



City of Harrisonburg, Virginia

Planning Commission Meeting

September 10, 2014

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 August 13, 2014 regular meeting.

2) New Business

Rezoning – EMU Master Plan Change 2014

Public hearing to consider a request from Eastern Mennonite University to rezone 26.6 +/- acres of property zoned R-3, Medium Density Residential District and I-1, Institutional Overlay District by amending their master plan. The property is located along Park Road, West Dogwood Drive, and Hillcrest Drive, with short frontages along College Avenue and Smith Avenue. The property is identified as tax map parcel 51-A-1.

3) Unfinished Business

Alley Closing – Adjacent to 40-N-13A & 14 (LFSVA)

Consider a request from Lutheran Family Services of Virginia, Inc. (LFSVA) the sole “member” of Massanutten Street, LLC to close approximately 700 +/- sq. ft. of public alley right-of-way. The entire alley stretches about 660 feet between Jackson Street and West Washington Street, however, the section requested for closure extends from Jackson Street southward about 50 feet. The section to be closed is about 14 feet wide and is adjacent to tax map parcels 40-N-13A and 14.

4) Public Input

5) Report of secretary and committees

6) Other Matters

7) Adjournment

Staff will be available Monday October 6, 2014 at 4:30 p.m. for those interested in going on a field trip to view the sites for the October 8, 2014 agenda.

MINUTES OF HARRISONBURG PLANNING COMMISSION
August 13, 2014

The Harrisonburg Planning Commission held its regular meeting on Wednesday, August 13, 2014 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

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

Members absent: Henry Way.

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

Chair Fitzgerald called the meeting to order and determined there was a quorum with six members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the July 9, 2014 Planning Commission meeting.

Mr. Heatwole moved to approve the minutes as presented from the July 9, 2014 regular Planning Commission meeting.

Mr. Colman seconded the motion.

Dr. Dilts and Mr. Da'Mes abstained from voting because they were not in attendance at the meeting.

All members voted in favor of approving the July 2014 minutes (4-0).

New Business

Street Closing – Adjacent to 40-N-6 through 13, 13A & 14 (LFSVA)

Chair Fitzgerald read the request and asked staff to review.

Mr. Colman recused himself from the meeting.

Mr. Fletcher said the following land uses are located on and adjacent to the property:

Site: Undeveloped 14-foot wide public alley

North: Public street right-of-way of substandard Jackson Street and industrial uses, zoned M-1

East: Minnick School, zoned M-1

South: Continuation of the 14-foot wide, undeveloped public alley extending to West Washington Street

West: Residential dwellings (single family homes and duplexes), zoned R-2

The applicant, the owner/operator of the Minnick School, is requesting to close 5,857 +/- square feet of the 14-foot wide undeveloped public alley right-of-way (ROW) adjacent to their property. The entire alley stretches between Jackson Street and West Washington Street for a length of about 660 feet; however, the section requested for closure extends from Jackson Street southward about 410 feet—the length adjacent to the applicant's property. If approved as requested, there would remain approximately 250 feet in length as undeveloped public alley ROW extending to West Washington Street.

The Minnick School has operated at the Massanutten Street location since 2007 after they received approval of a special use permit per Section 10-3-97 (9) to allow the school within the M-1, General Industrial District.

As is standard practice, if the City approves the closing request, all property owners adjacent to the requested areas for closure will have the opportunity to purchase up to 50 percent of the ROW width along the entire length adjoining their property. If approved, the applicant could obtain the entire width of the alley for the first 50 feet extending from Jackson Street as they own the private property on both sides of this section of the alley. As noted by the submitted letter, the applicant is interested in obtaining any portion of the alley that adjoining property owners do not wish to purchase.

During the review process, the applicant contacted each of the adjoining property owners to notify them of their intentions to close the alley. This letter, and copies of the certified mailings, is included within the packet of information. The alley closing application request was originally scheduled to be heard at Planning Commission's July regular meeting, however, while in review, an issue arose regarding potential minimum building setback requirements and to work-out this issue the applicant had to delay the request until Planning Commission's August regular meeting. Since adjoining property owners are not notified by the City during the Planning Commission review, the applicant kept the adjoining property owners aware of the application process and sent them a follow-up letter providing notice of the hearing's delay. A copy of this letter is also included within the packet. (The setback matter was eventually resolved.)

There is sanitary sewer infrastructure located within the northern section of the area requested for closure. (See the aerial map included within the packet, which demonstrates the general location of the sewer lines within this area.) Staff will recommend the City Attorney reserve an easement within this area for the City to be able to maintain this infrastructure. The easement shall be at minimum 20-feet wide centered on the utility line. In addition, Columbia Gas of Virginia, Inc. has a 2-inch gas line that runs the length of the entire alley. Staff will recommend the City Attorney reserve an easement over the entire section of the alley to be closed so that Columbia Gas can maintain their infrastructure. Because easements will be located within the entire section of the alley to be closed, no structures can be located within this area.

The submitted survey of the alley demonstrates the area which the applicant is guaranteed to obtain if the City approves the closing. The applicant should be aware, however, that before the second reading can occur at City Council, the survey must be revised to demonstrate how the alley property is to be distributed among the applicant's and the surrounding property owners' property. The survey must also demonstrate the areas in which the City will reserve easements for the utilities discussed herein.

Aside from the utilities as described, the City does not need to maintain ownership of the alley ROW to provide any other City services. Staff recommends closing the 5,857 +/- square feet of undeveloped alley ROW with the following two conditions:

1. The City shall reserve, at minimum, a 20-foot wide sanitary sewer easement, centered on the infrastructure within the alley.
2. The City shall reserve an easement over the entire section of the alley to be closed to allow Columbia Gas of Virginia, Inc. to maintain their infrastructure.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Da'Mes asked if the alley was identified as having a possible future use by the Bicycle and Pedestrian Committee.

Mr. Fletcher said the Public Works Department actually had no comments regarding the alley closing and they are the keepers of that list; therefore, I have no idea where this alley falls on that list.

Mr. Baugh said according to the map they anticipate bike lanes on Washington Street, but not through the alley. It shows the bike lanes then going through the neighborhood across North Liberty Street from this request. There is nothing shown in the alley.

Chair Fitzgerald said we are not required to hold a public hearing on this; however we usually allow the applicant to speak at this time.

Mr. David Pruett said he is the Chief Financial Officer of Lutheran Family Services and is here from Roanoke. We are working with Mr. Colman on this project, which is why he has recused himself tonight. We appreciate your consideration on this request. Our main concern for the alley closing request is for the safety of our children attending the school. Our concern is with the businesses that have now opened along the street (Massanutten Street) which have a lot of traffic in and out, including large trucks. If for some reason this alley was opened in the future and made a public throughway, then we would have traffic on both sides of our school, which could cause safety issues for our students. That is the main reason for our application. I appreciate your time and would be happy to address any questions.

Mr. Da'Mes said he had a question more for staff. Could a fence be built within the easement requested by the gas company?

Mr. Fletcher replied yes, fences are not considered structures for those purposes.

Chair Fitzgerald asked if there was any one else wishing to speak regarding the request.

Mr. Russell Showalter said he lives in Mt. Clinton; however, we own the property at 776 North Liberty Street. We are opposing the closing of the alleyway. Our opposition is that it would land-lock our property to the rear; our property is narrow and there is no access from the front of the property. Massanutten Street is the entry to our back yard and we do use it, as do our tenants. We want to keep it open for the parking option as well as access to the rear if ever we needed to get back there. We feel that the applicants could still put a fence up for safety purposes; the fence would just be seven feet closer to their rear property line.

As for the construction that has started at the school's property, it has basically made the alleyway unavailable. We do have a bit of an issue with the school. We had a fence that was removed from our property and a tree that was removed. I had a surveyor come out and stake the property before anything else was removed. We are concerned, after these two instances, that there is a bit of disregard for the residents of the neighborhood that still have access to the alleyway.

Chair Fitzgerald asked if there were any further questions for staff.

Dr. Dilts asked what is the distance between Mr. Showalter's house and the south property line.

Mr. Fletcher said I do not have that information here; but, from looking at this aerial it appears you could get a car through there. We could ask the property owner.

Mr. Showalter said you could get a car between the house and property line, it would be close. There is a fence along the property line and just below the house there is a concrete drop-off. Of course there is curbing along North Liberty Street as well.

Mr. Fletcher said some type of easement could be worked out between the two property owners. If Planning Commission feels it is important enough to recommend denial or delay of the request in order to compel the two property owners to come up with some type of an agreement you could do so.

Mr. Fletcher went on to explain the work that was currently being done at LFSVA property in order to better define the property and parking areas by installing curbing along their property boundary. Mr. Fletcher questioned whether or not City Council could require a private easement across the LFSVA property for the adjoining neighbor.

Mr. Baugh said Council could just say “no” to the alley closing and inform the applicants that they could come back if they were able to work something out.

Mrs. Turner agreed and said I would wonder what the terms of the agreement would be; however, that is not something the City would have to get involved with. If both parties came to an agreement that was to their mutual satisfaction, then that is all City Council would need to know.

Mr. Pruett said we, as the Minnick School, would be open to some type of agreement to allow the property owner at that location access upon authorization, with that authorization not to be unreasonably withheld. We would oppose a full open easement to that property which would allow them to enter into our property and across the parking lot, over the hill into their property. As far as being cut-off from access to the back yard from the street; I cannot enter into the rear yard of my personal residence from the street. I think it is not all that uncommon in neighborhoods. The property owner has stated that they can get a car between the house and fence into the back yard. I, myself, have not seen vehicles parked in the back yard.

Chair Fitzgerald asked if there were any further questions or comments.

Mr. Heatwole said I do not know if it is prudent to delay the request; but, I do like the idea of the two parties discussing an easement or some type of arrangement so that Mr. Showalter is not cut-off from the back of his property.

Mr. Fletcher said I am curious to know if the applicant’s had any other adjoining property owners contact them. I know letters were sent out twice by the applicant to all adjoining property owners regarding the alley closing. Where I am going with this question is that if Planning Commission is considering delaying this in order for something to be worked out for access for this one adjoining property owner, there may be others that have contacted Mr. Pruett who are interested in access as well.

Mr. Pruett replied yes. As you know we did send notification to all the adjoining property owners and we did receive one letter back from a Mr. Victor Ortiz at 736 North Liberty Street, who wrote: “I hope that the alley between your property and my property gets closed for the safety of the children. I like not to purchase the portion of the alley adjacent to my property, so you can acquire it. I do not have any questions; your request to the City is very clear and necessary. Best wishes for your project in favor of the children.”

Chair Fitzgerald thanked Mr. Pruett for reading the letter.

There was further discussion regarding the scope of work being done at the LFSVA property to improve the parking lot and access area.

