a traffic impact perspective about access to the hospital.

Mr. Fletcher said from a realistic perspective one could argue there is a concern. But since VDOT looked at the numbers and were okay with the development accommodating its impact by providing turning and deceleration lanes from Port Republic Road, there must not be that big of a concern from a traffic numbers perspective.

Mr. Way said he was concerned with the idea of having student housing in this area because when one takes a broader look at the neighborhood, including the single family homes and duplexes in the County, those neighborhoods are becoming surrounded by multi-family units both on Port Republic Road and on Reservoir Street. He was surprised there has not been opposition from the single family and duplex neighborhoods in the County.

Mr. Fletcher clarified that a public hearing on the matter has not yet occurred.

Dr. Dilts asked for clarification as to the existing proffers on the subject property.

Mr. Fletcher explained the proffers limit development on this parcel to professional and business uses along the Port Republic Road frontage and then duplex and townhouse units to the rear of the property. This layout is very similar to the original proposal for the Ashby Meadows subdivision in the City. However, the developer of Ashby Meadows only received approval to have professional office uses and a heavily proffered B-2C lot for the Harrisonburg Community Health Center business along the Port Republic Road frontage.

Mr. Way said he is surprised there is a demand for more student housing.

Mr. Fletcher said staff is also surprised that there is still a desire to build more student housing. He said staff continues to question that from interested developers who call and meet with staff with similar ideas. We continue to express our concerns about the impact that building more student housing could have on the City. We discussed this concern with the current developer and shared our concern about what happens to the older student housing units, which if left vacant could become neglected and badly maintained. The developer said this development would not deter students from living in the older student housing complexes and they believed this development would cater to a different and maybe wealthier demographic of students.

Mr. Way said the proposed development is a bad example of planning because it would be both remote and suburban. It would generate a lot of traffic and there would be impact on our existing student housing units. He then questioned if the proposed development was located in the County's UDA (Urban Development Area).

Staff was unsure if this property was in the County's UDA. Staff was also unsure if the County had actually designated their UDAs because the County had not yet shared information with City Planning staff about where their UDAs were to be located. Prior to the City adopting its UDAs, City staff shared the proposed location with County Planning staff. Since the County had not communicated those areas with City staff, they may yet to have designated their UDAs.

Mr. Way said the density of this development does not seem appropriate.

Mr. Fletcher explained that if this development were proposed in the City's undeveloped area on the other side of Ashby Meadows (near CVS at the corner of Peach Grove Avenue and Port Republic Road, the property owned by the Heatwole's and the Eagle's), Planning staff would most likely be opposed to it as it does not conform to the long term plans of the City. He also believed the

residents of Ashby Heights would come out strongly opposed to the student housing development similar to when they came out strongly opposed to a student housing development along Peach Grove Avenue, adjacent to the Port Crossing Shopping Center, which was further away from their neighborhood.

Mr. Way questioned if the proposed development would put pressure on the remaining undeveloped acreage in the City along Port Republic Road (referring to the properties owned by the Heatwole's and the Eagle's).

The above question was not answered.

Mr. Chenault then said he remembered Council saying "no" to the proposed development along Peach Grove Avenue for many of the same reasons that Planning Commission does not like this proposed development and if this proposal were in the City, more than likely the City would say "no."

Vice-Chair Fitzgerald asked if there were things Planning Commission could suggest to help protect the nearby, single family home neighborhoods.

Mr. Fletcher explained that when staff met with the developer and their engineer they discussed ideas such as different layouts of the student housing complex. He said he appreciated the developer's intention to prohibit students from entering Skylark Lane and driving through the single family home neighborhood, but at the same time funneling so much traffic in and out from one entrance connecting to Port Republic Road may not be the most desirable or safe situation either. Arguments could be made that allowing them to drive onto Skylark Lane and distributing the traffic could be a better situation.

Mr. Chenault said it is clear the developer of Ashby Meadows intended to have the traffic connected since they stubbed Skylark Lane into the County.

Mrs. Turner pointed out that during the proposal and development of Ashby Meadows residents along King Edwards Way did not like the idea of their street connecting with Ashby Meadows so it is probably safe to believe that the residents of both neighborhoods would not like the idea of students driving on their streets and through their neighborhoods.

Mrs. Turner then pointed out that the developer of the proposed student housing development met with City staff several months or even more than a year ago about developing somewhere in the City. However, they did not find anything interesting to them or zoned appropriately. She also explained that staff was not promoting more student housing be developed in the City. She said when you compare the proposed development with other student housing developments in the City the proposed development is not very dense.

Mr. Fletcher said he believed the development was near seven units per acre.

Mrs. Turner said when the developer met with staff several months ago; staff was not in favor of rezoning property for more multi-family housing. If the City was going to see more multi-family housing, we did not want to rezone property from single family home zoned property to allow for more multi-family development at such a low-density.

Mr. Fletcher also explained how the proposed development would not have been permitted in the City on the same acreage. To build the proposed development at the same density, the developer would need a larger piece of property in the City because we classify units differently than the County.

Mrs. Turner explained that during the time when staff met with the developer several months ago that staff told the developer if they were interested in building their development in the City, they could attempt to amend the Zoning Ordinance. Generally, however, staff was not in favor of having more multi-family in the City.

Mr. Fletcher said that during staff's recent meeting with the developer, the developer stated that if they could not find undeveloped property appropriately zoned in the City, to build their development they would have to purchase an old multi-family complex and demolish it to make way for their proposed project. He said staff told the developer that is definitely something we would encourage.

He then said to be fair to the developer it appears their complexes are usually quite attractive. I am sure this development would hardly ever have vacancies because they are nice units. Aspen Heights (the student housing company) also has what they call a "global perspective" because they are involved in helping communities in Africa. They have a similar business concept to the Toms shoe company (which for every shoe they sell they give a pair of shoes to someone in need), but instead of giving shoes, Aspen Heights supports needs in Africa. They offer the opportunity for their residents to donate money to their cause and they offer trips to Africa, where their residents can travel with them to volunteer to help communities in need. Aspen Heights has good intentions, but all of these good intentions do not mean this development should be located in the proposed location.

Mr. Chenault said what happens here could create a domino effect in the City. He then said that if there is bus service to this community, the developer would have to pay for it. A lot of people talk to me about wanting this kind of community for retirees, but they would rather have it located near downtown.

Mr. Da'Mes said his biggest concern was the inadequacy of public transportation.

Dr. Dilts said this development would really stretch the infrastructure.

Mr. Fletcher said that if this development is approved and if they want public transportation service to the community, the developer needs to consider redesigning their development to provide a sufficient turnaround for the City's buses.

Planning Commission agreed with Mr. Fletcher's statement.

Mr. Chenault said there has not been a respectable representation that there is a need to build more student housing.

Planning Commission then analyzed and discussed the student housing occupancy information that was generated by the Department of Public Transportation.

Mr. Fletcher said it is difficult to get an accurate representation of the vacancy rates of the student housing complexes because you never know if the student housing complexes are telling you the truth. We have had individuals who are associated with such complexes tell us that their employees will not tell the truth about their vacancy rates.

Planning Commission discussed whether the numbers represented in the information was only including students or if it included all residents, including non-students.

Mrs. Turner stated she believed the student numbers represented the actual number of students in the listed complexes, but that the vacancy rates included the rates for the complex as a whole, meaning there could be non-students also living in those developments.

Mr. Chenault questioned how many units could be built on the Harman tract where the Overlook at Stone Spring is being built.

Mr. Fletcher said the total number of units that could be built on the Harman tract, which is zoned R-5C, is proffered to be no more than 1,054 units. The first phase, Overlook at Stone Spring, would have approximately 160 to 180 units. He then said Mr. Neff's property located off of South Main Street, often referred to as Southbury Station, is zoned R-5C and proffered to have no more than 466 units.

Mr. Way said one of the overall messages is that Planning Commission is concerned with the proposed development and its impact on Port Republic Road.

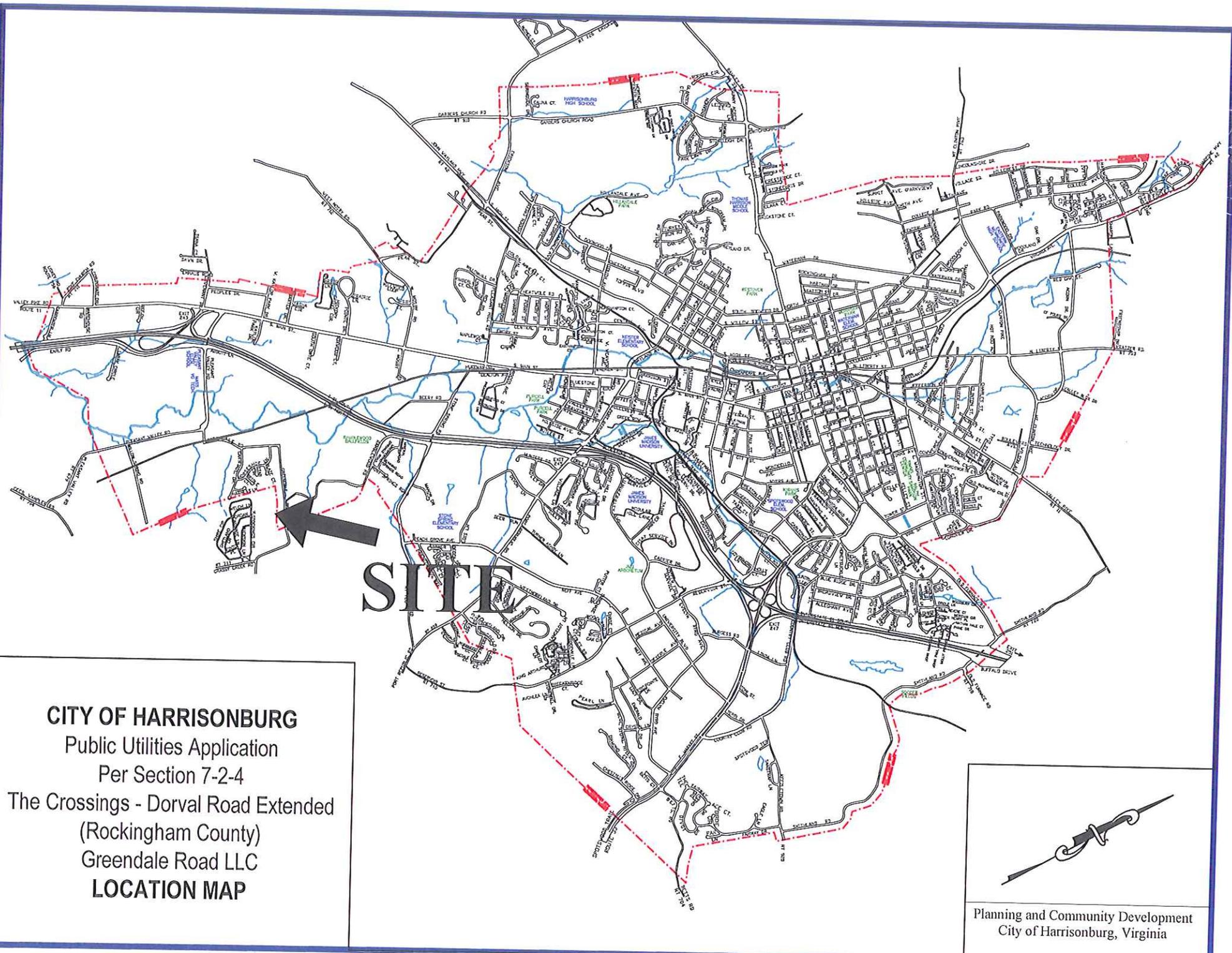
The members of Planning Commission all agreed that they were not in favor of the proposed development and generally had negative feelings about its impact.

