



City of Harrisonburg, Virginia

Planning Commission Meeting

July 8, 2015

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 June 10, 2015 regular meeting.**
- 2) **New Business**

Special Use Permit – 210 Charles Street (Section 10-3-97 (2) Convenience Store in M-1)

Public hearing to consider a request from Rawley Enterprises, LC with representative Dennis W. Rawley for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow for a convenience store within the M-1, General Industrial District. The 8,750 +/- square foot property is located at 210 Charles Street and is identified as tax map parcel 41-B-1.

Special Use Permit – 521 Blue Ridge Drive (Section 10-3-34 (6) Major Family Day Home in R-1)

Public hearing to consider a request from Aneta and Christopher Smialek for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow for a major family day home in the R-1, Single Family Residential District. The 15,452 +/- square foot property is located at 521 Blue Ridge Drive and is identified as tax map parcel 29-D-29.

Rezoning – 412 South Main Street (B-2 Conditional to B-1 Conditional)

Public hearing to consider a request from Campbell and Main, LLC with representative Rodney L. Eagle to rezone a 18,901 +/- square foot parcel zoned B-2C, General Business District Conditional to B-1C, Central Business District Conditional. The property is located at 412 South Main Street and is identified as tax map parcel 26-O-3.

Rezoning – Chatham Square 2015 Amendment

Public hearing to consider a request from Chatham Land Co.; 126 Belmont, LLC; Nancy Lantz; Delbert and Lela Snyder, Trustees; and Tonya Taylor Price to rezone 37 lots comprising of 7.6 +/- acres of property zoned R-6, Low Density Mixed Residential Planned Community District by amending the development's master plan originally approved in July 2006. The proposed amendment would reduce the total number of master planned lots from 38 to 26 single family home lots and make amendments to the allowable area and dimensional regulations of the community. The development is located along Betts Road and East Market Street and is served by Alston Circle and Payton Randolph Court—both private streets. The properties are addressed as 2302, 2310, 2313, 2314, 2318, 2319, 2322, 2326, 2330, 2334, 2337, 2338, 2341, 2342, 2346, 2347, 2350, 2354, 2358, 2362, 2366, 2370, 2371, 2374, 2375, 2382, 2386, 2390 Alston Circle and 40, 41, 50, 51, 60, 61, 70, 71, 80, and 90 Peyton Randolph Court. The properties are identified as tax map parcels 74-J-0 through 26, 28 through 30, and 32 through 38.

Staff will be available Tuesday August 11, 2015 at 4:30 p.m. for those interested in going on a field trip to view the sites for the August 12, 2015 agenda.

Zoning Ordinance Amendment – Section 10-3-24 (To Align Definitions of Minor and Major family Day Homes with recent changes to the Code of Virginia.)

Public hearing to consider amending the Zoning Ordinance by modifying the existing definitions of “minor family day home” and “major family day home.” Currently, a minor family day home is a child day care program offered in the home of the provider for one to five children while a major family day home is a program offering care for six to twelve children. In either case, the provider’s children do not count against the total number they are allowed to provide care for. The amendment would change the total number of children allowed in a minor family day home to one to four children while a major family day home would be allowed to have five to twelve children.

Zoning Ordinance Amendment – Sections 10-3-135, 136, and 139 (To Align Article W Board of Zoning Appeals with recent changes to the Code of Virginia)

Public hearing to consider amending the Zoning Ordinance Sections 10-3-135, 10-3-136, and 10-3-139. Section 10-3-135 Powers shall be amended by adding criteria to assist the Board of Zoning Appeals in hearing and deciding appeals. The code will include adding that the determination of the administrative officer shall be presumed to be correct and that the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. Section 10-3-136 Variances shall be amended by updating all existing subsections to align with the provisions of the Code of Virginia. The code will, among other things, include adding a new subsection to explain the applicant has the burden of proof that they meet the standards for receiving a variance. Section 10-3-139 Procedure on applications and appeals shall be amended by adding three new subsections including information regarding equal say during hearings, ex parte communications, and when materials of the case shall be available to board members, the applicant, and the public.

3) Unfinished Business

None.

4) Public Input

5) Report of secretary and committees

Proactive Zoning

6) Other Matters

None.

7) Adjournment

Staff will be available Tuesday August 11, 2014 at 4:30 p.m. for those interested in going on a field trip to view the sites for the August 12, 2014 agenda.

MINUTES OF HARRISONBURG PLANNING COMMISSION
June 10, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, June 10, 2015 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Gil Colman, Judith Dilts, Deb Fitzgerald, Jefferson Heatwole and Henry Way.

Members absent: MuAwia Da'Mes.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; and Alison Banks, Senior Planner/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 May 13, 2015 Planning Commission meeting.

Dr. Dilts moved to approve the minutes as presented.

Mr. Heatwole seconded the motion.

All members voted in favor of approving the May 2015 minutes as presented (6-0).

New Business

Preliminary Plat – Ramblewood Subdivision

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Low Density Mixed Residential. This designation states that these large undeveloped areas located at the edge of the City are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces. Planned “open space” (also known as “cluster”) developments are encouraged. The intent is to allow innovative residential building types and permit creative subdivision design solutions that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and protection of environmental resources. Such innovative residential building types as zero lot-line development and patio homes will be considered as well as other new single family residential forms. The gross density of development in these areas should be in the range of 1 to 6 dwelling units per acre.

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

Site: Undeveloped property, zoned R-1

North: Single family home lots, zoned R-1

East: Agricultural use and single family home within Rockingham County, zoned A-2

South: Single family home lots, zoned R-1

West: Across Ramblewood Road, single family homes, zoned R-1

The applicant is requesting to preliminarily subdivide a parcel that has approximately 400 feet of street frontage along Ramblewood Road. The subject parcel is part of a large farm that has 12.5 +/- acres within the City and many more acres located within Rockingham County. The plan of

development includes creating seven parcels—six single family home lots and the remaining parent tract—along with dedicating a new public street. The applicant is requesting to deviate from three sections of the Subdivision Ordinance including Sections 10-2-41 (a), 66, and 67, which means after review by Planning Commission, the request must be reviewed and approved by City Council.

The property is zoned R-1, Single Family Residential. Each of the proposed lots meet or exceed the area and dimensional requirements of the district, where minimum requirements are 10,000 square feet of lot area and lot widths and depths must be at least 80 feet and 100 feet, respectively. Each lot would have the required street frontage along the proposed public street, which would extend from Ramblewood Road approximately 590 feet to the City/County boundary. A temporary cul-de-sac would be provided just outside the City limits. The Director of Planning with Rockingham County noted that the temporary cul-de-sac complies with their ordinances. Ultimately, it is the applicants desire to extend this street to what could become an extension of Peach Grove Avenue in the County. To demonstrate the overall development plan, the applicant has submitted an early draft of what they hope to develop, which includes several new roads in the County and another phase within the City. The County portion of their property could not be developed as shown without being rezoned and then preliminarily platted.

The proposed subdivision meets all requirements of the Subdivision Ordinance except for the three sections as noted in the opening paragraph. Section 10-2-41 (a) requires proposed public streets to conform to the design standards and specifications that are outlined in the Design and Construction Standards Manual (DCSM). Specifically, this section states:

“Proposed streets shall conform to the standards and specifications outlined in the Design and Construction Standards Manual except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the City Council when:

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

Specifically, the proposed design of the street does not conform to several sections of the DCSM. The deviations to the DCSM are described below.

- The proposed public street right-of-way is less than the required 50 feet minimum per DCSM 3.1.4 and Appendix F. The proposed ROW width is 36 feet.
- The proposed public sidewalk is not separated from the curb by a 2-foot grass strip per DCSM 3.1.4 and Appendix F. The proposed sidewalk would be constructed adjacent to the curb with no grass strip.
- Pavement width is not to the standard 26 or 30 foot width minimum per DCSM 3.6.4 and Appendix F. The proposed pavement width is 20 feet plus 2-foot gutters on each side (12-foot travel lanes).

Included within the packet is a letter from the applicant addressing why he believes the proposed development meets the three criteria for variance approval. In particular the applicant desires to preserve the wooded, wet retention pond area, directly south of the proposed street, to be used as a community pocket park. He feels he can achieve this by reducing the proposed street width, yet still designing the street to avoid undue inefficiencies for vehicles and pedestrians. Staff does not have concerns with the requested reduction, but because of the desired narrow pavement width no parking would be allowed along the street. The applicant has noted on the plat that “No Parking” signs would be required on both sides of the proposed street.

Along with deviating from Section 10-2-41 (a), the applicant is also requesting to deviate from Sections 10-2-66 and 67. These two sections, together, require subdividers to build all required street improvements at their expense along the entire street frontage of the parcel they are subdividing. Therefore, the applicant would be required to construct approximately 400 feet of street improvements along Ramblewood Road where the subject property borders the street. As indicated on the overall development plan included with the preliminary plat, the applicant desires to realign the existing Ramblewood Road as part of another phase for this subdivision, extending the road into the County portion of the development, ultimately tying into the extension of Peach Gove Avenue. Given the sharp curve along this portion of the existing Ramblewood Road, staff is supportive of the realignment for a new road. Rather than build improvements, staff would prefer that the applicant put forth the same financial obligations and engineering efforts toward connecting future Ramblewood Road with the existing improved Ramblewood Road to the south. The amount required would be whatever the cost is to improve existing Ramblewood Road along the applicant’s frontage. Exact details of where improvement costs need to be estimated from (i.e. from point A to point B) can be worked out during the comprehensive site plan or final plat review. The applicant will be required to submit an approved form of surety for all costs at the time of final platting for this phase.

There are several things that the applicant needs to be mindful of when proceeding with comprehensive site plan review for this phase of the development and the remaining subdivision:

- During the comprehensive site plan review the applicant will be required to provide detailed calculations to determine compliance with the Stormwater Management Regulations from the standpoints of both quantity and quality.
- As presented the proposed development is entirely within the Harrisonburg Corporate Limits, but with stated intent to expand into Rockingham County with connection to existing City water and sewer utilities. The applicant has been advised that future residential phases within Rockingham County will need to be reviewed through the Public Utilities Application process in which both Planning Commission and City Council will provide input.
- As part of an easement agreement for the existing 30-inch City waterline located within the County portion of the subject property, the City has a commitment to allow water and sewer up to 168,100 GPD. This is pending approval as noted above. The applicant needs to keep in mind that the City needs to make a small revision to the easement and should do this during or before development in the County.

- Lastly, the applicant needs to be aware that the maintenance of the proposed wooded, “pocket park” area, which currently remains on the parent tract, will need to be addressed as the subdivision develops. This would not be considered a City Park.

As required, the applicant has provided several names for the proposed street. Currently, the names are under review within the 911 addressing system. Prior to approval of the final plat an accepted name must be provided for the proposed street.

Staff is supportive of the preliminary plat with the requested variances.

Mr. Colman said the only comment I have is that the applicant shows the curb and gutter within the street cross section as two feet and it should be two feet six inches. Curbing is six inches and the gutter pan is two feet. Therefore, the right-of-way should reflect 37-feet, not 36-feet.

Mr. Fletcher said the cross section is incorrect. The right-of-way will be six inches behind the sidewalk and the drawing should reflect a curb of six inches with gutter of two feet.

Dr. Dilts said in the staff report where it describes land use, zoning, and site characteristics, it talks about the intent is to allow innovative residential building types and permit creative subdivision design solutions that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and protection of environmental resources. What is meant by environmental resources? These are heavily wooded areas, with mature trees and once you start raising it you lose all the carbon sync. What exactly do we mean when we say protection of environmental resources?

Mr. Fletcher said there are different ways of looking at this. What the land use guide is referring to is the opportunity to have these designs that are flexible, such as small lot R-6 and R-7 developments, with compact, dense lots, that are saving open space. That is why we often associate low density, mixed residential with our R-6 development; because they require open space. In this particular case there is somewhat of a give-and-take; the applicant is offering the idea that he wants to conserve as much of the large open areas as possible; whereas, the R-1 by right permissions would allow the applicant to go in there and essentially wipe the slate clean. We appreciate the fact that the applicant wants to do a small street, this helps to reduce the footprint and secondly, the applicant does have an overall concept that he wants to have the open space and park area. Of course we would recommend as general practice to not have to cut into steep slopes as much as possible; however, if he were building the public street to City standards, more of the hillside would need to be removed. Again, that would be a by-right permission to go in and create the fifty-foot wide public street.

Mrs. Turner said not to say that we do not look at the land use guide when someone is subdividing, but we look at it much harder when an applicant is asking to rezone property. In this case the applicant is developing a permitted use. If he was going to rezone the area to something lower density mix, with smaller lots and smaller setbacks, staff would have looked harder at the land use guide. However, he is taking R-1 land and trying to incorporate some of what the Comprehensive Plan is calling for by keeping the open area where the more mature trees and pond are and reducing the street width.

Dr. Dilts said I understand all of that and I appreciate what he is doing, but my question is about the protection of environmental resources and how we define environmental resource.

Mr. Fletcher replied we do not define it. The reality is that more than likely the intent with protection of environmental resources was to leave as much open space as possible.

Dr. Dilts said by open space do you mean with trees?

Mr. Fletcher said it does not matter; just undeveloped space.

Mrs. Turner said it could mean any environmental resource; it would be dependent on the site. If the site has trees – that would be the environmental resource; if the site has meadows – that would be the environmental resource; stream areas with the floodplain would be considered such. It would be site specific.

Mr. Fletcher said if the Commissioners desire, we could define environmental resource in the next review of the Comprehensive Plan.

Dr. Dilts said I think it is a good conversation to have then.

Mr. Fletcher said what we are looking at here this evening is the fact that the land use guide designation actually recommends for higher density and the applicant is not even building to the higher density. He is building to the R-1, by-right density. When you compare low density to low density mixed – low density is standard, traditional single-family home area and says nothing about environmental resources.

Mr. Baugh said I will just add that I have recently been exposed to some jurisdictions that have actually developed urban tree plans. Part of that plan is that certain incentives are built in to protect environmental resources. The City does not have anything like that. It is definitely something we may want to look at in the future.

Dr. Dilts said if my history recalls in other areas I have been associated with there was a two-for-one plan, where you replace one mature with two new ones. That being because the trees that are coming down are mature trees and they do a lot more for the environment than the small trees you are replacing them with. I would appreciate a conversation on this in the future.

Mr. Colman said the new stormwater management plans may play into this when we review the Comprehensive Plan again.

Chair Fitzgerald asked if there were any further questions for staff. Hearing none, she continued and said this is not a public hearing, however we do offer the applicant the opportunity to come forward and speak.

Mr. John Daly said he is a Virginia architect and the developer for this project. I think the presentation said it all and I would be happy to answer any questions you may have.

Mr. Way said the future plan of development extends out into the County as well, what are your thoughts regarding traffic impacts for the City?