Mr. Pruett said our plan is to spruce the place up as well. Add some landscaping and fencing. We will be replacing the fence we mistakenly removed from Mr. Showalter's property with a six-foot, vinyl, privacy fence along the northern property line.

Mr. Baugh said I will go ahead and bring this matter up now. Last night at City Council we approved the street and alley closing requests for JMU; but, the public use that was being given up was just a general use. You have a situation where JMU owns both sides of the entire corridor and it did not seem to have any other potential use now that the hospital was no longer there, other than a potential cut through. Yet we had one person come last night to speak in opposition of the request and one Council member voted in opposition. I am saying this because I do think there would be some sensitivity at the Council level to giving up public right-of-ways that do have direct impact on adjoining property owners. Therefore, I think it would be great if we could find some way to work out some of this.

Mr. Showalter asked to speak again, stating that they have discussed with LFSVA about the fence and tree issues. One thing that we did ask for was the possibility to have an easement granted to us from the LFSVA property; we asked that on Monday. Currently, we have not heard anything back from them. I just wanted to make sure it was understood that we have asked.

Dr. Dilts moved to table the request until the next regular (September) Planning Commission meeting to allow for further discussion between the two property owners.

Mr. Heatwole seconded the motion.

Chair Fitzgerald called for a voice vote on the motion to table. All voted in favor (5-0).

Mr. Fletcher said the next scheduled Planning Commission meeting is September 10th.

Mr. Colman returned to the meeting at 7:39 P.M.

Rezoning – 907 North Main Street (Portion of 41-C-44 along Ashby Avenue)

Chair Fitzgerald read the request and asked staff to review.

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

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

Site: Undeveloped split-zoned property, zoned R-2 and B-2

North: Single family homes and undeveloped property, zoned R-2

East: Undeveloped property, zoned R-2 and office space and non-conforming apartments, zoned B-2

South: Undeveloped property zoned B-2, and across Ashby Avenue, a non-conforming

residential dwelling, zoned B-2C

West: Across Ashby Avenue, duplex units, zoned R-2

The applicants are requesting to rezone a split-zoned parcel located along Ashby Avenue that is one lot removed from the corner parcel along the northern side of the North Main Street/Ashby Avenue intersection. The request is to rezone the R-2 portion of the property, which is approximately 16,900 square feet in size, to B-2C. The remaining 6,000 square foot section of the property is already zoned B-2. Along with owning the subject parcel, the applicants/property owners also own the corner parcel, which is zoned B-2.

The property's split zoning is due to a 1979 rezoning. At that time, the applicant (a previous property owner) applied to rezone the entire lot to B-2 so they could utilize the parcel and the corner parcel together to accommodate a larger commercial development. Several property owners on Ashby Avenue and Madison Street opposed the rezoning and ultimately City Council approved only a 40-foot strip of the subject property to be rezoned from R-2 to B-2, which is how the property's zoning remains today.

Later, in 2009, the property owner, at that time (different from the previous and current property owners), requested the subject parcel, the corner parcel, and two parcels to the north to be rezoned from B-2 and R-2 to M-1C, General Industrial District Conditional. Their proffers included retaining the following industrial uses: warehousing and other storage facilities provided that the size, volume and contents shall be governed by applicable safety regulations; mercantile establishments and office facilities accessory to and supportive of the sale, processing and storage of goods and materials as permitted in this district; accessory buildings and uses customarily incidental to any of the above listed uses; public uses; and public and privately owned parking lots and parking garages. That applicant also proffered buffering the property from the adjacent residential areas. Their intended development plan was to install mini-storage units. Staff recommended denial and Planning Commission also unanimously recommended denial of the request. The applicant ultimately withdrew their application and it was never heard at City Council.

With the current request, the applicants are proffering the following:

- Along the entire length of the western and northern property lines, where the adjacent property is zoned residentially, for a width of 10-feet, the existing vegetation (including all trees and shrubbery) shall be maintained to assist in providing a buffer between the property and the adjacent residentially zoned property. In addition, evergreen trees shall be planted and maintained within the 10-foot buffer zone with the intent to form a dense screen. The evergreen trees shall be three to four feet in height at the time of planting and shall be planted at no greater than 5-foot centers.
- A six-foot solid, opaque fence shall be installed along the same boundaries as identified above.

If approved, the above conditions would only be applicable to the approximate 16,900 square foot portion of the property. The fence may or may not be installed within the first 10-feet of the property lines, but must be installed along the stated boundaries. The existing B-2 portion of the subject parcel would not be restricted to the submitted proffers. This is important to understand

because there is a small section of residentially zoned property to the north of the existing B-2 portion of the parcel.

Along with the proposed buffering, current minimum building setback regulations within the B-2 portion of the Zoning Ordinance will also provide helpful separation of uses protection between the commercial and residential properties. Regardless of the property's zoning, a 30-foot minimum building setback must be applied along Ashby Avenue. Then, regarding side and rear yard setbacks, a 30-foot setback must also be applied along property lines that adjoin residentially zoned property; this includes the western and northern property lines. Furthermore, if a structure is built that is greater than 35 feet in height, an additional one-foot of building setback must be applied along the lines that adjoin residentially zoned property for every foot above 35 feet. If property lines adjoin commercially zoned property, a 10-foot building setback may be applied. It is important to remember, however, these setbacks are for structures and that parking lots are not bound by the same setback requirements.

The applicant has discussed with staff their intended plan to develop on this property, which includes utilizing the subject parcel and the corner parcel together to develop retail space and a vehicle repair shop. If the rezoning is approved however, all permitted B-2 uses could operate from this site and the property owners could apply for any listed special uses.

The subject property (and the corner parcel that they also own) is designated Commercial by the Land Use Guide. The subject property's western property line and portions of the northern property line mark the Land Use Guide's boundary between the Commercial designation and adjacent residentially zoned property being designated Medium Density Mixed Residential. The City designated the entire subject property Commercial with the approval of the current 2011 Comprehensive Plan update; the 2004 Comprehensive Plan designated the subject parcel Commercial for the B-2 portion and Medium Density Mixed Residential for the R-2 portion.

As demonstrated further by the Comprehensive Plan, the subject parcel (and the corner parcel) falls within a Corridor Enhancement Area. Parcels that are located within these corridors strongly influence the City's accessibility, attractiveness, and its economic vitality. The City recognizes the importance of these areas and the impact they have on the overall quality and character of the city, and therefore, strongly encourages all proposals and construction to embody quality development and to contain exemplary attributes such as improved streetscapes, multi-modal transportation enhancements, conservation of special features, and other upgrades while also incorporating aesthetic signage. Existing zoning regulations (i.e. minimum setback regulations, parking lot landscaping standards, etc.) and Design and Construction Standards Manual requirements should help influence and control the interests we have for such properties. Staff did not encourage additional controls for matters related to signage as the property is designated Commercial.

It is important to understand, and the applicant is aware, regardless of how the property develops, they will be required to construct sidewalk along the entire property frontage of the parcels they are developing. Depending upon how this corner area develops, the dividing line between lot 43 and 44 may need to be vacated. Ultimately, the subdivision and/or the development of the property could require them to dedicate public street right-of-way (ROW) along the frontage of both Ashby Avenue and North Main Street as neither of those streets appears to have the minimum amount of public street ROW width needed for all public street improvements. Furthermore, when the corner parcel is developed, the Master Transportation Plan designates street improvements along its North

Main Street frontage to include a center turn lane and to remove parking on North Main Street. The Plan also specifies that this section of North Main Street does not have adequate bicycle facilities, thus the developer could be required to not only dedicate ROW, but also build the necessary street improvements. Since sidewalk already exists along North Main Street, they could be required to remove it and move it back further to accommodate the widening and bicycle facilities. Depending upon how this corner area develops, the City may also wish to have all site entrances located along Ashby Avenue, with no North Main Street access.

Neither the applicant nor staff knows exactly where the western and northern property lines are located in relation to the existing tree line and other vegetation. These areas already provide a relatively nice existing buffer between the residential uses to the west and north of the subject property. However, the intent of the buffering proffers are not only to preserve as much of the existing buffer as possible but also to enhance and strengthen these and any areas that may not already be protected by installing an opaque fence and additional evergreen vegetation to form a dense screen.

Given the well-intended proffers and the fact that the City has planned for this parcel to contain commercial uses, staff recommends approving rezoning the existing R-2 portion of the property to B-2C, General Business District Conditional.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Da'Mes asked if allowable signage was determined by the size of the building or the size of the lot.

Mr. Fletcher replied it is the lineal street frontage of the lot for an individual use. If the building is multi-tenants, then the wall signage is calculated differently. But for one use, it is calculated as one square foot of signage for each lineal foot of road frontage along the principal street.

Mr. Colman asked if the zoning boundary was also a property line; that is how it appears on our maps.

Mr. Fletcher said no, our GIS software shows the digital coding for the zoning as a line; therefore it shows up like a property boundary.

Chair Fitzgerald said the vegetation that they have to maintain between the residential properties is ten feet onto the applicant's property and it would be from whatever property line is determined once surveyed. Do we have a sense of approximately how much of the existing is in the ten feet?

Mr. Fletcher replied no we do not, which is why we encouraged the additional buffering. The applicants liked the buffering and were willing to maintain it; however they could not verify where the property line was.

Mr. Colman asked if the applicant had a preliminary layout of what the property might look like.

Mr. Fletcher said they have given us a preliminary layout. The applicant was interested in supplying that this evening; however, it was our suggestion to not include it because it is not proffered. We felt it was irrelevant to show because anything could go there as long as they met setbacks, parking, and so forth. They are looking at potential retail space and automobile repair.

Mr. Colman asked if the idea was to combine both lots.

Mr. Fletcher replied yes, the idea is to combine both lots. I believe historically, the plan has been to combine all the lots. That of course is according to the plans that others have wanted to do at this location; remember the corner parcel is zoned B-2 and is developable. Also, the additional setback is only for structures; parking could be within the thirty-feet, but not within the ten-foot buffer.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant if they would like to speak.

Mr. Farhad Koyee, said he is one of the owners of the property and they just purchased it. We are trying to develop this and make it look nicer. We will be constructing the sidewalk and planting more trees.

Mr. Da'Mes asked Mr. Koyee if he understood that when the property is developed they would lose the ten-feet along North Main Street for right-of-way.

Mr. Koyee said yes, I understand that.

Mr. Fletcher said at the time of subdivision or the time of development the applicants would need to dedicate the right-of-way. Staff insured that Mr. Koyee understood this.

Chair Fitzgerald asked if there was anyone else who would like to speak in favor of this proposal. Hearing none, she asked if there was anyone who would like to speak against the proposal. Hearing none, she closed the public hearing and asked Planning Commission for discussion or a motion.