Vice-Chair Fitzgerald asked if there were other issues to discuss under Other Matters. Hearing none, she asked Mr. Chenault if he would update the Commission on City Council's actions taken on the items reviewed by Planning Commission last month.

Mr. Chenault said last night at City Council both special use permit requests were approved. I realize that at Planning Commission it was 5-0 in opposition of the request for occupancy on West Market Street and at Council it was approved 4-0; but, it was not an easy decision. Ultimately Council felt that this was a tipping point, and if there was going to be a start for rehabilitation in that neighborhood, then this type of housing was a step in the right direction. Also, I believe the proximity to Route 42 and the downtown area had a lot to do with the decision; the fact that most of the persons living in that neighborhood probably ride bicycles or walk.

Adjournment

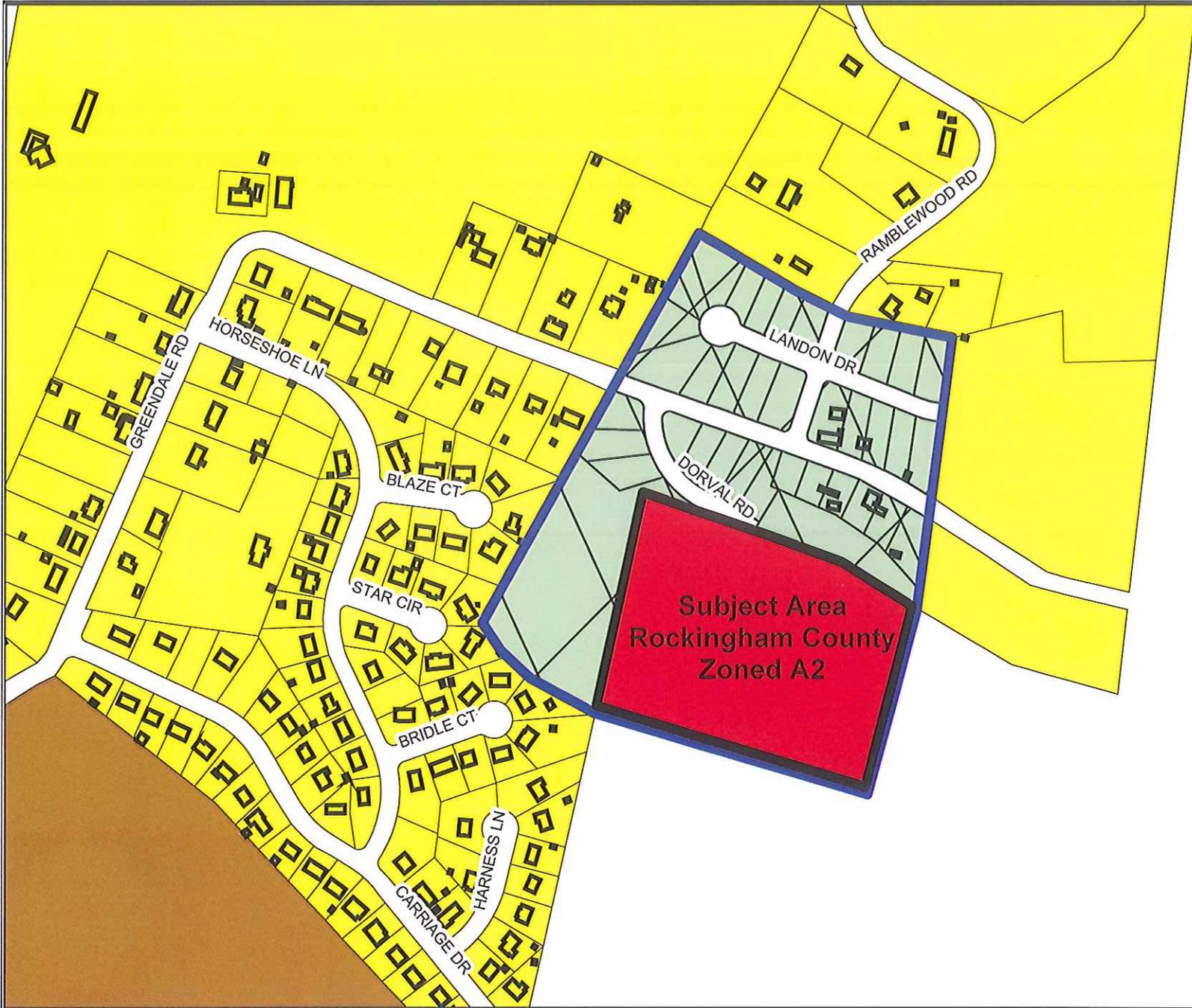
The meeting was adjourned at 8:00 p.m.



CITY OF HARRISONBURG
Public Utilities Application
Per Section 7-2-4
The Crossings - Dorval Road Extended
(Rockingham County)
Greendale Road LLC
LOCATION MAP



Planning and Community Development
City of Harrisonburg, Virginia



Subject Area
Rockingham County
Zoned A2



Public Utilities Application

The Crossings - Dorval Road Extended



**Department of Planning
and
Community Development
Division of Planning and Zoning**



MEMORANDUM

TO: Harrisonburg Planning Commission
FROM: Alison Banks, Planner
RE: Public Utilities Request For The Crossings – Dorval Road Extended
DATE: Friday, April 6, 2012

The Crossings is a residential development of single-family detached building lots located off Greendale Road, where such lots would be located within the City and the County. In 2007, Planning Commission and City Council approved a preliminary plat for the City portion of this development that proposed a total of 35 single-family home lots within the City. At this time, those lots are platted within the City and the majority are developed. The remainder of the City portion cannot be platted until the County extension of Dorval Road is completed. The County portion would include 32 single-family home lots which the developer would like to have connected to City water and sewer facilities. Water and sewer lines currently exist within the Dorval Road right-of-way to the City limits. If the public utilities extension is approved the developer would proceed with a rezoning request for the County portion of the development.

Per Section 7-2-4 (b) of the City Code, if a residential development outside the City limits is to be connected to the City's water and sewer infrastructure and consists of 10 or more residential units, such request shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection. The proper application has been completed by the developer and the technical review is underway by the Public Utilities Department. The developer would be responsible for all engineering calculations and improvements to the water and sewer systems to facilitate the requested services.

This request applies only to water and sewer facilities to be extended into the County; and does not apply to electric. Planning staff has no concerns and the Public Utilities Department has no issues at this time.

409 South Main Street, Harrisonburg, Virginia, 22801

Phone: 540.432.7700

Fax: 540.432.7777

Web Site: www.harrisonburgva.gov



BLACKWELL ENGINEERING, PLC

566 E. MARKET ST. • HARRISONBURG, VIRGINIA 22801 • (540) 432-9555 • FAX (540) 434-7604

To:	Adam Fletcher	From:	Richard Johnson
Subject:	The Crossing – City Utilities in County	Date:	March 9, 2012
		Cc:	Keith May Dick Blackwell

Dear Adam:

On behalf of our client, Greendale Road LLC (Keith May), we are requesting that in accordance with Harrisonburg City Code of Ordinances, Section 7-2-4 (b), the attached Application For Public Utilities From City Of Harrisonburg To Facilities Located In Rockingham County be approved by the City's Planning Commission and City Council.

Sincerely,

Richard I. Johnson

Blackwell Engineering
540-432-9555 (Office)
540-434-7604 (Fax)
www.blackwellengineering.com

**APPLICATION FOR PUBLIC UTILITIES
FROM CITY OF HARRISONBURG, VIRGINIA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY**

I. GENERAL INFORMATION	(By Applicant)
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Name of Applicant: Greendale Road LLC (Keith May)

Address of Applicant: 1960 Evelyn Byrd Avenue, Harrisonburg, VA 22801

Telephone of Applicant: 540 434-9925

Service Location ID: 124 TM A LOT L131 Parcel

Service Location Address: Dorval Road - Extended

Type of Utility Requested: Water Sewer

Type of Utility Use: Residential Commercial Industrial Institutional
 Agriculture Other: _____

Rockingham County Approval: Attachment

II. UTILITY INFORMATION	(By Applicant)
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A. Average Daily Usage:
32 Equivalent Residential Connections * 260 *gpd* / E.R.C. = 8,320 *gpd*
 Other Calculations: _____

 Specific Data (describe): _____

B. Peak Daily Usage
 AWWA Fixture Units is Equivalent to 27 *gpm*
 Average Daily Demand * Peak Factor of _____ = 75.1 *gpm*
 Specific Data describe): Q=11.4*(32^{0.544}) = 75.11 GPM

C. Fire Flow Demand
 Requirement 750 *gpm*
 Describe needs assessment: Distance between buildings between 31' and 100'

III. UTILITY ASSESSMENT COMMENTS

(By Director)

A. System Zone for Water

Zone ID: 2ND LOW ZONE

Zone Transfer & Storage Issues for Daily Demand: _____

SITE FED FROM RWT; MIN HGL = 1440'

Site Specific Delivery and Pressure Issues for

Peak Demand: _____

Fire Flow Demand: REQUIRES CALCULATION.

Other Issues: _____

B. System for Sanitary Sewer

Collection System Comments: NO CONCERNS.

Interceptor System Comments: _____

Treatment System Comments: _____

Note: Comments may include the need for engineering evaluations that shall be completed prior to final evaluation of this application.

IV. RECOMMENDATION

Recommendation for Approval

Recommendation for Approval Subject to the Applicant Completing the following:

Forward to Planning Commission Am

Forward to City Council

Signature of Applicant

Date

Kate A. Mann, member
12/27/11

Signature of Director of Public Utilities

Date

Mike C. J.
3/5/2012

**Request for Review of Availability for Water and/or Sewer
To Land Located in Rockingham County**

City of Harrisonburg Code of Ordinances Section 7-2-4 requires that Rockingham County (the County) acknowledge that an Applicant (as defined in such ordinance) has requested public utility service from the City of Harrisonburg (the City) for property located in the County. By signatures of the Applicant, and authorized representatives of the City and the County, the City will begin to evaluate the City's ability to provide the requested services.

APPLICANT

The signature of the Applicant is an official request to obtain City utility services and acknowledgement that Applicant has reviewed the conditions of City Code of Ordinance Section 7-2-4 (see Page 2), including the requirement to submit certain documents incidental to this application.

