



City of Harrisonburg, Virginia

Planning Commission Meeting

June 13, 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 May 9, 2012 regular meeting.

2) New Business

Alley Closing – Adjacent to 25-K-1 through 5 and 19 (JMU Real Estate Foundation, Inc.)

Consider a request from James Madison University Real Estate Foundation, Inc to close 2,230 +/- square feet of a public alley. The right-of-way is located between Walnut Lane and an unimproved portion of Kyle Street, adjacent to tax maps 25-K-1 through 5 and 19.

Preliminary Plat – Sunset Heights, Alexiou Addition

Consider a request from Michael Alexiou with representative Jerry Brunk from Brunk & Hylton Engineering, Inc. to preliminarily subdivide three parcels totaling 7.11 +/- acres into ten lots with a dedication of a public cul-de-sac street. The property, zoned R-1, Single Family Residential District, is located along Circle Drive and Wyndham Woods Circle and can be found on tax maps 22-A-30 & 31 and 22-E-16.

Special Use Permit – 1777 South Main Street

Public hearing to consider a request from Wayne B. and Karen B. Rothery with representative John Colonna from Hajoca Corporation, for a special use permit per Section 10-3-91 (6) of the Zoning Ordinance to allow building material sales and storage yards within the B-2, General Business District. The 2.31 +/- acre parcel is located at 1777 South Main Street and can be found on tax maps 10-B-16 & 17.

Rezoning – Collicello Street R-7 (Kin Group, LLC)

Public hearing to consider a request from Kin Group, LLC with representative Ed Blackwell from Blackwell Engineering, to rezone 14 parcels, totaling 2.0 +/- acres, from R-7, Residential District and M-1, General Industrial District to R-7, Medium Density Medium Density Planned Community. The properties are located along Virginia Avenue, 5th Street, an undeveloped portion of Collicello Street, and an undeveloped portion of 6th Street and can be found on tax maps 40-H-1 through 8 and 11 through 16.

Zoning Ordinance Amendment – Portable Restroom Facility (10-3-24, 58.4, 85, 91, & 97)

Public hearing to consider amending the Zoning Ordinance Section 10-3-24 Definitions to add a definition of a “Portable Restroom Facility” and to add portable restroom facilities as a use allowed by special use permit within the MX-U, Mixed Use Planned Community District (Section 10-3-58.4); B-1, Central Business District (Section 10-3-85); B-2, General Business District (Section 10-3-91); and M-1, General Industrial District (Section 10-3-97).

3) Unfinished Business

4) Public Input

5) Report of secretary and committees

Proactive Zoning

6) Other Matters

7) Adjournment

Staff will be available Monday July 9, 2012 at 4:30 p.m. for those interested in going on a field trip to view the sites for the July 11, 2012 agenda.

MINUTES OF HARRISONBURG PLANNING COMMISSION
May 9, 2012

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 9, 2012, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, Judith Dilts, MuAwia Da'Mes, Alan Finks (arrived at 7:05 p.m.), Deb Fitzgerald, and Bill Jones.

Members absent: Henry Way.

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

Chairman Jones called the meeting to order and determined there was a quorum with five of seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the April 11, 2012 Planning Commission meeting.

Mrs. Fitzgerald moved to approve the minutes as presented from the April 11, 2012 regular Planning Commission meeting.

Dr. Dilts seconded the motion.

All voted in favor of approving the minutes (5-0).

New Business

Alley Closing – Adjacent to 40-H-3—8 and 11 – 16 (Kin Group, LLC)

Chairman Jones read the agenda item and asked staff to review.

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

Site: Undeveloped City owned right-of-way.

North: Undeveloped 6th Street, professional office and vacant land, zoned M-1

East: Vacant industrial building, zoned M-1 and undeveloped lots, zoned R-2 and M-1

South: Single family dwellings, zoned R-2

West: Undeveloped building lots, zoned R-2 and M-1

The applicant is requesting to close a portion of an unimproved alley that is located between 5th Street and undeveloped 6th Street. The alleyway, which is 10 feet in width and approximately 300 feet in length, visually appears to be part of the abutting properties. There are no water, sanitary sewer, stormwater, or electric facilities located within the existing right-of-way, therefore, if City Council chooses to vacate the alley, no easements are needed to be reserved.

Kin Group, LLC, the applicant, is the owner of the 12 parcels which directly adjoin the alley. They desire to close and purchase the right-of-way in order to incorporate the area into a future R-7, Medium Density Mixed Residential Planned Community. This alleyway is one of several alleys within this area of the City that is unimproved and not maintained by the City. The City has no plans to develop the alley and does not anticipate any negative consequences from vacating the right-of-way.

Staff recommends vacating the approximately 3,000 square foot public alleyway.

Chairman Jones asked if there were any questions for staff. Hearing none, he stated this was not a public hearing; however, if the applicant or the applicant's representative would like to come forward and speak they could do so at this time.

Mr. Ed Blackwell of Blackwell Engineering said this is part of a planned development that will be coming before this body in a month or so. This is the first step and we appreciate your support on this request.

Chairman Jones asked if there was any discussion regarding the request.

Mr. Da'Mes said usually the questions we have regard who has the right to purchase what portion of the alley and do all neighbors want to purchase a portion. In this case, it is very straight forward, having only one owner. With that being said, I move to recommend approval of the alley closing.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote on the motion.

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

Chairman Jones said this request will move forward to City Council on June 12, 2012 with a favorable recommendation.

Preliminary Plat – Campus View Apartments

Chairman Jones read the request and asked staff to review.

Mrs. Turner said the Comprehensive Plan designates this area as Medium Density Mixed Residential. This designation states that these largely undeveloped areas continue the existing medium density character of adjacent areas, but in a different form. They are planned for small-lot single family detached and single family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. They should be planned communities that exhibit the same innovative features as described for the low density version of mixed residential development. The gross density of development in these areas should be in the range of 4 to 12 dwelling units per acre and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

- Site:** Campus View Condominiums, a development planned for 167 condominium units, 47 units (and 1 clubhouse) of which have been constructed to date, zoned R-3
- North:** Undeveloped land and Stonewall Heights Townhouses, zoned R-3
- East:** Copper Beech, 432 apartment units plus their recreational facilities, zoned R-3
- South:** Scattered single family homes in City, zoned R-3; several single family homes in county, zoned A-2
- West:** The Gables townhouses, apartments and several single family homes, zoned R-3

In June 2008, this 12 acre site was approved for development as a 14 building, 167 unit condominium development (previous site plans had also received approval but the June 2008 plan is the most recent). Each unit has four bedrooms and one condominium unit functions as the complex clubhouse. Four of the fourteen buildings were completed in 2008, containing a total of 47 units

and the clubhouse. Most of these individual units have been sold. A building which was started (only the pad has been constructed) but not completed is still owned by Campus View JMU, LLC. In addition, Campus View JMU also continues to own scattered units in the finished buildings. The owners of these finished units, including Campus View JMU, comprise a homeowners association. During creation of the condominium development, phase lines were drawn, and unit owners bought into the area created by the phase line. The phase lines are not property division lines, but the proposed subdivision of the property follows the phase lines.

Davis Mill, LLC, wishes to purchase the undeveloped property and construct the remaining units (10 buildings containing a total of 120 units.). They have explained that their bank does not want to be part of the existing homeowners association and is requiring the subdivision. In addition, Davis Mill, LLC believes it would be difficult to get individual unit owners to agree to have their units encumbered by a financial obligation not directly related to their ownership. Because of this, they are seeking to subdivide the property into three lots along the phase lines used in the condominium organizational documents. Davis Mill, LLC, wishes to purchase proposed Lot 3 (undeveloped portion), of 7.035 acres and proposed Lot 2 (containing existing foundation and surrounding area), of 0.397 acres—leaving the homeowners association with proposed Lot 1 (existing four buildings and surrounding common area), of 4.601 acres. Easement agreements and cost sharing arrangements for the shared parking/access areas and utilities will be required prior to approval of a final plat.

The development as a whole meets maximum density and setback requirements. Once the proposed lot lines are inserted however, these requirements are no longer met for proposed lots 2 and 3 on an individual parcel basis. The applicants believe the proposed subdivision is the only configuration that will allow them to separate the lots for financing purposes without undue legal and financial problems. As such, the applicant has made application for seven variances with the Board of Zoning Appeals (BZA). The BZA granted all seven variances at their meeting on May 7, 2012, per the following request:

Lot 2: Variance to lot area requirement of one unit per 3,000 square feet of lot area—lot requires 36,000 square feet for the 12 unit building and contains 17,293.39 square feet; seeking a variance of 18,706.91 square feet and a reduction in the required side yard setback from 10 feet to 4.8 feet and the required rear yard setback from 25 feet to 9.97 feet.

Lot 3: Variance to lot area requirement of one unit per 3,000 square feet of lot area—lot requires 324,000 square feet for the 108 units in 9 buildings and contains 306,445.87 square feet; seeking a variance of 17,554.13 square feet and a reduction in the side yard setbacks for three buildings with the amounts of the variances ranging from 2.3 feet to 8.8 feet.

In the staff report it further discusses in some detail that even if the variances were not approved the subdivision could be approved if desired. I am not going to go into that portion of the staff report, because all the variances were approved by the BZA.

Although the site plan approved in 2008 remains valid and may continue to be used if the variances and subdivision are approved, the developer will need to do several things to proceed with development. A BMP (Best Management Practices) Maintenance Agreement for the stormwater detention basin will need to be recorded as although it was installed with the previous phase of development, it is to serve the remainder of the development as well. This agreement will include details on maintenance and reporting responsibilities. After this is done, the developer must obtain a valid Land Disturbance Permit and then Building Permits. The Subdivision Ordinance and

Design and Construction Standards Manual require that sidewalk be installed along the full street frontage of the property (along Chestnut Ridge Drive). The existing sidewalk extends along a portion of Chestnut Ridge Drive from Campus View Circle to the bus pull off. It will need to be extended to include the remaining frontage to the west of the bus pull off as well as a small section east of Campus View Circle. This sidewalk will need to be guaranteed by surety prior to final plat approval.