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

Dr. Dilts seconded the motion.

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

All voted in favor (6-0).

Chair Fitzgerald said this would move forward to City Council on September 9, 2014 with a favorable recommendation from Planning Commission.

15.2 – 2232 Review – Park View Water Tank

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said Mr. Mike Collins, Director of Public Utilities will speak first providing a description and specific details of the project; after which, I will follow with the regular staff report.

Mr. Mike Collins introduced himself and said it has been quite a while since I have been before this body. What you received in your package was a presentation that was given to the Park View neighborhood in January of this year. Tonight I have a slightly trimmed down version of that presentation. If there is anything within the information that was provided and you would like to discuss that as well, please just ask me I would be glad to discuss it.

The first question is “why do we need these projects.” Basically, what we are going to do is construct a water tank and a pump station in the Park View area. There are really two drivers for this project – the first being asset management; it is not something that lasts forever and at some point you need a plan to get rid of the old and update with a new. Both the existing water tank and pump station were constructed in early 1960. If taken care of, a water tank probably has a useful life of about 75 years and a pump station has about 50 years. So you realize we are a bit past the

decision on the pump station and nearing time on the water tank; the tank is a bit more of a difficult issue than the pump station. The second driver with this really goes back to the 1990s when the City adopted its current Design and Construction Standards Manual. As part of that process, the Fire Department was very adamant about curtailing development in the City where the needed fire flow exceeded the available fire flow. On a side note, if you are not aware of this, the City's Fire Department just got ranked as a Class 2, which is tremendous for them and us as well. This effects insurance rates throughout the City and is quite a "feather in their cap." Much of this comes with the ability of us to provide available fire flow where it is needed.

So, with that being said, fire flow is determined by two things – meeting an available fire flow and duration of fire flow in order to comply with Insurance Services Office (ISO) standards. In the Park View area we are looking at normal residential fire flow needing 750 gpm for two hours, commercial can get to 1,500 gpm for two hours, and in this area we have Eastern Mennonite University (EMU) which has dorms, classrooms, and other high occupancy buildings, which are in the neighborhood of 3,000 gpm. Some of those standards are not met in this area. There are existing structures that were built before the standards recommended that fire flow be taken into consideration. We also have curtailment and restrictions on buildings in the area because we cannot meet the ISO requirements.

Those are the two real drivers for this project. There are also some core requirements that absolutely have to be part of this project and then there are some non-core things that are just preferences. Let me discuss the core requirements for a project. The tank has to be at a certain elevation, it cannot be buried, it has to be at a specific elevation and there are only a few possible available sites in the Park View area to construct. The elevation requires it to be on the hill and there is only so much vacant land along the hillside. The second requirement is there has to be connectivity with the pump station in the demand area; you do not want to have to run a lot of new infrastructure to get water from the tank to wherever the biggest demand is. Third, there is a certain volume that has to be provided. When you look at 3,000 gpm over a three hour period you need to establish a minimum size tank. The fourth requirement is the City needs to be able to afford the project and we need to be able to operate and maintain it. It cannot violate any of the risk management issues with the City's insurance. And, we must be able to sustain it and deliver what we intended to deliver. Those are the core requirements of what we can, and cannot do.

What we currently have in the Park View area is a tank that is 65 feet tall, to reach an elevation of 1,645. We have got to be at an elevation of 1,645 and we may go five to ten feet taller; but you cannot go lower. The existing tank holds 75,000 gallons of water; we are looking at needing a 500,000 gallon tank. The existing tank was built by Park View Sanitary District in the early 1960s and a lot of residential development grew around the tank. I would think that we do not want that to happen with a future tank. The residential growth has made that site unusable to us. The City cannot build a new tank on site while still operating the old one from there; along with the fact that the tank is in close proximity to the housing. That leads the City to fulfilling the core requirements at a new location.

The proposed tank site is on the southern boundary of a parcel that is owned by EMU. The elevation is 1,650, which makes the overall tank about 90 feet in height. The decision on what type of tank has not been made yet, and we are still open to any area along this hilltop.

Once we get past the needed core requirements there are numerous things that are available for community input that we will need to deal with. For instance, the type of water tank; we have already been receiving input on the tank, color and style, graphics, lettering, landscaping, access, lighting, and ancillary uses to name a few. There is no commitment to anything so far; I am currently working with EMU on their preferences, because it is their property.

We are probably looking at a four million dollar project, without any of the amenities. That will be our task when we go back to City Council with all of our comments. That is all I have for you tonight and I would be happy to answer any questions you may have.

Chair Fitzgerald said as a person who has been through several Comprehensive Plan updates and a number of Capital Improvement Projects, we know this item comes up often. We are happy to see this one coming true. She then asked if there were any questions from Planning Commission.

Mr. Collins said there are some folks from EMU if you would like to speak with them as well.

Mrs. Turner said I have one question. Is there any consideration being given to having communications facilities on the tower?

Mr. Collins said we have put those on the tank at Tower Street and if that fits the need here we would do the same after conversation with EMU. We would need to make that decision sometime between now and when City Council would give us the approval to go with the water tank, because you need to build those tanks to support the antenna.

Mr. Collins continued saying I just want to be clear that this is a combination tank and pump station. The pump station is being planned in coordination with the round-a-bout and proposed road project at Chicago Avenue; we are attempting to integrate the pump station along Mt. Clinton Pike on EMU property in combination with the round-a-bout work. The City Attorney has said that this work does not need to be referred under the State Statute, but I did want to share that information with you.

Hearing no further questions Chair Fitzgerald asked staff for their review.

Mrs. Banks said the Comprehensive Plan designates this area as Institutional. This designation states that these areas are for development by certain nonprofit and public institutional uses such as private colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions that provide for the shelter and care of people.

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

Site: Eastern Mennonite University Seminary, Discipleship Center building, and parking lot, zoned R-3/I-1

North: Single family dwellings, zoned R-2; and Eastern Mennonite University campus, zoned R-3/I-1

East: Eastern Mennonite University campus, zoned R-3/I-1

South: Single family dwellings and townhouses, zoned R-3

West: Across City/County boundary, single family homes, zoned R-2 (County)

Per Section 10-1-6 of the City Code, the proposed Park View Water Tank Project is under review. This section stipulates that “if a public facility subject to Section 15.2-2232 of the Code of Virginia is not already shown on the comprehensive plan, the planning commission shall determine whether the location, character and extent of such public facility is in substantial accord with the comprehensive plan as provided by Section 15.2-2232 of the Code of Virginia and the terms and conditions set forth therein, as may be amended from time to time.”

Section 15.2-2232 states that when a locality has adopted a comprehensive plan, “it shall control the general or approximate location, character and extent of each feature shown on the plan.” The code section then lists items, citing among others, public buildings and public structures, and stating that unless features are already shown on the plan, they “shall not be constructed, established, or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof.” Under Section 15.2-2232, a public hearing is not required unless directed by City Council. On June 24, 2014 City Council referred this item to be reviewed by Planning Commission; this directive did not include holding a public hearing.

Staff believes the proposed project and site are substantially conforming to the Comprehensive Plan per the following goal, objective, and strategy:

- Goal 11: To support a vital city with community facilities, infrastructure, and services, which are efficient, cost-effective and conserving of resources.
 - Objective 11.1: To continue to provide high quality public water service.
 - Strategy 11.1.1: To construct needed water supply, treatment, storage, and pressure improvements, including: Storage tank and upgrade of booster pump station in the Parkview Pressure Zone.

The 1991 Comprehensive Plan identified that the Park View Sector of the City had areas with low water volume. The Public Utilities Department has known for many years that the water tank would best serve the area if it were located on the Eastern Mennonite University (EMU) hill and in 1996 had an engineer study the Park View Sector. This study also identified the EMU hill as the best location for tank placement.

The 1998 Comprehensive Plan noted that proposed improvements to the water distribution system were needed in the Park View area to upgrade existing fire service delivery. The 2004 Comprehensive Plan, more or less, had the same goal, objective, and strategy as in the 2011 Plan. Both the 2004 and 2011 Comprehensive Plans specifically note that the Parkview Pressure Zone is an area of concern in the current storage and distribution center and that this area is in need of upgrade for the booster pump station and the storage tank.

The application of Goal 16 within the 2011 Comprehensive Plan, which includes coordinating and collaborating with EMU, is also employed, as EMU recently accepted the idea of placing the water tank on their property and is working with the City on the project. In addition to working with EMU, the City has also solicited input from the Park View area and the City residents generally, both through meetings and on-line.

Staff believes the general and approximate location, character, and extent of this facility is substantially in accord with the Comprehensive Plan. As noted by the existing and past Comprehensive Plans, this public facility has been needed and has been planned for some time.

Staff recommends the Commission communicate the same findings to City Council that the Park View Water Tank project conforms to the Comprehensive Plan.

Chair Fitzgerald asked if there were questions for staff. Hearing none, she said this is not a public hearing; however, we do invite anyone wishing to speak to come forward at this time.

Eldon Kurtz, Director of the Physical Plant at EMU, said you are correct; this has been a long standing issue that has needed to be addressed. It has taken the university quite some time to get comfortable with the idea. In the 1990s the suggestion was made that this hill was probably the best site for a water tank; yet EMU continued to look at many, many other places or alternate locations. It does not seem that anyone wants a water tank in their back yard.

EMU does want to cooperate with the City, we have worked with Mike Collins and his team for quite some time on this and I think we are at a point where we are ready to move ahead. We want to try and do this in a way that respects our neighbors as well as continues to value what we have in terms of that view we have from the hill. We are working at ways we can add some value to the tank that is planned to go in there and we are looking forward to moving ahead.

Chair Fitzgerald asked if there was anyone else wishing to speak regarding this item. Hearing none, she asked if there were additional questions for staff. Hearing none, she asked for a motion or further discussion.

Mr. Baugh said I just want to amplify Mr. Kurtz's comments. To say there has been a long standing recognition in that part of the City of a need for this is an understatement; until you begin discussing where you are going to put the water tank. I can confirm that other sites were explored, both publicly and privately, and this certainly has all the appearance of reflecting a consensus that many people have spent a lot of time on and making as much peace as they can that this really is the best site in the area for the tank.

Mr. Heatwole moved that Planning Commission communicate to City Council that we find the Park View Water Tank project substantially conforms to the Comprehensive Plan.

Dr. Dilts seconded the motion.

Mr. Fletcher asked if the motion included the stated goals eleven and sixteen.

Mr. Heatwole said I do believe it is in substantial accord with all the listed goals.

Dr. Dilts again seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the motion (5-0 with Mr. Colman abstaining for reasons unknown).

Chair Fitzgerald said this will move forward to City Council.