Mr. Daly said only in a vague sense; however, I believe that even though there would be more units in this area in the future we are going to see a better traffic pattern than what is currently in place.

Mr. Fletcher said to add to that, the property in the County is not zoned for residential and would have to go through the rezoning process. Therefore, the future County development is very hypothetical at this time.

Chair Fitzgerald asked if there was anything else or perhaps a motion.

Mr. Way said I like what I have heard tonight, especially the narrowing of the street to reduce the footprint, that goes a long way to making it more of a green development.

Mr. Colman said to that point, I think it would be good for us to consider reducing the minimum requirements for a street. This could be used as a good model.

Mr. Way moved to recommend approval of the preliminary plat with the requested variances as presented.

Dr. Dilts seconded the motion.

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

Chair Fitzgerald said this will move forward to City Council on July 14th with a favorable recommendation.

Special Use Permit – 961 Acorn Drive (Section 10-3-97 (3) Business Office in M-1)

Chair Fitzgerald read the request and asked staff for review.

Mrs. Banks said the Comprehensive Plan designates this area as General Industrial. This designation 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: Vacant 6,700+/- sq. ft. building, zoned M-1

North: Across Acorn Drive, professional office, storage buildings, sports training facility, zoned M-1

East: Landscaping business, zoned M-1

South: Industrial businesses and vacant land, zoned M-1

West: Business office, zoned M-1

The applicant is requesting a special use permit per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District. If approved, the applicant would utilize the facility located at 961 Acorn Drive for a business office.

The site is situated in the northwest quadrant of the City, along the southern side of Acorn Drive, about 280 feet west of the intersection with Red Oak Street, in an area with a mix of small scale industrial uses, businesses, and storage facilities. Previously, the subject building had been used for industrial warehousing and associated office space; a conforming use to the Comprehensive Plan and zoning regulations.

If approved, the conversion to a business office use may require a change of use permit from building inspections and have to meet specific building code standards. The applicant should be aware that any change back to an industrial use after its use as a business office would likely require a new change of use permit.

Parking for the office use would be calculated at one parking space for every 300 square feet of gross floor area. Per records available to staff the building is approximately 6,700 square feet which would require 24 parking spaces; all of which must be appropriately delineated. The

applicant has noted that a portion of the parking lot will be fenced in order to secure company vehicles.

Staff has no concerns with this request and believes a business office at this location would be compatible with the existing moderate to minor industrial operations nearby. Furthermore, the same SUP has been approved along this section of Acorn Drive as the property adjacent to the west, at 971 Acorn Drive, and across the street, at 950 Acorn Drive, received approval in 2001 and 1996, respectively.

Staff recommends approving the request.

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

Mr. Bill Neff said he is with Neff Enterprises and represents the owners of the subject property. The building is not changing much, it currently has offices and we have very little work we need to do to it. The building was used as the corporate offices for Computer Cabling Technology. We will only occupy the building for a short period of time. If you have any questions for me I would be happy to answer them for you.

Observing that there was no one else wishing to speak on the request, Chair Fitzgerald asked if there were any further questions, discussion, or a motion.

Mr. Way moved to recommend approval of the requested special use permit.

Mr. Colman seconded.

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

Chair Fitzgerald said this will move forward to City Council on July 14, 2015 with a favorable recommendation.

Zoning Ordinance Amendment – Section 10-3-97 (10) (To Allow Nontransient Dwellings with Recreational and Leisure Time Activities)

Special Use Permit – 1430 Red Oak Street (Recreational Use with Nontransient Dwellings)

Chair Fitzgerald read the next two items on the agenda and said we will have one staff presentation for these items and then have a separate vote. She asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as General Industrial. This designation 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: Recreational and leisure time activity special use with cabins under construction and an accessory building, zoned M-1
- North: Industrial uses and undeveloped property, zoned M-1
- East: Industrial uses, zoned M-1,
- South: Undeveloped property, zoned M-1

West: Pilgrim's Pride industrial operations, zoned M-1

The owners of 1430 Red Oak Street—the legal owner being Jamison Black Marble Wildlife Preserve, LLC, which consists of Richard L. Blackwell III, Edmond H. Blackwell, and Gregory S. Johnson—are requesting to amend the M-1 special use permit (SUP) section of the Zoning Ordinance (ZO) while simultaneously applying for the SUP they are requesting be amended so they can have the ability to permanently reside in dwellings on industrially zoned property. 1430 Red Oak Street is accessible from the temporary Red Oak Street cul-de-sac via a private gravel drive extending south from the cul-de-sac within the undeveloped Red Oak Street right-of-way (ROW). The undeveloped Red Oak Street ROW terminates at the subject property.

The proposed ZO amendment is to Section 10-3-97 (10), which currently allows M-1 property owners to request permission to have “recreational and leisure time activities.” The amendment would create the opportunity to have such uses while also allowing, on a case-by-case basis, nontransient dwellings. Specifically, the amendment would be as follows: (proposed text is underlined):

- (10) Recreational and leisure time activities, which may include nontransient dwelling units.

In 2009, the applicants were granted a recreational and leisure time activities SUP, which allowed them to formally utilize the property for recreational use and to build two cabins on the property to be used for shelter, which were for temporary recreational use only. At that time, the owners stated the use of the property was a retreat for themselves and their family and friends, where they could camp, picnic, swim, fish and more. They also noted that at times, and for no charge, small groups would use the property to recreate, and further that the property was closed to the general public. The SUP was approved with the following conditions:

- limiting the site to the two proposed cabins only,
- the cabins cannot be occupied on a long term basis, and
- staff shall be authorized to review any complaints received regarding the property and based on their finding may require the applicant to return to Planning Commission and City Council for a public hearing to re-examine the use of the property. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

The property owners are now interested in being able to permanently reside at 1430 Red Oak Street. As explained to the applicants, in general, there are two ways to allow their desired outcome: 1) rezone the property or 2) amend the ZO in some way to allow the use. After a great deal of discussion with the applicants, and in evaluating the different options available to them, staff suggested the text amendment approach, which the applicants ultimately decided upon as applied for in this request.

As noted above, the applicants are also simultaneously requesting approval of the SUP as proposed for modification. As their submitted application materials demonstrate, although they plan to have up to five single family detached dwellings, at this time, only two are planned to be finished in the near future. Along with the dwellings, they will have recreational and leisure time activities that include “...occasional special events for family and friends, (not for charge) and swimming and water activities.”

Although they plan to utilize water from the quarry as their water source, the applicants should understand that they could be required to connect to the City's water infrastructure. This matter will ultimately be determined once the final decision is made to the exact location of the fire hydrant that they will be required to install. With regard to sewage, they plan to either connect to the City's infrastructure or utilize an onsite septic system regulated by either the Virginia Department of Health or the Department of Environmental Quality. Their submitted letter also notes they plan to have chicken coops, which for this piece of property would be permissible so long as they abide by the regulations as noted in Section 15-2-24 of the City Code.

As is required for all property owners wanting to develop a parcel along an undeveloped public (paper) street, per Section 3.5.1 of the Design and Construction Standards Manual (DCSM), "[i]f an owner, developer, etc. wishes to develop any parcel of land abutting a paper street, and the parcel abuts no other publicly maintained city street, it shall be the sole responsibility of the developer to construct the street to current standards until it accesses a publicly maintained street. If there is not a minimum width of fifty (50) feet of public street right-of-way or other width as determined by the City, then it must be dedicated to the City. Design of such improvement must be adequate to ensure extension of the remainder of the street in the future." However, in this particular situation, another option for them would be to request closing the remaining undeveloped ROW of Red Oak Street while working with the adjoining property owners to the north to dedicate the necessary property around the existing temporary cul-de-sac to permanently enclose the turnaround in public street ROW. At this time, the applicants believe they will tackle the latter option. In the future, if they request closing the remaining public street ROW, as part of that application, the applicants will also have to formally request Planning Commission's consent to permanently terminate Red Oak Street as Section 10-2-41 (e) of the Subdivision Ordinance prohibits permanent dead-end streets unless permitted by Planning Commission. At this time, staff would support this street's permanent termination as there is no current need for it to continue through the subject property to connect to other public streets.

With regard to access for emergency responders, regardless of whether Red Oak Street remains in its current location or it is extended to the subject property, at minimum, a 16 feet wide all-weather surface road (with shoulder) must be provided from the termination of the public street on and through the property for a distance appropriate to serve the dwellings. Early discussions with the applicant included, at minimum, extending the road past the existing 30 feet X 30 feet cabin and past the proposed 2,950 square feet dwelling and then back toward the entrance to the property—essentially, a "loop road" following the existing gravel drive. However, depending upon the final locations of the other three planned dwellings, the 16 feet wide road as described above may need to be extended further south on the property so that emergency responders have appropriate access to the dwellings. Furthermore, to be able to construct the 16 feet wide private street as described, the applicants will be required to request a variance from the private street standards as listed in the DCSM Section 2.7. This variance can be requested either at the time they would submit a comprehensive site plan to improve/complete Red Oak Street to their property or during the street ROW closing request.

Although the applicants are already aware of this, as a reminder, aside from the 30 feet X 30 feet cabin and the accessory building, it appears portions of all of the other proposed dwellings could be partially in the floodplain. The property owners should be prepared to meet all requirements of the floodplain district.

Staff is recommending approval of both applications. First, with regard to the ZO amendment, staff does not believe affording recreational and leisure time use property owners the ability to request nontransient dwellings will negatively impact the integrity of the industrial zoning regulations. The approach is narrowly tailored to a non-industrial-like use, and because the SUP process gives the City the ability to deny the request or stipulate approval with appropriate conditions, there should be no damaging implications. As a reminder, this is not the first time that staff has recommended in favor of an amendment to allow permanent residential uses on industrially zoned property. In 2009, the City approved a staff proposed amendment to the ZO to allow boarding and rooming houses by SUP on M-1 property. (After that amendment was approved, in March 2010, a boarding and rooming house SUP was granted to 715 North Main Street, which is zoned M-1.)

With regard to the applicants' SUP request, the subject property is likely the perfect scenario for such a use. The property is located at the end of a public street, where there is no public plan to extend the street; it is also greatly secluded; and it would have very minimal impact to the surrounding uses. Staff's support, however, does not come without the following conditions:

1. The property shall be limited to five single family detached dwellings.
2. Occupancy of each dwelling shall be limited to a family or two persons.
3. Final certificates of occupancy shall be withheld until the following items are completed or an acceptable form of surety is accepted by the City to cover the cost for such work:
 - a. Red Oak Street shall be extended from its existing location to the subject property per public street standards as specified by the DCSM; or, the undeveloped Red Oak Street ROW shall be closed and purchased and the existing cul-de-sac permanently enclosed in public street ROW.
 - b. At minimum, a 16 feet wide all-weather surface road (with shoulder) shall be constructed from the termination of the completed public street on and through the property. The distance/extent that the road must travel shall be determined by the Fire Department, when the final locations of the residential structures are determined.
 - c. A fire hydrant shall be extended onto the property and located at a location determined by the Fire Department.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Way said my only question is regarding the zoning ordinance amendment. Did we not have a discussion about reduction or encroachment of the M-1, Industrial District at some point last year?

Mrs. Banks said are you referring to the rezoning request along Mt. Clinton Pike.

Mr. Fletcher said yes, the request to eliminate the M-1 property in the area.

Mr. Way said we were trying to protect the amount of M-1 property.

Mr. Fletcher said we are not losing M-1 property in this case.

Mr. Way said I realize that but I was just trying to think about the implications of this request and are we going down the same route where we might be potentially opening up property to be less manufacturing suitable. But you are correct in the fact that it is restricted enough through the

special use permit that it becomes more of a case-by-case basis. Therefore, it is not really an erosion of any manufacturing opportunities.

Mr. Fletcher said if you are looking at a major throughway zoned M-1 it makes it much harder to be in favor of a special use such as this. This request tonight is at the dead end of a public street with no plans for future extension.

Mr. Colman asked if the location of the dwellings were proffered or was it demonstrative for this presentation.

Mr. Fletcher replied there is no condition attached that the dwellings have to be in the exact location; of course two of them are basically there already.

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

Mr. Dick Blackwell with Blackwell Engineering said I am representing the owners of the property – the owner's are two of my sons and my son-in-law. This is an unusual piece of property that is zoned M-1; but, using it for an industry purpose seems a crime. This is a very beautiful setting. One reason the owners desire to live there is because of trespassing; people cut the fence and come in to party. That is one reason that the previous owners, Pilgrims Pride, decided to get rid of the property. It is somewhat of an attractive nuisance, but living there does help with the trespassing problems. I will be glad to answer any questions.

Chair Fitzgerald asked if there were any questions for Mr. Blackwell. Hearing none, she asked if there was anyone else wanting to speak in regard to the zoning amendment. Hearing none, she closed the public hearing for the ordinance amendment, opened the public hearing for the special use permit request and asked if the applicant's representative would like to speak.

Mr. Dick Blackwell said if there are any questions regarding the request, I would be glad to answer them.

Chair Fitzgerald asked if there was anyone else wishing to speak in regards to the special use permit request. Hearing none, she closed the public hearing and asked if there were further questions, discussion, or possibly a motion on the requests.

Dr. Dilts said she recommends approval of the zoning ordinance amendment to allow nontransient dwellings with recreational and leisure time activities, Section 10-3-97 (10) and to recommend approval of the special use permit for 1430 Red Oak Street to allow nontransient dwellings with the three conditions as specified by staff.

Mr. Colman seconded the motion.

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

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

Chair Fitzgerald said this will move forward to City Council on July 14th.

Zoning Ordinance Amendment – Wireless Telecommunications Facilities and Radio and Television Stations and Studios or Recording Studios in B-1

Chair Fitzgerald read the next request and asked staff to review.

Mr. Fletcher said the comprehensive Zoning Ordinance (ZO) amendment associated with wireless telecommunications facilities is complete and, if desired, ready for adoption. In brief, the proposed amendments would allow for particular wireless facilities to be administratively reviewed and approved in the commercial and industrial districts, which will expedite the process for wireless infrastructure installation. The new regulations also create the opportunity for facilities to be located in 13 of the City's zoning districts as opposed to the current provisions, which only allows them in three.

This ordinance project began in November/December 2011 when a special use permit (SUP) was requested to construct a telecommunications tower along Reservoir Street. In short, opinions differed regarding whether the SUP should be approved as staff recommended denial and both Planning Commission (PC) and City Council (CC) had split votes through the process that ended with the SUP being approved with conditions. During this review members of both PC and CC questioned whether new or more provisions were necessary for telecommunications, which ultimately led to this considerable undertaking.