An additional item to note in review of the preliminary plat is that the configuration on the plat shows property boundaries at edges of parking areas and cutting through parking spaces. The current landscaping regulations, Zoning Ordinance Section 10-3-25 (3), require that in a development such as this, parking spaces be separated from all property lines by a landscaped border not less than ten feet in width or appropriate visual elements such as walls or fencing. Some of the places where these property lines abut parking spaces, a fence could be installed, although not desirable, to alleviate the violation. In other places, a property line goes between or across parking spaces where a fence would not be able to remedy the violation. Therefore, under current requirements this plat could not receive approval. However, this plat will meet requirements of the newly adopted parking lot landscaping regulations, effective September 1, 2012. Under these regulations the same ten foot landscaping border separation is required from property lines, with the exception of along adjoining lines which lie within a shared parking arrangement. The plat contains a note explaining this situation and stating the applicant is aware the final plat cannot be approved until September 1, 2012. However, the applicant had said that they really need to close on this property by the end of May so that they can get moving on this project. We are very much behind a developer being able to get going with this project; the site is left in a very disturbed manner. We have discussed with the applicant the idea of providing a surety to the City in an amount that would guarantee that a fence could be installed. If for some reason the new landscaping regulations are not placed into effect, then there would be a surety in place that would require them to establish the fence. Just establishing the fence could create some problems for the development because they would lose parking spaces; it also would not look great. So, what would happen in this situation is staff would be coming to Planning Commission with an ordinance amendment to straighten that situation out. But for administrative purposes, having the surety makes this development comply with our Zoning Ordinance requirements and to do the subdivision they must comply with the Zoning Ordinance.

What I am recommending for us to do tonight is to line through the note that states the applicant is aware the final plat cannot be approved until September 1, 2012. Mr. Blackwell and I will initial the lined note. It will be recorded in the minutes that a surety will be put in place for the fence, so that the subdivision can be final platted.

Although there are multiple unique circumstances surrounding this proposed preliminary subdivision plat, they do not keep the plat from meeting all zoning ordinance requirements and it is recommended for approval as presented.

Chairman Jones asked if there were any questions for staff.

Mr. Chenault asked if the sidewalk would extend along the entire frontage of this development once it is complete.

Mrs. Turner replied yes.

Chairman Jones said this is not a public hearing; however, I will ask the applicant or applicant's representative if they would like to speak.

Mr. Blackwell of Blackwell Engineering said this site received approval for all the requested BZA variances. I am excited to get this project finalized and the area cleaned up. I have been out to this site numerous times with City staff, or with clients trying to clean up the mess that happens when you have so much mud. I am here tonight to answer any questions you may have regarding this plat; it is a rather straight forward subdivision, now that we have the variance approvals.

Chairman Jones asked if there was any discussion or a motion on the request.

Mrs. Fitzgerald said I think it is great that we can find a way to make something happen for this project that the financial crash caused to stop in its tracks.

Mr. Chenault moved to approve the preliminary plat as presented.

Mr. Finks seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to approve the preliminary plat (6-0).

Chairman Jones said this motion carries and is approved by this body.

Special Use Permit – 1340 North Liberty Street (AMVETS)

Chairman Jones read the request and asked for staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as General Industrial. This designations states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

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

Site: Fertig Cabinet Company and showroom, zoned M-1

North: Warehouse building, zoned M-1

East: Private Utility building (telephone exchange), vacant land, zoned M-1

South: Rockingham County School Board transportation building, zoned M-1

West: Across North Liberty Street, warehouse building and vacant land, zoned M-1

The applicants are requesting a special use permit per Section 10-3-97 (9) of the Zoning Ordinance to allow a charitable or benevolent institutional use within the M-1, General Industrial District. Specifically, the applicants would like to utilize the 9,800 square foot warehouse building at 1340 North Liberty Street as the post home for the American Veterans (AMVETS) Post 7. This use would include a bingo hall within a portion of the building, a tavern area and a shared kitchen. Currently, AMVETS Post 7 leases space and operates from 928 West Market Street, where the B-2 zoning of the property allows the use by right; however, they would like to purchase their own facility.

Staff does not have any concerns with establishing this type of use at this location. Planning staff met with the applicant's engineer regarding the change of use for this facility and explained that if the special use permit were approved it would generate the need for additional parking on the site.

The number of parking spaces necessary for the proposed use would likely create the need for a comprehensive site plan review of the property. Similarly this will trigger the need for other improvements such as: dedication of right-of-way, street improvements (continuation of curb and gutter and installation of sidewalk); reevaluation of water and sewer services; and possibly a Stormwater Management Plan. As well, the applicants would need to apply for a change of use permit from the Building Division. This would require that all building code regulations be met for the proposed use and any other planned renovations.

The Comprehensive Plan recognizes this area along North Liberty Street as Industrial and although zoned industrially, the industrial uses found along this corridor are not intense enough that a use such as the AMVETS would not be in concert with the surrounding uses. Staff supports this request for a charitable or benevolent use at this location.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or the applicant's representative to speak.

Mr. Ed Blackwell of Blackwell Engineering said we have representatives from the American Veterans and the Boys and Girls Club with us tonight. We think this is a good use for this property. If you have any questions for me I would be happy to answer those now.

Chairman Jones asked if there was anyone wishing to speak in favor of the request.

Mr. Bill Carter, Executive Director of the Boys and Girls Club, said the American Vets is so important to our community. They have done some unbelievable things for the Boys and Girls Club. Last year they raised over \$8,000 dollars, through several different events, for the Boys and Girls Club. They have really generated a lot of revenue through the Boys and Girls Club bingo program and at this time we are showing a positive cash flow for the year-to-date. On behalf of the Boys and Girls Club Staff, Board, and our members that we serve, we really hope you support the American Veterans in this effort.

Mr. Butch Strawderman said he represents the American Vets. This group came to me about two years ago and we have looked at numerous site locations for them. I feel this group would benefit from purchasing a building and the current owner of Fertig Cabinet Company was generous enough to give them a substantial discount on the price, being a veteran himself. I would appreciate any favorable consideration on this matter.

Mr. Charles Carter said he is the Commander of the American Vets Post 27 and we really hope you can help us out with this building project.

Chairman Jones asked if there was anyone wishing to speak in opposition of the request. Hearing none, he closed the public hearing and asked for discussion or a motion.

Mrs. Banks said I forgot to mention during the staff report that we did receive a letter today from Rockingham County Public Schools Maintenance Department. The letter says that the Notice of Public Hearing was received and Rockingham County Public Schools have no objections to the special use permit.

Mr. Chenault said in my mind there is no question of the fine work that this organization does and the service they have provided to our Country. I think those who work with the Boys and Girls Club recognize the tremendous work that this group provides to them.

From a land use standpoint, I believe staff put it best by saying that this is not a heavily industrialized area and this use is very compatible with the existing uses around it. I believe we

approved a special use permit last year for a church just up the road from this location. With that, I move to recommend approval of the special use permit.

Dr. Dilts seconded the motion.

Chairman Jones called for a voice vote.

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

Chairman Jones said this will move forward to City Council on June 12th.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

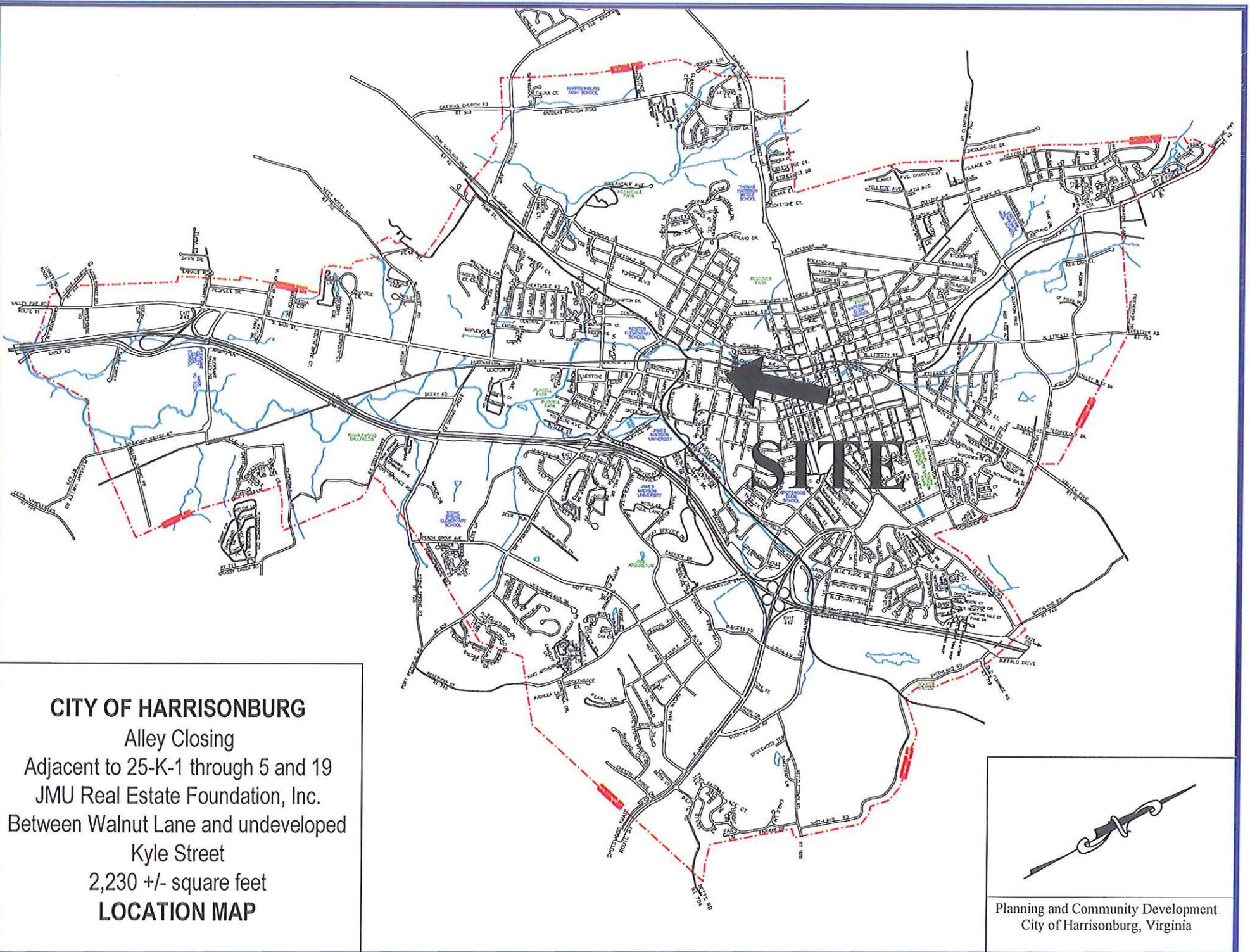
Mrs. Banks said last month I noted that proactive zoning would focus on the Northeast area of the City; however, because of vacations and time-off for members of the planning staff, and given the fact that the Northeast area generates many violations, staff has switched areas for this month. Inspectors visited the Industrial and Technology Park sector of the City where they found zero violations. Next month zoning inspectors will visit the Northeast area.