Zoning Ordinance Amendment – To Allow Public Uses to Deviate from Zoning Regulations by Special Use Permit

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said Staff is proposing an amendment to several sections of the Zoning Ordinance in order to allow public uses to better conform to zoning regulations. A public use is defined as “*Any instance where a lot or parcel of land, or any improvement on a lot or parcel of land, is used by (1) the City, or (2) another governmental entity having a contractual relationship with the City for the use of such lot or parcel or improvement.*”

In the City’s recent history, we have relied on the fact that the City is not legally obliged to follow its own zoning regulations. However, recent discussion on 2232 review has led staff to the conclusion that it is best for the City to follow zoning requirements.

Public uses are permitted by right within all zoning districts; however, there are times when, in the best interest of providing services, the City cannot adhere to all the requirements of the Zoning Ordinance (i.e. height restrictions, minimum building setback requirements, parking regulations, etc.). The Zoning Ordinance provides a variance procedure through the Board of Zoning Appeals (BZA) public hearing process to allow for relief from yard and lot area requirements, if the property owner can prove a hardship. A BZA variance, however, does not give relief from all requirements of the Zoning Ordinance, such as parking or landscaping regulations.

Staff is proposing the language “*Public Uses which deviate from the requirements of Title 10, Chapter 3*” be added as a subsection to the special uses within the following zoning districts offering public uses the opportunity to request deviating from zoning regulations: R-1, R-2, R-3 (Multiple Dwelling), R-3 (Medium Density), R-4, R-5, R-6, R-7, MX-U, MH-1, MH-2, B-1A, B-1, B-2, M-1, and U-R.

The special use permit would provide for a documented, public hearing process to allow public uses, which may not meet all the requirements of the Zoning Ordinance, to occur and still be in compliance.

Staff recommends approving this amendment to allow public uses to deviate from the requirements of the Zoning Ordinance by approval of a SUP.

Chair Fitzgerald said if Planning Commission were to turn down or recommend denial of a special use permit, the process would then be the same as if it were recommended for approval.

Mrs. Banks replied yes.

Chair Fitzgerald said this provides us with the opportunity for a conversation as to why a particular aspect of the Zoning Ordinance is not being followed. She then asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if there was anyone who wished to speak on the proposal. Hearing none, she closed the public hearing and asked Planning Commission for comments or a motion.

Mr. Colman moved to recommend approval of the amendment to allow public uses to deviate from requirements of the Zoning Ordinance by approval of a special use permit within all the listed sections.

Mr. Da’Mes seconded the motion.

Mr. Baugh said we had the benefit of talking about this rather informally at the end of last month’s meeting. I might just add something, just so that we can get this into the minutes in some formal

manner. I know specifically that as staff looked into this one of the things they came across was that a number of the other jurisdictions contacted already had something in place just like this. This issue came up a Council last night and I do expect some inquiries from Council, more in the nature of why is this issue coming up now. We somewhat glossed over that here tonight; but, I think there are some pieces we need to go ahead and get into the minutes now so that Council members will have the benefit of that when reviewing this proposal.

Chair Fitzgerald said we did discuss this somewhat while we were on the Planning Commission tour on Monday. I think it would possibly be useful to get it into the minutes.

Mrs. Turner said we spoke with Charlottesville, Albemarle County, Winchester, and Roanoke; all required their public uses to comply with their zoning regulations. They cannot say that there is not a time that they have not missed a setback or a parking requirement; but they are required to comply.

Mr. Baugh said these are good examples of jurisdictions we tend to look at as peers.

Dr. Dilts said I was not here for the conversation last month, but it seems to me if we think that the regulations are appropriate, then they are appropriate for all. Therefore, I think this is a very good thing to do.

Mrs. Turner said as Mr. Baugh was saying, there have been times over the years that there has been a decision that public uses should comply; yet it has always been recognized that they did not have to comply. There have also been times when it has not been emphasized that the City needs to comply; the idea that we did not have to comply was enough and we did not have to go through any special process to not comply.

Mr. Colman said I believe it is a good opportunity for the City to lead by example. At the same time it gives an avenue for the citizens to have input on whatever the request may be.

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

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

Chair Fitzgerald said this will move forward to Council on September 9th.

Unfinished Business

None.

Public Input

None.

Report of Secretary and Committees

Mr. Baugh said at City Council last night we had five different items that came forward from Planning Commission. The special use permit for the apartments off of Reservoir Street, the special use permit to allow a religious use within M-1 at Charles Street, and the special use permit for a financial use at the intersection of Mt. Clinton Pike and Acorn Drive were all approved by City Council without a lot of discussion. Regarding the Zoning Ordinance amendment for the junkyards in M-1, we had some public input, which we did not have at this level, from a local competitor and from someone who appears to be connected to a national competitor. One gentleman gave a very

long speech on several things which he was very concerned with and felt we were not taking into consideration. Council basically took up the position that those are things we would take into consideration at such time as we get a special use request for a junkyard. With all of that said, City Council did approve the ordinance amendment.

Lastly, as I mentioned earlier tonight, it was a 4-1 vote in favor of the street and alley closings for JMU. A number of things came up with this particular request for the street and alley closing. For instance, the suggestion of everyone else has to purchase the property from the City, but JMU does not have to – well, JMU does have to purchase the property. There was much discussion on the JMU request and some of it is relative to the issue we tabled tonight. A sense that was articulated was that while it may be a pre-requisite to own both sides of the right-of-way when applying for closure, it does not necessarily mean that it will be approved.

Other Matters

Mr. Fletcher said we now have two agenda items for next month. The alley closing, which was tabled from tonight, will be on the agenda along with one new item—an amendment to EMU's master plan regarding changing specifics of their solar panels.

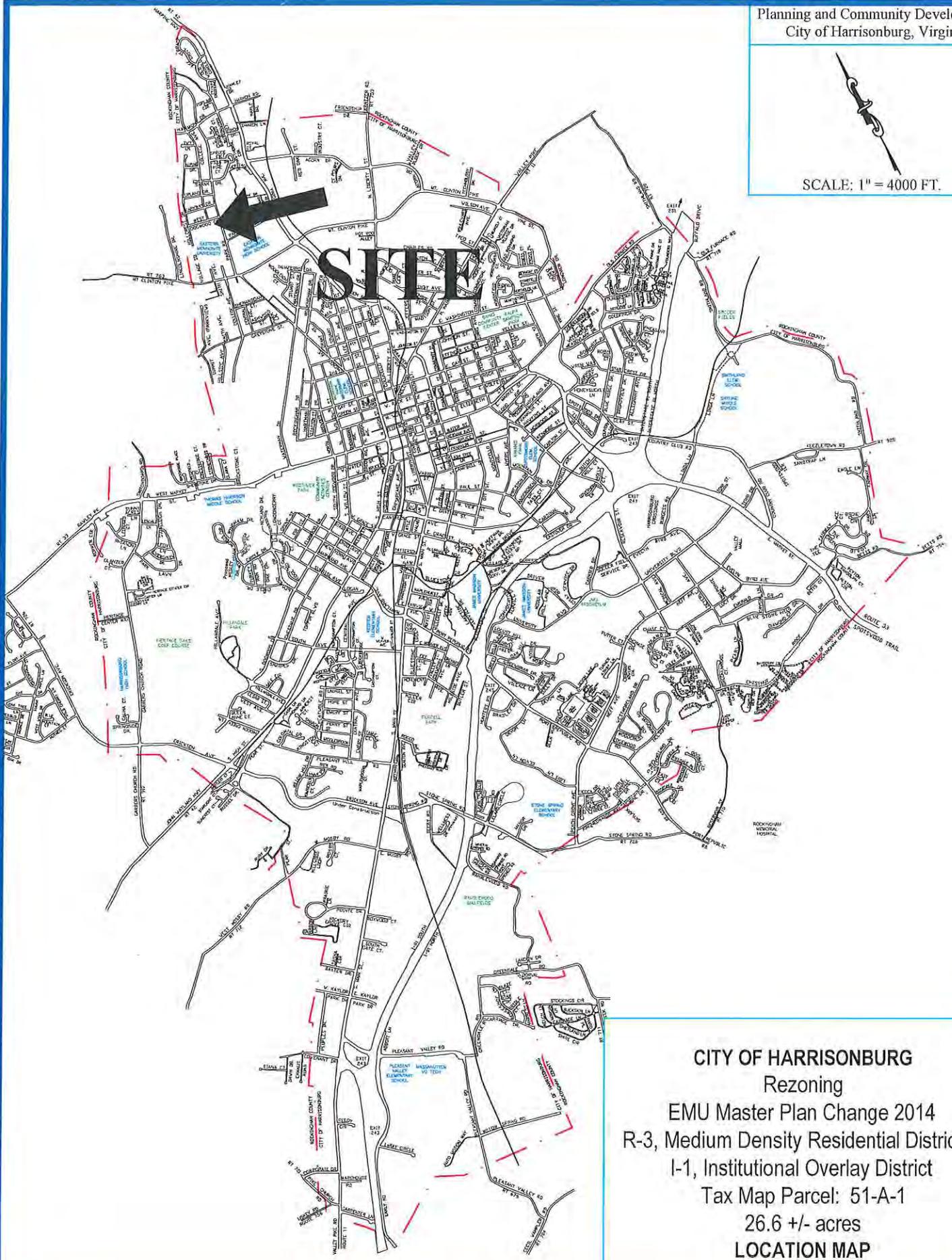
Adjournment

Planning Commission adjourned at 8:50 p.m.