Throughout the process a few reports were completed to aid in the creation of the proposed regulations. After the Reservoir Street SUP was approved, in January 2012 staff prepared a report for PC that explained the City's zoning provisions associated with wireless telecommunications facilities. At this meeting, staff was advised to investigate the options involving updating those regulations. As staff began to explore different approaches, a second document was generated that included an inventory of the existing properties with such facilities. Eventually, both of the previously described documents became appendices to a detailed research document titled "Considering Amendments for Telecommunications" that was provided to PC in August 2013. This report was a thorough evaluation of the topic including: why the City was investigating telecommunications regulations; what authority the City had in regulating telecommunications; a section describing example regulations; and information about recent and future telecommunication practices to help understand the issues if new regulations were to be drafted. The report also included staff's recommendations for moving forward. Prior to presenting this information to PC, staff provided the document to other City departments and the other groups on the monthly development review team to receive their feedback. Moreover, staff reached out to the wireless industry (i.e. AT&T, NTelos, Shentel, Verizon Wireless, and others) to receive feedback on our understanding of not only the technology but where the industry was heading. The roles of the individuals from the wireless industry were diverse and included: the regional general attorney or other attorneys of major carriers, real estate manager, site acquisition manager, remote access network (RAN) engineer/strategic planner, leasing coordinator, and private contractor. Overall, the industry representatives provided positive feedback about staff's thoughts and recommendations.

The research document's main objective was to question and help answer to what extent, if any, should the City Code be updated and amended to further address land use issues involving wireless telecommunications facilities. After having a month to review the report, PC discussed the issue at the September 2013 regular meeting, where there was consensus among them for staff to officially begin drafting updated wireless telecommunications regulations.

After many months of additional research and writing, in February 2015, staff presented to PC a complete draft of all the ZO amendments that would be needed to implement the new proposed regulations. PC consented to these amendments and requested staff obtain feedback on the proposed code changes from the wireless industry and the normal monthly development review team. After considering the comments and suggestions those groups submitted, staff made final revisions to the

proposed regulations and presented them to PC in May 2015. At the May regular meeting, PC decided to move forward with a public hearing. As with previous versions, staff sent the final draft of the proposed ordinance amendments to the wireless industry and the normal monthly development review team. Included at the end of the staff report documents herein are the final thoughts on the proposed amendments from AT&T and Verizon Wireless.

In all, the amendments include modifying multiple existing sections and adding a new article to the ZO. Changes to the existing code include those needed in the Definitions section and then proceeding through code sections of the R-1, R-2, both R-3s, R-4, R-5, R-6, R-7, MX-U, B-1, B-2, M-1, and U-R zoning districts and specifying the different types of wireless telecommunications facilities that would be permitted and whether they would be allowed by right or by SUP. The proposed new article includes the specifics of how wireless telecommunications facilities would be permitted within all residential districts, the MX-U district, the B-1 and B-2 districts, and the M-1 district. There are submittal and application requirements, rules for submitting annual reports for each facility, maintenance and enforcement regulations, stipulations regarding the removal of defective and abandoned facilities, and specifics regarding how property owners can take advantage of Section 6409 of the Spectrum Act.

All facilities that require a SUP would, just like all other SUPs, pay the \$375 plus \$30 per acre application fee and proceed through the public hearing process with PC and CC reviews. For all facilities that are permitted to be reviewed and approved administratively, staff suggests applicants pay a \$175 review fee. I would suggest that the fee be added to the ordinance so that it officially becomes part of the ordinance. At this time I suggest we add the fees to Section 10-3-199, Application and Submittal Requirements. I do not know the exact sub-section which we would add it to; but if the Planning Commission is recommending adoption of the ordinance, please do so with the provision that this be added into the Article and Section.

In addition to the modifications associated with wireless telecommunications facilities, the ZO Section 10-3-84 Uses Permitted By Right within the B-1, Central Business District would also be modified by adding “radio and television stations and studios or recording studios” as an additional set of uses permitted by right, where all antennas and satellites and associated equipment with those uses shall be screened. Although completely unrelated to the wireless telecommunications regulations, while reviewing the ZO to make way for the updated wireless provisions, it came to our attention that the B-1 district—the zoning district in which the WHSV property at 50 North Main Street is part of—does not explicitly list “radio and television stations and studios or recording studios” as a use permitted in that zoning district as it does in other districts. As comparison, the B-2, General Business District lists those uses as permitted by right while the M-1, General Industrial District allows them by special use permit.

To rectify this situation, staff is proposing to add “radio and television stations and studios or recording studios” as a use permitted by right within the B-1 district. However, unlike in the B-2 and M-1 zoning districts, staff believes it would be good planning and zoning practice for such uses in the City’s downtown to be further required to ensure that “all antennas and satellites and associated equipment shall be screened.” If the amendment is approved as proposed, what this means for the WHSV property is that the current arrangement of the satellite dishes and other communications equipment would be considered non-conforming because the existing equipment is not screened. The same amendment though would clearly state that television stations are legally permitted by right in the B-1 district.

Before moving forward with this amendment, staff discussed this matter with WHSV and informed them that they would not be required to screen the existing equipment and it may remain in its current configuration, but that if they desired to install additional equipment or erect a similar standalone structure that houses satellite dishes like currently exists to the rear of their property, the new antennas and satellite dishes would have to be screened. We also explained that any new radio, television, or recording studios that wanted to locate in the City's downtown B-1 district would also be held to the same standard. After answering questions about how such facilities would need to be screened and in understanding that no action was needed by the television station, they had no further comments.

Staff recommends approving all ZO amendments associated with wireless telecommunication facilities and the amendment to add radio and television stations and studios or recording studios as described in the B-1 district.

Chair Fitzgerald asked if there were any questions.

Mr. Way said going back in time to the Reservoir Street cell tower that was constructed within the B-2 zoning – hypothetically, how would that tower have been impacted if these changes were in place?

Mr. Fletcher replied by-right the applicant would have been able to collocate the equipment on an existing facility in the area, a building or a HEC power pole; the height would have been allowed up to five feet above the facility it was collocated on; and it would have to be colored, or camouflaged, the same as whatever support structure it was attached to. If they wanted to do a tower such as what is there today, they would still have to do a special use permit.

Mr. Way asked how tall the tower is.

Chair Fitzgerald said that tower is 124-feet.

Mr. Colman said if the facility is an abandoned water tank, or something of that nature, and is not currently being used as a telecommunications facility, how does that play in to the regulations if it is in a residential area?

Mr. Fletcher said that is a good hypothetical. We do not have that currently. We do have a water tower property that looks like it is within residential, but it is actually zoned M-1. It is a decommissioned water tower and for our purposes it is now a structure that is for telecommunications.

Mr. Colman said I am thinking of the water tower that will be abandoned when the new water tank is constructed at EMU. Is that property residential?

Mr. Fletcher said it is residential. I guess the opportunity exists for someone to use it for telecommunications; but, I believe the City is planning to demolish it.

Mr. Colman said unless someone wants to purchase the tower and property.

Mr. Fletcher said I suppose that is an option. Nothing could be located more than five-feet above the existing tower, it would need to be camouflaged, and would require a special use permit.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked if there was anyone wanting to speak regarding the ordinance amendments.

Lori Schweller said she is an attorney with LeClair Ryan and represents Verizon Wireless. I thought this might be a little more contentious than it is, but I am here to express on behalf of Verizon Wireless our support of this proposed ordinance. I think it is well done and I commend the job that all of you have done. I really appreciate your listening to input from the industry. We have seen our comments are incorporated and we really appreciate that.

I did want to raise one short comment that you might want to consider in the future; I certainly do not want to slow down the adoption of this ordinance. In the future you may want to consider more provisions for temporary wireless facilities. I am encountering this more and more where we need, very quickly, to erect some sort of tower to serve a special event. Because of the large number of people who come to some special events you need a tremendous amount of wireless capacity; we are not talking about just a cell-on-wheels (COW) or a cell-on-light-truck (COLT), but some installation that is basically the same as a permanent installation. These temporary facilities require a lot of preparation and construction time, set-up, and integration into the network. Taking something like this down takes time as well. This is just something for you to think about for the future, and I do not know whether this is going to be important for the City or not, but given your vibrant art scene in the community and the University it could become important. You might find in the future a text amendment would be useful – perhaps something like 90 days and up to 125-feet tall, within a business or industrial district. That is the only additional comment I have and I do thank you for reaching out to us for questions and comments.

Mr. Way said the notion of the temporary towers I think might be an interesting one; given what we heard last night about Plan Our Park and other things going on downtown. I believe it may be an important point for the future.

Chair Fitzgerald asked if anyone else would like to speak regarding the ordinance amendments. Hearing none, she closed the public hearing and asked if there was any discussion, comments, or possibly a motion.

Mr. Colman said I move to recommend approval of the ordinance amendments for Wireless Telecommunications Facilities and to add Radio and Television Stations and Studios or Recording Studios in B-1 and to include the associated fees as presented by staff.

Mr. Heatwole seconded the motion.

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

All voted in favor (6-0).

Chair Fitzgerald said City Council will get this on July 14th.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mrs. Banks said proactive enforcement visited the Exit 243 area in the south end of the City where they found eleven sign violations. Next month they will be in the Fairway Hills area.

Chair Fitzgerald asked Mr. Baugh about the Plan Our Park presentation at City Council last night.

Mr. Baugh said we heard an excellent presentation. City Council accepted the recommendation from the Plan Our Park group that essentially is about affirming and integrating the project into City Planning as it moves forward. It will also be included within the CIP, which the Parks and Recreation Department will do, possibly next year.

Mr. Way added that Planning Commission will most likely see it through the CIP process. This will allow for the next steps of how the City will more officially engage with the planning process for the park. There was a lot of support for the park and I am personally very excited for this project.

Mr. Baugh said we do have two Council members who are official liaisons to communicate with the group.

Mr. Way said Planning Commission may be more involved because there are potentially some alley closings and potential access things that may come this way.

Other Matters

Mr. Fletcher said we do have another involved meeting next month. There are two special use permit requests, two rezoning requests, one of which is an amendment to a master plan, and two ordinance amendments.

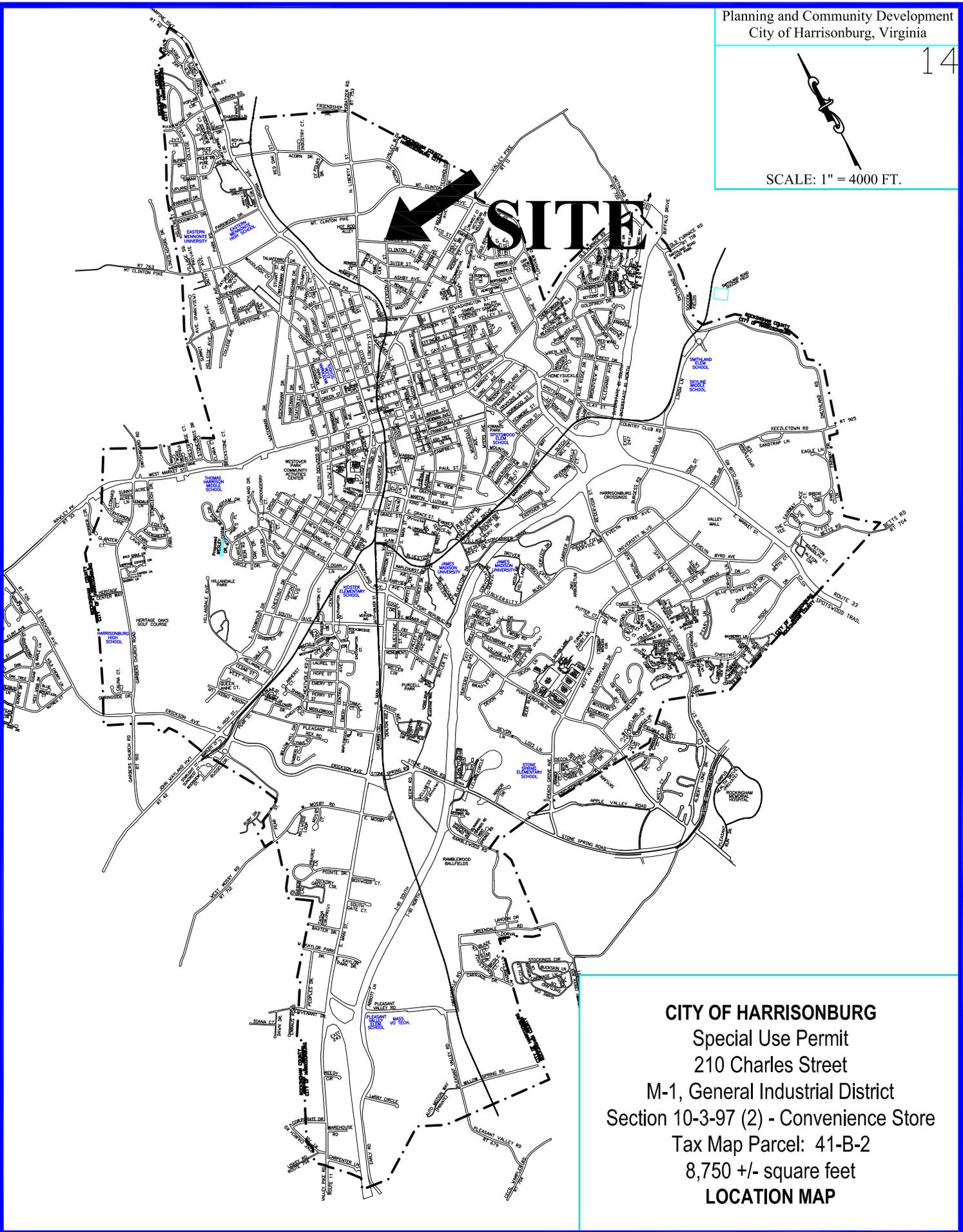
Adjournment

Planning Commission adjourned at 8:25 p.m.