Services Requested:

WATER (Please Initial) ✓

SEWER (Please Initial) ✓

[Signature]
Signature

[Signature]
Date

CITY OF HARRISONBURG

The signature of the City's Director of Public Utilities acknowledges the Applicant's request for utility services from the City. The signature does not constitute approval of services, but the City's intent to review the request and evaluate the City's ability to provide the requested services. The City will provide to the County a statement regarding the availability of requested services and the City's intent to provide such services subject to approval by the County.

[Signature]
Director of Public Utilities **ENG. SUPT.**

3.1.12
Date

COUNTY OF ROCKINGHAM

The signatures of the County Officials below acknowledge the Applicant's intent to use utility services of the City instead of the County. These signatures shall not imply approval by the County of the provision of said services by the City. Final approval is contingent upon the Board of Supervisors' consent pursuant to Virginia Code, Section 15.2-2143. This acknowledgement in no way implies or constitutes approval of any rezoning, special use permit or any other land use related request that requires Board or administrative approval.

[Signature]
Director of Community Development

2/6/2012
Date

[Signature]
Director of Public Works

2/6/2012
Date

Comments: _____

APPLICATION FOR PUBLIC UTILITIES FROM CITY OF HARRISONBURG, VA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY
AUTHORIZATION OF REVIEW

City Code of Ordinance Section 7-2-4(e) states, "The Director may charge a reasonable fee to cover time and expenses of processing the application". The following policy shall be used to distribute the expenses incurred by the Department of Public Utilities.

1. **Initial Review:** There shall be no charge to execute the "Application and Acknowledgement" form used to initiate the review process by City and County officials. There shall be no charge to provide the first response to the "Application for Public Utilities From City of Harrisonburg, Virginia to Facilities Located in Rockingham County: Code of Ordinance 7-2-4". It should be recognized that the first response may be a letter of recommendation for approval or disapproval, or, it may provide stipulations for additional information or engineering evaluation.
2. **Continued Review:** Under circumstances progressing beyond the initial review, the Department shall invoice the applicant for specific cost as incurred. Upon request, the Department may provide a non-binding estimate for the applicant to consider. The costs shall include, but are not limited to: processing, consulting and support as applied directly to the management of the application.

"Processing costs" - shall only include the time of the "application officer" to handle, coordinate, evaluate, review and manage the process until the application has been closed; unit billing rate shall be \$28.55/hour.

"Consulting costs" - shall refer to contracted, or in-house, hydraulic modeling performed to evaluate the water or sewer system impact. Contracted cost shall be forwarded at invoice costs. In house engineering rate shall be at \$34.55/hour.

"Support costs" - shall refer to the collection of information by field technicians billed at the rate accepted to # person crew used.

I hereby acknowledge that I may be charged according to the above policy.

Name Walter A. May, member

Date 12/27/11

P.O. Box; Street # 1960 Evelyn Byrd Av

City, State, Zip Harrisonburg, VA 22801

**ORDINANCE AMENDING AND RE-ENACTING SECTION 7-2-4
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 7-2-4 be repealed and replaced by the following provisions:

(a) The owner or his agent (the Applicant of a parcel of land located outside the corporate limits or the City of Harrisonburg may apply to the Director of Public Utilities of Harrisonburg (the Director) for permission to connect to the City's potable water or sanitary sewer systems. Prior to applying for approval from the City, the Applicant shall obtain acknowledgement from the County of Rockingham of his request for City utility services. Such acknowledgement may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such acknowledgement by the County shall be submitted with the application to the City. For new water connections, the application shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

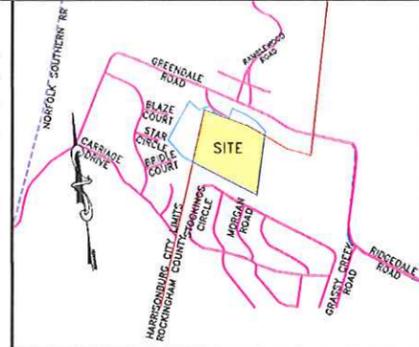
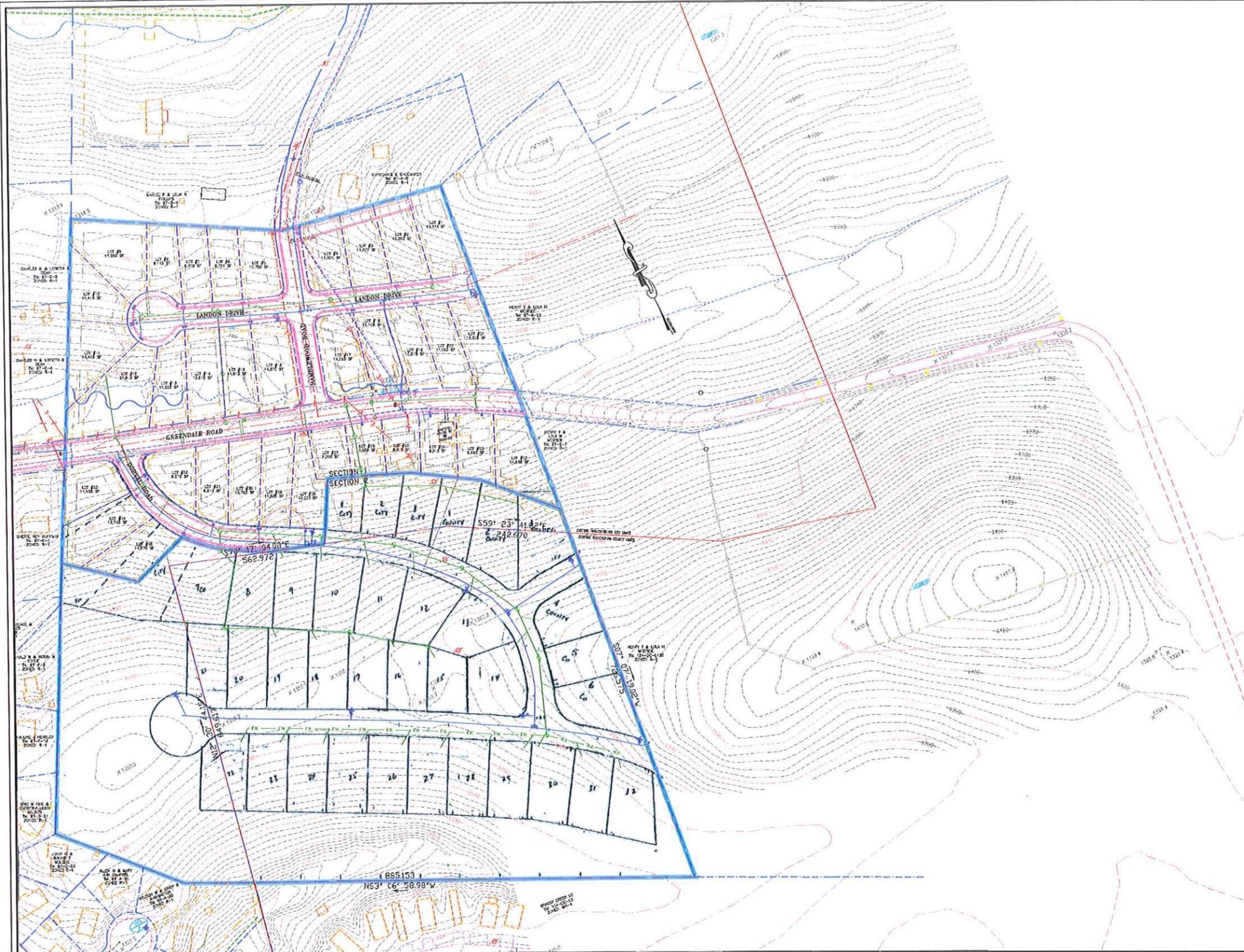
(b) Where the intended use of the Applicant's land is residential involving fewer than ten units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the application to the Planning Commission for its recommendation. After consideration by the Commission, the application shall be forwarded to City Council, with the recommendations of both the Commission and Director for final approval or rejection.

(c) Prior to acting on the application, the Director may require that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the City's water or sanitary sewer system along with any recommendations for changes or additions to the City's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the City's Design and Construction Standards Manual at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up to the meter and sanitary sewer lines up to the laterals shall be the property of the City. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(f) The "main" is a water or sanitary sewer line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer. A "lateral" is a sanitary sewer line proceeding from a main that serves one customer.



VICINITY MAP
SCALE 1"=1000'

DEVELOPER/OWNER
KEITH MAY & ERIC ADAMSON
1960 EVELYN BYRD AVENUE
HARRISONBURG, VA 22801
540 434-9922

PROPERTY INFO:
T.M. 124-A-1-131
13.12= ACRES
ZONED: A2
D.B. 1871/224
FEMA ZONE: C
PROPOSED REZONING TO
R-3C

DEVELOPMENT INFO:
TO BE SUB-DIVIDED INTO 32 LOTS
FOR SINGLE FAMILY DWELLINGS

- LEGEND**
- CENTER LINE
 - PROJECT BOUNDARY
 - CITY/COUNTY BOUNDARY
 - ELECTRIC/TELEPHONE
 - UTILITY POLE
 - WATER LINES
 - SANITARY LINES
 - SANITARY SEWER CLEANOUT
 - STORM SYSTEM
 - GAS LINES
 - EXISTING PROPERTY LINE
 - PROPOSED PROPERTY LINES
 - EASEMENT LINE
 - PROPOSED ROAD/EOP
 - EXISTING ROAD
 - FIRE HYDRANT
 - WATER METER
 - PROPOSED LOTS IN COUNTY

Date: DEC 1, 2011
Scale: AS SHOWN
Designed by: RLB JR
Drawn by: RIJ
Checked by: RLB JR

BLACKWELL ENGINEERING, PLC
365 East Market Street
Harrisonburg, Virginia 22801
PHONE: (540)434-8555 FAX: (540)434-7204
E-Mail: BBlackwell@blackwelleng.com