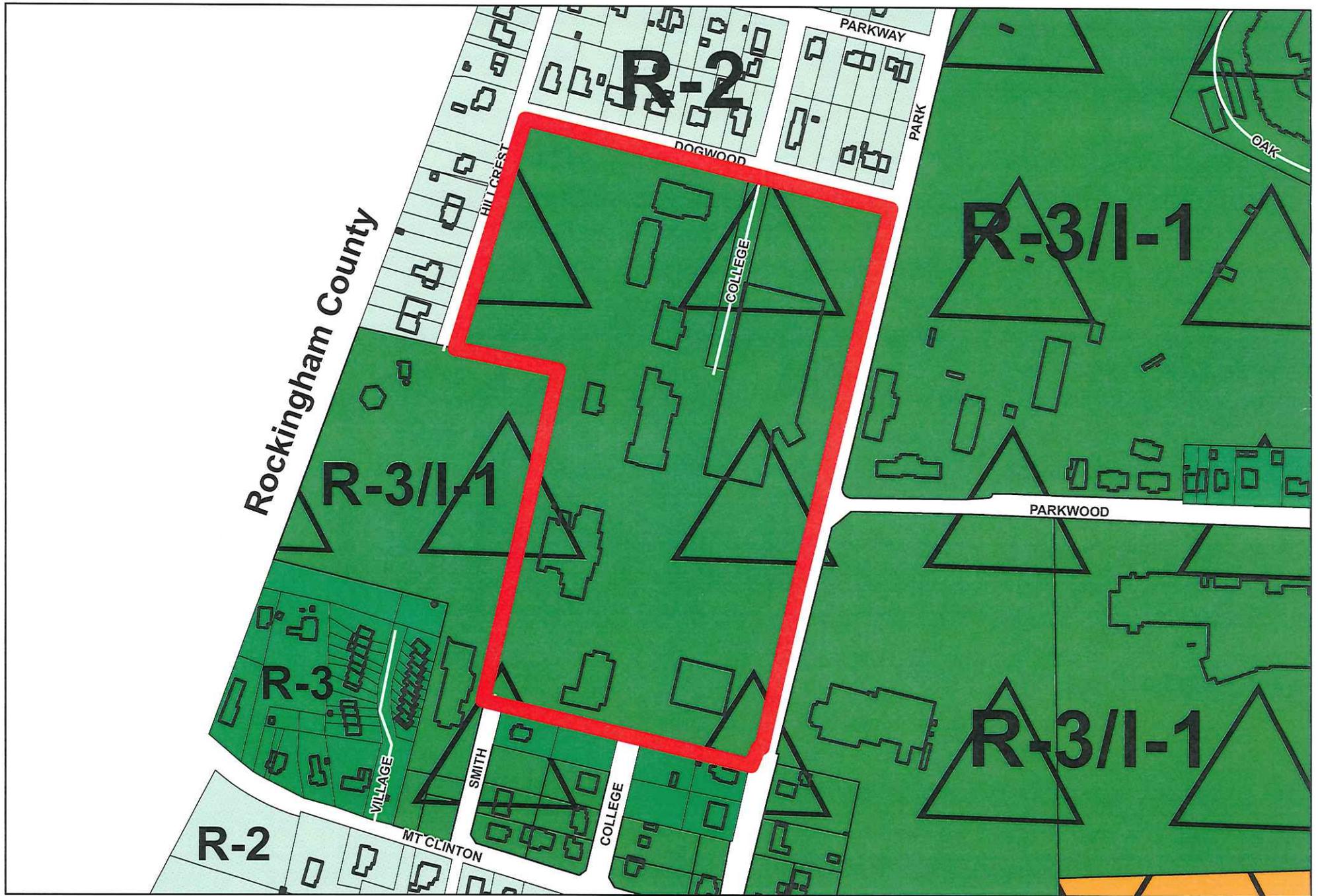
DRAFT



SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Rezoning
EMU Master Plan Change 2014
R-3, Medium Density Residential District &
I-1, Institutional Overlay District
Tax Map Parcel: 51-A-1
26.6 +/- acres
LOCATION MAP



EMU Master Plan Change 2014

1200 Park Road TM 51-A-1





City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
September 10, 2014

REZONING – EASTERN MENNONITE UNIVERSITY MASTER PLAN CHANGE 2014

GENERAL INFORMATION

- Applicant:** Eastern Mennonite University, with representative Tony Smith of Secure Futures LLC
- Tax Map:** 51-A-1
- Acreage:** 26.6+/- acres
- Location:** 1200 Park Road
- Request:** Public hearing to consider a request from Eastern Mennonite University to rezone 26.6+/- acres of their property zoned R-3, Medium Density Residential District and I-1, Institutional Overlay District by amending their master plan.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Institutional. This designation states that these areas are for development by certain nonprofit and public institutional uses such as private colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions that provide for the shelter and care of people.

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

- Site:** Academic, recreational and residential buildings, parking lots, and common area associated with the University, zoned R-3/I-1
- North:** Across West Dogwood Drive, residential dwellings, zoned R-2
- East:** Across Park Road, academic and residential buildings, athletic fields, parking lots, and common area associated with the University, zoned R-3/I-1
- South:** Single family homes and buildings associated with the University, zoned R-3
- West:** Academic buildings and common area associated with the University, zoned R-3/I-1

EVALUATION

The applicant is requesting to amend a portion of the Eastern Mennonite University (EMU) Institutional Overlay Master Plan. The Institutional Overlay District provides for distinctive development of certain nonprofit institutional uses, such as colleges and universities, where upon approval of a master plan, development may deviate from the requirements of the underlying zoning district. Every request for an institutional overlay requires the submission of an accompanying master plan showing how development will occur. Subsequent changes to the approved plan are accomplished by the same procedure – via a rezoning application approval.

EMU's Institutional Overlay Master Plan was originally approved in 1998. This plan provided a layout for existing and proposed buildings, the number of stories and overall heights of those buildings, as well as the proposed parking layout throughout the campus. In 2010, EMU amended the plan by adding a parcel, enlarging the Suter Science Center, and introducing green technology in the form of solar panels, to the overall plan. Although allowed by right, the design of the solar panels did not meet all the setback and height requirements of the Zoning Ordinance; therefore, they were included within the 2010 master plan amendment. The panels were proposed for roof top locations on the Hartzler Library and Hillside Dormitory buildings and on structures for the University Commons and turf field parking lots. At this time, the applicants are requesting a minor amendment for particular solar panel heights and locations.

The previously approved parking lot panels were proposed to be attached to carport style support structures and were to vary in height from 8 ½ to 16 feet with support columns spaced 18 feet on center; allowing for vehicles to park underneath the structures. The applicants are requesting to increase the height of the overall structures within the University Commons parking lot to 20 feet, with support columns spaced 18 to 27 feet on center. Along with the requested height adjustment, the applicants are proposing to remove the single row of panels previously planned along the West Dogwood Drive boundary that could have been located up to five feet from the property line. All other rows would remain as shown. The removal of the one row of panels within the parking lot actually reduces the visual impact to residents along West Dogwood Drive even with the height increase.

The second proposed change is in the location of roof top panels. The applicant desires to place panels on the University Commons building instead of on the Hillside Dormitory. As previously noted solar panels are permitted by right; however, because the height of the University Commons building is 50 feet, which is above the maximum height regulations of the R-3 district and approved as part of the 1998 master plan, staff wanted the proposed location change shown within the amendment. The panels would be about two to six inches tall and will not increase the overall height of the building.

The Hartzler Library solar panels have been installed and EMU desires to move forward with these proposed changes. If approved, staff has informed the applicants that they would need to supply a revised and updated copy of the master plan to be kept on file, in addition to the red lined changes provided with the rezoning application. The requested changes are in keeping with the intentions of the I-1 district and staff does not foresee negative impacts to the surrounding neighborhood. Staff recommends approval of the master plan amendment.

Eastern Mennonite University

Master Plan Narrative

August 2014

The following Master Plan of Eastern Mennonite University is being submitted as an amendment to Item 2, Proposed Facilities, Section 8 Solar Panels, Paragraph b and c of the February 2010 Master Plan Narrative.

Paragraph b to be amended as follows:

- b. University Commons parking lot: The parking lot north of the University Commons will serve as a second location for a multi-panel array of solar cells. These panels will rest on a carport style support structure, allowing the current parking lot to remain in use. The cars park underneath the panels, enabling no loss in the number of parking spaces. These panels (or tiles) vary in height from 8.5 to 10 feet in the front to ~~14 to 16~~ 16 to 20 feet at the rear of the panel. The support columns are spaced 18 ~~to 27~~ feet on center. These solar arrays will run parallel with and above the current parking stalls, leaving a 20 foot minimum drive aisle open for vehicular access. ~~The solar panels arrayed adjacent to Dogwood Drive will maintain a 5 foot minimum setback with the property line.~~ Since the solar panels are elevated, the 10 foot landscape buffer shall still be maintained.

Note: The proposed single width canopy structure adjacent to Dogwood Drive has been removed from consideration. The array will consist of three identical double width canopy structures. Removing the canopy adjacent to Dogwood from the plan, will allow the visual impact on Dogwood Drive property owners to be reduced by 2' 8" despite the increased height. See attached schematic.

Paragraph c to be amended as follows:

- c. ~~Hillside University Commons~~ roof panels: A portion of the ~~south facing~~ roof of the existing ~~Hillside Dormitory University Commons building~~ will serve as the third location for a multi-panel array of solar cells. These panels attach directly to the roof and will be about 2 to ~~4~~ 6 inches tall. The panels will ~~be installed on the lower level roof only and therefore~~ not increase the overall height of the building ~~and will have no visual impact on any adjacent property owners.~~

Date Application Received: 8-12-14

Total Paid: \$1,185⁰⁰

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Eastern Mennonite University (Attn: Daryl Bert)
Street Address: 1200 Park Road Email: _____
City/State/Zip: Harrisonburg, Va. 22802
Telephone (work): (540) 432-4107 (home or cellular): _____ (fax): (540) 432-4444

Section 2: Owner's Representative Information

Name: Secure Futures LLC (Attn: Tony Smith)
Street Address: 11 East Beverley, Suite 19 Email: _____
City/State/Zip: Staunton, Va. 24401
Telephone (work): (540) 255-1404 (home or cellular): _____ (fax): _____

Section 3: Description of Property

Location (street address): 1200 Park Road
Tax Map Number: Sheet: 51 Block: A Lot: 1 Total Land Area (acres or square feet): 26.6
Existing Zoning District: R-3/I-1 Proposed Zoning District * : R-3/I-1
Existing Comprehensive Plan Designation: Institutional

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper*

Section 4: Application Fee

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- a). Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes _____ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b). Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE - If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

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

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: 
Property Owner

See Back for Items Required for Submission

Eastern Mennonite University

Master Plan Narrative

February, 2010

The attached Master Plan of Eastern Mennonite University is being submitted for review and approval under Section 10-3-106, "Master Plan Requirements". This narrative follows the guidelines of Section 10-3-106, Items 1-4. Note:

Item 1:

The total highlighted property shown in the attached Master Plan, under the control and ownership of Eastern Mennonite University, consists of 93.6 acres. This does not include all property owned by Eastern Mennonite University, as there are other parcels not a part of the institutional overlay zone. Generally, this property (denoted in the Master Plan legend as 'EMU owned property') is described as follows:

Multiple parcels bound by Mt Clinton Pike, Park Road, and Dogwood Drive totaling	41.1 acres.
Multiple parcels South of Mt Clinton Pike totaling	1.1 acres.
Multiple parcels bound by Mt Clinton Pike, Park Road, Parkwood Drive, and Eastern Mennonite High School totaling	18.0 acres.
Multiple parcels bound by Parkwood Drive, Park Road, and the Virginia Mennonite Retirement Community totaling	<u>33.4 acres.</u>
TOTAL:	93.6 acres

Within the property, Smith Street, College Avenue and Park Road are all dedicated public streets. Please refer to the attached Master Plan.