Other Matters

None.

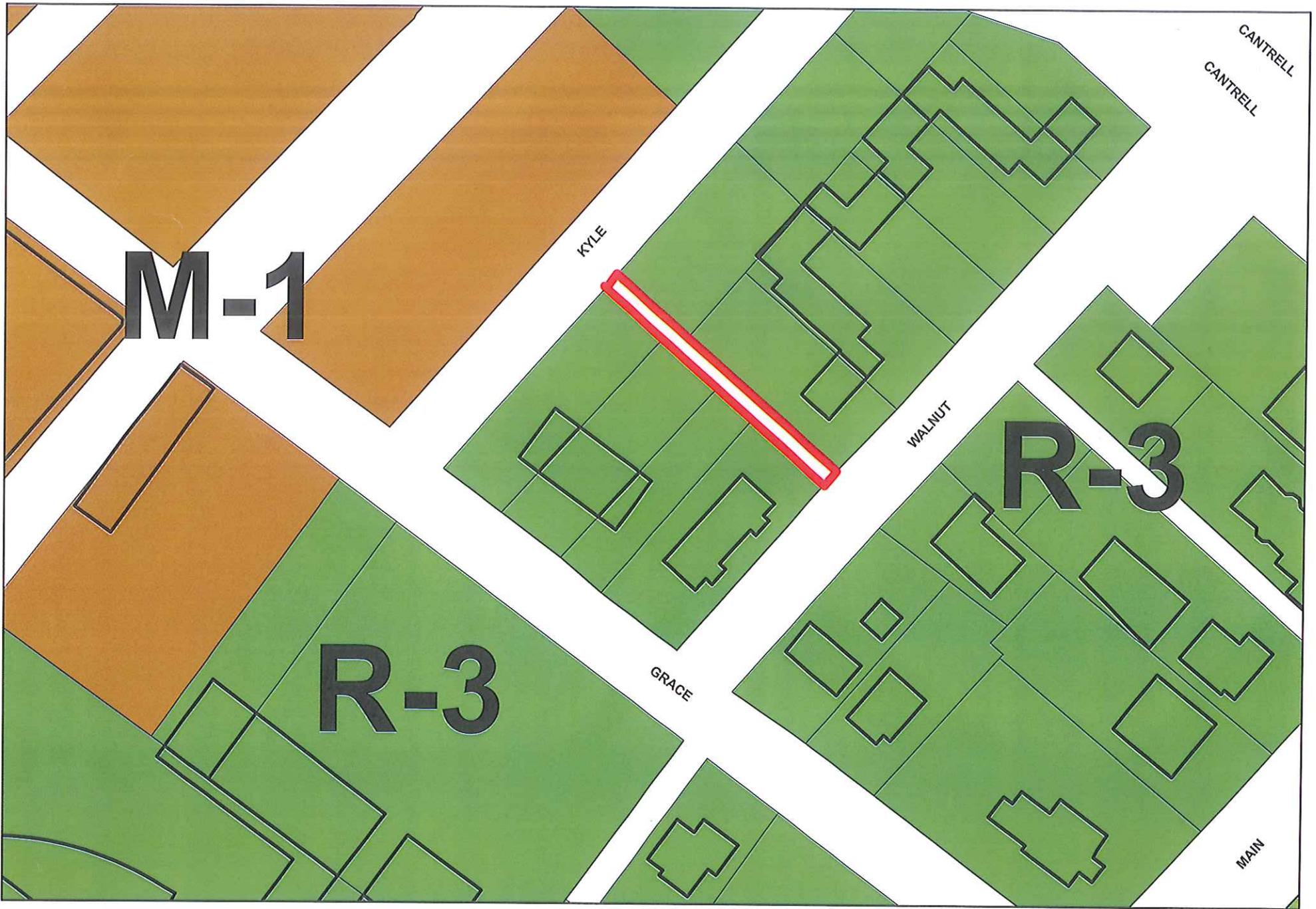
Adjournment

The meeting was adjourned at 7:35 p.m.



CITY OF HARRISONBURG
Alley Closing
Adjacent to 25-K-1 through 5 and 19
JMU Real Estate Foundation, Inc.
Between Walnut Lane and undeveloped
Kyle Street
2,230 +/- square feet
LOCATION MAP


Planning and Community Development
City of Harrisonburg, Virginia



**Alley Closing request - JMU
Adjacent to 25-K-1 through 5, and 19**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 13, 2012

ALLEY CLOSING – ADJACENT TO 25-K-1—5 & 19 (JAMES MADISON UNIVERSITY)

GENERAL INFORMATION

- Applicant:** James Madison University Real Estate Foundation, Inc.
- Tax Map:** Right-of-way adjacent to 25-K-1 – 5 and 19
- Acreage:** 2,230 +/- square feet
- Location:** Alleyway located between Walnut Lane and undeveloped Kyle Street.
- Request:** Consider a request to close a 2,230 square foot alley adjacent to tax parcels 25-K-1 – 5 and 19.

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

- Site:** Paved, 11+/- foot by 203+/- foot alleyway connecting Walnut Lane to undeveloped Kyle Street
- North:** Apartment building, zoned R-3
- East:** Across Walnut Lane, residential units, zoned R-3
- South:** Apartment buildings, zoned R-3
- West:** Undeveloped Kyle Street and a parking lot, zoned M-1

EVALUATION

The applicant is requesting to close an alleyway that is located between Walnut Lane and an undeveloped portion of Kyle Street. The alley, approximately 11 feet in width and 203 feet in length, primarily functions as part of the adjacent parking and maneuvering area for the neighboring apartment buildings. James Madison University Real Estate Foundation, Inc. is the owner of the six parcels directly abutting the right-of-way and desires to close the alley in order to integrate the land into future development for the University.

There is an active sanitary sewer main, located within a public easement that is parallel to the alley and travels through two of the adjoining parcels. If City Council approves the closing, the Public Utilities Department has requested that the public sanitary sewer easement be extended into portions of the closed alley in order to accommodate continued maintenance to the sewer main.

The City has no plans to develop the alley and does not anticipate any negative consequences from vacating the right-of-way. Staff recommends closing the alleyway with the reserved public sanitary sewer easement extension.



May 4, 2012

Mr. Kurt Hodgen, City Manager
City Municipal Building
345 South Main Street
Harrisonburg, VA 22801

Dear Mr. Hodgen,

RE: Alley Closing Application

This letter is in support of James Madison University Real Estate Foundation's request to close an alley-way situated between Kyle Street (an unopened street) and Walnut Lane – as shown on the enclosed surveyor's plat.

The James Madison University Real Estate Foundation (Foundation) desires to demolish its housing facilities that border both sides of this alley-way and in due time, to prepare the site for construction of a new student-housing facility. The alley-way is contiguous to property owned by the City and by the Foundation.

Enclosed are a completed "Application for Street or Alley Closing" form and a check payable to the City in the amount of fifty dollars (\$50) for the application fee.

Thank you for your consideration to the Foundation's request. Please address any questions regarding the application and this matter to my attention.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Thomas H. Schaeffer', written in a cursive style.

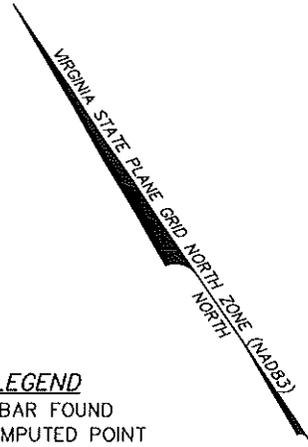
Thomas H. Schaeffer,
Executive VP & Chief Operating Officer
James Madison University Real Estate Foundation, Inc.

Enclosures:

Alley Closing Application
Surveyor's plat
\$50 check

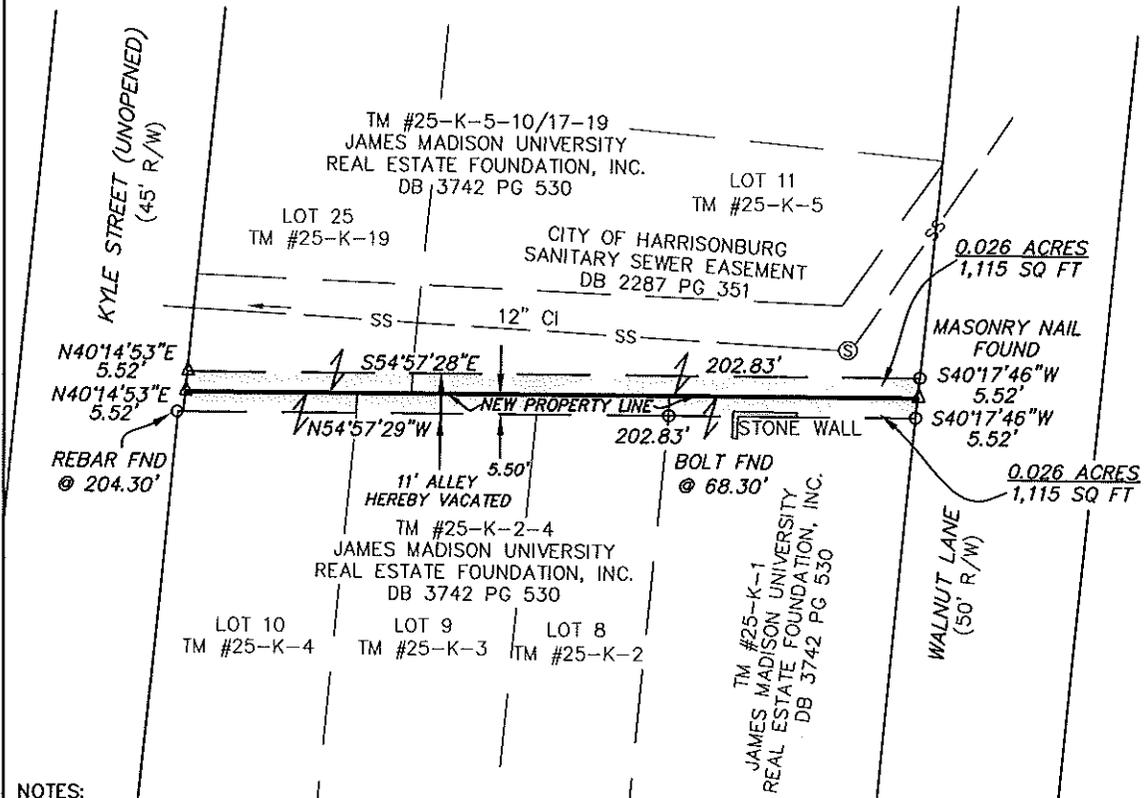
LEGAL DESCRIPTION: 11' ALLEY TO BE VACATED