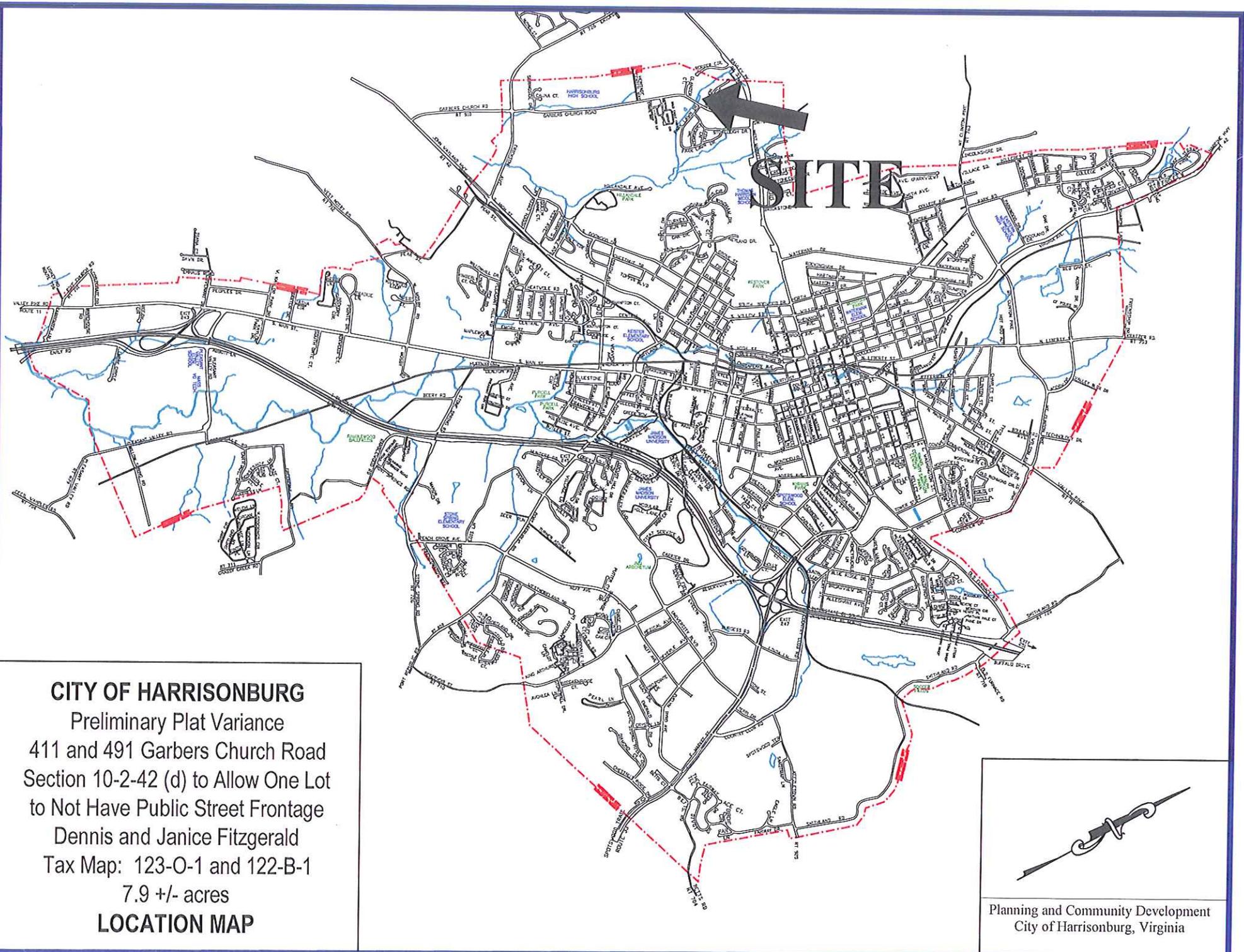


Revision Dates

PROPOSED REZONING
THE CROSSINGS - SECTION 2
KEITH MAY & ERIC ADAMSON
1960 EVELYN BYRD AVENUE
HARRISONBURG, VA 22801

Drawing No.
1
of 1 Sheets

Job No. 1852



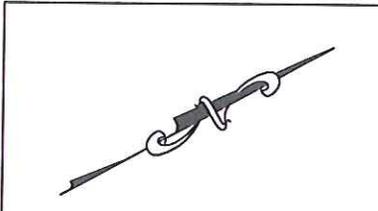
CITY OF HARRISONBURG

Preliminary Plat Variance
 411 and 491 Garbers Church Road
 Section 10-2-42 (d) to Allow One Lot
 to Not Have Public Street Frontage
 Dennis and Janice Fitzgerald

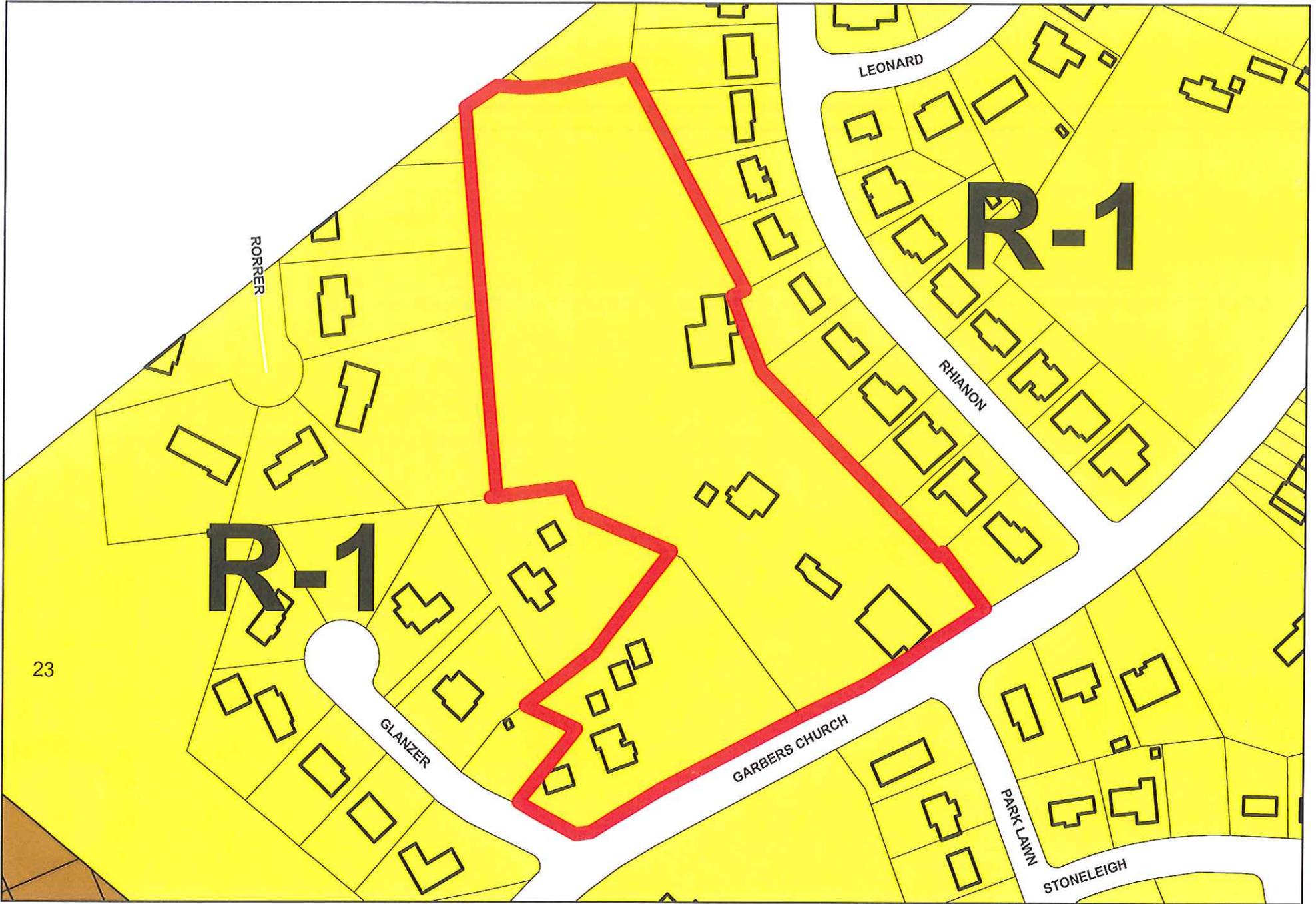
Tax Map: 123-O-1 and 122-B-1

7.9 +/- acres

LOCATION MAP



Planning and Community Development
 City of Harrisonburg, Virginia



**Preliminary Plat - Variance to 10-2-42 (d)
411 and 491 Garbers Church Road**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
April 11, 2012

PRELIMINARY PLAT AND VARIANCE REQUEST- 411 & 491 GARBERS CHURCH ROAD

GENERAL INFORMATION

Applicant: Dennis G. and Janice G. Fitzgerald
Tax Map: 122-B-1 and 123-O-1
Acreage: 7.9 +/- acres
Location: 411 and 491 Garbers Church Road
Request: Consider a request to preliminarily subdivide two lots totaling 7.9 +/- acres into three lots. The applicants are requesting a variance from the Subdivision Ordinance Section 10-2-42 (d) to allow one, 0.674-acre lot to not have public street frontage.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low-Density Residential. This designation states that these areas consist of single-family detached dwellings with a maximum density of 1 to 4 units per acre. Low-density sections are found mainly in well-established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

Site: Farm house and outbuildings, zoned R-1
North: Single family home lots, zoned R-1 and Rockingham County property, zoned A-2
East: Single family homes fronting along Rhianon Lane, zoned R-1
South: Across Garbers Church Road, single family homes, zoned R-1
West: Single family homes fronting along Glanzer Court and Rorrer Circle, zoned R-1

EVALUATION

The applicant is requesting to preliminarily subdivide two parcels zoned R-1, Single Family Residential District, into three lots. A variance to Section 10-2-42 (d) of the Subdivision Ordinance to allow one lot to not front on a public street is also being requested. The properties include the majority of the public street frontage between Glanzer Court and Rhianon Lane along Garbers Church Road.

Planning Commission should be familiar with the two parcels proposed to be subdivided. The larger tract, known as the Traber property, a 6.24 +/- acre parcel, was reviewed by Planning Commission in July 2011 for a preliminary plat, with a variance from the same section of the Subdivision Ordinance, to create nine single-family home lots. Although approved by City Council, a final plat was never submitted. The acreage was recently sold to the applicants, who are also the adjoining property owners and the owner/operators of By the Side of the Road Bed and Breakfast.

The applicants are proposing to subdivide the two parcels into three tracts. A 1.17 +/- acre tract would be added to the adjoining bed and breakfast property incorporating the existing pond with the B&B site and providing more lot area for future expansion of the business. The vacant single-family dwelling located on the 6.24 acre lot would be subdivided as a 29,354 square foot parcel. The dwelling would meet all setback and lot size requirements; however, this parcel would not have public street frontage. A variance from Section 10-2-42 (d) of the Subdivision Ordinance is needed to allow this parcel as shown. A 20-foot, private right-of-way would be provided to allow access to the single-family home site. The third lot would contain 4.4 +/- acres and would have 80-feet of road frontage along Garbers Church Road. At this time it is proposed to remain as one large, undeveloped tract.

Staff believes the proposed 29,354 square foot, single-family home parcel is connected to a private septic system. Section 10-2-63 (b) of the Subdivision Ordinance requires that every subdivision be provided with a satisfactory sanitary sewer system. The applicants intend to connect the home to public sanitary sewer once the purchase is finalized and they begin renovations on the house. This would require a sanitary sewer connection to the parcel prior to approval of the final plat or a written agreement with the City ensuring that the sewer would be connected.

Portions of the subdivision are within the floodplain and staff has discussed with the applicants that any new construction must meet all applicable regulations.

The proposed use of the property is consistent with the surrounding area and with the Comprehensive Plan's Low Density Residential land use designation. Staff has no major issues with the requested variance to allow one lot to not front along a public street and offers a favorable recommendation for approval.