Item 2:

The locations of the existing and the proposed buildings are illustrated on the attached Master Plan. Their respective uses and other data are as follows:

Existing Facilities:

1. Academic Facilities: Suter Science Center, Seminary, Astral Hall, Hartzler Library, Art Center, Theater Facility (University Commons) plus some classrooms in the Campus Center.
2. Housing Facilities: Northlawn, Roselawn, Hillside, Elmwood, Maplewood, and Cedarwood Dormitories, Martin House, Redmond House, Parkwood Apartments, Village Apartments and Mt. Clinton Pike Apartments
3. Assembly Facility: Lehman Auditorium
4. Recreation Facility: University Commons which includes a gymnasium
5. Student Services: Campus Center, Bookstore and Student Center (University Commons), Discipleship Center, The Cabin
6. Administrative Offices: Campus Center
7. Maintenance: Physical Plant Building
8. Miscellaneous Support Services: Suter, Blosser, Lehman, Guest, Heatwole, Brunk and Anderson Houses.
9. Stormwater Management: Three detention ponds all located on the east side of campus.

Proposed Facilities:

1. Proposed Welcome Center: Currently shown at the northeast corner of Mt. Clinton Pike and College Ave., a proposed academic/welcome center is to be a two story facility of 5,000 square feet per floor for a total of 10,000 square feet.
2. Proposed Academic Building (College Avenue): An academic building up to 10,000 square feet per floor is proposed to be constructed and located at the west corner of Mt. Clinton Pike and College Ave.
3. Proposed Academic Building (Smith Avenue): An academic building up to 25,000 square feet per floor is proposed to be constructed and located to the west of Northlawn Dormitory.
4. Proposed Lehman Auditorium Addition: The existing Lehman Auditorium is proposed to be expanded to the east with a one story addition of 10,000 to 15,000 square feet.
5. Proposed Hartzler Library Addition: The existing Hartzler Library is proposed to be expanded with a three story addition of 18,000 to 20,000 square feet.
6. Northlawn Dormitory Addition: A proposed kitchen and dining addition to the east side of Northlawn Dormitory is to be a one story addition of 10,000 to 15,000 square feet.
7. Suter Science Center Addition: The Science Department and the University have decided on a proposed addition to the south side of the existing Suter Science Center. The total three story square footage addition is expected to be up to 30,000 square feet.
8. Solar Panels: Four locations are proposed for the installation of solar panels. These panels will be constructed similar to the manufacturers' documentation as attached. The

energy provide from the solar cells will be utilized by EMU. The four locations are shown on the attached Master Plan drawing and are described as follows:

- a. Hartzler Library roof panels: The roof top of the existing Hartzler Library will serve as the first location for a multi-panel array of solar cells. These panels (or tiles) vary in height from 2” at the front of the panel to about 12” at the rear of the panel. A structural engineer is currently designing the mounting system, but it is planned for these panels to be installed directly on the roof deck. These panels will add no more than 5 feet to the current roof height and therefore increase the overall height of Hartzler Library to no more than 45 feet.
 - b. University Commons parking lot: The parking lot north of the University Commons will serve as a second location for a multi-panel array of solar cells. These panels will rest on a carport style support structure, allowing the current parking lot to remain in use. The cars park underneath the panels, enabling no loss in the number of parking spaces. These panels (or tiles) vary in height from 8.5 to 10 feet in the front to 14 to 16 feet at the rear of the panel. The support columns are spaced 18 feet on center. These solar arrays will run parallel with and above the current parking stalls, leaving a 20 foot minimum drive aisles open for vehicular access. The solar panels arrayed adjacent to Dogwood Drive will maintain a 5 foot minimum setback with the property line. Since the solar panels are elevated, the 10 foot landscape buffer shall still be maintained.
 - c. Hillside roof panels: A portion of the south facing roof of the existing Hillside dormitory will serve as the third location for a multi-panel array of solar cells. These panels attach directly to the roof and will be about 2 to 4 inches tall. The panels will be installed on the lower level roof only and therefore not increase the overall height of the building.
 - d. Future Turf-field parking lot: The future parking lot just east of the existing turf-recreation field is planned for a fourth location for a multi-panel array of solar cells. These panels are similar in concept as the University Commons parking lot where no loss in the number of parking spaces will occur. These panels will setback a minimum of 24 feet from the property line with EMHS in order to allow for a two-way access drive as part of a future parking lot.
9. Institutional Overlay addition: Eastern Mennonite University proposes to add 1110 Park Road (TM: 48-H-2, 48-H-3) into the institutional overlay district. The square footage area is approximately 19,244 square feet.

Item 3:

Existing and proposed parking is illustrated in the attached Master Plan. Because of the current campus configuration, new parking may not occur at the new buildings or additions, but be accommodated at another location on the campus. Parking areas will be landscaped with appropriate trees and shrubs in compliance with City Ordinances. The current master plan for existing and future parking is showing 1,690 spaces. University officials have deemed this number of spaces to be adequate for their current planned needs. If additional parking is needed in the future, existing open areas may be utilized upon an amendment to the Master Plan.

The existing vehicular access to the campus will remain the same. There are currently eight points from adjacent public streets: two from Park Road, two from Mt. Clinton Pike, one from Smith Street, one from College Avenue, one from Dogwood Drive, and from Parkwood Drive. It is not anticipated that the additional facilities will place a significant additional burden on the adjacent vehicular system.

Item 4:

The general use of major existing and proposed open space on site will be used for:

- Landscaping
- Recreation
- stormwater detention
- pathways
- woodlands
- green space

The proposed Welcome Center is currently situated approximately 65 feet from the property line on College Avenue, and approximately 80 feet off Mt. Clinton Pike.

The future Academic Building-South will be placed approximately 20 feet off the property line on College Avenue, and approximately 90 feet off Mt. Clinton Pike.

The future Academic Building-North will be placed approximately 517 feet from the Park Road right-of-way.

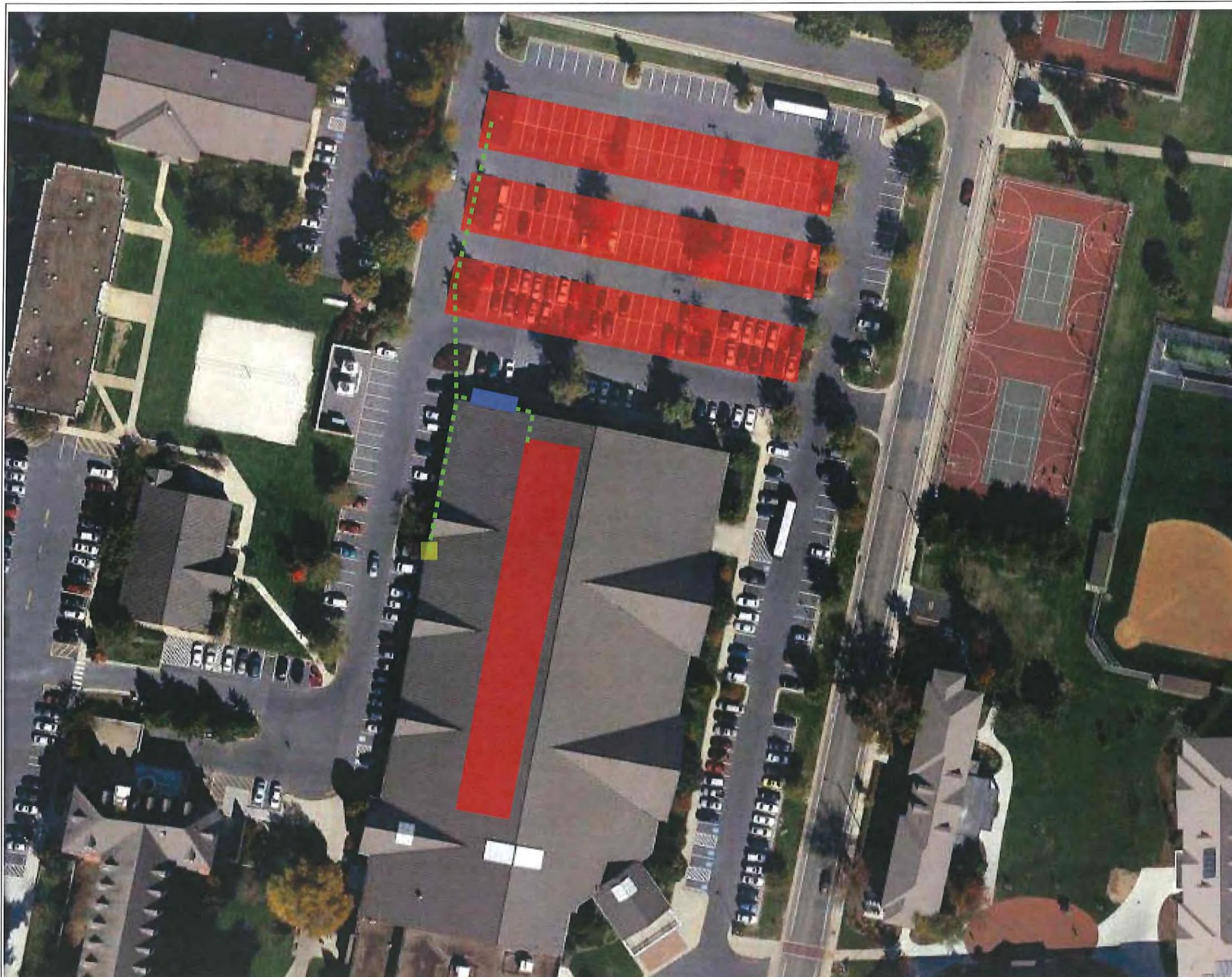
The proposed Lehman Auditorium Addition will be situated east of the existing facility approximately 365 feet from the Park Road right-of-way.

The proposed Hartzler Library Addition will be situated south of the facility approximately 110 feet from the Park Road right-of-way.

The proposed Kitchen/Dining Addition at Northlawn Dormitory will be situated approximately 365 feet from the Park Road right-of-way.

The proposed Suter Science Center Addition will be approximately 425 feet from the east property line, shared with Eastern Mennonite High School.

It is understood that this submission is for Master Plan review and approval only, and that each individual project will require its own approval according to the provisions of the City's development regulations. Furthermore, it is acknowledged that there is limited capacity for adequate fire flow and domestic water delivery in this area and improvements necessary to meet these requirements will be determined during the design and review of specific building proposals, or as part of a broader water system analysis, as appropriate.