BEGINNING AT A MASONRY NAIL FOUND IN THE WESTERN RIGHT-OF-WAY OF WALNUT LANE, THENCE ALONG SAID RIGHT-OF-WAY OF WALNUT LANE SOUTH 40 DEGREES 17 MINUTES 46 SECONDS WEST 11.04 FEET TO A REBAR FOUND; THENCE LEAVING SAID RIGHT-OF-WAY AND ALONG THE SOUTHERN RIGHT-OF-WAY OF THE 11 FOOT ALLEY TO BE VACATED NORTH 54 DEGREES 57 MINUTES 29 SECONDS WEST 202.83 FEET TO A POINT IN THE EASTERN RIGHT-OF-WAY OF KYLE STREET (UNOPENED); THENCE ALONG SAID RIGHT-OF-WAY NORTH 40 DEGREES 14 MINUTES 53 SECONDS EAST 11.04 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY OF KYLE STREET AND ALONG THE NORTHERN RIGHT-OF-WAY OF THE 11 FOOT ALLEY TO BE VACATED SOUTH 54 DEGREES 57 MINUTES 28 SECONDS EAST 202.83 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.052 ACRES (2,230 SQUARE FEET).



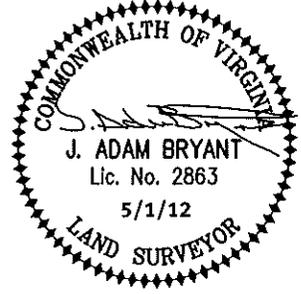
LEGEND

- REBAR FOUND
- △ COMPUTED POINT
- SS— UG SAN. SEWER LINE
- ⊙ SANITARY MANHOLE



NOTES:

1. THIS PLAT HAS BEEN PREPARED FROM FIELD SURVEYS COMPLETED JULY 16, 2010. RESEARCH HAS BEEN UPDATED AS PER THE DATE OF THIS PLAT.
2. THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT, THEREFORE, NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.
3. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN FLOOD ZONE 'X' AND IS NOT LOCATED WITHIN FLOOD HAZARD 'AE' FOR A 100 YEAR FLOOD AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS SHOWN ON COMMUNITY-PANEL MAP #51165C0384D DATED FEBRUARY 6, 2008.
4. THIS SURVEY HAS BEEN PREPARED AT THE REQUEST OF JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION, INC.



PROJECT NO. 20120241	FILE NO. M-13581	DRAWN BY: JAB	40 20 0 40 80 GRAPHIC SCALE IN FEET
G.I. NO. 132-08-A3.4	DATE: 5/1/12	CHECKED BY: JAB	

HURT & PROFFITT
INCORPORATED
2524 LANGHORNE ROAD
LYNCHBURG VA 24501
800.242.4906 TOLL FREE
434.847.7796 MAIN
434.847.0047 FAX

**PLAT SHOWING
ALLEY VACATION BETWEEN
KYLE STREET AND WALNUT LANE
CITY OF HARRISONBURG, VIRGINIA**



CITY OF HARRISONBURG, VIRGINIA

Office of Commissioner of the Revenue

Municipal Building
345 South Main Street
P. O. Box 20031
Harrisonburg, VA 22801-7531
citycomm@ci.harrisonburg.va.us
real_estate_director@ci.harrisonburg.va.us

June W. Hosaflook
Commissioner
(540)432-7704

Lisa Neunlist
Real Estate Director
(540) 432-7795
Fax (540) 432-7781

5/9/2012

MR. KURT HODGEN, CITY MANAGER
CITY OF HARRISONBURG
345 S MAIN STREET
HARRISONBURG, VA. 22801

RE: A REQUEST WAS MADE BY JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION, INC TO PURCHASE AN ALLEY CONTAINING 2,230 SQUARE FEET. THE ALLEY IS LOCATED BETWEEN KYLE STREET AND WALNUT LANE. THE PORTION MEASURES 11' WIDE BY 203' IN LENGTH.

DEAR MR. HODGEN:

IN COMPLIANCE WITH *CITY OF HARRISONBURG CODE OF ORDINANCES, SECTION 6-1-23*, I SUBMIT THE FOLLOWING INFORMATION.

THE ADJOINING PROPERTIES ARE ASSESSED AS FOLLOWS:

25-K- 2 3 4 \$ 5.90 PER SQUARE FOOT, CONTAINING APPROXIMATELY 30,500 SQUARE FEET.
25-K- 5-10 17 18 19 \$10.40 PER SQUARE FOOT, CONTAINING APPROXIMATELY 64,600 SQUARE FEET.

PLEASE NOTIFY ME IF I CAN BE OF FURTHER ASSISTANCE.

Lisa Neunlist

LISA NEUNLIST
REAL ESTATE DIRECTOR

THE CITY WITH THE PLANNED FUTURE

Date application received: _____

Application for Street or Alley Closing City of Harrisonburg, Virginia

Review fee: \$50.00 Board of Viewers appointment (\$50.00 each): \$ _____ Total Paid: \$ _____

Applicant's name: JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION, INC.

Street address: 1320 SOUTH MAIN STREET Email: SCHAEETH@JMU.EDU

City: HARRISONBURG State: VA Zip: 22807

Telephone: Work 540.568.3187 Fax 540.432.0373 Mobile N/A

Representative (if any): TOM SCHAEFFER, EXECUTIVE VP/COO - J.M.U. REAL ESTATE

Street address: "SAME AS ABOVE" Email: FOUNDATION, INC.

City: _____ State: _____ Zip: _____

Telephone: Work _____ Fax _____ Mobile _____

Description of Request

Location: ELEVEN (11) FOOT ALLEY SITUATED BETWEEN KYLE ST. & WALNUT

Square footage of area to be closed: 2,230 SQ FT. LANE

Cost per square foot: \$ _____ Total cost: \$ _____

Please provide a detailed description of the proposed closure (additional pages may be attached): _____

SEE ATTACHED LETTER

Names and addresses of adjacent property owners (Use separate sheet for additional names)

North: JAMES MADISON UNIVERSITY REAL ESTATE FOUNDATION, INC.

South: " " " " " " " "

East: CITY OF HARRISONBURG - KYLE STREET

West: " " " - WALNUT LANE

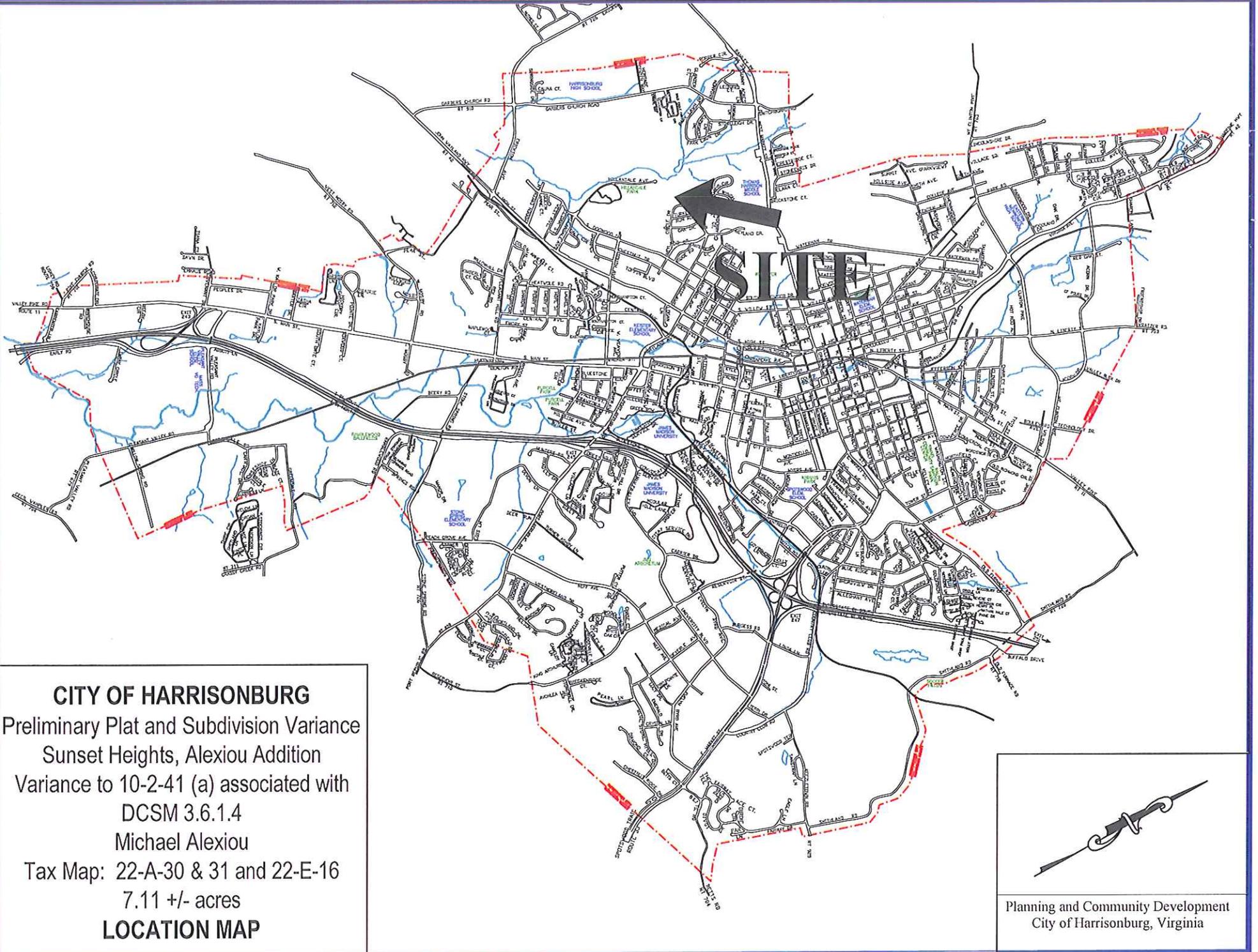
I hereby certify that it is my intention to have the above described Street(s) or Alley(s) closed and that the information contained herein is true and accurate. In addition, I understand that all required advertising and associated costs will be at the expense of the applicant.