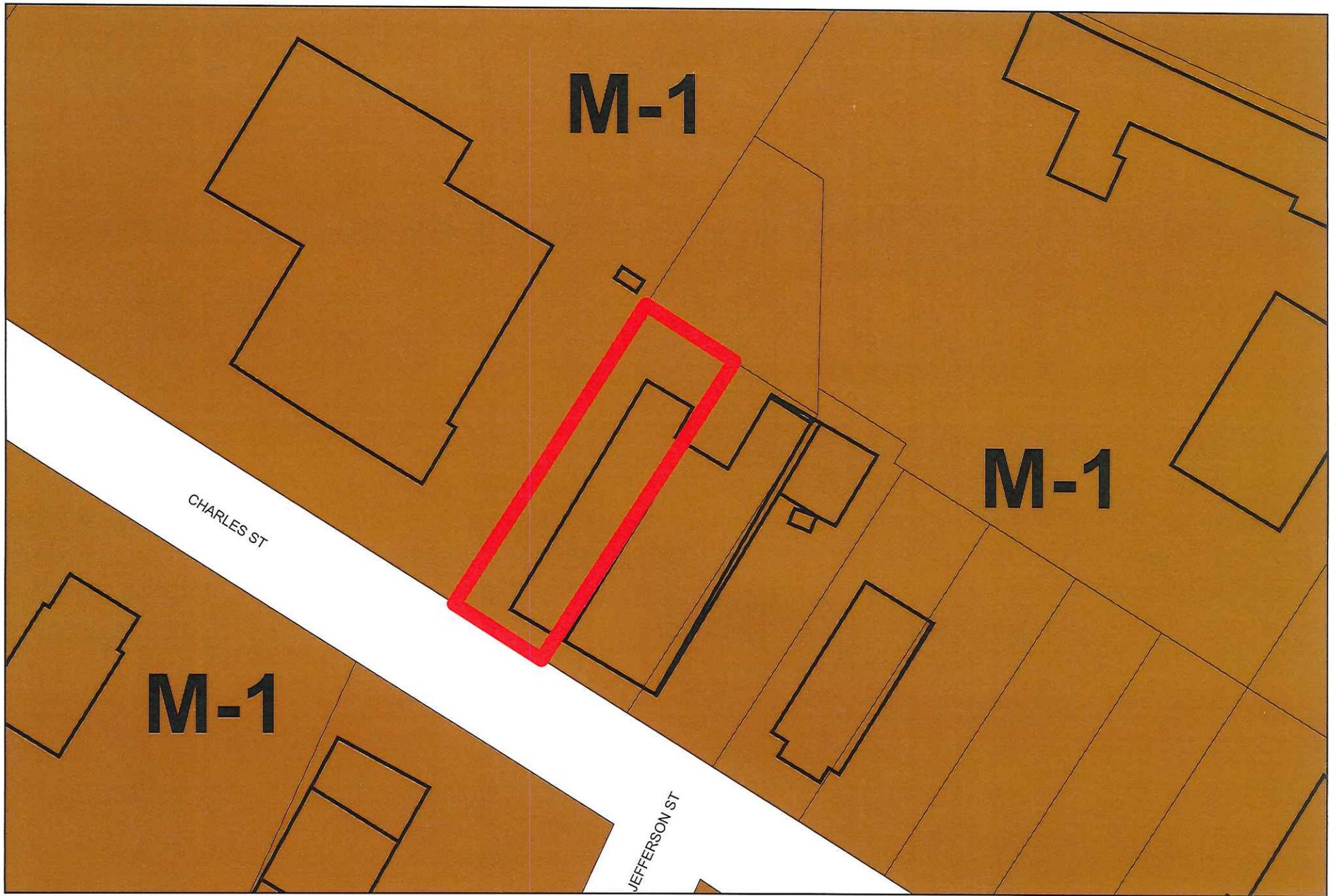
DRAFT



SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Special Use Permit
210 Charles Street
M-1, General Industrial District
Section 10-3-97 (2) - Convenience Store
Tax Map Parcel: 41-B-2
8,750 +/- square feet
LOCATION MAP



**SUP - 10-3-97(2) - Convenience Store in M-1
206 Charles Street**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

July 8, 2015

SPECIAL USE PERMIT –

GENERAL INFORMATION

- Applicant:** Rawley Enterprises, LC with representative Dennis Rawley.
- Tax Map:** 41-B-1
- Acreage:** 8,750 +/- sq. ft.
- Location:** 210 Charles Street
- Request:** Public hearing to consider a request for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow a convenience store within the M-1, General Industrial District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as General Industrial. This designation 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:** Mercantile building, zoned M-1
- North:** Vacant parcel and tire business, zoned M-1
- East:** Church, zoned M-1
- South:** Across Charles Street, vehicle repair business, zoned M-1
- West:** Mercantile building and farm supply business, zoned M-1

EVALUATION

The applicant is requesting a special use permit (SUP) per Section 10-3-97(2) to allow a convenience store in the M-1, General Industrial District. The property is situated on the northern side of Charles Street, near the intersection of Charles and Jefferson Streets, and is adjoined on all sides by industrial zoned property. If approved, El Chaparro would continue to utilize a portion of the building on site as a convenience store.

City staff became aware of the convenience store at this location last fall when the adjacent property to the east received a special use permit to operate as a church. Staff informed the property owner by certified mail that a store, such as El Chaparro, was not a use permitted by right in the industrial district and the violation would need to be resolved. After conversations with the owner, it was decided they would apply for the SUP to allow the convenience store. If

approved, they could continue to operate as they currently are; as well, the store could apply for building permits for some improvements. If the SUP is denied, the store would be required to close and relocate to a site where it is permitted.

The applicant has been informed by staff that if they receive approval of the request, they would need to apply for a change of use permit from the Building Inspection Division. This would require that all Building Code regulations be met for the proposed use. If improvements are proposed to the store the applicant can include the improvements as part of the building change of use permit; it would not require a separate building permit. Staff has suggested to the applicant that they contact Community Development regarding questions, plans, and the application process.

Parking for the store would be calculated at one parking space for every 200 square feet of gross floor area. Per the applicant the store utilizes approximately 3,300 square feet which would require 17 parking spaces; all of which must be appropriately delineated. Currently, there are five on-site parking spaces available in front of the store which back out directly into Charles Street. There is available property in the rear of the site to create a new parking lot for the remainder of the required parking, or the possibility of a shared parking agreement between the subject parcel and the adjacent business to the west. Any construction of new parking must meet all the requirements of Article G, Off Street Parking. All parking plans would need to be finalized before issuance of any building/change of use permit.

With regard to the existing five on-site parking spaces that back out onto Charles Street, staff has discussed with the applicant that this creates an unsafe maneuver and that the applicant would be responsible for any issues that arise from the use of this parking area. Because of the unsafe maneuver, the Public Works Department has requested the applicant be required to remove the parking from the front of this portion of the building. Staff is consulting with the City Attorney at this time to determine if this condition is appropriate for the special use permit.

The uses along Charles Street are a mix of retail, non-conforming dwellings, warehousing, automotive repair, and moderate to minor industrial uses. Staff believes a convenience store at this location would be compatible with the existing uses. Staff recommends approving the request.

Date Application Received: 6-8-15

Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 405.00 ^{paid} _{CB.}

Property Owner's Name: Rawley Enterprises, LC

Street Address: 4703 Spring Creek Rd. Email: _____

City: Bridgewater State: VA Zip: 22812

Telephone: Work 540-434-9961 Fax 540-434-3779 Mobile 540-820-8690

Owner's Representative: Dennis W. Rawley

Street Address: same Email: dennis@valkyinc.com

City: _____ State: _____ Zip: _____

Telephone: Work _____ Fax _____ Mobile _____

Description of Property and Request

Location (Street Address): 206 Charles St. Harrisonburg, VA 22802

Tax Map Number Sheet: _____ Block: _____ Lot: _____ Lot Area: _____

Existing Zoning Classification: _____

Special Use being requested: Convenience Store

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

Convenience Store

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: Rawley Enterprises, LC
Dennis W. Rawley Property Owner

ITEMS REQUIRED FOR SUBMISSION

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

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

Rawley Enterprises, Lc
4703 Spring Creek Road
Bridgewater, VA 22812
540-820-8690

Harrisonburg City Planning Commission

To: Whom it may concern

June 8, 2015

We would ask that the Planning Commission please recommend to approve a special use permit for a convenience store at our 206 Charles Street location. El Chaparro has operated a successful convenience store out of this location for over two years with no issues.

Please consider this request, thanking you in advance for your support, I remain.