Shenandoah Solar, LLC
 1180 South High Street,
 Suite 100
 Harrisonburg, VA 22801
 Phone: 888-339-3603
 www.shenandoahsolar.us

Project Information

Eastern Mennonite University
 1200 Park Road
 Harrisonburg, VA 22802

Project Number 2014-0012

Site Data

Municipality: Rockingham County
 Design Wind Speed: 90 MPH
 Exposure Category: C
 High Temperature: 60 °C
 Low Temperature: -20 °C

Structure Design

Racking Structure: Carport Mounted PV Array
 Azimuth: 191°
 Tilt: ~10°

 Racking Structure: Roof Mounted PV Array
 Azimuth: 280°
 Tilt: ~11.8°

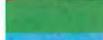
Electrical Design

Modules : Suniva Modules 320w
 Inverter : Power One 27.6kW
 Interconnection: Electrical Room MDP

System Production

DC System Size: 510.72 kW DC
 AC System Size : 386.4 kW AC

Key:

PV Module Area: 
 Proposed Conduit: 
 Inverter Location: 
 Interconnection: 



Sheet Name: Preliminary Site Layout

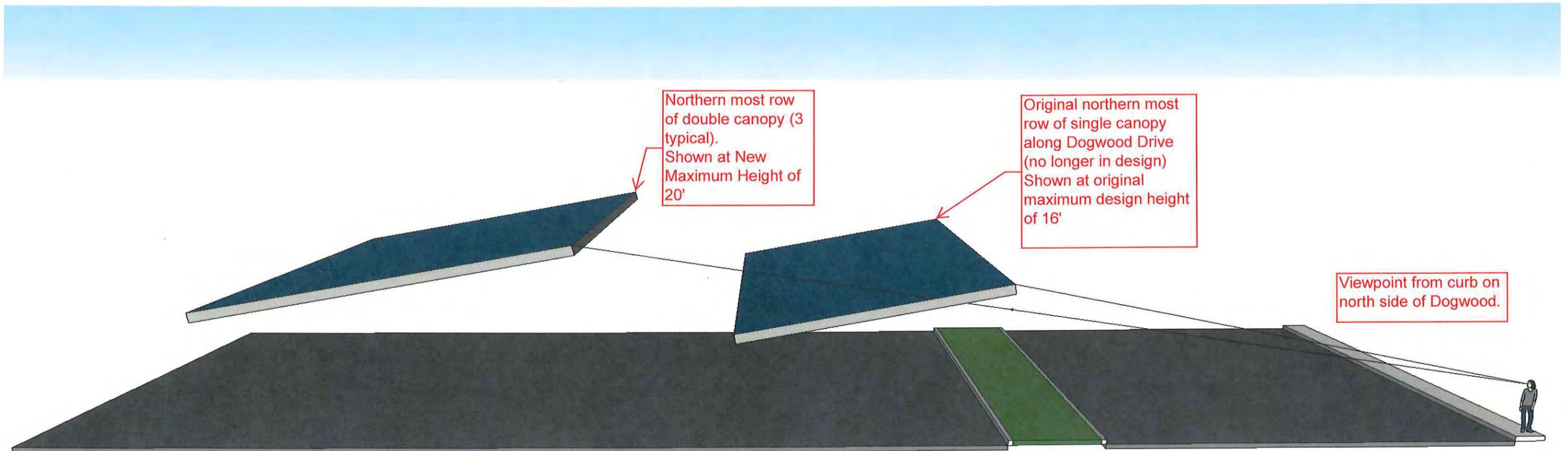
Revision: 6/24/2014

Drawn By: ADH

Scale: Not to Scale

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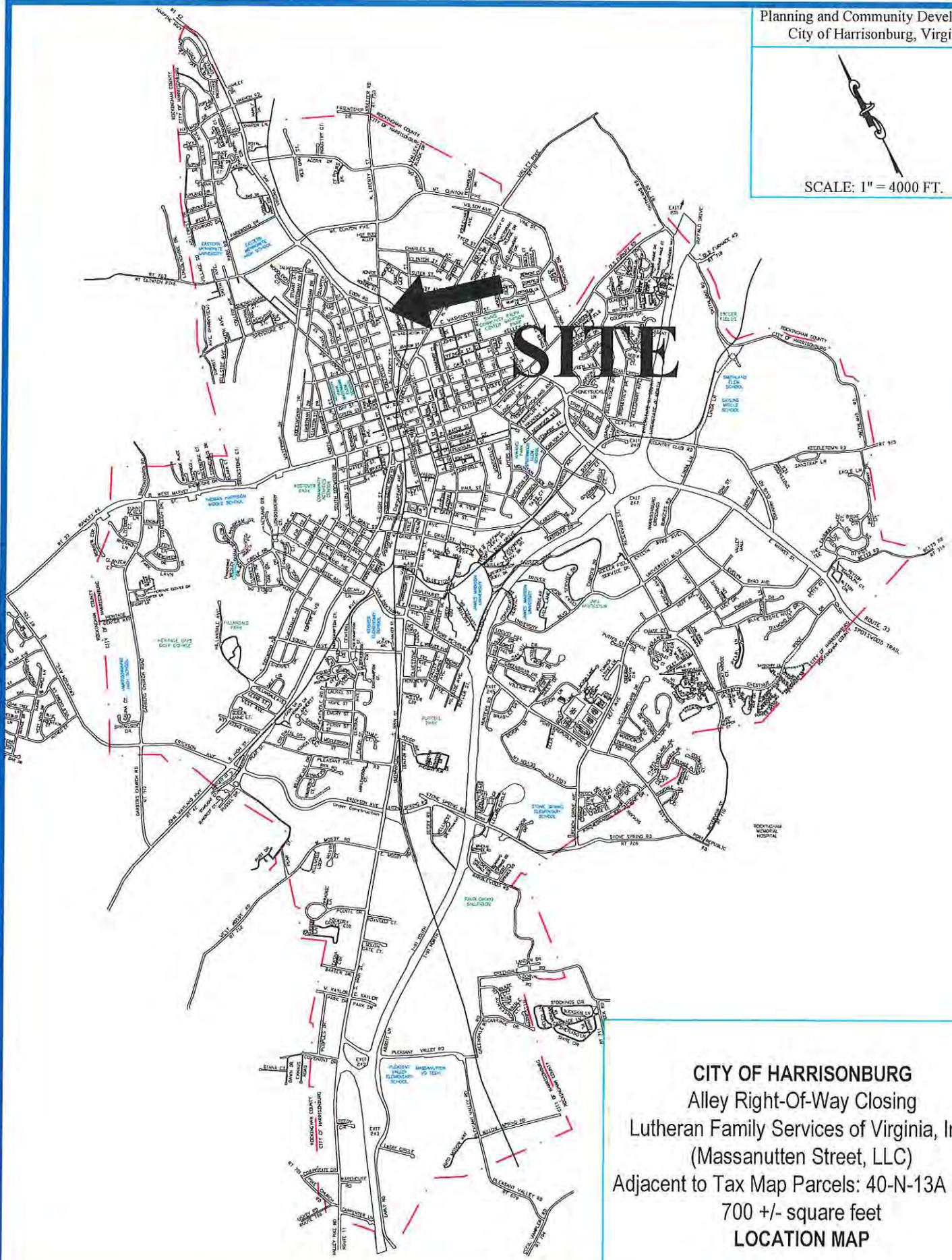




By eliminating the northern most single row, the visual impact to residences along Dogwood Drive is reduced by 2'-8", despite an increase in maximum design height to 20'. The minimum design height remains at 8'-6" for clearance and safety.



SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Alley Right-Of-Way Closing
Lutheran Family Services of Virginia, Inc.
(Massanutten Street, LLC)
Adjacent to Tax Map Parcels: 40-N-13A & 14
700 +/- square feet
LOCATION MAP



Alley Right-Of-Way Closing
Lutheran Family Services of VA, Inc. (Massanutten Street, LLC)



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
September 10, 2014

STREET CLOSING – ADJACENT TO 40-N-13A & 14 (LFSVA)

GENERAL INFORMATION

- Applicant:** Lutheran Family Services of Virginia, Inc. (LFSVA) the sole “member” of the property owner Massanutten Street, LLC
- Tax Map:** Adjacent to 40-N-13A & 14
- Acreage:** 700 +/- square feet
- Location:** A 50 +/- foot in length section of a public alley located between Jackson Street and West Washington Street and parallel to North Liberty Street.
- Request:** Consider a request to close a 14 +/- foot wide by 50 +/- foot long section of public alley right-of-way. The area requested for closure totals approximately 700 square feet.

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

- Site:** 14-foot wide public alley right-of-way
- North:** Public street right-of-way of substandard Jackson Street and industrial uses, zoned M-1
- East:** Minnick School, zoned M-1
- South:** Continuation of the 14-foot wide, undeveloped public alley extending to West Washington Street
- West:** Undeveloped parcels, zoned R-2

EVALUATION

Last month Planning Commission reviewed Lutheran Family Services of Virginia’s (LFSVA) alley closing application to close a 5,857 +/- square foot section of the 14-foot wide public alley that is adjacent to their school property addressed off of Massanutten Street. Planning Commission tabled the application to allow LFSVA to discuss matters related to access with an adjoining property owner. LFSVA has revised its request and is now only applying to close a 700 +/- square foot portion of the public alley right-of-way (ROW).

As a reminder, the entire alley runs about 660 feet between Jackson Street and West Washington Street. Last month’s request was to vacate the 410-foot in length section that is adjacent to the applicant’s property. If that request would have ultimately been approved, the remaining 250 feet of undeveloped public ROW extending to West Washington Street would have remained open. During last month’s review, Russell Showalter, one of the property owners of 776 North Liberty Street (tax

map parcel 40-N-12) spoke in opposition to the alley closing noting that if the closing were approved, although he and his wife would have the right to purchase up to 50 percent of the alley width adjacent to their property, they would no longer have public access to the rear of their property, which they and their tenants use. As discussed above, Planning Commission tabled the application until the September regular meeting to allow for further discussion to take place between the applicant and the Showalters.

Staff met with and communicated via email several times with the applicants, and separately spoke a few times with Mr. Showalter, to try and facilitate some type of an agreement among the two entities. Staff does not believe the applicants and the Showalters ever directly communicated on working out an access issue. Recently, staff was informed by the applicants that a local attorney representing the interests of LFSVA would make contact with the Showalters (before the Planning Commission meeting) to inform them of LFSVA's decision in moving forward with an amended application.

As noted by the applicant's recently submitted letter, rather than requesting to close the 410-foot in length portion of the alley that is adjacent to the school's total property, LFSVA now desires only to close the portion of the alley, where they are the property owners on both sides of the ROW. This section of the alley stretches from the Jackson Street ROW for a length of 50 feet, which totals 700 +/- square feet in area. If approved, although closing this section of the alley would restrict the Showalters from accessing the rear of their property from the Jackson Street ROW, the remaining portions of the subject alley would remain open to West Washington Street. In addition to the subject alley, there is an additional public alley located between 736 and 754 North Liberty Street, which extends from North Liberty Street and intersects the subject alley about 200 feet south of the Showalter's property.