Signature: Thomas H. Schaeffer, EXECUTIVE VP/COO MAY 4, 2012
Applicant J.M.U.R.E. FDN, INC. Date

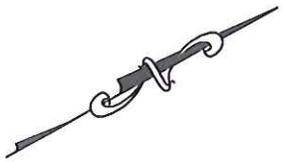
ITEMS REQUIRED FOR SUBMISSION

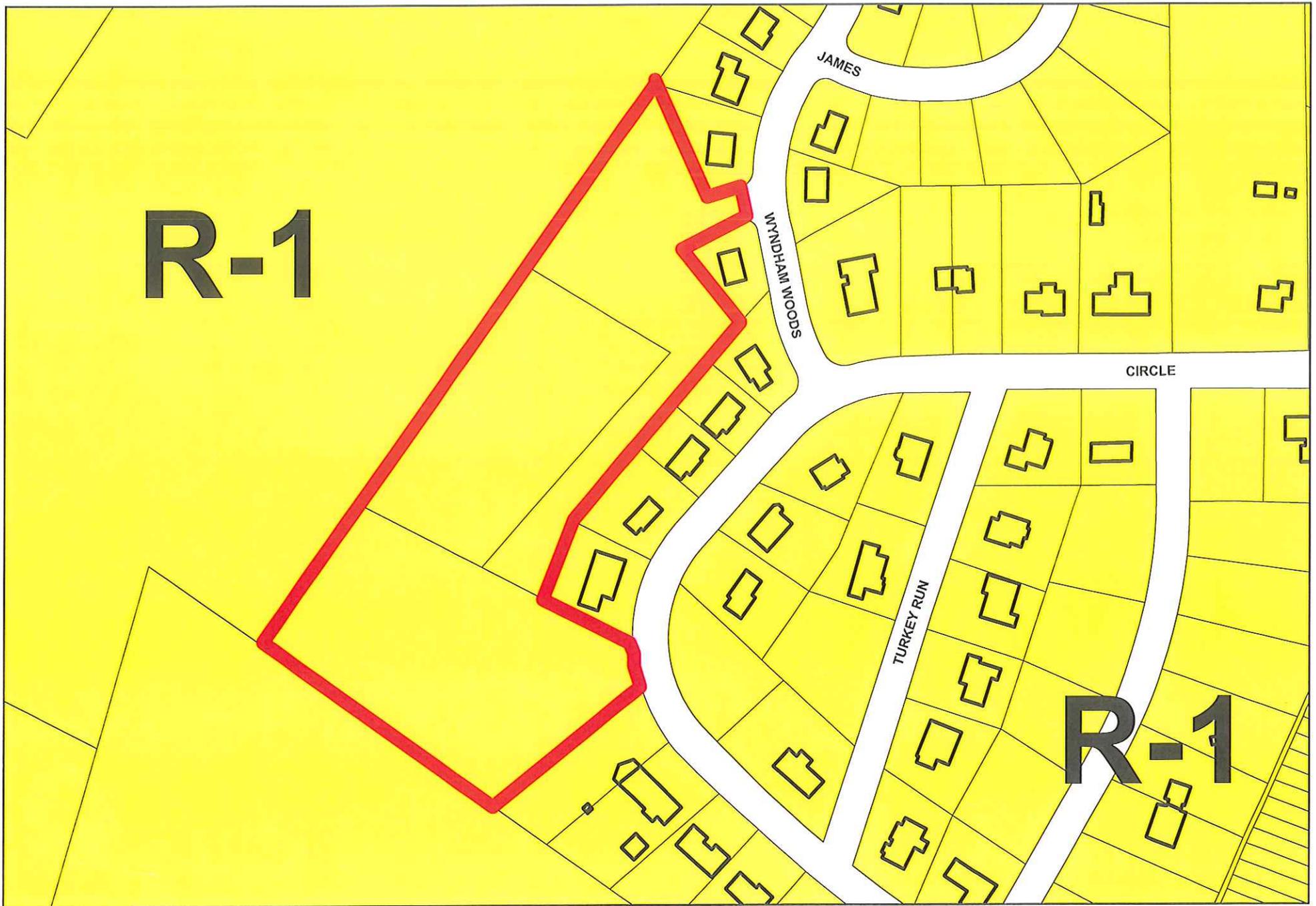
- | | |
|--|---|
| <input checked="" type="checkbox"/> Completed application | <input checked="" type="checkbox"/> Value per square foot of cost to purchase |
| <input checked="" type="checkbox"/> Letter describing proposed use | <input type="checkbox"/> Fees paid |
| <input checked="" type="checkbox"/> Adjacent property owners | <input type="checkbox"/> _____ |
| <input checked="" type="checkbox"/> Survey & metes and bounds description (prepared by a surveyor, engineer, or other person duly authorized by the State) | |

Please be advised, adjoining property owners shall be expected to buy that portion of the street/alley which abuts their property before second reading and final closing! The cost shall be at fair market value determined by the Commissioner of Revenue.



CITY OF HARRISONBURG
 Preliminary Plat and Subdivision Variance
 Sunset Heights, Alexiou Addition
 Variance to 10-2-41 (a) associated with
 DCSM 3.6.1.4
 Michael Alexiou
 Tax Map: 22-A-30 & 31 and 22-E-16
 7.11 +/- acres
LOCATION MAP


 Planning and Community Development
 City of Harrisonburg, Virginia



Preliminary Plat Sunset Heights, Alexiou Addition



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 13, 2012

PRELIMINARY PLAT – SUNSET HEIGHTS, ALEXIOU ADDITION

GENERAL INFORMATION

- Applicant:** Michael Alexiou
Tax Map: 22-A-30 & 31 and 22-E-16
Acreage: 7.11 +/- acres
Location: Along Circle Drive and Wyndham Woods Circle.
Request: Consider a request to preliminarily subdivide three lots into 10 single family home lots.

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:** Undeveloped property, zoned R-1
North: Heritage Oaks Golf Course and single family homes fronting Wyndam Woods Circle, zoned R-1
East: Single family homes fronting Circle Drive, zoned R-1
South: Single family homes fronting Circle Drive and City property including Rocktown Trails, zoned R-1
West: Heritage Oaks Golf Course, zoned R-1

EVALUATION

The applicant is requesting to preliminarily subdivide three lots totaling 7.11 +/- acres into 10 single family home lots and to dedicate a public cul-de-sac street. The proposed development site is zoned R-1, Single Family Residential District and has public street frontage on Circle Drive and from a public street “stub” off of Wyndham Woods Circle.

The subject property has a history of being evaluated for potential single family home development as far back as 1990. The most recent proposal occurred in 2004 when the City approved a preliminary plat known as “Sunset Heights, Holmes Addition,” which planned two, separate sections of development. The first section included 13 single family home lots fronting a public cul-de-sac street. That section was ultimately final platted and constructed and exists now as James Place with multiple single family homes completed and occupied. The second section, the property currently under review,

planned 19 single family home lots fronting a public street that stretched the length of the property from its Circle Drive street frontage to the public "stub" along Wyndham Woods Circle. That section was never final platted and has since been sold to a new owner, who is now presenting the new layout.

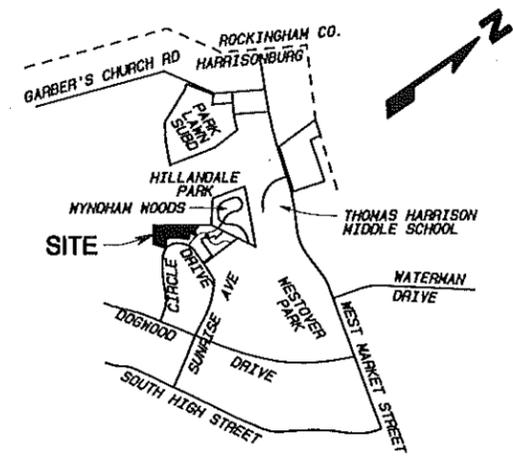
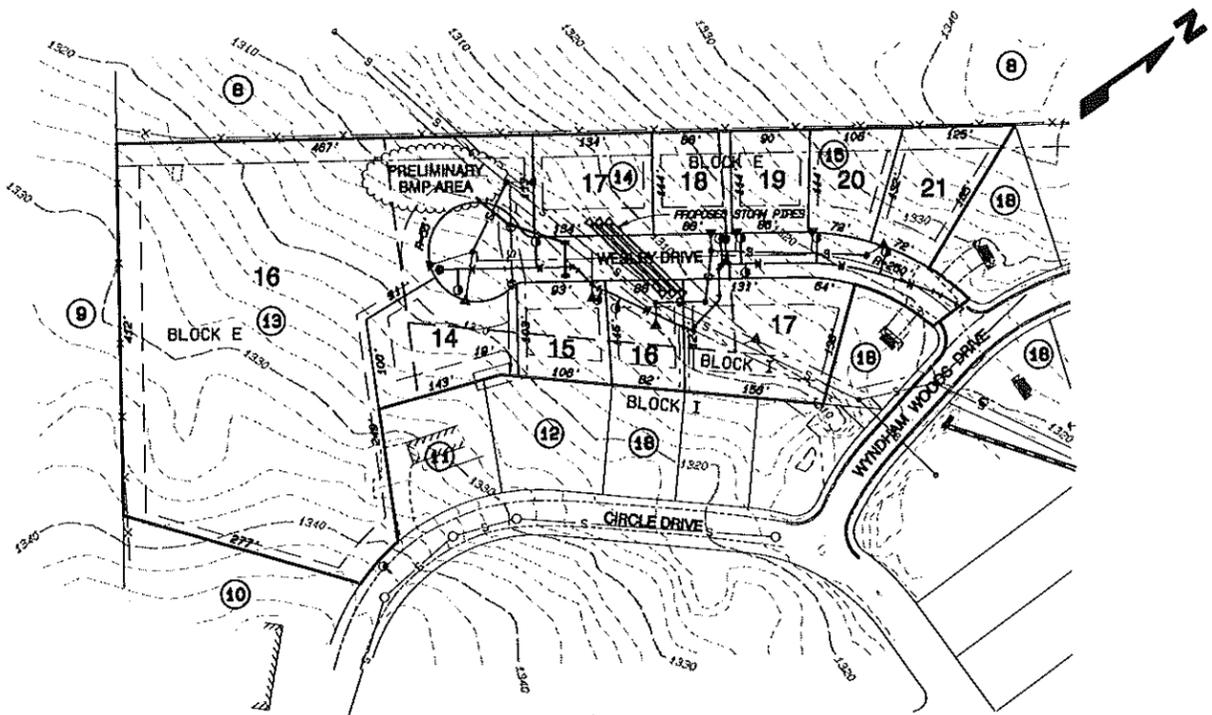
As noted above, 10 single family home lots are planned along with the dedication of a public cul-de-sac street. The applicant plans to maintain ownership of lot 16 in Block E and to build and live in a single family home on that lot. Per the recently revised Subdivision Ordinance Section 10-2-41 (e), which states, "Cul-de-sacs and other permanent dead-end streets are prohibited except when permitted by the planning commission in accord with the DCSM," Planning Commission must give approval of this layout for it to comply with the Subdivision Ordinance. Staff has no problem with the permanent cul-de-sac configuration as shown and it appears it would be able to comply with the specifications of the Design and Construction Standards Manual (DCSM). Other than designing a public street configuration similar to the previously approved preliminary plat, which was denser than the planned layout, there are no other realistic alternatives as a public street could not be "stubbed" to the adjacent properties with the intent to extend that street because the adjoining properties include the City's Heritage Oaks Golf Course and the City's Rocktown Trails park. Staff recommends Planning Commission accept the proposed permanent public cul-de-sac street.