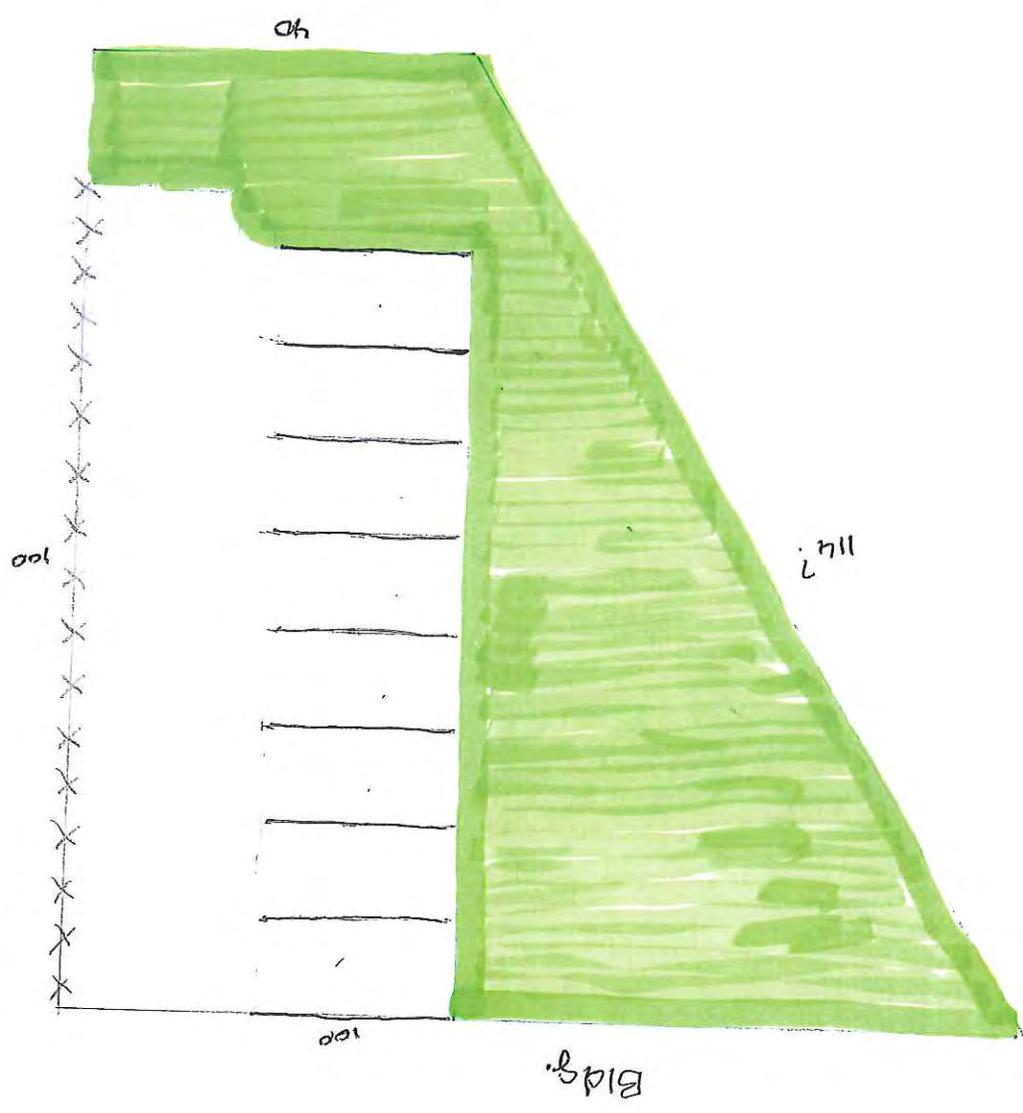
Sincerely

Dennis W. Rawley, Manager

Rawley Enterprises, LC

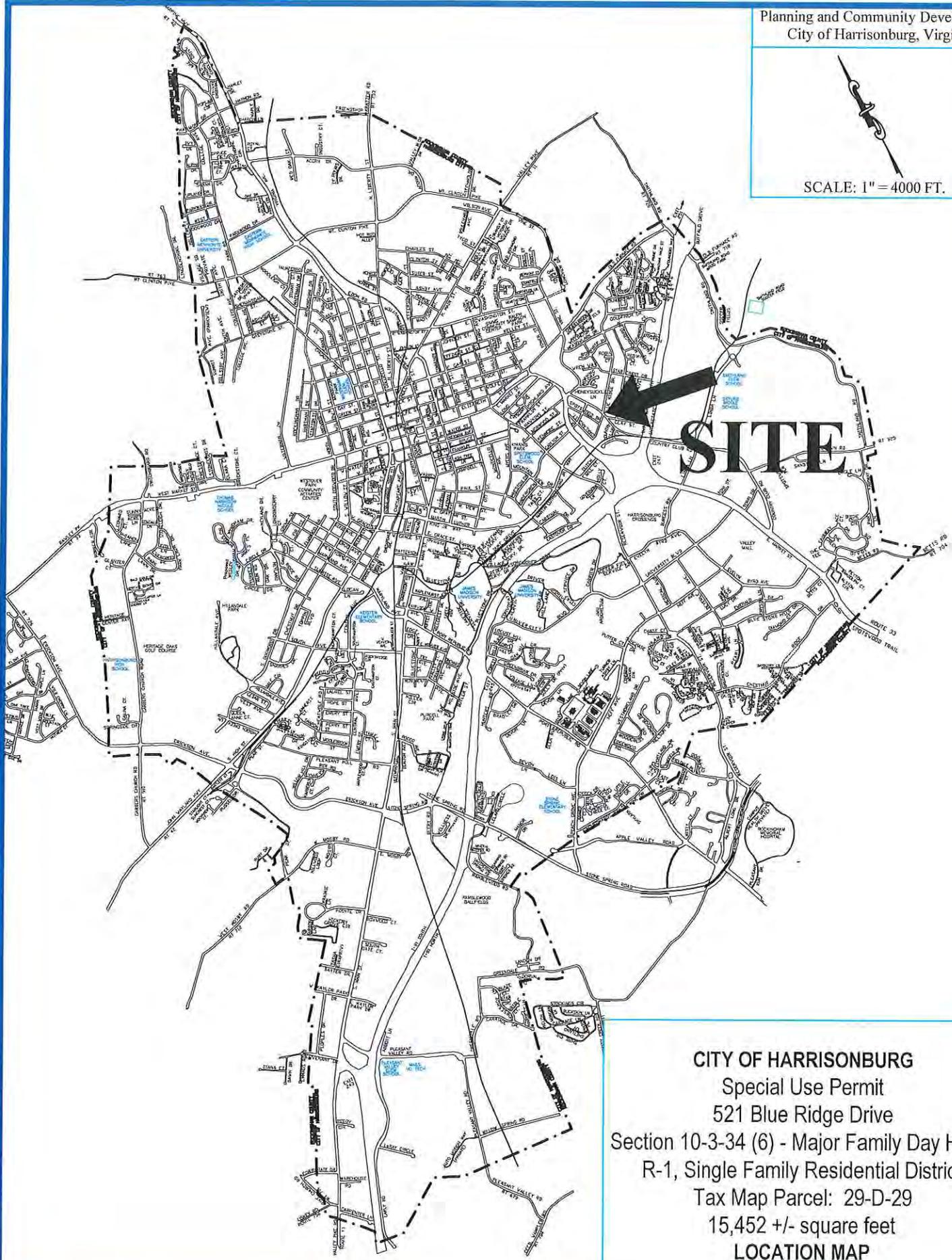


CHARLES ST





SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG

Special Use Permit

521 Blue Ridge Drive

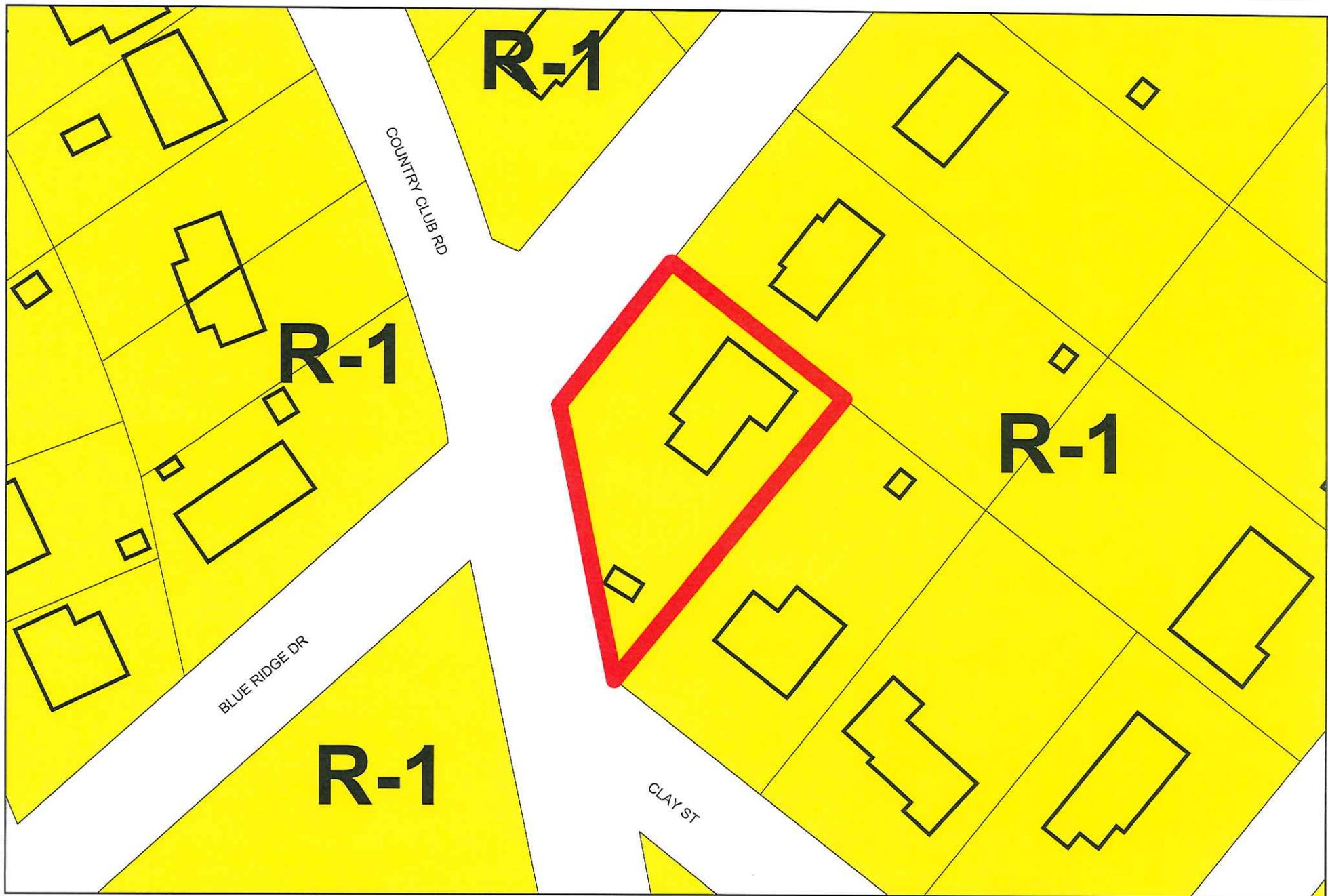
Section 10-3-34 (6) - Major Family Day Home

R-1, Single Family Residential District

Tax Map Parcel: 29-D-29

15,452 +/- square feet

LOCATION MAP



**SUP - 10-3-34(6) - Major Family Day Home
521 Blue Ridge Drive (2015)**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

July 8, 2015

SPECIAL USE PERMIT – 521 BLUE RIDGE DRIVE – MAJOR FAMILY DAY HOME

GENERAL INFORMATION

- Applicant:** Aneta and Christopher Smialek
- Tax Map:** 29-D-29
- Acreeage:** 15,452 +/- square feet
- Location:** 521 Blue Ridge Drive
- Request:** Public hearing to consider a special use permit per Section 10-3-34 (6) of the Zoning Ordinance to allow a Major Family Day Home within the R-1, Single Family Residential District.

LAND USE, ZONING, AND SITE CHARACTERISTICS

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

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

- Site:** Single family dwelling, zoned R-1
- North:** Single family dwelling, zoned R-1
- East:** Single family dwelling, zoned R-1
- South:** Across Country Club Road, non-conforming Southeastern trucking company, zoned R-1
- West:** Across Blue Ridge Drive, single family dwelling, zoned R-1

EVALUATION

The applicants are requesting a special use permit (SUP) per Section 10-3-34(6) of the Zoning Ordinance to allow a major family day home within the R-1, Single Family Residential District. Major family day homes (MFDH) are currently defined in the zoning ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for six (6) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.* (Note: On the same agenda as this request, there is an amendment proposed to modify the definition of MFDHs. That amendment does not impact this request.)

The Virginia Department of Social Services (VDSS) regulates licensing standards of family day homes and ensures that the facility and the operation of the MFDH are favorable to the welfare of the children in care. Approval and licensing from the VDSS does not, however, exempt an applicant from maintaining compliance with local ordinances and laws. Approval of the SUP would allow for the applicants to operate as a major family day home, with the proper licensing from the VDSS.

In May 2009, the applicants received approval for the same SUP at the subject property on Blue Ridge Drive. At the time, the applicants were operating a minor family day home with the intent to expand to a MFDH, and then possibly to relocate the business to a child day care center, which is a use that cannot be in the residence of the provider or any of the children in care. In May 2010, the applicants opened A Smiley Day Care Center at a commercial location and discontinued the MFDH use at their home. As with any SUP, per Section 10-3-130, if the use or activity should cease for any reason for a continuous period or two years or more, the permit shall become null and void and the approval of a new SUP shall be required prior to any subsequent reinstatement of the use. The 2009 SUP became void in May 2012. At this time the applicants desire to re-establish the use of their home as a MFDH.

During the review for the 2009 MFDH permit, staff made it clear that we believed a major family day home should not operate from this location. The property is located on the northeastern corner of a skewed and very busy intersection at Blue Ridge Drive and Country Club Road. Vehicles traveling on Country Club Road cannot make use of "right-on-red" and the traffic signal is split-phased so that cars waiting on either side of Blue Ridge Drive do not simultaneously utilize the intersection. Additionally, Country Club Road intersects another road, Clay Street, approximately 150 feet to the east of the Blue Ridge Drive intersection. There is also a transit bus stop situated at the junction of Country Club Road and Clay Street. This makes for an awkward scenario for traffic attempting to enter or exit the property at 521 Blue Ridge Drive.

The property has a driveway with entrances on both Blue Ridge Drive and Country Club Road. As was scrutinized during the 2009 SUP review, entering and exiting the property is difficult as anyone traveling to or from the subject property must maneuver through the controlled intersection to or from the property's driveway entrances that are approximately 20 and 50 feet from the intersection. The two entrances allow vehicles to enter and/or exit from either road. As just discussed, entering the property is challenging, but exiting the property is even more difficult. Vehicles waiting to exit the property onto Country Club Road have no visual reference for any of the traffic signals; and therefore, must rely on the flow of traffic to figure out who has the green light. Vehicles waiting to exit onto southbound Blue Ridge Drive can see the traffic signal that controls traffic and can turn right onto that street when it is safe. Unfortunately, it is difficult to see if vehicles traveling west on Country Club Road are turning right onto Blue Ridge Drive or if they are driving straight through the intersection. If the person exiting the property wants to travel west onto Country Club Road, they must await their turn and travel with Blue Ridge Drive traffic, however they must move diagonally across the intersection to perform this task. Vehicles exiting the property to travel east on Country Club Road have to await their turn and travel with Blue Ridge Drive traffic patterns.

Staff recommended denial of the 2009 SUP request believing that any use increasing traffic at this unsafe intersection was not in the best interest of the City. However, it was ultimately

recommended for approval by Planning Commission (5-2) and unanimously approved by City Council (4-0, with one member absent), with the following conditions:

1. The “major family day home” shall be valid only for the current applicants.
2. Vehicles shall not be permitted to exit the property onto Country Club Road. All vehicles shall exit onto Blue Ridge Drive.
3. All existing shrubbery/plantings within the island created by the connecting portions of the driveway, near the southwestern property corner, shall be trimmed or removed to improve sight distance. All plantings within this area shall be low-lying and/or ground covering vegetation.
4. The connecting portions of the driveway shall remain open at all times to allow parents/guardians to maneuver on and off of the property without utilizing the public right-of-way. Therefore, parking is prohibited on these portions of the driveway.
5. If City Council finds traffic conditions warrant re-evaluation of the “major family day home,” they may require the applicant to return to Planning Commission to re-examine the use of the property. It shall be at the discretion of Planning Commission and/or City Council to determine if the re-evaluation shall necessitate a public hearing. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

During the public hearing for the 2009 SUP multiple different scenarios were discussed to try and improve the situation, such as: traffic signals for the driveway entrance, the angle of the traffic signal head, and relocating the existing driveway entrances. The City does allow traffic signals for private residences; it was not recommended to angle the traffic signal head; and the shifting of the entrances did not resolve the actual concern of vehicles entering and exiting the property. Ultimately, the City did change out the traffic signal heads from “tunnel visors” to “cut-away visors, which helped to alleviate some of the difficulty viewing the signal indicators.

The 2009 MFDH operated from this location for some time; staff did not receive concerns. Nonetheless, staff continues to have the same concerns regarding the traffic safety entering and exiting the site. If Planning Commission however, desires to recommend approval to City Council, staff suggests that the following conditions be placed on the special use permit:

1. Vehicles shall not be permitted to exit the property onto Country Club Road. All vehicles shall exit onto Blue Ridge Drive.
2. The existing island area created by the connecting portions of the driveway, near the southwestern property corner, shall remain open space for improved sight distance. All planting within this area shall be low-lying and/or ground covering vegetation.
3. The connecting portions of the driveway shall remain open at all times to allow parents/guardians to maneuver on and off of the property without utilizing the public right-of-way. Therefore, parking is prohibited on these portions of the driveway.
4. If City Council finds traffic conditions warrant re-evaluation of the “major family day home,” they may require the applicant to return to Planning Commission to re-examine the use of the property. It shall be at the discretion of Planning Commission and/or City

Council to determine if the re-evaluation shall necessitate a public hearing. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

Date Application Received: 6-5-15

Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 405⁰⁰

Property Owner's Name: Aneta + Christopher Smialek
Street Address: 521 Blue Ridge Dr Email: misiafl@yahoo.com
City: Harrisonburg State: VA Zip: 22802
Telephone: Work 540-434-7236 Fax 540-434-2419 Mobile 954-242-6854

Owner's Representative: Same
Street Address: _____ Email: _____
City: _____ State: _____ Zip: _____
Telephone: Work _____ Fax _____ Mobile _____

Description of Property and Request

Location (Street Address): 521 Blue Ridge Dr Harrisonburg VA 22802
Tax Map Number Sheet: 29 Block: D Lot: 29 Lot Area: 15,452 1/2
Existing Zoning Classification: R-1
Special Use being requested: Family Day home - major
for 12 children 10-3-34(6)

Please provide a detailed description of the proposed (use additional pages may be attached):
Licensed Daycare to help low income families
to provide them with opportunity of school and
work

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)
North: _____
South: _____
East: Ron + Ruth Lynch
West: _____

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

Signature: A Smialek
Property Owner

ITEMS REQUIRED FOR SUBMISSION

- | | |
|---|--|
| <input checked="" type="checkbox"/> Completed Application | <input checked="" type="checkbox"/> Fees Paid |
| <input checked="" type="checkbox"/> Site Plan | <input type="checkbox"/> Property Located on Tax Map |
| <input type="checkbox"/> Description of Proposed Use | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Adjacent Property Owners | <input type="checkbox"/> _____ |

Aneta Smialek

07/01/2015

521 Blue Ridge Dr.

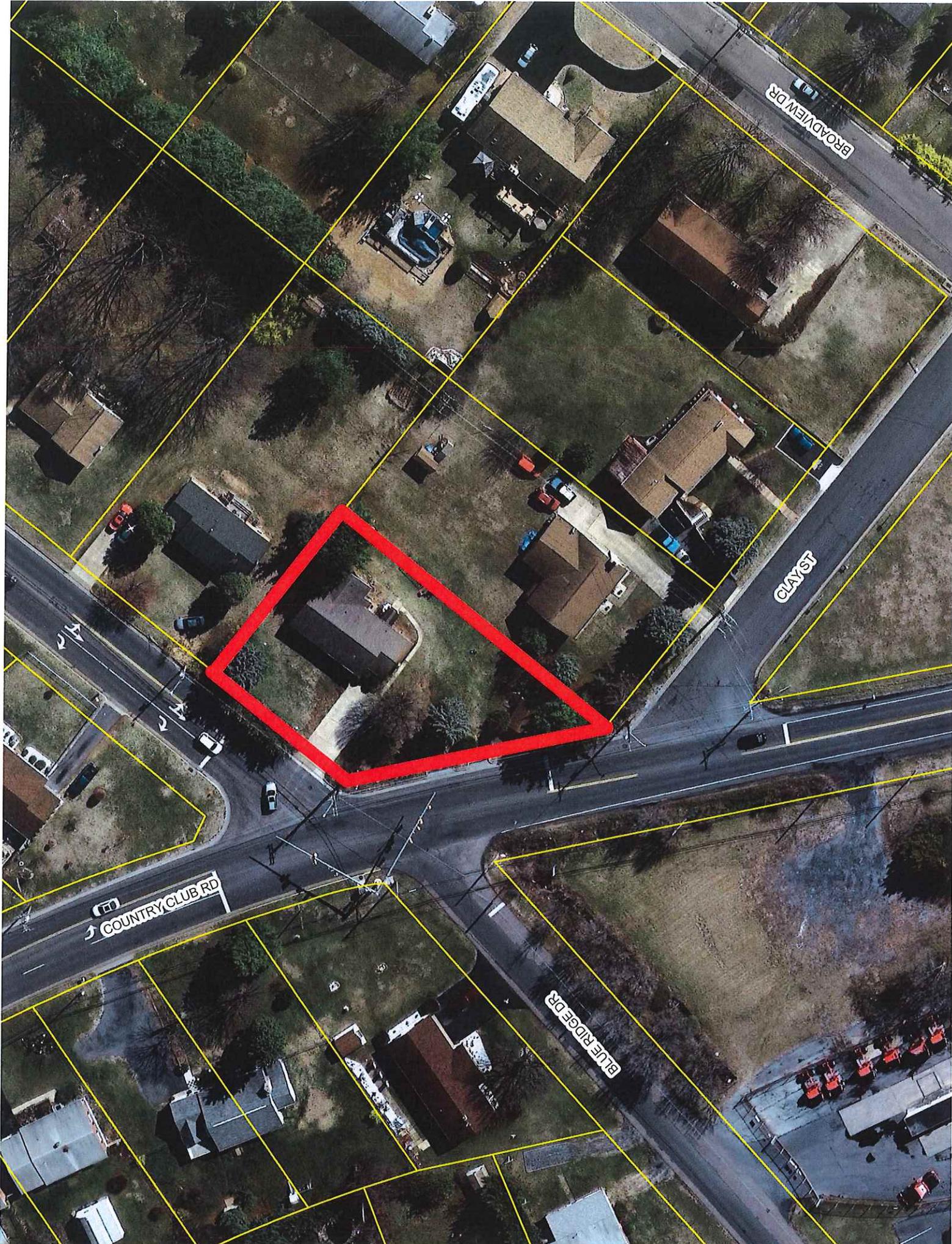
Harrisonburg, VA 22802

To whom it may concern:

I have applied for a special use permit for Major Family Day home and I would like to request capacity of 12 children as State Licensing office allows. For any questions or concern please contact me at 954-242-6854.