It should be known that since last month's meeting occurred, physical improvements have been made to portions of the 700 +/- square foot alley area that is currently requested for closure. Soon after the Planning Commission meeting last month, LFSVA paved portions of their adjoining properties and paved over the remaining undeveloped portions of the alley that they want to obtain. (Remember that a small portion of this section of the alley extends into the area that is already paved and used for ingress and egress for the Minnick School and for some of the other properties in this area.) In addition to paving the alley, they also curbed over the Jackson Street entrance to the alley. Once staff was informed of what took place, we notified LFSVA that they must remove the section of the curb located over the alley. LFSVA had the curb removed. Paving an alley is not prohibited, but to correctly do so, one must first apply for and then receive approval of a public access permit—a permit which is free to review and obtain. LFSVA did not obtain a public access permit.

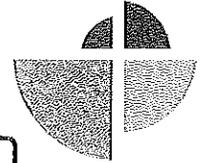
As discussed last month, Columbia Gas of Virginia, Inc. has a 2-inch gas line that runs the length of the entire alley, and therefore, staff will recommend the City Attorney reserve an easement over the entire section of the alley to be closed so that Columbia Gas can maintain their infrastructure. In addition, this small section of the alley that is desired for vacation is the section of the alley that staff explained last month has sanitary sewer infrastructure located within its limits. (See the aerial map included within the packet demonstrating the general location of the sewer lines within this area.) Staff will recommend the City Attorney reserve an easement within this area for the City to be able to maintain this infrastructure. The easement shall be at minimum 20-feet wide centered on the sewer line. Because easements will be located over the entire section of the alley to be closed, no structures, aside from fencing, could be located within this area.

Before the second reading can occur at City Council, the survey must be revised to demonstrate the new area requested for closure and how the alley property is desired to be distributed among the

applicants' properties. The survey must also demonstrate the areas in which the City will reserve easements for the utilities discussed herein.

As was also the case last month, staff is again supporting the closure of the alley request. Aside from the utilities as described, the City does not need to maintain ownership of the alley ROW to provide any other City services. Consequently, staff recommends closing the 700 +/- square feet of alley ROW with the following two conditions:

1. The City shall reserve, at minimum, a 20-foot wide sanitary sewer easement, centered on the infrastructure within the alley.
2. The City shall reserve an easement over the entire section of the alley to be closed to allow Columbia Gas of Virginia, Inc. to maintain their infrastructure.



Lutheran Family Services of Virginia

August 28, 2014

Mr. Adam Fletcher
City Planner
City of Harrisonburg
409 South Main Street
Harrisonburg, Virginia 22801

Dear Adam:

This letter is a follow-up to our organization's "Application for Alley or Street Closing" which was filed with the City of Harrisonburg and which was tabled by the Planning Commission at their August 13, 2014 meeting.

Our organization would like to amend its petition before the Commission to ask that the undeveloped alley, which is located between Jackson Street and West Washington Street, and parallel to North Liberty Street, be closed only to the extent that the alley lies between the two existing lots owned by Lutheran Family Services of Virginia, Inc. ("LFSVA"). This would reduce the size of the property being closed from 5,857 square feet to approximately 560 square feet. (Note that, as mentioned during the last Commission meeting, our property is actually titled in the name of Massanutten Street, LLC, which is a limited liability company the sole member of which is Lutheran Family Services of Virginia, Inc.)

As stated at the August Commission meeting, our organization's only desire through this process has been to ensure the safety of the children who attend our Minnick School. With a significant increase in business traffic in front of our school due to the opening of the poultry processing plant, we were concerned about the alley being eventually developed and used for through traffic, resulting in our school being surrounded in very close proximity by traffic flow which could result in hazardous conditions for the special needs children we serve. Our desire and intent were never to deny any of the adjoining property-owners reasonable access to their properties, nor did we have any intent to use or develop the land that makes up the undeveloped alley other than the portion that lies between our two existing lots.

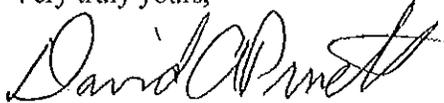
Closing this much smaller portion of the alley would address the concern voiced by the adjoining property owner at the August Commission meeting. By leaving the remainder of the alley open, the owners of the adjoining properties, will still have full access to the rear of their properties through the alley. The alley would still be fully open from Washington Street (where there is a curb cut allowing access to the alley) to the northern-most border of the property owned by Jayme and Russell Rentals LLC (lot 40-N-12). This solution would also allow our organization to accomplish our goal of providing safety measures for our children by allowing us to erect fencing and other barriers to restrict traffic flow over and access to our two existing lots.

Commission Member Gil Colman (who has worked with us on designing and developing this project), LFSVA CEO Julie Swauson and CFO David Pruett toured the subject site shortly after the August Commission meeting. Mr. Colman and Mr. Pruett walked the entire 410-foot length of the subject undeveloped alley. They also walked an additional undeveloped alley that starts on Liberty Street (where there is a curb-cut for access) and joins the subject alley. Both alleys are fully passable and would provide access to all of the adjoining properties. To confirm the alley's suitability for the stated purpose, Mr. Pruett entered the subject alley from Washington Street in a late-model Toyota Camry, and drove the entire length of the alley to Jackson Street with no difficulty.

Mr. Adam Fletcher
City of Harrisonburg
Harrisonburg, VA
August 28, 2014
Page 2

We therefore request that the Commission consider favorably our request to vacate only the portion of the alley that is situated between the two lots currently owned by Lutheran Family Services of Virginia, Inc. At the August Planning Commission meeting, an adjoining property owner expressed objection to our initial request, stating that closing the alley would restrict access to the rear of his property. The Commission tabled our request until a solution could be worked out that would not restrict access. The solution that we are hereby proposing meets the request of the Commission and does not result in any restriction of access by the adjoining property owners. Thank you in advance for your consideration.

Very truly yours,

A handwritten signature in black ink, appearing to read "David A. Pruett". The signature is fluid and cursive, with a large initial "D" and "P".

David A. Pruett, CPA
Chief Financial Officer

cc: Julie Swanson, Chief Executive Officer
Ray Ratke, Chief Operating Officer
Members of City of Harrisonburg Planning Commission



Legend

 MAN HOLES

 SEWER LINES

ALLEY VACATION SURVEY

HARRISONBURG, VIRGINIA

SCALE: 1"=50'
DATE: 6 MAY 14

N. LIBERTY STREET

JACKSON STREET

N 11° 32' 09" E
50.00'
MASSANUTTEN STREET, LLC
3148/627
40-N-13 & 13A

JAYME & RUSSELL
RENTALS LLC
2565/98
40-N-12

DIRUA LUDHOLTZ
LANTZ - 843/373
40-N-11

DIRUA LUDHOLTZ
LANTZ - 843/373
40-N-10

THE HEUANG SYHABANDITH
SYSOUNTHONE 894/452
40-N-9

THE HEUANG SYHABANDITH
SYSOUNTHONE 894/452
40-N-8

VICTOR M. DATIZ
4035/614
40-N-7

J & D PROPERTIES
HARRISONBURG LLC
4045/466
40-N-6

N 65° 18' 00" W
7.19'

JWK LAND
LLC - 3274/575
40-N-22

R.R. SPIKE

S 67° 01' 00" E
14.28'

UTILITY EASEMENT TO
CITY 1127/129

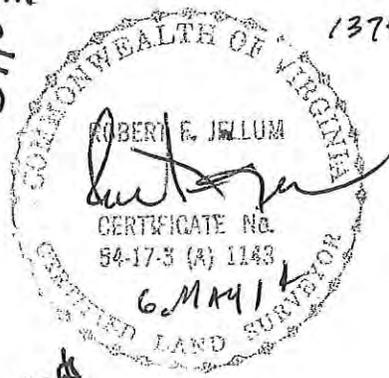
PROPERTY LINE HEREBY
VACATED UPON APPROVAL
OF THIS VACATION.

N 67° 01' 00" W
7.14'

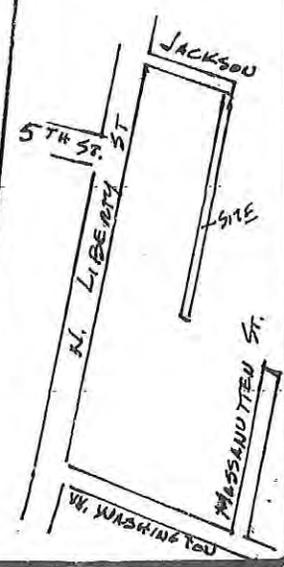
MASSANUTTEN STREET, LLC
3148/627
40-N-14

UTILITY EASEMENT FOR CITY
E-F = N 22° 03' 21" W 18.33'
F-C = S 67° 01' 00" E 10.34'
C-E = S 11° 32' 09" W 13.22'
67#

ACCESS EASEMENT FOR MASS. ST., LLC
A-B = N 11° 32' 09" E 10.69'
B-C = S 67° 01' 00" E 14.28'
C-D = S 11° 32' 09" W 8.88'
D-E = N 74° 17' 48" W 14.04'
137#



VICINITY
SKETCH



Date application received: 5/19/14

**Application for Street or Alley Closing
City of Harrisonburg, Virginia**

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

Applicant's Name: Lutheran Family Services of Virginia, Inc.
Street Address: 2609 McVitty Road E-mail: dpruett@lfsva.org

City: Roanoke State: Virginia Zip: 24018

Telephone: Work 540-562-8462 Fax 540-774-1084 Mobile 540-353-5466

Representative (if any): Julie Swanson, CEO, David Pruett, CFO and/or Ray Ratke, COO

Street Address: 2609 McVitty Road E-mail: dpruett@lfsva.org

City: Roanoke State: Virginia Zip: 24018

Telephone: Work 540-562-8462 Fax 540-774-1084 Mobile 540-353-5466

Description of Request

Location Request is for the City to vacate an easement - see attached for specifics of request

Square footage of area to be closed: ~~5,857 +/- sq. ft.~~ ^{AF} 700 +/- sq. ft. ^{AF}

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

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

Name and addresses of adjacent property owners (Additional names listed on separate sheet)

North: See attached for list of adjacent property owners

South: _____

East: _____

West: _____

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: David A. Pruett, CFO Applicant

Date: 5/13/2014

ITEMS REQUIRED FOR SUBMISSION

- Completed application
- Letter described proposed use
- Adjacent property owners
- Survey & metes and bounds description (prepared by a surveyor, engineer, or other person duly authorized by the State)
- Value per square foot of cost to purchase
- Fees paid
- Other _____

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 a fair market value determined by the Commissioner of Revenue.