Other than Planning Commission consenting to the situation as just described, there are no major issues with the preliminary plat and it complies with all other Subdivision Ordinance requirements. The public street that would ultimately be built would meet minimum City standards including sidewalk on both sides of the street. Upon final platting, the City would accept the street and officially take ownership and provide typical maintenance services (i.e. snow removal, street repair, trash service, etc.).

Planning Commission should be aware of the specifics as listed in the "Notes" section described on the plat; specifically numbers 14 and 15. Although there is no officially recognized stream in this area or issues regarding the floodplain, this property includes a low-lying area that is prone to high volumes of water accumulating on and passing through this acreage. Note 14 explains that minimum floor elevations will be provided during the construction plan approval process for homes planned on the lots that are prone to collecting high volumes of water. Although it is not a subdivision requirement to demonstrate this on the plat, staff wanted it included on the plat for public awareness of this issue and to remind the developer to recognize the potential problems that could occur on those lots. This issue was previously worked out during the comprehensive site plan review process that occurred after the 2004 preliminary plat was approved.

Note 15 describes that the applicant will dedicate either an easement or fee simple property to the City for use as a shared use path as described on page 23 in the City's Bicycle and Pedestrian Plan as the "Circle Drive to Hillandale Park" connection. This connection, which is planned to cut-through this property, is part of a larger concept that would create a bicycle and pedestrian link from Westover Park and Thomas Harrison Middle School to Hillandale Park. The final plat for this development would not be approved until this connection is somehow accommodated, whether on the final plat or some other instrument for recordation.

Staff recommends approving the preliminary plat.



SITE MAP
0 2000 4000 FT.

NOTES

- OWNER & DEVELOPER: MICHAEL A. AND JERRI A. ALEXIOU, 1048 S. DOSWOOD DRIVE, HARRISONBURG, VA. 22601
- THIS PROPERTY IS IDENTIFIED AS THE FOLLOWING TAX PARCELS: 022 A 31 22-18. THIS PROPERTY IS ZONED R-1 SINGLE FAMILY RESIDENTIAL. PRESENT LAND USE IS VACANT WOODS AND BRUSH. PROPOSED LAND USE IS SINGLE FAMILY RESIDENTIAL. 10 LOTS ARE PROPOSED.
- ADJACENT PROPERTY IS ZONED P-1. ADJACENT LAND USE IS SINGLE FAMILY RESIDENTIAL AND CITY PARK.
- TOTAL PROJECT AREA: 7.11 ACRES
TOTAL PROPOSED STREET AREA: 0.79 ACRES
TOTAL PROPOSED LOT AREA: 6.32 ACRES
TOTAL NUMBER OF SINGLE FAMILY LOTS: 10
- PROPOSED DRAINAGE FACILITIES WILL BE SIZED PER CITY DESIGN AND CONSTRUCTION STANDARDS MANUAL (DCSM).
- MINIMUM LOT WIDTH AT FRONT SETBACK IS 80 FT.
- MINIMUM LOT AREA FOR SINGLE FAMILY HOUSE IS 10,000 SQ. FT.
- ALL LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER. WATER MAINS WILL BE 8". SEWER MAINS WILL BE 8". WATER AND SEWER SYSTEMS WILL BE IN ACCORDANCE WITH THE CITY DCSM.
- PROPOSED STREET CONSTRUCTION WILL PROVIDE: 60 FOOT WIDE PUBLIC RIGHT-OF-WAY IN COMPLIANCE WITH LOCAL STREET STANDARDS IN ACCORDANCE WITH CITY CODES. 34' STREET WIDTH FACE OF CURB TO FACE OF CURB. STREET GRADES VARY FROM 1% TO 10%.
- EXISTING STREETS HAVE 60 FOOT WIDE PUBLIC RIGHT-OF-WAY. CIRCLE DRIVE HAS 20' OF PAVEMENT WITHOUT CURB AND BUTTER. MYNDHAM WOODS DRIVE HAS 34' STREET WIDTH FACE OF CURB TO FACE OF CURB.
- EASEMENT REQUIREMENTS WILL BE DETERMINED DURING THE CONSTRUCTION PLAN REVIEW AND WILL BE FINALIZED PRIOR TO FINAL PLAT APPROVAL.
- ALL EXISTING INTERNAL PROPERTY LINES WILL BE VACATED ON FINAL PLAT.
- STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL WILL COMPLY WITH CITY & STATE REQUIREMENTS.
- FOR LOTS SUBJECT TO FLOODING, MINIMUM HOUSE FLOOR ELEVATIONS WILL BE PROVIDED DURING THE CONSTRUCTION PLAN APPROVAL PROCESS.
- AN EASEMENT AND/OR LAND DEDICATION WILL BE PROVIDED TO THE CITY OF HARRISONBURG FOR THE PLANNED SHARED PATH AS GENERALLY DESCRIBED WITHIN THE CITY'S BICYCLE & PEDESTRIAN PLAN AS "CIRCLE DRIVE TO HILLLENDALE PARK" CONNECTION. THE DETAILS OF THE LOCATION AND THE TYPE OF DEDICATION WILL BE ADDRESSED DURING THE COMPREHENSIVE SITE PLAN APPROVAL PROCESS.

LEGEND

- PROPERTY LINE
- - - - - EXISTING INTERNAL PROPERTY LINE
- E- - - EXISTING OVERHEAD ELECTRIC AND/OR TELEPHONE
- UT- - - EXISTING UNDERGROUND TELEPHONE
- UE- - - PROPOSED UNDERGROUND ELECTRIC
- - - - - EXISTING EASEMENT LINE
- - - - - PROPOSED EASEMENT LINE
- SETBACK LINE
- - - - - EXISTING 2' CONTOURS
- - - - - EXISTING 10' CONTOURS
- CENTERLINE OF STREET R/W
- - - - - EXISTING EDGE OF GRAVEL
- - - - - EXISTING EDGE OF PAVEMENT
- PROPOSED CENTERLINE OF DITCH W/MAT
- S- - - EXISTING SEWER
- S- - - PROPOSED SEWER
- M- - - EXISTING WATER LINE
- M- - - PROPOSED WATER LINE
- - - - - EXISTING STORM SEWER
- - - - - PROPOSED STORM SEWER
- WATER METER
- EXISTING WATER VALVE
- FIRE HYDRANT ASSEMBLY
- EXISTING MANHOLE
- PROPOSED MANHOLE
- ⌋ EXISTING UTILITY POLE

PROPERTY IDENTIFICATION

KEY	TN	BLK	LOT	OWNER	DB	PAGE
8	118	A	1	CITY OF HARRISONBURG		
9	020	H	1	CITY OF HARRISONBURG	1915	652
10	022	E	15	MANNASKITH, RICHARD T. & DOLORES L.	1143	762
11	022	I	13	CHALM, STEVEN C. & CHERYL S.	1736	101
12	022	I	12	LANKFORD, ANDREW B. & HEATHER H.	2635	645
13	022	E	16	ALEXIOU, MICHAEL A. & JERRI A.	3791	475
14	022	A	31	MAXART ENTERPRISES, LLC.	3791	471
15	022	A	30	MAXART ENTERPRISES, LLC.	3791	471
18				SUNSET HEIGHTS, CONRAD ADDITION 2	1111	308

**PRELIMINARY PLAT
SUNSET HEIGHTS
ALEXIOU ADDITION
CITY OF HARRISONBURG, VA.**

BRUNK & HYLTON ENGINEERING, INC. ENGINEERING SURVEYING PLANNING P. O. BOX 7 WEYERS CAVE, VIRGINIA 24486 540 234-9112	DSN: JLB	DWG: RKH	FILE: 12018.pro	PROJ: 12018
1 05-29-12 CITY COMMENTS	DATE: MAY 10, 2012	SCALE: 0 100 200 FT.	SHEET 1 OF 1	
REV DATE DESCRIPTION	PLOTTED: May 30, 2012			

Date Application Received: ⁰⁵ ~~8~~ 10-12

Total Paid: 375.⁰⁰ 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 applicable (see back for details)
Variance Request \$200.00 plus \$20.00 per lot

I, Michael Alexiou, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

Description of Property

Title of Subdivision: Sunset Heights, Alexiou Addition
Location (Street Address): Wyndham Woods Dr Sheet: 22 Block: E Lot: 16
Total Acreage: 7.11 Number of Lots Proposed: 10 Zoning Classification: A ³⁰⁺³¹
R-1

Proposed Use of Property: Single Family Residential

Property Owner's Name: Michael Alexiou
Street Address: 1048 S. Dogwood Dr. Email: michaelalexiou@gmail.com
City: Harrisonburg State: VA Zip: 22801
Telephone: Work 433-3232 Fax _____ Mobile 435-1779