Sincerely

Aneta Smialek



BROADVIEW DR

CLAY ST

COUNTRY CLUB RD

BLUERIDGE DR

R1171P570

DECEMBER 4, 1992
SCALE 1"=40'

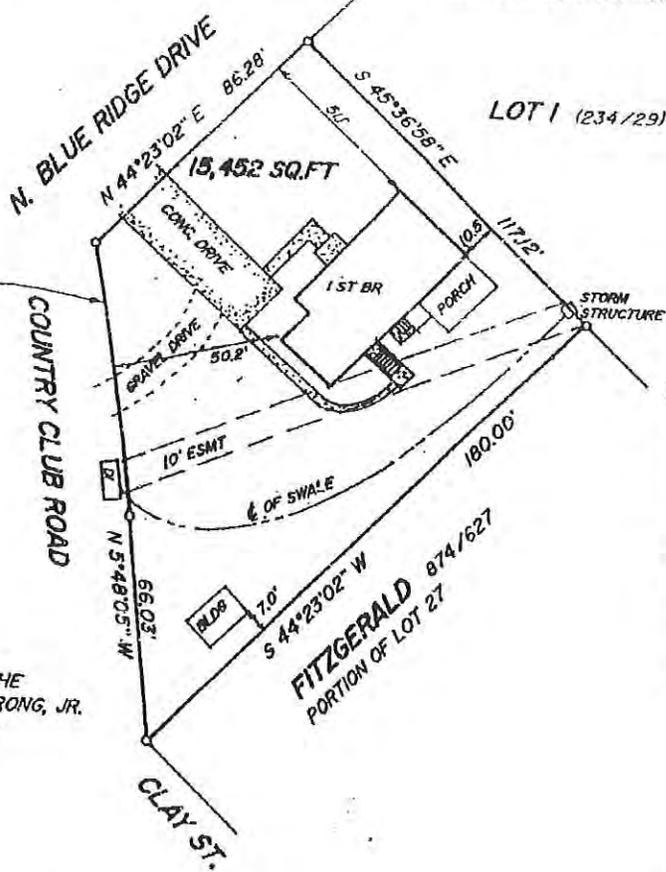
THIS LOT IS NOT IN A FLOOD ZONE.

ADDRESS: 521 N. BLUE RIDGE DR.
HARRISONBURG, VA, 22901

○ = IRON PIN SET



R= 1175.92'
A= 84.01'
CH= N 7°51'06" W
84.00'



SPOTSWOOD ACRE SUB, SEC. 2
234/29

TITLE INFORMATION:
TM 29 (D) 29
SUB PLAT IN 234/29
THIS LOT IS STANDING IN THE
NAMES: VERNON H. ARMSTRONG, JR.
& CAROLYN C. ARMSTRONG
DB. 412/222

PHYSICAL SURVEY OF THE NORTHWESTERN PORTION OF LOT 27, SECTION 2, SPOTSWOOD ACRES SUBDIVISION CITY OF HARRISONBURG, VIRGINIA

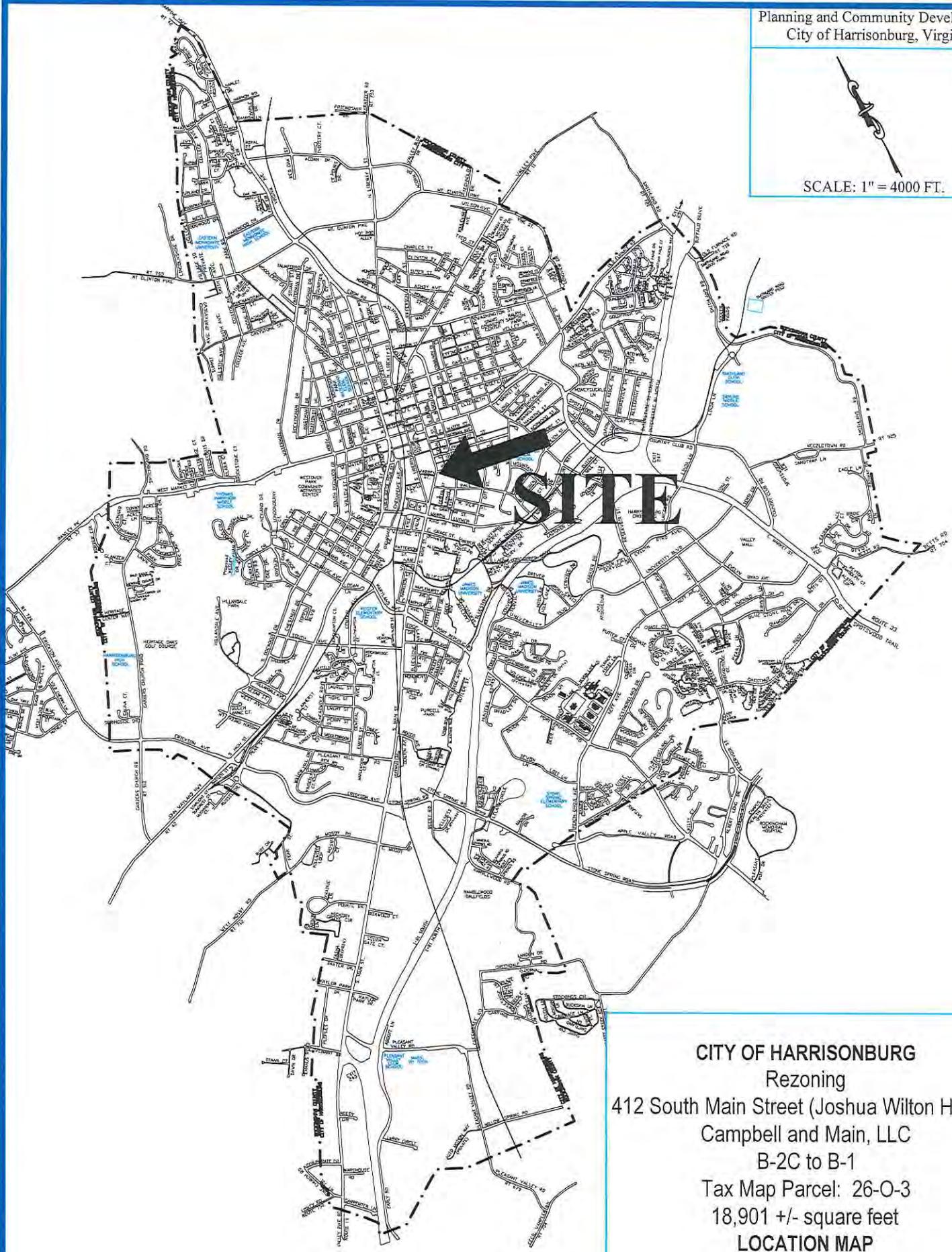
SURVEYOR'S CERTIFICATE
TO ALL PARTIES INTERESTED IN TITLE TO PREMISES, SURVEYED
THIS SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER RECORD
DESCRIPTION AND IS CORRECT. THERE ARE NO ENCROACHMENTS
EITHER WAY ACROSS PROPERTY LINES, EXCEPT AS SHOWN.
GIVEN UNDER MY HAND THIS 4TH DAY OF DECEMBER, 1992.

BENNER & ASSOC, INC.
3051 S. MAIN STREET
HARRISONBURG, VIRGINIA 22901
434-0267

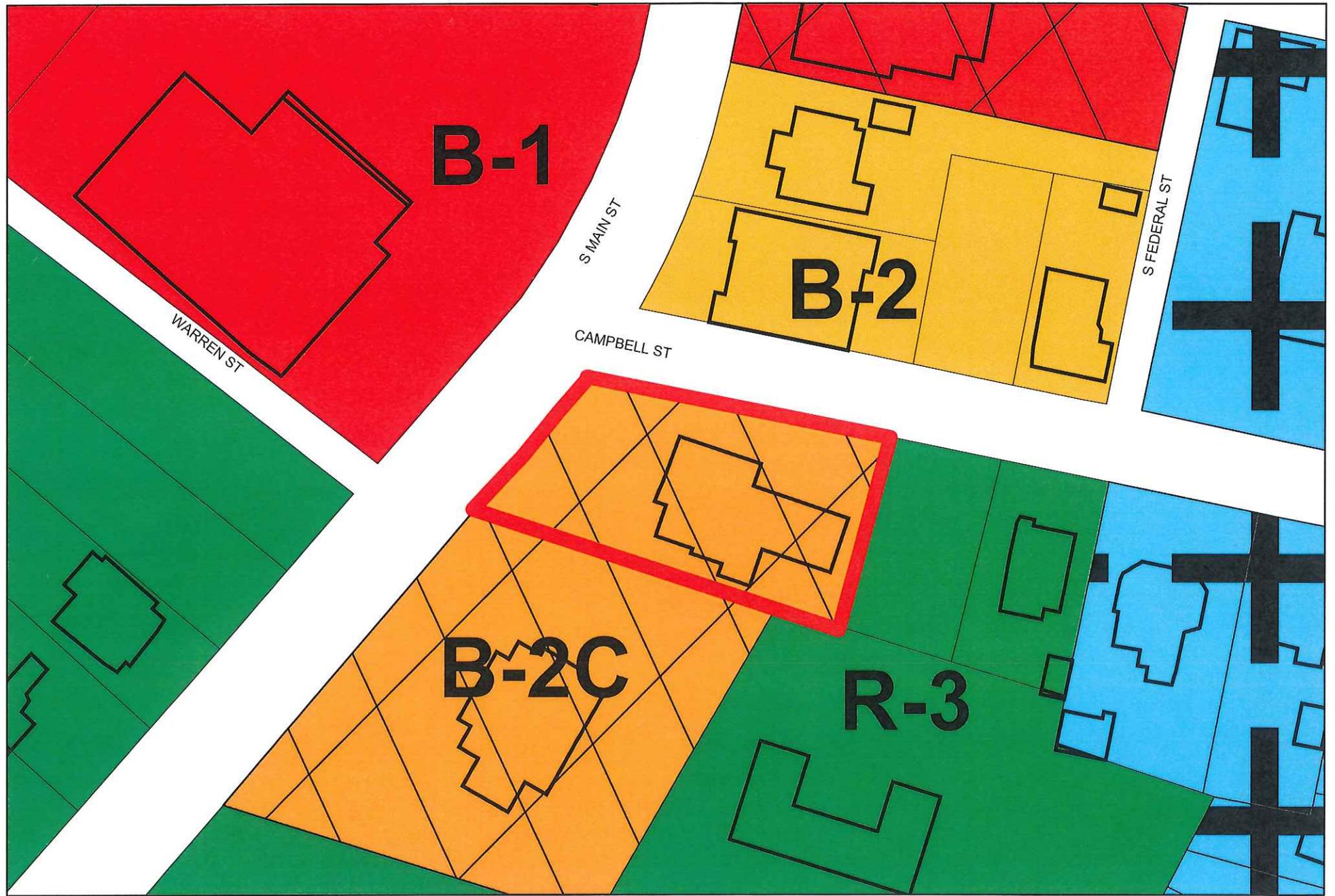




SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Rezoning
412 South Main Street (Joshua Wilton House)
Campbell and Main, LLC
B-2C to B-1
Tax Map Parcel: 26-O-3
18,901 +/- square feet
LOCATION MAP



Rezoning - B-2C to B-1
412 S Main St - Joshua Wilton House



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

July 8, 2015

REZONING – 412 South Main Street (B-2C to B-1C)

GENERAL INFORMATION

Applicant: Campbell and Main, LLC

Tax Map: 26-O-3

Acreage: 18,901 Square Feet

Location: 412 South Main Street

Request: Public hearing to consider a request to rezone one parcel from B-2C, General Business District Conditional to B-1C, Central Business District Conditional.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Professional. This designations states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas.

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

Site: Joshua Wilton House inn and restaurant, zoned B-2C

North: Across Campbell Street, St. Stephens United Church of Christ, zoned B-2

East: A parcel containing the private drive to Campbell Court (a multi-family complex), zoned R-3, further east—on a separate parcel—a single family dwelling, zoned R-3

South: Campbell Court, zoned R-3, and Union bank (fronting South Main Street), zoned B-2C

West: Across South Main Street, Planning and Community Development building, Municipal Building, and the new City Hall (under construction), zoned B-1

EVALUATION

The applicants are requesting to rezone 412 South Main Street—the Joshua Wilton House (JWH) inn and restaurant property—from B-2C, General Business District Conditional to B-1C, Central Business District Conditional. The property is located on the southeastern corner of the South Main Street/Campbell Street intersection in the City's downtown. The existing B-2C zoning has been in effect since 1987 when previous property owners requested it be rezoned from R-3 to B-2C to make way for the inn and restaurant. The proffers approved at that time and which remain in effect today are (written verbatim):

1. Dwelling (Joshua Wilton House) will be converted into an inn and restaurant.
2. Restaurant will not be open to the public on Sundays prior to 12:00 o'clock noon.
3. The use of the property will be restricted to an inn and restaurant, and no other use otherwise permitted under the current B-2 zoning district will be permitted.

The applicants' primary objective for rezoning the property is to rectify setback violations that were recently discovered by the new owners earlier this year.

Back in 1986, when the property was zoned R-3, and when the 1984-era Zoning Ordinance was in effect, a 1986 physical survey of the property revealed the building was conforming to all setback regulations except the side of the building that faced Campbell Street—that side needed a 30-foot setback, but only had (what appears to have been) a 24.3-foot setback. When the property was rezoned to B-2C in 1987, the structure became non-conforming to setbacks on the south side of the property as well because the B-2 zoning district required (and still does) 30-foot setbacks along any line adjacent to a residentially zoned property.