Attachment to Application for Preliminary Subdivision Plat Approval
Title of Subdivision: Fitzgerald II

Following acquisition of property located at 411 Garbers Church Road, adjacent to property at 491 Garbers Church Road, we respectfully request the following:

- Request 1.179 acres at 411 Garbers Church Road be divided and attached to existing 1.644 acres at 491 Garbers Church Road – the new single tract will total 2.823 acres to be used for the continuing operation of a bed and breakfast and personal residence of property owners, Janice & Dennis Fitzgerald.
- Request 0.674 acres and improvements at 411 Garbers Church Road be divided for sale to the daughter of Janice & Dennis Fitzgerald, Anna Fitzgerald Bergey and her spouse, Jesse D. Bergey, to be used as their personal residence. Mrs. Bergey is employed in a management capacity of the bed and breakfast and will continue in that capacity as increasing ownership of the business is transferred to her from her parents in the future.
- Remaining 4.419 acres at 411 Garbers Church Road will be preserved for wooded ambiance to enhance the bed and breakfast setting. There is no intention to improve this property at this time.

FITZGERALD SUBDIVISION II

CITY OF HARRISONBURG, VIRGINIA
MARCH 12, 2012
REVISED: APRIL 4, 2012

OWNER'S CONSENT AND DEDICATION

KNOW ALL MEN BY THESE PRESENTS, THAT THE SUBDIVISION OF LAND AS SHOWN ON THIS PLAT, CONTAINING 7.916 ACRES, MORE OR LESS, AND DESIGNATED AS FITZGERALD SUBDIVISION II, IS WITH THE FREE CONSENT AND IN ACCORDANCE WITH THE DESIRES OF THE UNDERSIGNED OWNERS THEREOF.

TAX MAP PARCEL 122-B-1 HEREBY SUBDIVIDED IS THE LAND CONVEYED TO DENNIS G. FITZGERALD & JANICE D. FITZGERALD BY JAMES R. GLANZER & SHERRILL K. GLANZER BY DEED DATED APRIL 14, 1998, AND RECORDED IN THE CLERK'S OFFICE OF THE CIRCUIT COURT OF ROCKINGHAM COUNTY, VIRGINIA IN DEED BOOK 1580, PAGE 629.

TAX MAP PARCEL 123-O-1 HEREBY SUBDIVIDED IS THE LAND CONVEYED TO DENNIS G. FITZGERALD & JANICE D. FITZGERALD BY JOHN JAMES TRABER BY DEED DATED _____, AND RECORDED IN THE AFORESAID CLERK'S OFFICE IN DEED BOOK _____, PAGE _____.

GIVEN UNDER OUR HANDS THIS _____ DAY OF _____, 2012.

DENNIS G. FITZGERALD

JANICE D. FITZGERALD

STATE OF VIRGINIA AT LARGE

CITY/COUNTY OF _____, TO WIT:
THE FOREGOING INSTRUMENT WAS ACKNOWLEDGED BEFORE ME THIS _____ DAY OF _____, 2012, BY DENNIS G. FITZGERALD & JANICE D. FITZGERALD.

NOTARY PUBLIC

REGISTRATION NO.

MY COMMISSION EXPIRES

CERTIFICATE OF APPROVAL

THIS SUBDIVISION KNOWN AS FITZGERALD SUBDIVISION II IS APPROVED BY THE UNDERSIGNED IN ACCORDANCE WITH EXISTING SUBDIVISION REGULATIONS AND MAY BE TO RECORD.

DIRECTOR OF COMMUNITY DEVELOPMENT

DATE

THIS PLAT WILL BECOME VOID UNLESS RECORDED WITHIN 60 DAYS OF THE DATE SIGNED ABOVE.

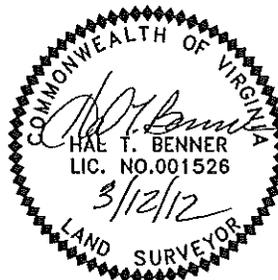
SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL OF THE REQUIREMENTS OF THE PLANNING COMMISSION AND ORDINANCES OF THE CITY OF HARRISONBURG, VIRGINIA, REGARDING THE PLATTING OF SUBDIVISIONS WITHIN THE CITY HAVE BEEN COMPLIED WITH.

GIVEN UNDER MY HAND THIS 4th DAY OF APRIL, 2012.

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267
REF# 070797-RESIDUE
DRAWING: 070797-FITZGERALD.DWG

SHEET 1 OF 4





GLANZER SUBD. DB 1571/494

SCALE: 1"=50'

- = IRON PIN FOUND OR TO BE SET
- ⊗ = 10' UTILITY EASEMENT DB 1571/494

LOT 26

S 38°24'36" E
37.53'

S 59°59'35" W
22.00'

LOT 25

S 22°37'57" E
103.85'

LOT 24

HAMPSHIRE ESTATES
SECTION ONE
DB 1551/665
& RESUBDIVISION LOT LOTS
21 THROUGH 25 HAMPSHIRE
ESTATES, SECTION ONE

4.419 ACRES
RESIDUE OF
TM 123-0-1

NEW 10' PUBLIC
UTILITY EASEMENT

LOT 23

S 45°40'36" E
340.25'

29,354 SQ. FT.
(0.674 AC.)
PORTION OF
TM 123-0-1



EXISTING
HOUSE

PRIVATE
NON-EXCLUSIVE
20' R/W

STREAM

POND

FOUND
PIPE IN
CONC.

30.02'

102.28'

N 68°36'56" W

115.35'
N 79°47'07" E

PROPERTY LINES
HEREBY VACATED

LOT 9
RESUBDIVISION OF LOTS 7,8&9
GLANZER SUBDIVISION
DB 1604/272

1.179 ACRES
PORTION OF
TM 123-0-1

SEE SHEET 2
NEW AREA=
2.823 ACRES

1.644 ACRES
LOT 1
FITZGERALD SUBDIVISION
DB 2767/520
DENNIS G. FITZGERALD
& JANICE D. FITZGERALD
DB 1580/629
TM 122-B-1

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267

METES & BOUNDS DESCRIPTION

BEGINNING AT AN IRON PIN SET ON THE NORTHWESTERN LINE OF GARBERS CHURCH ROAD, A CORNER WITH HAMPSHIRE ESTATES, SECTION ONE; THENCE WITH SAID LINE OF GARBERS CHURCH ROAD

S 56°57'11" W 151.82 FEET
TO AND IRON PIN SET; THENCE
S 60°17'38" W 382.94 FEET
TO A FOUND IRON PIN; THENCE WITH A CURVE TO THE LEFT HAVING A DELTA ANGLE OF 6°44'49", A RADIUS OF 602.96 FEET, AND AN ARC DISTANCE OF 71.00 FEET
LONG CHORD S 56°55'11" W 70.96 FEET
TO AND IRON PIN; THENCE WITH A REVERSE CURVE TO THE RIGHT HAVING A DELTA ANGLE OF 72°48'22", A RADIUS OF 17.50 FEET, AND AN ARC DISTANCE OF 22.24 FEET
LONG CHORD S 89°56'57" W 20.77 FEET
TO AN IRON PIN; THENCE WITH THE NORTHEASTERN LINE OF GLANZER CT. AND A REVERSE CURVE TO THE LEFT HAVING A DELTA ANGLE OF 11°56'59", A RADIUS OF 175.00 FEET, AND AN ARC DISTANCE OF 36.50 FEET
LONG CHORD N 59°37'21" W 36.43 FEET
TO AN IRON PIN; THENCE
N 65°35'51" W 54.43 FEET
TO AN IRON PIN; THENCE WITH LOT 2 OF THE FITZGERALD SUBDIVISION
N 37°05'30" E 124.60 FEET
TO AN IRON PIN
N 65°35'51" W 73.79 FEET
TO AN IRON PIN; THENCE WITH THE RESUBDIVISION OF LOTS 7, 8 AND 9 GLANZER SUBDIVISION
N 52°54'13" E 40.45 FEET
TO AN IRON PIN
N 49°52'23" E 68.18 FEET
TO AN IRON PIN; THENCE
N 37°19'04" E 174.32 FEET
TO AN IRON PIN; THENCE
N 68°36'56" W 132.29 FEET
TO A PIPE IN CONCRETE
N 24°42'36" W 36.16 FEET
TO AN IRON PIN; THENCE
S 81°50'14" W 98.46 FEET
TO AN IRON PIN; THENCE WITH SPRING HILL SUBDIVISION
N 07°01'38" W 545.74 FEET
TO A PIPE; THENCE
S 86°48'28" E 160.27 FEET
TO A PIPE IN CONCRETE
N 57°45'33" E 77.94 FEET
TO AN IRON PIN; THENCE WITH HAMPSHIRE ESTATES, SECTION ONE
S 29°02'24" E 296.29 FEET
TO AN IRON PIN; THENCE
S 38°24'36" E 37.53 FEET
TO AN IRON PIN; THENCE
S 59°59'35" W 22.00 FEET
TO AN IRON PIN; THENCE
S 22°37'57" E 103.85 FEET
TO AN IRON PIN; THENCE
S 45°40'36" E 340.25 FEET
TO AN IRON PIN; THENCE
N 45°38'55" E 7.00 FEET
TO AN IRON PIN; THENCE
S 38°24'36" E 101.72 FEET
TO THE BEGINNING AND ENCLOSING AN AREA OF 7.916 ACRES

BENNER & ASSOC., INC.
8 PLEASANT HILL ROAD
HARRISONBURG, VA 22801
540 434-0267

REF# 070797-RESIDUE

DRAWING: 070797-FITZGERALD.DWG

SHEET 4 OF 4

Date Application Received: 03-13-12

Total Paid: \$260.⁰⁰ AF

Application for Preliminary Subdivision Plat Approval

City of Harrisonburg, Virginia

Fee: w/o Variance Request \$175.00 plus \$20.00 per lot Plus fees for TIA reviews where
Variance Request \$200.00 plus \$20.00 per lot applicable (see back for details)

I, DENNIS G FITZGERALD, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

Description of Property

Title of Subdivision: FITZGERALD II
Location (Street Address): 411 GARBIERS Church Sheet: 123 Block: 6 Lot: 1
Total Acreage: _____ Number of Lots Proposed: _____ Zoning Classification: _____

Proposed Use of Property: Residential

Property Owner's Name: DENNIS & JANICE FITZGERALD
Street Address: 491 GARBIERS Church Email: STAY@BYTHESIDEOFTHEROAD.COM
City: HARRISONBURG State: Va Zip: 22801
Telephone: Work 540 801 0430 Fax _____ Mobile 435 1582 (540)

Owner's Representative (if applicable): _____
Street Address: _____ Email: _____
City: _____ State: _____ Zip: _____
Telephone: Work _____ Fax _____ Mobile _____

Developer: _____
Telephone: _____ Email: _____

Surveyor/Engineer: _____
Telephone: _____ Email: _____

VARIANCES

NOTE: If a variance is requested, please provide the following information:

I (we) hereby apply for a variance from Section # 10-2-42 SUBSECTION D of the City of Harrisonburg Subdivision Ordinance and/or Section _____ of the City of Harrisonburg Design and Construction Standards Manual, which require(s):