Owner's Representative (if applicable): Jerry L. Brunk
Street Address: P.O. Box 7 Email: jerry@b-heng.com
City: Weyers Cave State: VA Zip: 24486
Telephone: Work 234-9112 Fax 234-0417 Mobile _____

Developer: (same as Owner)
Telephone: _____ Email: _____

Surveyor/Engineer: Brunk & Hylton Engineering
Telephone: (above) Email: (above)

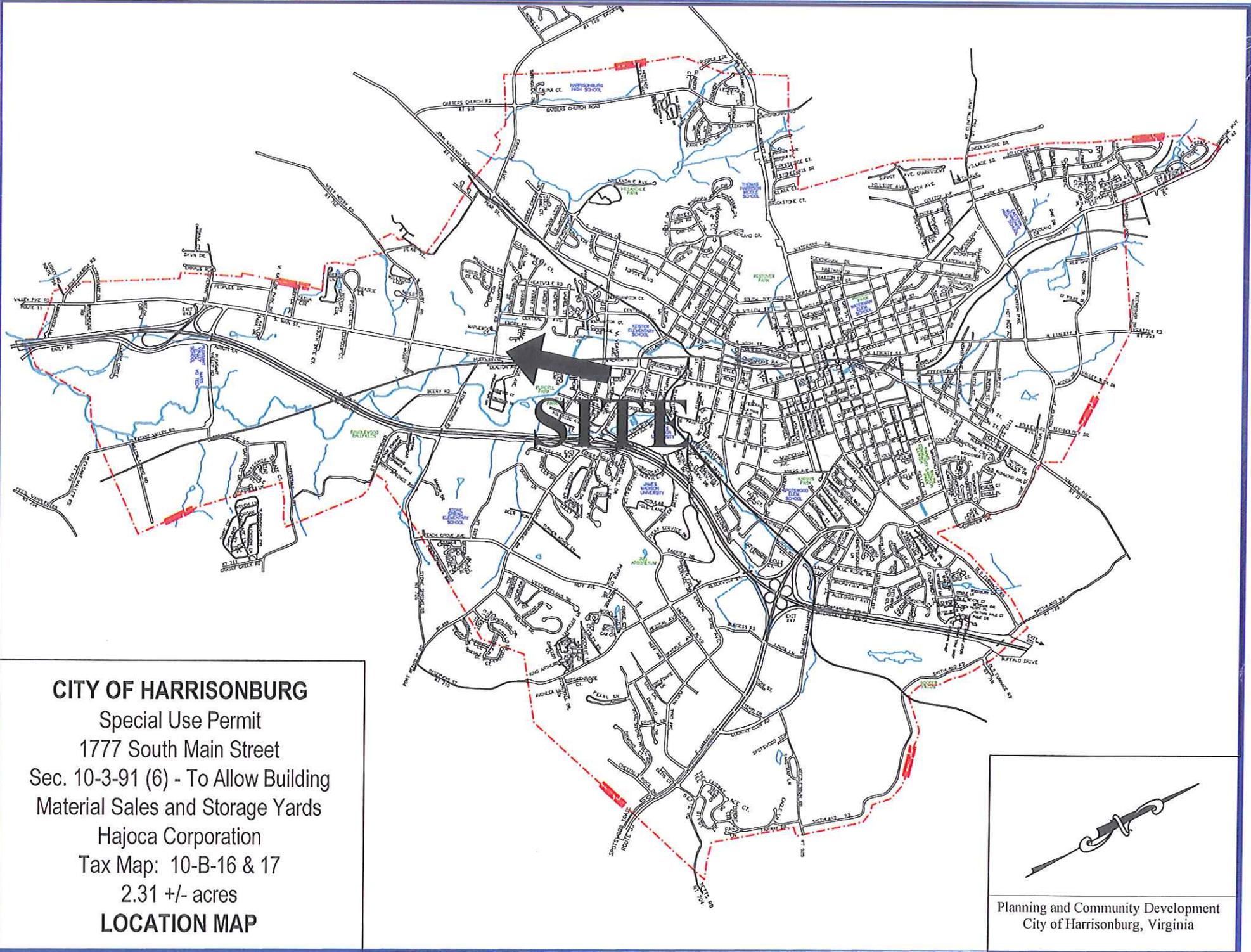
VARIANCES

NOTE: If a variance is requested, please provide the following information:
I (we) hereby apply for a variance from Section NA 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):

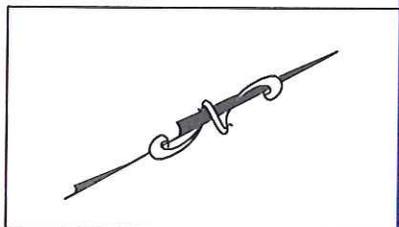
The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance Sections 10-2-1 through 10-2-86. Please read these requirements carefully.

Certification: I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.
Signature: _____ Signature: Jerry L. Brunk
Property Owner Applicant, if different from owner

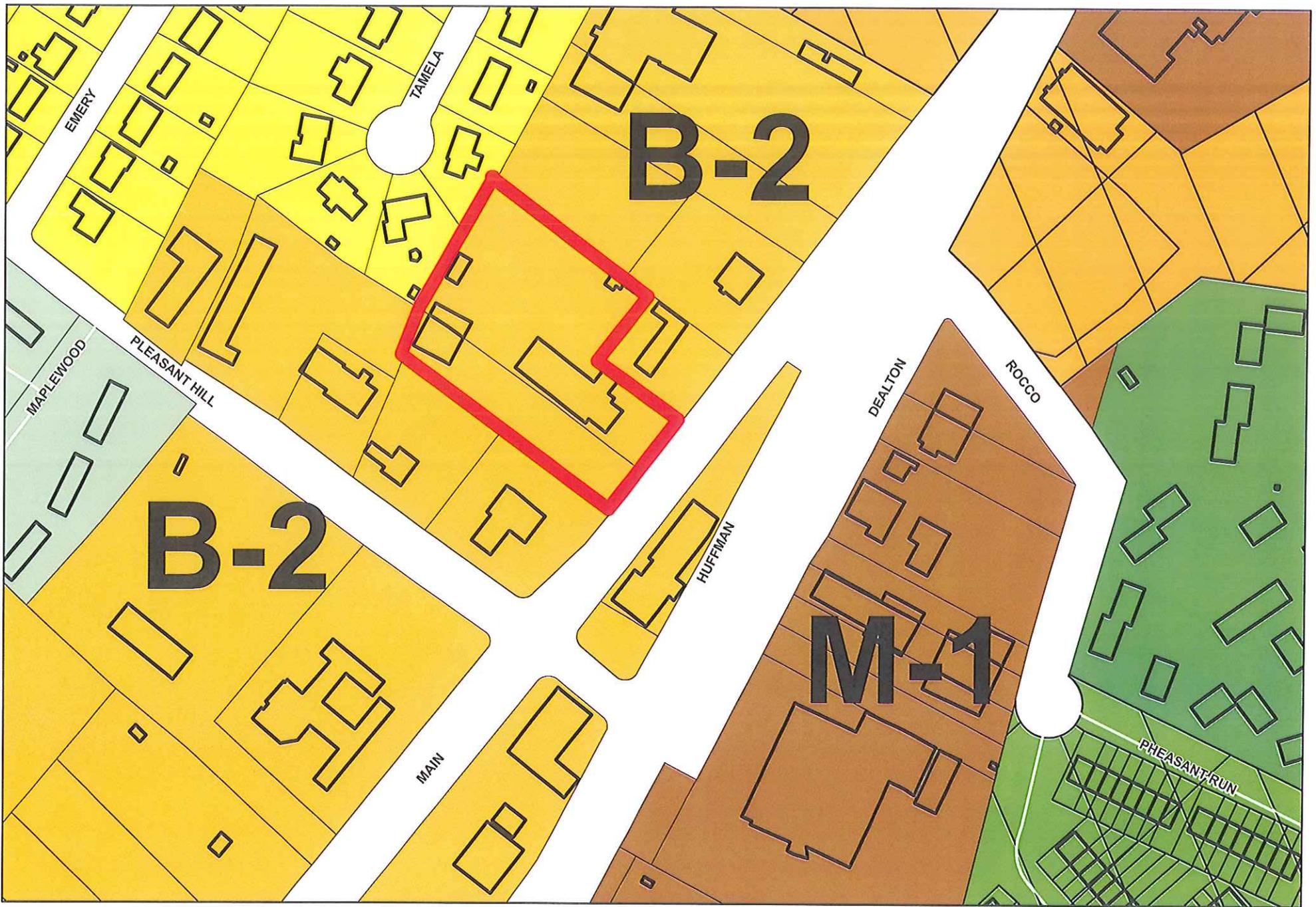


CITY OF HARRISONBURG

Special Use Permit
1777 South Main Street
Sec. 10-3-91 (6) - To Allow Building
Material Sales and Storage Yards
Hajoca Corporation
Tax Map: 10-B-16 & 17
2.31 +/- acres
LOCATION MAP



Planning and Community Development
City of Harrisonburg, Virginia



SUP - 1777 South Main Street
10-3-91(6) Building Material/Contractor Sales and Storage



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
June 13, 2012

SPECIAL USE PERMIT – 1777 SOUTH MAIN STREET (10-3-91 (6))

GENERAL INFORMATION

Applicant: Wayne B. and Karen B. Rothery with representative John Colonna, Hajoca Corporation
Tax Map: 10-B-16 and 17
Acreage: 2.31 +/- acres
Location: 1777 South Main Street
Request: Public hearing to consider a request for a special use permit per Section 10-3-91 (6) of the Zoning Ordinance to allow building material sales and storage yards within the B-2, General Business District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City.

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

Site: Commercial rental/retail business, zoned B-2
North: Market, restaurant, and auto sales lot, zoned B-2
East: Retail stores, zoned B-2
South: Financial institution and business office, zoned B-2
West: Extended stay hotel, zoned B-2 and single-family homes, zoned R-1

EVALUATION

The applicants are requesting a special use permit (SUP) per section 10-3-91 (6) of the Zoning Ordinance in order to operate a building material sales and storage yard within the B-2, General Business District. The 2.31 +/- acre site, approximately 250 feet north of the intersection of South Main Street and Pleasant Hill Road, is currently the home of Rockingham Rent All. The property includes a 9,000 square foot building with a showroom, an additional 4,200 square foot building, and a fenced, outdoor storage area to the rear of the property.