In 1988, three setback variances were approved by the Board of Zoning Appeals (BZA), which granted the property owners the ability to have a rear setback (along the eastern property line) of 8 feet and to have a side yard setback (along the southern property line) of 10 feet for planned additions to the JWH. The third setback variance allowed for a gazebo to be installed on the property at no closer than 5 feet from both the side and rear property lines. During the same BZA hearing, the applicants also requested for the BZA to formally approve/clarify that the property was considered conforming to off-street parking regulations. The applicants claimed a deviation to the off-street parking regulations was approved by Planning Commission and City Council during the rezoning of the property because the applicants indicated during that process that they would rely on public parking facilities. The minutes of the BZA hearing also reflect the applicant's attorney stating that they would rely on the municipal parking lot. In the end, along with approving the setback variances, the BZA formally recognized approval of a parking variance.

The approved 1988 BZA variance rectified the south side setback non-conformity as described above. Unfortunately, the addition that was built on this side of the building was, on average, 0.3 feet too close to the lot line (the survey reflects the corners at 9.6 and 9.8 feet away from the line). Furthermore, the gazebo was also located too close to the side and rear property lines as it sits, at its closest point, 2.2 feet from the rear property line. The rear addition though, toward the eastern property line, was built within the allowable setback.

Later, in 1995, the same previous property owners requested another setback variance from the BZA, hoping to allow for a 7-foot setback so that they could build another addition on the southern side of the building. The BZA granted them the variance but the approval was permitted only for the addition that was planned at that time. Unfortunately, again, the addition was built too close to the side property line, where it encroaches the setback by 0.3 feet.

When these matters were brought to the new owners' attention earlier this year, staff informed them that they should work toward rectifying the violations. Staff explained they had several options including: to request another setback variance from the BZA; to request rezoning the property to B-1; to request a special use permit per Section 10-3-91 (9), which allows for the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-1 or M-1; or to perform a minor subdivision with the adjacent property to the

south to move the dividing line to a distance that would bring the property in compliance with setback regulations.

The applicants ultimately chose the rezoning option and have submitted the following proffers (written verbatim):

1. The subject property shall only be used for inn (transient lodging), restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted.
2. The restaurant operation shall not be open to the public between the hours of 1:00 am to 11:00 a.m. on Sundays. Limited food service to in-house inn guests from the kitchen may be provided during these hours.
3. The property shall maintain the existing off-street parking area enclosed by the existing vinyl fencing on the north side of the property adjacent to Campbell Street. Portions of the property (not restricting the Campbell Street entrance), may also be used for non-permanent outdoor storage of landscaping, construction or similar materials (with outdoor storage at no time to take up more than 20% of the fenced-in area).
4. The property shall maintain a thirty-foot (30') setback along South Main Street and a twenty foot (20') setback along Campbell Street for permanent structures. Fences, patios or other non-enclosed and uncovered structures shall not be subject to this restriction.

Staff is recommending approval of the applicants' request. The rezoning with the submitted proffers, while rectifying their setback violations and bringing into compliance the property's non-conforming setback along Campbell Street, more or less, maintains the existing regulations of the property. If approved, the only difference among the existing controls and the proposed proffers is that the restaurant would be able to operate for two additional hours on Sundays, which would be between the hours of 12:00 and 1:00 a.m. and 11:00 a.m. and 12:00 p.m.

Staff appreciates the applicants' willingness to proffer setback restrictions along South Main and Campbell Streets. These proffered setback restrictions are similar to two other approved proffered setbacks on nearby properties that have been rezoned from B-2 to B-1C including:

- 312 South Main Street – rezoned in 2006 with a 20-foot setback along South Main Street and Franklin Street, and
- 342 South Main Street – rezoned in 2012 with a front and rear setback of 20-feet.

Such restrictions should help preserve the front yard and street aesthetics that this and many other historic properties provide along this section of these downtown streets.

As most are aware, when a property is zoned B-1 the expectation is the uses that operate at the site can rely on public parking lots and decks and utilize on-street parking spaces. Often, staff has concerns with parking issues when a property owner is requesting to rezone a parcel to the B-1 district as adding such zoning places more strain on the City's downtown public parking facilities. However, in this particular case, staff does not have this concern. As noted above, although an unorthodox approach, the property received a variance to parking regulations through the combined rezoning and BZA approvals in the late 1980s. With the current request, the submitted proffer #3 essentially maintains the existing off-street parking area and, for the most part, how they have been operating since the inn and restaurant's existence. The change in

hours of operation though, and specifically the additional hour between 11:00 a.m. and 12:00 p.m. does add slightly more parking demand. When the property was rezoned back in 1987, the City Council minutes reflect that the proffer to not operate before 12:00 noon was “to accommodate the activities of St. Stephens [*sic*] United Church of Christ.” As the church’s sign currently advertises, church activities begin at 9:30 a.m. and 10:30 a.m., thus if the restaurant opens at 11:00 a.m., many of the “prime” parking spaces will likely be taken by churchgoers. Staff does not believe this additional hour of operation should cause significant parking issues.

With regard to the Comprehensive Plan, although this property is designated Professional by the Land Use Guide, it falls just outside the boundary of the Mixed Use Development Area (MUDA)—the designation typically associated with the B-1 district—as the City Municipal Complex property across South Main Street and St. Stephen’s church across Campbell Street are designated MUDA. Given the specifics of this particular request, staff does not believe rezoning the property to B-1C will set a negative precedent for this area of the downtown.

Staff recommends approving the rezoning to B-1C with the submitted proffers.

June 25, 2015

Campbell & Main, LLC
56 West Gay Street
Harrisonburg, VA 22802

City of Harrisonburg
Department of Planning and Community Development
Stacy Turner, Director

RE: Rezoning Proffers – Joshua Wilton House Inn & Restaurant

Dear Ms. Turner,

On behalf of the applicant, Campbell & Main, LLC, the following proffered conditions are submitted in connection with the pending request of the applicant to rezone the property located at 412 S. Main Street, Harrisonburg, VA from B2-C to B-1C.

The applicant owner does hereby proffer that the development and use of the subject property on the present B-1C rezoning application shall be in strict conformance with the conditions set forth below in this submission as follows:

1. The subject property shall only be used for inn (transient lodging), restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted.
2. The restaurant operation shall not be open to the public between the hours of 1:00AM to 11:00AM on Sundays. Limited food service to in-house Inn guests from the kitchen may be provided during these hours.
3. The property shall maintain the existing off-street parking area enclosed by the existing vinyl fencing on the north side of the property adjacent to Campbell Street. Portions of the property (not restricting the Campbell Street entrance), may also be used for non-permanent outdoor storage of landscaping, construction or similar materials (with outdoor storage at no time to take up more than 20% of the fenced-in area).
4. The property shall maintain a thirty foot (30') setback along South Main Street and a twenty foot (20') setback along Campbell Street for permanent structures. Fences, patios or other non-enclosed and uncovered structures shall not be subject to this restriction.

Thank you for accepting these proffered conditions, which shall be binding on the subject property as a portion of the requested B-1C rezoning.

Sincerely,

Campbell & Main, LLC

Campbell & Main LLC

By: Rodney Eagle, Manager

Rodney Eagle Manager

SUBJECT: JOSHUA WILTON HOUSE REZONED TO B-2 CONDITIONAL GENERAL BUSINESS DISTRICT, TO SERVE AS RESTAURANT AND INN FACILITY.

EXTRACT TAKEN FROM MINUTES OF REGULAR MEETING
CITY COUNCIL MEETING HELD ON: TUESDAY, OCTOBER 27, 1987

At 7:50 P.M., Mayor Green closed the regular session temporarily and called the evening's public hearing to order. City Manager Milam read the following Notice of Hearing as publicized in the Daily News Record on October 8th and October 22nd:

The Harrisonburg City Council and Harrisonburg Planning Commission will hold a joint Public Hearing on Tuesday, October 27, 1987, at 7:30 P.M. in the City Council Chambers to consider the following rezoning request:

To rezone from R-3 Multiple Dwelling District to B-2 Conditional General Business District, Lot 3, Block O, Page 26 of City Block Map. This parcel is located on the southeast corner of South Main and Campbell Streets. Requestor is Hoye and Sara Moore.

Conditional zoning proffer

- 1. Dwelling (Joshua Wilton House) will be converted into an inn and restaurant.*
- 2. Restaurant will not be open to the public on Sundays prior to 12:00 o'clock noon.*
- 3. The use of the property will be restricted to an inn and restaurant, and no other use otherwise permitted under the current B-2 zoning district will be permitted.*

All persons interested will have an opportunity to express their views at this public hearing.

CITY OF HARRISONBURG- Marvin B. Milam, City Manager

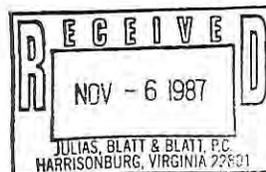
Attention was called to the following report of the City Planning Commission which was presented to Council on September 22nd:

Following the Public Hearing, during which ten citizens spoke in favor of Hoye and Sara Moore's request to rezone the Joshua Wilton House (412 S. Main St.) from R-3 Multiple Dwelling District to B-2 General Business District, and when 9 letters endorsing the rezoning were received, Mr. Hartman moved for the Commission to recommend rezoning the Joshua Wilton House from R-3 Residential to B-2. Mr. Hughes seconded the motion and all members present voted in favor. Chairman Trobaugh added that Mr. Moore will be applying for 'Conditional B-2 Business' at City Council's next meeting..."

Planning Director Sullivan presented copies of a map, setting out location of the Joshua Wilton House, gave background information concerning the request, leading up to the present time, and noted that if rezoned to B-2, the business district would be extended southward on Main Street. The Planning Commission had endorsed the rezoning to B-2, with the understanding that B-2 Conditional General Business District zoning would be sought by the requestors, in that this type of zoning has been provided for under the text of the amended Zoning Ordinance. Attorney Steven Blatt, representing the Moores, pointed out that the Planning Commission and City Council had been aware of the request over the past year and a half. He noted that his clients could not go forward on renovations to the interior of the house, until the rezoning issue is determined. He expressed a hope that the facility may be open by the first of next year, and asked consideration of Council for the B-2 Conditional General Business Zoning.

(continued)

OFFICE OF CITY CLERK OF COUNCIL
HARRISONBURG, VIRGINIA
Form-HBG 47 (2-68-5M)



Existing Proffers

SUBJECT: JOSHUA WILTON HOUSE REZONED (continued)

EXTRACT TAKEN FROM MINUTES OF REGULAR MEETING
CITY COUNCIL MEETING HELD ON: TUESDAY, OCTOBER 27, 1987

An observation was made by a citizen that the requestors are "genuinely interested people who are willing to take the property and make it into something the community will be proud of." There being no others present, desiring to be heard, Mayor Green closed the public hearing at 7:55 P.M. and reconvened the regular session.

Mr. Walter R. Trobaugh, Jr., Chairman of the City Planning Commission, noted that his Commission (majority of members present) had previously endorsed rezoning of the property. Mayor Green then asked members of Council, their wishes. Council Member Robinson offered a motion for the Joshua Wilton House, situate on the southeast corner of Main and Campbell Streets, to be rezoned from R-3 Multiple Dwelling District, to B-2 Conditional General Business District. The motion was seconded by Council Member Rhodes, and adopted by a unanimous vote of Council.

I, N. Arlene Loker, Clerk of the Harrisonburg City Council, do hereby certify that the foregoing is a true copy of an excerpt taken from the minutes of a regular meeting held on Tuesday, October 27, 1987.

Given under my hand this 29th day of October, 1987.


CLERK

Date Application Received: 06-04-15

Total Paid: 405.00 *AF*

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Campbell and Main, LLC
Street Address: 412 South Main Email: eagleinc@comcast.net
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540-434-1818 (home or cellular): 540-810-9999 (fax): 540-434-0453

Section 2: Owner's Representative Information

Name: Rodney L Eagle
Street Address: 1188 Port Republic Rd Email: eagleinc@comcast.net
City/State/Zip: Harrisonburg VA 22801
Telephone (work): 540-434-1818 (home or cellular): 540-810-9999 (fax): 540-434-0453

Section 3: Description of Property

Location (street address): 412 South Main Street, Harrisonburg
Tax Map Number: Sheet: 02603 Block: _____ Lot: _____ Total Land Area (acres or square feet): _____
Existing Zoning District: B-2C ^{RF} Proposed Zoning District * : B-1
Existing Comprehensive Plan Designation: _____

**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

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

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: St. Stephen's United Church of Christ, 358 S. Main Street
East: Campbell Apartments, Barry Kelly
South: Union Bank & Trust, 440 South Main Street
West: Community Development, City of Harrisonburg

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Campbell and Main by Rodney L Eagle
Property Owner

See Back for Items Required for Submission

MAY 8, 2015

SCALE: 1"=40'

● = IRON PIN SET

△ = POINT

☼ = FLUORESCENT LIGHT

○ = UTILITY POLE

⊙ = LIGHT POLE

— = OVERHEAD LINE

⊙ = WATER METER

⊙ = GAS METER

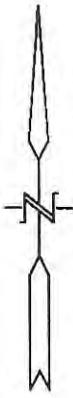
* * = VINYL FENCE

⊞ = HEAT PUMP

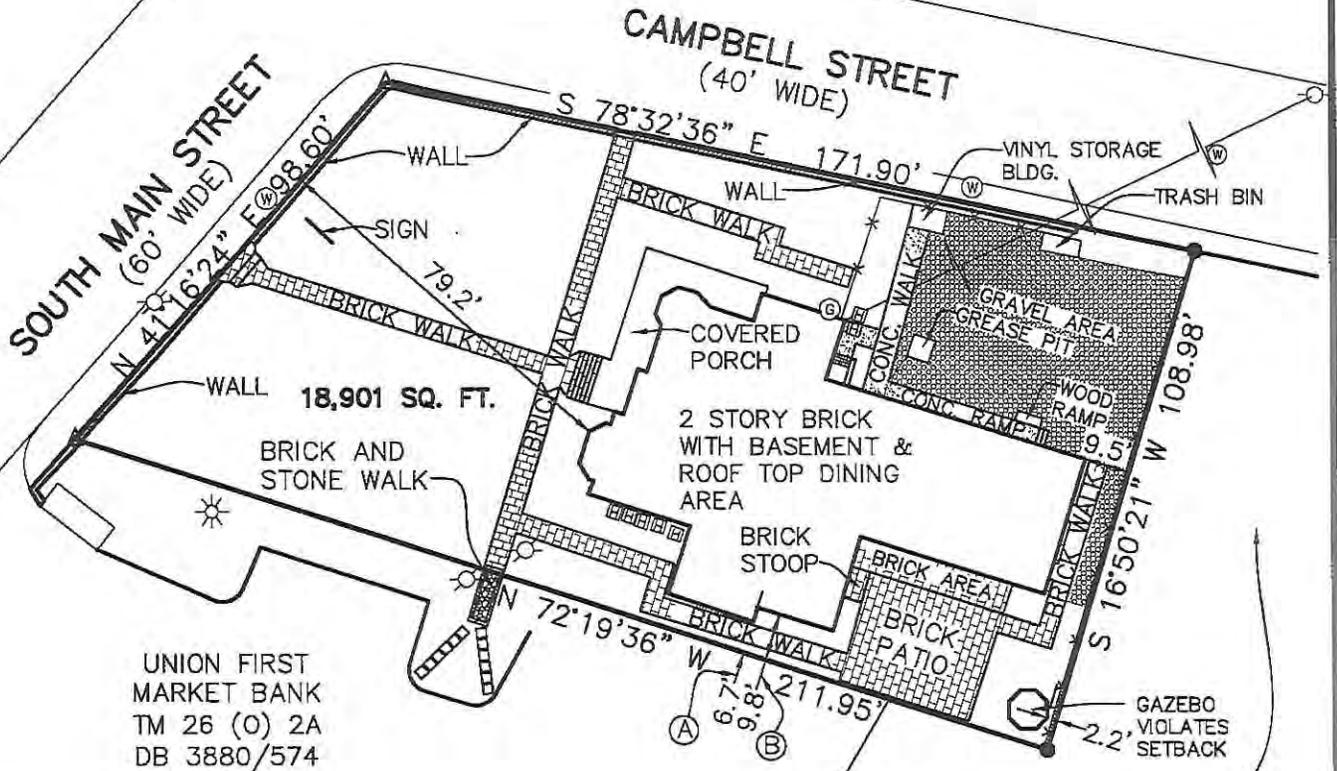
THIS LOT IS IN FLOOD ZONE X.