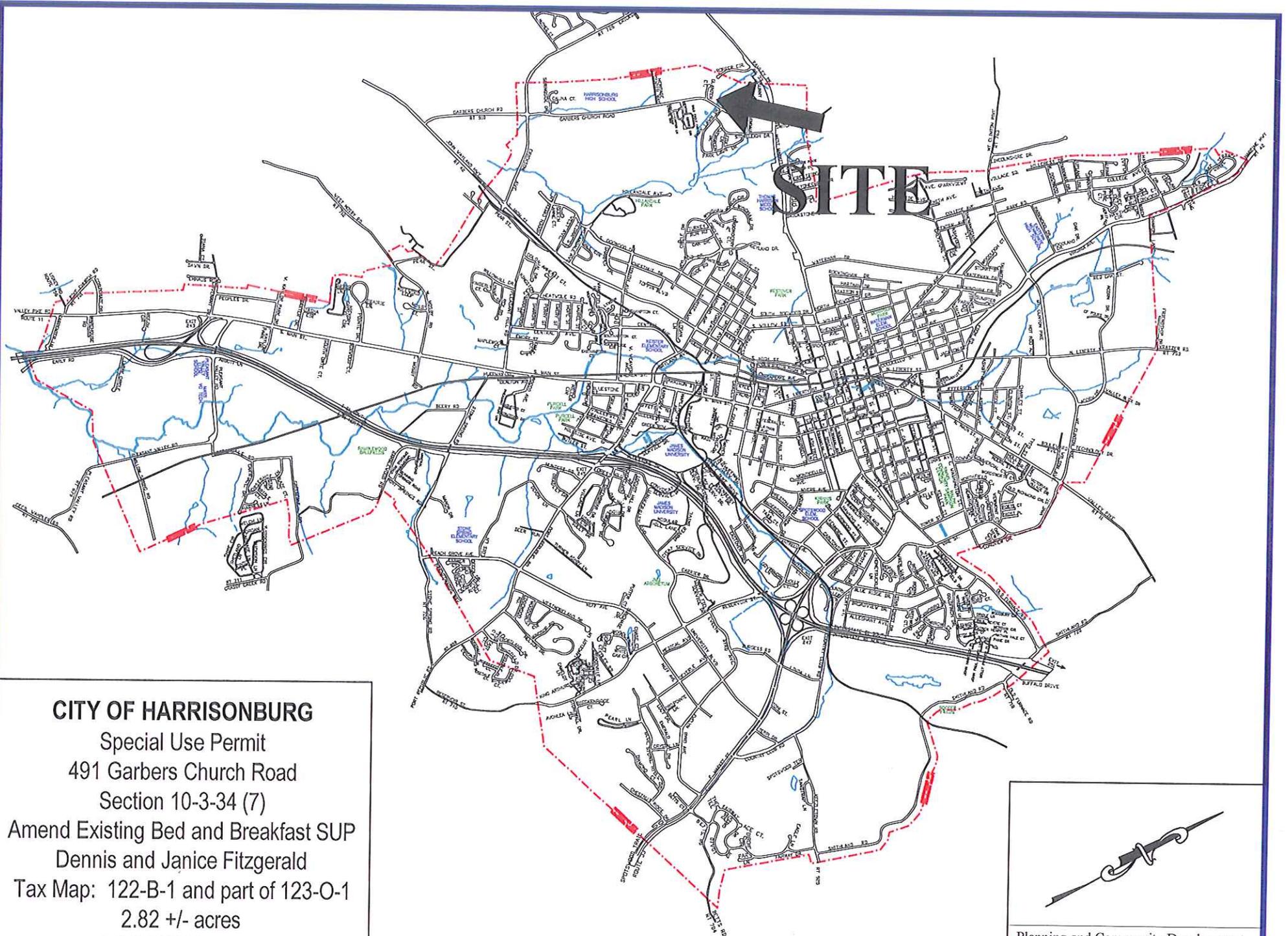
I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.

Signature: Dennis G Fitzgerald Signature: _____
Property Owner Applicant, if different from owner

See Back for Additional Application Fees Regarding TIA Reviews

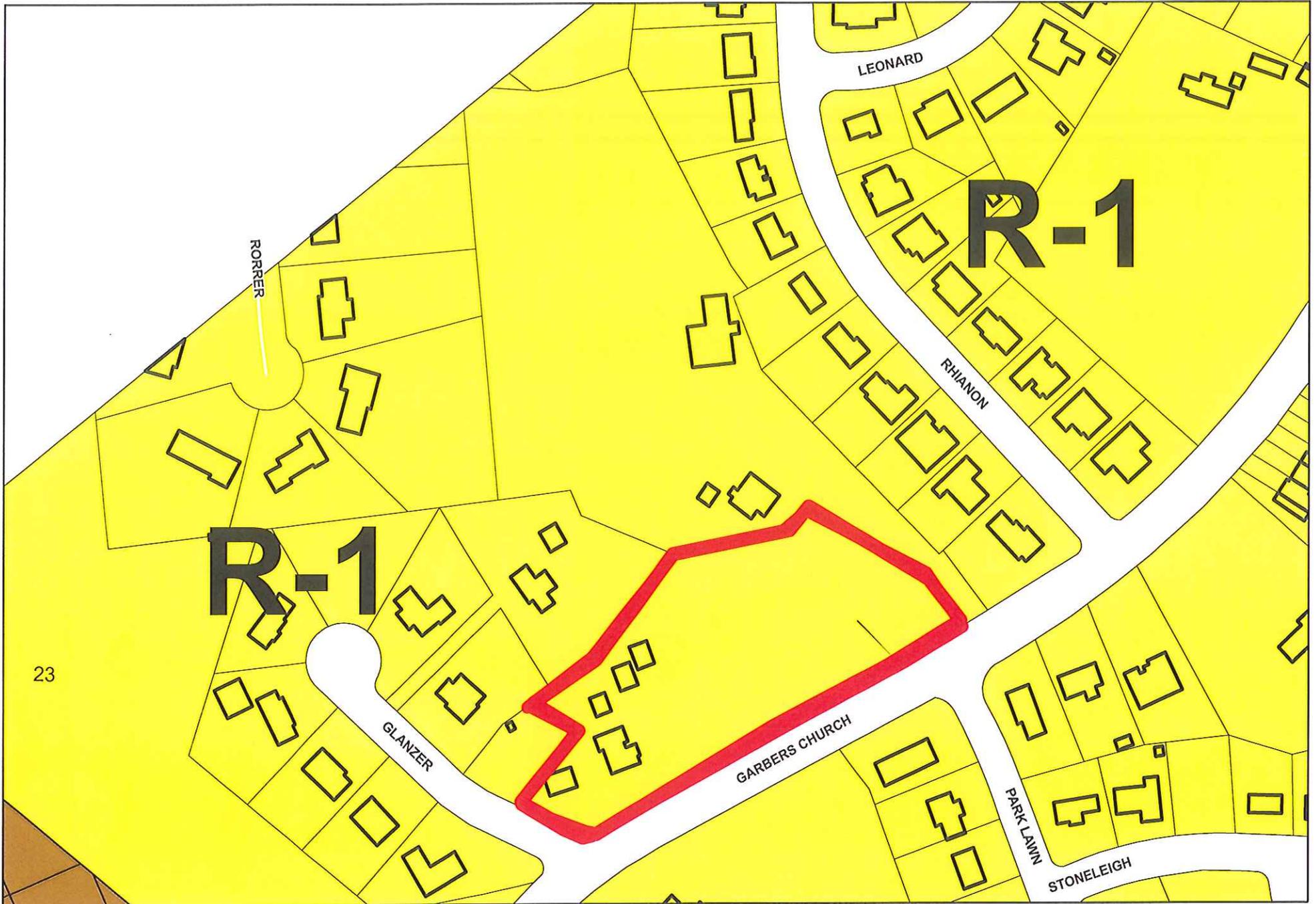


CITY OF HARRISONBURG

Special Use Permit
 491 Garbers Church Road
 Section 10-3-34 (7)
 Amend Existing Bed and Breakfast SUP
 Dennis and Janice Fitzgerald
 Tax Map: 122-B-1 and part of 123-O-1
 2.82 +/- acres

LOCATION MAP

Planning and Community Development
 City of Harrisonburg, Virginia



**SUP - 10-3-34 (7) Bed and Breakfast
491 Garbers Church Road**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

April 11, 2012

SPECIAL USE PERMIT – 491 GARBERS CHURCH ROAD

GENERAL INFORMATION

Applicant: Dennis G. and Janice D. Fitzgerald
Tax Map: 122-B-1 and portion of 123-O-1
Acreage: 2.8 +/- acres
Location: 491 Garbers Church Road
Request: Public hearing to consider a request to amend an existing special use permit per Section 10-3-34 (7) to allow an expansion of the bed and breakfast operation to the maximum 10 guest room facility.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

Site: By the Side of the Road Bed and Breakfast, zoned R-1
North: Single family homes, zoned R-1
East: Vacant land and single family homes fronting Rhianon Lane, zoned R-1
South: Across Garbers Church Road, single family homes, zoned R-1
West: Across Glanzer Court, single family homes, zoned R-1

HISTORY

In December 1998 the applicants received approval of a special use permit (SUP) to allow a bed and breakfast facility at 491 Garbers Church Road. The request was for seven guest rooms in the main house and one guest cottage. In 2005, the applicants requested to modify the existing special use in order to expand the bed and breakfast by adding two additional guest cottages. Council approved the modification to the SUP in June 2005 with a condition that the new buildings be located no closer than 25-feet from any property line.

EVALUATION

The applicants are now requesting a modification to the 2005 SUP to expand their bed and breakfast facility, which is located in the R-1, Single Family Residential District. They are proposing to

construct three additional guest cottages. Currently, there are four guest rooms in the main house and three guest cottages, for a total of seven guest rooms. The Zoning Ordinance limits bed and breakfast facilities to a maximum of ten guest room accommodations; therefore, with the additional three cottages, the facility would reach the maximum rooms permitted. The applicants have recently purchased adjacent property in order to expand their bed and breakfast acreage and to make room for the proposed new cottages.

Each cottage would be a one story structure, approximately 500 square feet in area and look similar to the existing cottages. One cottage is intended to be constructed near the existing cottages, next to the main house. The remaining two are proposed to be located on the property near an existing pond. The locations are preliminarily shown, but are subject to relocation depending on utility availability. The cottages near the pond would be connected as a single structure, with a unit on either end, separated by a 20X25 section that would be finished like the cottages on the exterior, but remain unfinished on the interior. The interior section could be potentially be used for storage or office space. There are no plans for kitchens in any of the cottages.

Additional parking spaces would be added to the bed and breakfast in order to be in compliance with the Zoning Ordinance regulation of one parking space per guest room. A walkway would lead from the parking areas to the entrances of the guest cottages.

Staff has no concerns with this request and recommends approval of the SUP request with the condition that all cottages be constructed at least 25-feet from any property line. This is the same condition placed on the existing SUP and should help limit any noise issues that could be associated with this use.

Attachment to Application to Modify Special Use Permit
Janice D and Dennis G Fitzgerald

Request to modify our existing special use permit to allow expansion of our bed and breakfast to an ordinance maximum of 10 guest suites.

We propose the addition of three guest cottages similar in style and structure to the existing cottages. Each will be approximately 500 square feet (20' x 25'), constructed above a crawl space, one-story with porches and complimentary landscaping. Each will house luxurious accommodations for short term, vacation getaway rentals. Exterior appearance will be similar to the line drawing provided with this application. It is our intention to be consistent in style and appearance so as to in no way hinder the historic buildings currently on the property, nor hinder or discourage the appropriate development or use of the adjacent properties and our neighborhood.