Hajoca Corporation, a plumbing, heating, and industrial supply business, currently located in an M-1, General Industrial District along Waterman Drive, desires to relocate their business to the subject property at 1777 South Main Street. The proposed site provides extra warehouse and storage space for

the business, along with a larger showroom, office area, and it would be a more visible and convenient location for customers.

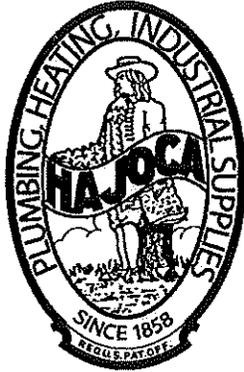
The site is located along a busy, north-south corridor of the City, and is shown as part of the Corridor Enhancement Area within the Comprehensive Plan. The quality and character of these routes strongly influence the City's attractiveness and economic vitality; therefore, careful consideration should be given to uses, streetscapes, and access to the property. Staff has concern with outdoor storage and displays along this passageway, and suggests placing a condition on the SUP to prohibit storage or display of materials within the front and south side of the property.

Because of its proximity to the traffic signal at Pleasant Hill Road, there may be potential ingress/egress problems for customers at the site. Staff has discussed these concerns with the applicant and expressed to them the City will not be making modifications to traffic signal timings, street markings, or increased signage at their entrance (i.e. "Do Not Block" entrance signage) should this proposal be approved.

The applicants have expressed they would have outdoor storage in the fenced rear portion of the site. Going beyond the intentions of the applicant, staff is suggesting all outdoor storage be within the rear of the property. The rear of this property abuts an R-1, Single-family Residential District where a dense landscaping and fencing buffer currently exists. However, staff has concern with the close proximity to the homes. There may be noises associated with this type of outdoor storage area, such as trucks loading and unloading throughout the day, creating problems for the adjacent home owners. Staff realizes there are other permitted uses which could locate here and also create noise issues for the abutting properties; however, those uses would require a setback for buildings and/or for parking. Staff is suggesting an additional condition that all outdoor storage is setback at least 30-feet from the rear property line, allowing for some additional space between the homes and this typically industrial use.

The Comprehensive Plan recognizes this area as Commercial and staff feels this particular use is not so intense that it would be incompatible with the other uses along this corridor, with the appropriate conditions. Staff recommends in favor of the request with the following conditions:

1. There shall be no outside storage or display of materials between the 9,000 square foot, showroom building and the front and south-side property lines;
2. All outdoor storage is setback at least 30-feet from the rear property line;
3. If in the opinion of Planning Commission or City Council, the building material storage yard becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.



CELEBRATING 150 YEARS

HAJOCA since 1858

PLUMBING • HEATING • INDUSTRIAL SUPPLIES

SERVICE, INTEGRITY, RELIABILITY

To: The City of Harrisonburg Planning Commission

Hajoca Corporation is the nation's largest privately-held plumbing wholesaler. Our company was established in 1858 and has grown to over 300 locations in the United States and Canada. Hajoca is a company based on the principles of "Service, Integrity, Reliability," and on relationships of trust and support with employees, customers, and suppliers. We primarily sell plumbing supplies to home owners, contractors, and municipalities.

Our business in Harrisonburg has doubled this past year and we are excited to have created 3 new jobs. As we continue to grow, it is very important for us to have a convenient location for our customers with room to expand. I've spent the past year looking at potential new locations and believe that the former Rockingham Rental building on 1777 S. Main Street is the best fit for our business and our customers. By moving to this location, I believe we will have the freedom to continue creating jobs and stimulate the local economy. We pride ourselves on having a professional, clean appearance for our showroom, offices, and warehouse. Due to the nature of our business, we will need to store some pipe and fittings in the back yard of the building, but this will not be highly visible from the main road. I look forward to meeting with you as we work through the special use permit process.

Sincerely,

John O. Colonna III

John Colonna
Branch Manager
Hajoca Corporation
680 Waterman Drive
Harrisonburg, VA 22802
Office: 540-433-1827
Mobile: 540-904-3004
E-mail: john.colonna@hajoca.com



1777 SOUTH MAIN STREET

HARRISONBURG, VA 22801

13,200 SQFT

- 9,000 Retail/Office/Storage space
- 4,200 Warehouse

2.18 Acres

FOR SALE OR LEASE



REAL ESTATE OFFERED FOR
SALE OR LEASE

Purchase price - \$1,050,000

Lease Terms

\$5000.00 /month NNN

BUSINESS

Offered at \$795,000

includes inventory and equipment

PROREALTY GROUP, INC.

250 E. Elizabeth Street

Suite 212

Harrisonburg, VA 22802

540.433.7767

1777 SOUTH MAIN STREET HARRISONBURG, VA 22801

- **PROPERTY** - Consists of 2 buildings on 2.18 acres. Main building is masonry and glass and offers 9000 square feet of retail, office and storage space. Features multiple overhead doors, shop areas, sales showroom and equipment storage. Second building is metal with concrete floor and has 4200 square feet of warehouse space. Lot is partially fenced. City utilities. Zoned B-2.
- **AREA**- Located near JMU on Route 11 with easy access to I-81, Port Republic Road and other major roadways. Many commercial and residential developments nearby.
- **BUSINESS** - operated for over 35 years by the same owners. Long established customer base with room for growth. See broker for more details.

Date Application Received: 05/08/2012

Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 465.00

Property Owner's Name: WAYNE B. & KAREN B. ROTHERY

Street Address: P.O. BOX 340 Email: _____

City: Mc GARRYSVILLE State: VA Zip: 22840

Telephone: Work 433-2591 Fax 433-2571 Mobile _____

Owner's Representative: John Colonna - Hajoca Corporation

Street Address: 680 Waterman Drive Email: john.colonna@hajoca.com

City: Harrisonburg State: VA Zip: 22802

Telephone: Work 540-433-1827 Fax 540-433-7443 Mobile 540-904-3004

Description of Property and Request

Location (Street Address): 1777 South Main St. Harrisonburg, VA

Tax Map Number Sheet: 10 Block: B Lot: 16, 17 Lot Area: _____

Existing Zoning Classification: B-2

Special Use being requested: 10-3-91 #6 - Building Material Sales and Storage.

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

See attached page.

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: *Karen B. Rothery*
Property Owner

ITEMS REQUIRED FOR SUBMISSION

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

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



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

June 13, 2012

ZONING ORDINANCE AMENDMENT

Sections 10-3-24, 10-3-58.4, 10-3-85, 10-3-91, and 10-3-97 (Portable Restroom Facility)

Staff is proposing to amend the Zoning Ordinance to manage the use of portable restroom facilities to allow them only by special use permit in certain zoning districts. In doing so, staff has drafted a definition of "portable restroom facility" to be inserted into the Zoning Ordinance and is recommending the use be a special use permit within the MX-U, Mixed Use Planned Community District; B-1, Central Business District; B-2, General Business District; and M-1, General Industrial district.

This proposed amendment resulted from two, separate entities recently inquiring with the City about installing portable restroom facilities, on private property, as a permanent means for providing a bathroom for the individuals that work for their operations and for the customers that patronize their businesses. The types of businesses and operations that are currently interested in having these facilities are not required to provide restrooms for their employees or for customers to the businesses.

In discussing the proposals, staff has concluded there are no City Codes or other relevant codes that prohibit a property owner from locating a portable restroom facility on their property and using it indefinitely. At this time, it is not public information to who has discussed the intent to install these facilities, and thus it is appropriate to maintain confidentiality; however, staff can communicate that both locations are in the City's downtown area. Although staff has concerns about permanently locating these types of facilities anywhere in the City, arguably the downtown area causes the greatest concern due to its pedestrian nature and close-quarters environment.

Up to this time, the City has not regulated the use of portable restroom facilities as they are mainly used on a temporary basis at active construction sites and at festivals and other special events. The intended use as a permanent fixture, however, creates concern for issues such as security, general maintenance, health and sanitation matters, and concerns regarding site aesthetics.

When reading the proposed legislation, note that it would not prohibit active construction sites from using portable restroom facilities by-right nor would it require groups or individuals to obtain a special use permit to use them for festivals or special events so long as they are not located for more than three consecutive days.

Staff recommends the following statement be included in the Zoning Ordinance Section 10-3-24 to define "portable restroom facility:"

A movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs.

Staff also recommends the following statement be included within Sections 10-3-58.4, 85, 91, and 97, which is the special use permit sections of MX-U, B-1, B-2, and M-1, respectively:

Portable restroom facilities, other than at active construction sites, for a period of more than three (3) consecutive days.

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-24

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-24. Definitions shall be amended by Adding the following definition as shown:

Portable Restroom Facility: A movable restroom facility including but not limited to single portable toilets, portable sinks, trailer-mounted toilets, and restroom trailers that may include showers and tubs.

The remainder of Section 10-3-24 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

10-3-58.4

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-58.4, Uses Permitted Only by Special Use Permit of the MX-U, Mixed Use Planned Community District shall be amended by Adding Subsection (5) as shown:

- 5) Portable restroom facilities, other than at active construction sites, for a period of more than three (3) consecutive days.

The remainder of Section 10-3-58.4 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. Uses Permitted Only by Special Use Permit of the B-1, Central Business District shall be amended by Adding Subsection (9) as shown:

9) Portable restroom facilities, other than at active construction sites, for a period of more than three (3) consecutive days.

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

Draft

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-91

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-91. Uses Permitted Only by Special Use Permit of the B-2, General Business District shall be amended by Adding Subsection (16) as shown:

16) Portable restroom facilities, other than at active construction sites, for a period of more than three (3) consecutive days.

The remainder of Section 10-3-91 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

10-3-97

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-97. Uses Permitted Only by Special Use Permit of the M-1, General Industrial District shall be amended by Adding Subsection (14) as shown:

14) Portable restroom facilities, other than at active construction sites, for a period of more than three (3) consecutive days.

The remainder of Section 10-3-97 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

May 2012 Proactive-Zoning Report

For the month of April 2012 the proactive-zoning program targeted the **Northeast** section of the city. During the proactive inspections a total of twenty-nine 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	8	7	6	5
March 2012	Parkview	5	5	19	7	16
April 2012	Ind./Tech Park	0	0	0	1	0
May 2012	Northeast	29	n/a	80	45	63
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 June 2012 will be directed towards the enforcement of the Zoning Ordinance in the **Exit 243** section of the City.