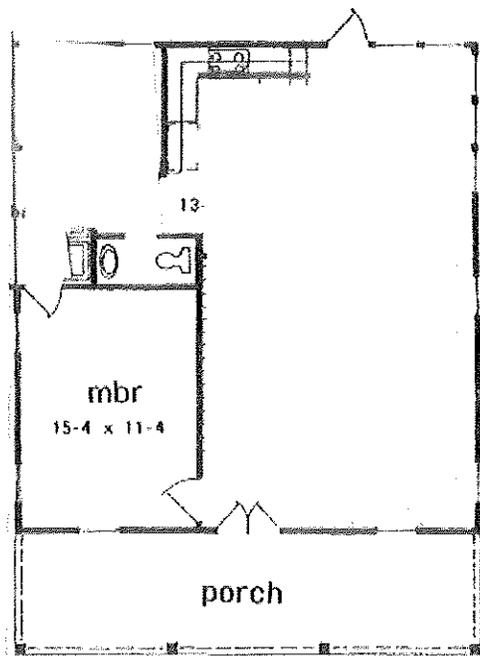
We will add additional parking spaces to the bed and breakfast, in compliance with City ordinance of one parking space per guest room. A walkway will lead from the parking area to the entrances of these cottages. Lighting will be adequate to insure the safety of guests entry and exit, but with consideration given to minimal impact on neighboring properties.



491 Garbers Church Road
Harrisonburg, VA 22801
Toll Free 866 274 4887
www.bythesideoftheroad.com

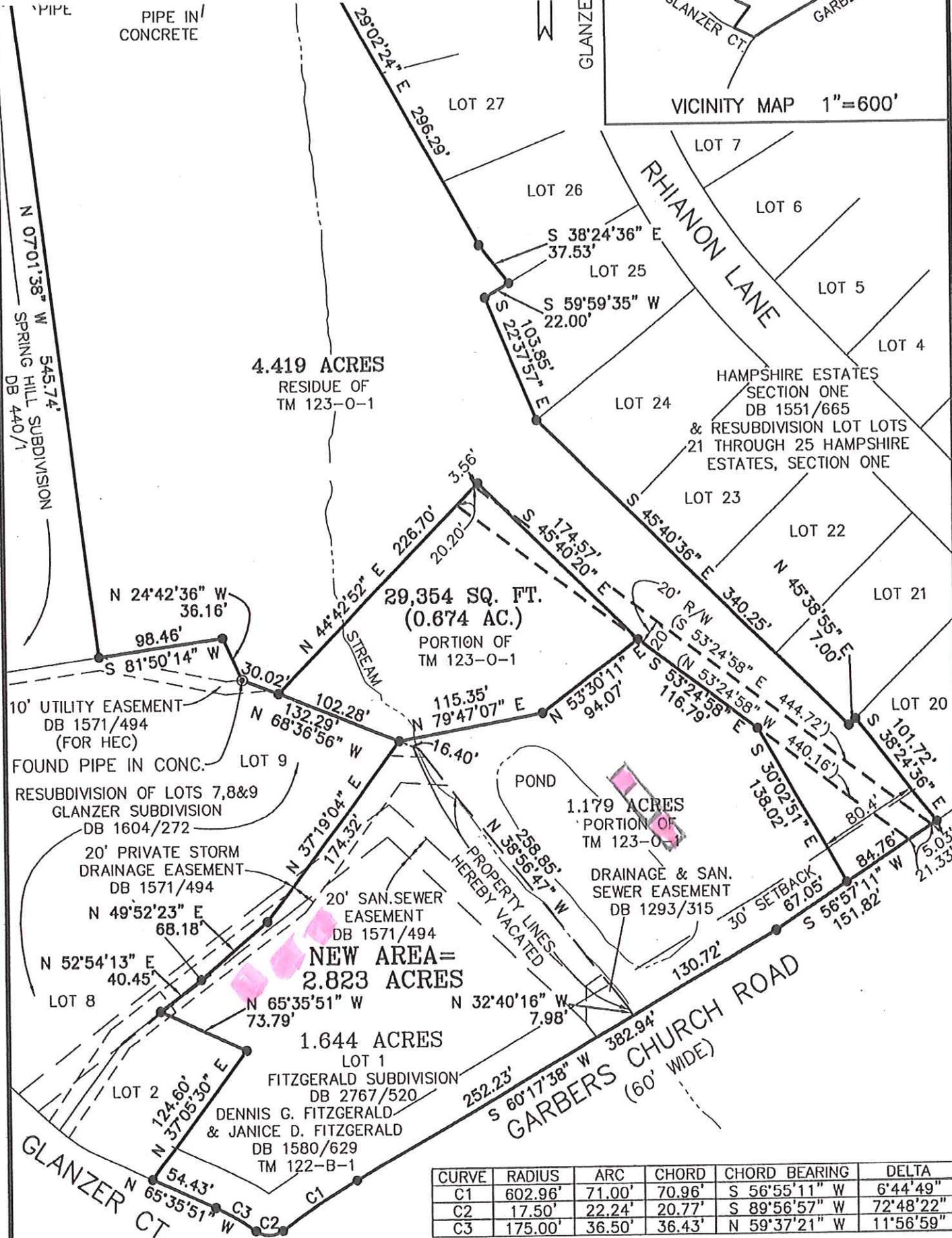


H



This adorable abode could serve as a vacation cottage, guest house, starter home or in-law quarters. The side-gabled design allows for a front porch with a "down-South" feel. Despite the small size, this home is packed with all the necessities. The first-floor master bedroom has a large bathroom—with a clawfoot tub!—and a walk-in closet and is ideal for older guests or family members. An open, functional floor plan includes a powder room, a kitchen/breakfast nook area and a family room with a corner fireplace.

VICINITY MAP 1"=600'



BENNER & ASSOC., INC.
 8 PLEASANT HILL ROAD
 HARRISONBURG, VA 22801
 540 434-0267

II

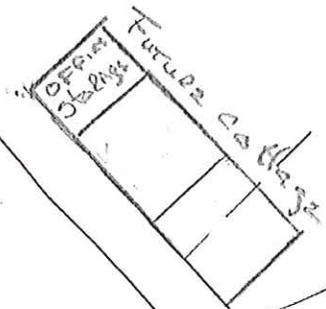
411 Carbers Church

30,053 SQ. FT.
0.690 ACRES

31.0'

20.0'

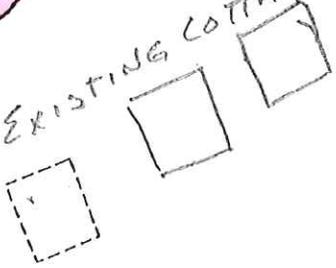
80.0'



1.155 ACRES



EXISTING COTTAGES



491 Carbers Church Road
Marionburg, VA 22801
Call Free 866 274 4887

www.bythesideoftheroad.com



Date Application Received: 03-13-12

Application for Special Use Permit

City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 465.00 **AP**

Property Owner's Name: DENNIS & JANICE FITZGERALD

Street Address: 491 GARBERS Church Email: STAY@Bythesideoftheroad.com

City: HARRISONBURG State: VA Zip: 22801

Telephone: Work 540 801 0430 Fax — Mobile 540 435-1582

Owner's Representative: N/A

Street Address: _____ Email: _____

City: _____ State: _____ Zip: _____

Telephone: Work _____ Fax _____ Mobile _____

Description of Property and Request

Location (Street Address): 491 GARBERS Church

Tax Map Number Sheet: 122 Block: B Lot: 1 Lot Area: _____

Existing Zoning Classification: R1 W / SPECIAL USE PERMIT

Special Use being requested: SEE ATTACHED DESCRIPTION

Please provide a detailed description of the proposed (use additional pages may be attached):
SEE ATTACHED DESCRIPTION

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: _____
South: _____
East: _____
West: _____

Certification: I certify that the information contained herein is true and accurate.

Signature: Dennis Fitzgerald
Property Owner

ITEMS REQUIRED FOR SUBMISSION

- Completed Application
- Site Plan
- Description of Proposed Use
- Adjacent Property Owners

- Fees Paid
- Property Located on Tax Map
- _____
- _____

Adjacent Property Owners to 491 Garbers Church Rd

Eva Glanzer 1820 Glanzer Ct

James Ramsey Jr 1840 Glanzer Ct

Dennis & Janice Fitzgerald 1800 Glanzer Ct &
411 Garbers Church Rd



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

April 11, 2012

ZONING ORDINANCE AMENDMENT

Section 10-3-26

Staff is proposing an amendment to the Zoning Ordinance Section 10-3-26 to allow particular industrial uses the flexibility to count parking spaces that are “off-site” from the use served toward meeting the required off-street parking regulations. The number of required off-street parking spaces for all uses is outlined in the preceding Section 10-3-25.

Section 10-3-26 titled Location in Relation to Building or Use Served has two subsections: (a) and (b). Subsection (a) specifies that all required parking spaces must be located on the same lot or on adjoining lots that permit the same use. This subsection also explains how common or cooperative parking locations are permitted and how the Planning Commission may further modify the number of on-site parking spaces. Subsection (b) was added to the Zoning Ordinance in March 2012 along with the other UDA related ordinance amendments. It allows uses located on contiguous but separate lots to reduce the number of required parking spaces based on period-specific demand for use. As mentioned above, if uses need further parking space reductions, Planning Commission may review such requests and approve them if they deem them necessary.

As described, Section 10-3-26 provides a great deal of flexibility for uses to meet required parking arrangements, and it indirectly provides a means to help conserve open or green space by offering provisions to allow for less construction of parking surfaces. Staff would like to make an additional amendment to subsection (a) to provide even more flexibility to help achieve the reasons stated above and also to offer accommodating provisions unique to some of the City’s larger industries that provide manufacturing, processing, storage, or treatment of products employment. Specifically, staff proposes the following amendments to subsection (a):

- (a) All parking spaces required herein shall be located on the same lot with the building or use served or adjoining lots within a zoning district permitting the same. A common or cooperative location, ~~which provides parking for two (2) or more uses,~~ shall be in the ownership of all of the participating property owners, or shall have easement and maintenance agreements between the participating property owners of a period of at least ten (10) years following the date of city approval, and shall have parking space equal to the sum required by Sec. 10-3-26 (b). The amount of space may be further reduced by the planning commission subject to its determination that fewer spaces are needed due to different hours of activity among the various uses, a guarantee of the permanent availability of such space, or other such factors. When assembly uses propose borrowing parking from other public or private parking facilities which are properly zoned and in reasonable proximity, the planning commission, upon site plan review, may modify the number of on-site parking

spaces.

1. Notwithstanding the requirements set forth above, industrial operations for the manufacturing, processing, storage, or treatment of products which are not customarily found in retail centers as permitted by the M-1, General Industrial District may also locate required parking on parcels that are not on the same or adjoining parcel from the uses served. Such parcels shall be zoned B-2, General Business District or M-1, General Industrial District, located in reasonable proximity to the property in which the parking serves, and may be located across public streets and/or alleys. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners of a period of at least ten (10) years following the date of city approval.

In subsection (a), staff proposes removing the statement: “which provides parking for two (2) or more uses” simply to clarify that an adjoining lot does not have to have an existing “use” other than providing required parking for the adjoining lot.

The more significant amendment is the addition of (a) (1). Since many of the City’s manufacturing, processing, storage, or treatment of product businesses often operate in a “campus-like” setting (i.e. Walker-Tenneco Inc. along Interstate 81, Graham Packaging Company along West Wolfe Street, George’s Inc. located on North Liberty Street, and others), staff believes it is practical to allow such uses to locate required parking on parcels that may not be on the same or on an adjacent or contiguous lot. In other words, required parking for such uses could be located across the street or “down the street” from the building where such operations occurred.

Approving the amendment provides opportunity for the described types of businesses to expand their operations and create more jobs without the concern of needing additional space on-site for required parking. For example, George’s Inc., which recently purchased Tyson’s Foods Inc.’s complex at 501 North Liberty Street, would be able to take advantage of this amendment in adding onto the existing facility and then counting parking spaces located on parcels across the street from the building toward meeting their off-street parking requirement. This amendment also opens the door for smaller, industrially zoned properties that may have been overlooked for such uses the opportunity to be utilized for these types of industries.

Staff does not foresee negative side effects from allowing these types of businesses to count required parking on lots as described because parking lots are already stand alone, by-right uses in the B-2 and M-1 zoning districts. Furthermore, approving the amendments is fitting with regard to the Comprehensive Plan’s Economic Development goal and objective to retain and enhance the City’s role as the economic hub of the region while expanding its economic base and to assist existing firms to expand locally.

Staff supports a favorable recommendation to City Council.

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ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-26

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-26 be amended as shown:

Section 10-3-26. Location in Relation to Building or Use Served.

- (a) All parking spaces required herein shall be located on the same lot with the building or use served or adjoining lots within a zoning district permitting the same. A common or cooperative location, ~~which provides parking for two (2) or more uses,~~ shall be in the ownership of all of the participating property owners, or shall have easement and maintenance agreements between the participating property owners of a period of at least ten (10) years following the date of city approval, and shall have parking space equal to the sum required by Sec. 10-3-26 (b). The amount of space may be further reduced by the planning commission subject to its determination that fewer spaces are needed due to different hours of activity among the various uses, a guarantee of the permanent availability of such space, or other such factors. When assembly uses propose borrowing parking from other public or private parking facilities which are properly zoned and in reasonable proximity, the planning commission, upon site plan review, may modify the number of on-site parking spaces.
1. Notwithstanding the requirements set forth above, industrial operations for the manufacturing, processing, storage, or treatment of products which are not customarily found in retail centers as permitted by the M-1, General Industrial District may also locate required parking on parcels that are not on the same or adjoining parcel from the uses served. Such parcels shall be zoned B-2, General Business District or M-1, General Industrial District, located in reasonable proximity to the property in which the parking serves, and may be located across public streets and/or alleys. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners of a period of at least ten (10) years following the

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date of city approval.

- (b) For uses located on contiguous but separate lots, the number of required parking spaces may be reduced in accordance with the following provisions:
1. The uses are contiguous uses.
 2. Parking areas of the respective uses are connected by safe and convenient pedestrian access, as well as by automobile access.
 3. A shared parking agreement is submitted and approved by the zoning administrator. The agreement will be binding on the current and future property owners as long as the permitted uses remain substantially the same.
 4. Reductions in required parking may be approved by the zoning administrator, at the request of the applicant, in accordance with the following calculation provided by the applicant:
 - a. The total number of parking spaces required for each land use is determined in accordance with Sec. 10-3-25.
 - b. Using the table below, determine the number of spaces needed by each use for each of the four time periods by multiplying the parking required for each use by the corresponding percentage of use for that time period.
 - c. Calculate the total number of spaces needed for all uses for each time period.
 - d. The time period with the highest number of parking spaces required for the sum of all uses shall be the number of parking spaces required.

Shared Parking Calculations for Contiguous Uses				
Use	Weekday		Weekend	
	Daytime (8 AM- 6PM)	Evening (6PM – 11 PM)	Daytime (8 AM- 6PM)	Evening (6PM – 11 PM)
Office/	100%	10%	10%	5%
Industrial	100%	100%	100%	100%
Retail/Personal Services	60%	90%	100%	70%
Hotel	75%	100%	75%	100%
Multi-family	50%	75%	100%	80%

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Residential				
Restaurant	75%	100%	100%	100%
Entertainment/ Recreational	40%	100%	80%	100%
All other uses	100%	100%	100%	100%

The remainder of Section 10-3-26 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2012.
Adopted and approved this _____ day of _____, 2012.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

April 11, 2012

Zoning Ordinance Amendment Sections 10-3-84 & 85

As originally suggested by Planning Commission, staff has drafted and advertised an amendment to the Zoning Ordinance Sections 10-3-84 and 85 regarding the use of surface parking lots in the B-1, Central Business District. If approved as written, both surface parking lots and parking garages as principal uses would no longer be permitted by-right; only by special use permit (SUP).

The Commission discussed the idea for this amendment during the January 11, 2012 regular meeting of the Planning Commission when the Commission held a public hearing regarding the proposed parking lot landscaping ordinance and its associated ordinance amendments. One of the associated amendments was to modify the B-1 zoning district by relocating the use of parking garages from the by-right list of permitted uses to the B-1 SUP category. As described during that time, if that amendment is approved, to build a parking garage on any parcel zoned B-1, property owners would have to apply for a SUP, which among other requirements, must have public hearings at both Planning Commission and City Council. The Commission noted that not only were they in favor of having parking garages in the B-1 district be approved by way of a SUP, they also were interested in requiring the same of surface parking lots. The Commission advised staff to evaluate such an amendment and to also inquire of the Board members of Harrisonburg Downtown Renaissance (HDR) as to their feelings toward this idea. Ultimately, the Commission recommended for City Council to adopt the landscaping regulations along with the associated amendments to the Zoning Ordinance. (City Council will hold a public hearing on the proposed landscaping ordinance and related ordinance amendments on April 10th, the day before the subject amendments are reviewed by the Commission.)

Since that time, staff has communicated with the Executive Director of HDR, who informed us that 12 of the 16 HDR Board members were in favor of Planning Commission's idea to require a SUP for surface parking lots on B-1 zoned parcels. With regard to the other four members, two were opposed, and two abstained.

It should be understood that the amendment would require all parking lots and parking garages to receive a SUP only if they are a principal use on a B-1 zoned parcel. The amendment would not affect the existing by-right permission of any B-1 property owner from building a surface parking lot or parking garage accessory to a principal use. In other words, parking lots of uses such as the Colonnades at Rocktown or Autozone or parking garages like that of Urban Exchange, all would have been permitted by right. On the other hand, if a property owner was interested in developing a site only as a parking lot or garage, regardless of whether the lot was undeveloped or necessitated the demolition of buildings, the property owner would be required

to receive approval of a SUP. All SUPs require posting the property advertising the proposed project, advertising the issue in the newspaper, notifying adjoining property owners, holding a public hearing at Planning Commission, and holding a public hearing at City Council where such requests are approved or denied.

After considering the idea for the past few months, and after taking into account the positive encouragement from the majority of HDR's board, staff believes approving this amendment would be a good move for the long term goals of the City. Providing the opportunity for further evaluation of such uses and their impact on public streets and sidewalks would be useful given the limited availability of space downtown and the desire to redevelop with a unified vision per the ideas of the Downtown Master Streetscape Plan, which is currently being drafted by a committee headed by Department of Public Works. In addition, the Comprehensive Plan notes an objective "to make downtown revitalization a major, high priority public/private initiative, the cornerstone of the City's economic development, tourism, historic preservation, and civic pride enhancement efforts," and staff believes this amendment is a planning tool that can help in these endeavors.

Whether a private property owner is interested in providing a metered parking lot or a parking garage, requiring a SUP will allow the public the opportunity to voice their opinions on how the City's downtown functions and redevelops. Staff recommends approving this amendment.

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ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-84
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of
Harrisonburg, Virginia:**

That Section 10-3-84 be amended as follows:

Section 10-3-84. Uses Permitted By Right.

Delete Subsection (7) and appropriately renumber the remaining subsections.

~~(7) Parking lots.~~

The remainder of Section 10-3-84 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2012.
Adopted and approved this _____ day of _____, 2012.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-85
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of
Harrisonburg, Virginia:**

That Section 10-3-85 be amended as follows:

Section 10-3-85. Uses Permitted by Special Use Permit.

Amend Subsection (8) as shown:

(8) Parking lots and parking garages; as principal uses.

The remainder of Section 10-3-85 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2012.
Adopted and approved this _____ day of _____, 2012.

MAYOR

ATTESTE:

CLERK OF THE COUNCIL

March 2012 Proactive-Zoning Report

For the month of March 2012 the proactive-zoning program targeted the **Parkview** section of the city. During the proactive inspections a total of five violations were found. The violations consisted of inoperable vehicles and discarded materials.

MONTH	SECTOR	4 th CYCLE VIOLATIONS	CORRECTED	1 st CYCLE	2 nd CYCLE	3 rd CYCLE
December 2011	Wyndham Woods	2	2	2	0	4
January 2012	Northfield	13	13	21	6	19
February 2012	Purcell Park	8	7	7	6	5
March 2012	Parkview	5	n/a	19	7	16
April 2012	Northeast			80	45	63
May 2012	Ind./Tech Park			0	1	0
June 2012	Exit 243			10	0	1
July 2012	Fairway Hills			1	0	0
August 2012	Smithland Rd.			0	4	0
September 2012	N. Main St.			13	4	4
October 2012	Liberty St.			6	4	18
November 2012	Westover			18	8	17
December 2012	Garber's Church			1	2	1
January 2013	Spotswood Acres			6	4	1
February 2013	Jefferson St.			26	22	35
March 2013	Forest Hills/JMU			6	1	1
April 2013	S. Main St.			1	0	2
May 2013	Hillandale			7	5	17
June 2013	Maplehurst/JMU			6	5	2
July 2013	Long Ave/Norwood			12	28	17
August 2013	Greystone			13	10	13
September 2013	Greendale/SE			3	2	5
October 2013	Ramblewood			4	8	1
November 2013	Stone Spring Village/JMU			2	10	0
December 2013	Sunset Heights			7	29	10
January 2014	Reherd Acres			10	12	9
February 2014	RT 33 West			0	16	6
March 2014	Chicago Ave			16	22	29
April 2014	Pleasant Hill			4	13	17
May 2014	Avalon Woods			7	26	11
June 2014	Waterman Elementary			6	61	18
July 2014	Keister Elem			6	5	8
August 2014	500-600 S. Main			7	30	16
September 2014	Court Square			0	3	2
October 2014	Bluestone Hills & Valley Mall			3	33	31
November 2014	Preston Heights			8	3	1

The proactive-zoning program for April 2012 will be directed towards the enforcement of the Zoning Ordinance in the **Northeast** section of the City.