NOTE:

NO TITLE OPINION WAS SUPPLIED FOR THIS SURVEY.



VA. NORTH GRID



UNION FIRST
MARKET BANK
TM 26 (O) 2A
DB 3880/574

TITLE INFORMATION:

TM 26 (O) 3

DB 2760/384

ZONE: B2 CONDITIONAL

OWNER: TRILLIUM PROPERTY GROUP, LLC

PURCHASER<s>: <first mi. last>

ADDRESS: 412 SOUTH MAIN STREET

HARRISONBURG, VA 22801

CAMPBELL STREET

PROPERTIES, LC

TM 26 (O) 2

DB 3126/609

Ⓐ = BUILDING ENCRACHES 7'
SETBACK BY 0.3'

Ⓑ = BUILDING ENCRACHES 10'
SETBACK BY 0.2

PHYSICAL SURVEY OF A 18,901 SQUARE FEET LOT CITY OF HARRISONBURG, VIRGINIA

SURVEYOR'S CERTIFICATE:

TO ALL PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED
THIS SURVEY WAS ACTUALLY MADE ON THE GROUND AS PER RECORD
DESCRIPTION AND IS CORRECT. THERE ARE NO ENCROACHMENTS
EITHER WAY ACROSS PROPERTY LINES, EXCEPT AS SHOWN.
GIVEN UNDER MY HAND THIS 8TH DAY OF MAY, 2015.

THIS SURVEY IS BASED ON
A CURRENT FIELD SURVEY.

BENNER & ASSOC., INC.

8 PLEASANT HILL ROAD

HARRISONBURG, VA 22801

540 434-0267

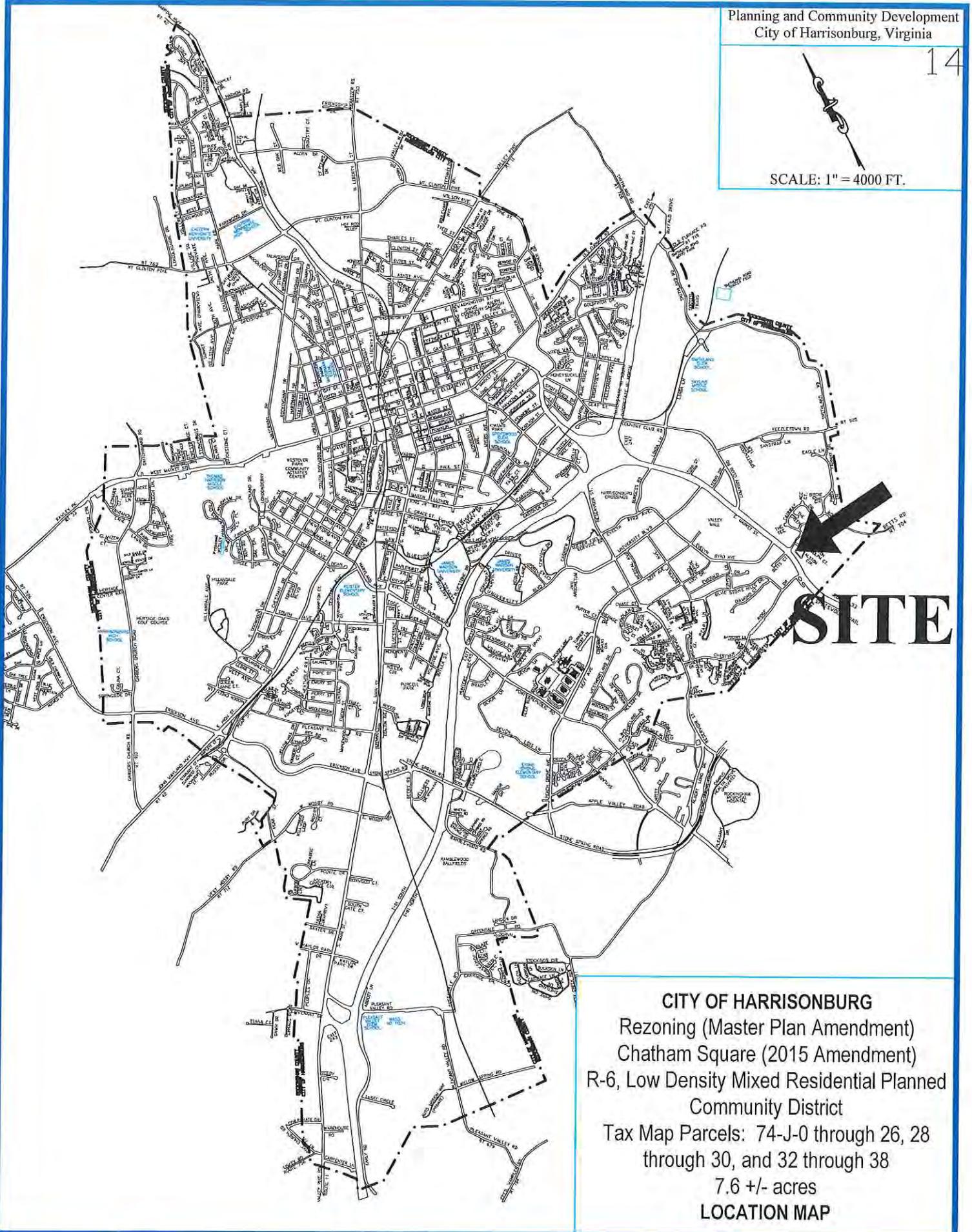
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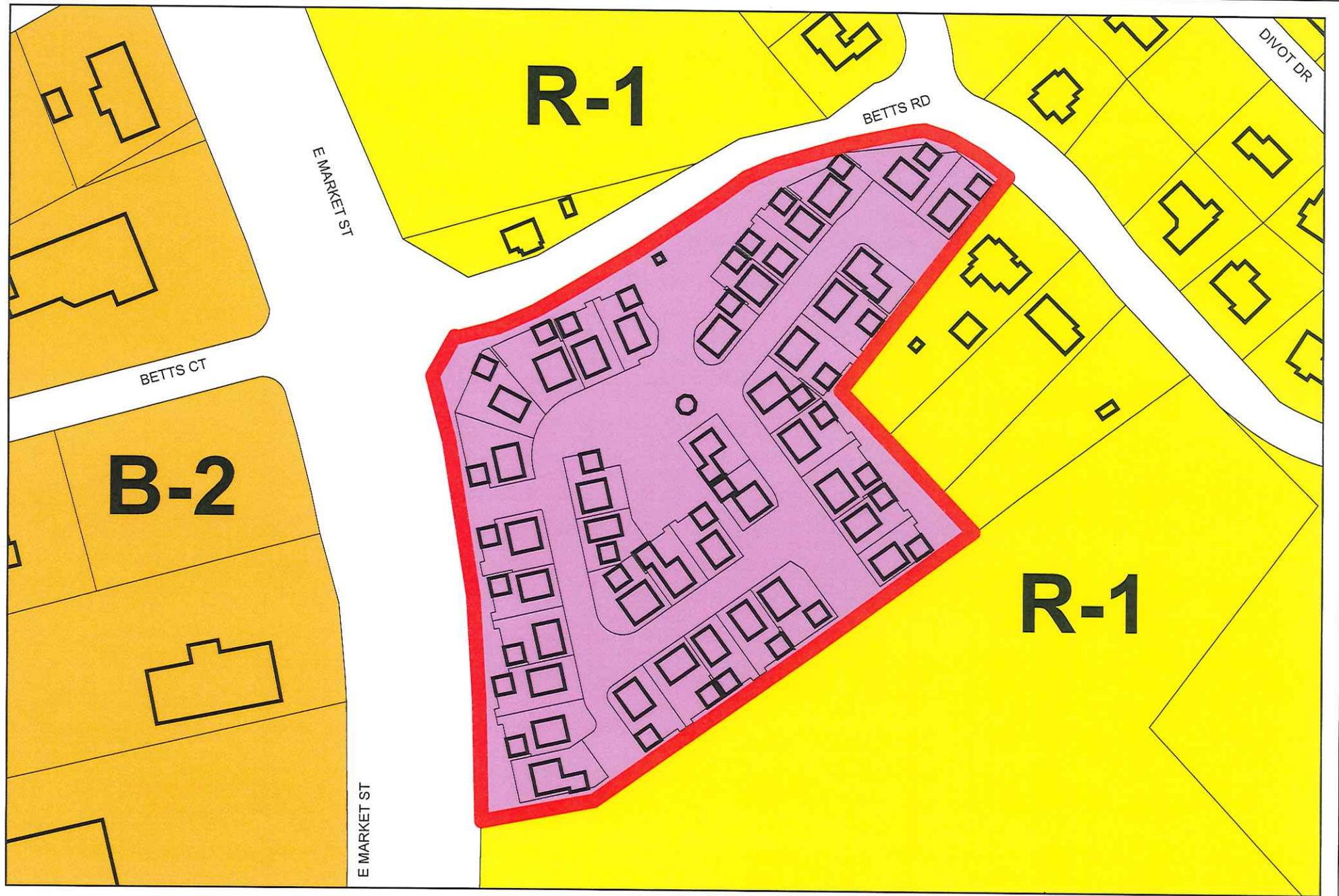




SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Rezoning (Master Plan Amendment)
Chatham Square (2015 Amendment)
R-6, Low Density Mixed Residential Planned
Community District
Tax Map Parcels: 74-J-0 through 26, 28
through 30, and 32 through 38
7.6 +/- acres
LOCATION MAP



Rezoning - Chatham Square 2015 Amendment



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

July 8, 2015

REZONING – CHATHAM SQUARE 2015 AMENDMENT

GENERAL INFORMATION

- Applicant:** Chatham Land Co.; 126 Belmont, LLC; Nancy Lantz; Delbert and Lela Snyder, Trustees; and Tonya Taylor Price
- Tax Map:** 74-J-0 through 26, 28 through 30, and 32 through 38. (Does not include 74-J-27 or 31)
- Acreage:** 7.6 +/- acres
- Location:** The development is located along Betts Road and East Market Street and is served by Alston Circle and Payton Randolph Court—both private streets. The properties are addressed as 2302, 2310, 2313, 2314, 2318, 2319, 2322, 2326, 2330, 2334, 2337, 2338, 2341, 2342, 2346, 2347, 2350, 2354, 2358, 2362, 2366, 2370, 2371, 2374, 2375, 2382, 2386, 2390 Alston Circle and 40, 41, 50, 51, 60, 61, 70, 71, 80, and 90 Peyton Randolph Court.
- Request:** Public hearing to consider rezoning the Chatham Square R-6, Low Density Mixed Residential Planned Community District by amending the development's master plan originally approved in July 2006.

LAND USE, ZONING, AND SITE CHARACTERISTICS

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

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

- Site:** Chatham Square residential community, zoned R-6
- North:** Across Betts Road, single family dwellings and an undeveloped parcel, zoned R-1
- East:** Single family dwellings, and across Betts Road, single family dwellings, zoned R-1
- South:** Undeveloped wooded property, zoned R-1
- West:** Across East Market Street, commercial uses, zoned B-2

EVALUATION

Multiple property owners from the Chatham Square residential community are requesting to rezone most of the Chatham Square community by amending the 2006 approved R-6, Low

Density Mixed Residential Planned Community District master plan. The primary objective is to reduce the number of permissible single family dwellings from 38 to 26. The proposed changes maintain the original layout, the planned look of the single family homes, the planned brick wall surrounding the community, and the walking path and gazebo. If approved, two existing developed single family home properties addressed at 2394 and 2378 Alston Circle (tax map parcels 74-J-27 and 74-J-31) would continue being regulated by the original 2006 Chatham Square master plan. (Included within the packet is the existing master plan narrative and layout for ease of comparison with the proposed changes.)

In July 2006, the property was rezoned from R-1, Single Family Residential District to R-6 to allow for 38 single family homes along private streets. By August 2007, an engineered comprehensive site plan was approved allowing for the site development to begin. In November 2008, the property was preliminarily platted with a variance to the Subdivision Ordinance allowing the lots to be created without the required public street frontage. The existing lots were created after staff approved the final plat in April 2009, when the subdivision was recorded later in June of the same year. To date, the development's infrastructure (private streets, sidewalks, utilities, etc.) is complete along with the street improvements the developers were required to make for Betts Road and the pedestrian improvements along East Market Street. Six single family homes are complete, portions of the brick wall have been built, and the community's gazebo is in place.

As proposed, along with reducing the number of allowable single family homes, the amendment process is allowing them to clarify how matters normally regulated by the Zoning Ordinance's Article T will be governed within the community (i.e. accessory buildings and allowable heights of walls and fences) and to more clearly specify minimum lot dimensions and permissible parcel square footages. In the end, the proposed amendments herein provide more flexibility for the development and do not change the original intent of Chatham Square.

If approved, the desired changes to the lot configurations do not need to be approved by Planning Commission or City Council. Rather, these changes can be accommodated via an administrative minor subdivision process.

Reducing the number of parcels will probably impact water and sewer service connections. The 2007 approved comprehensive site plan demonstrated that 38 water and sewer services would be installed for the planned units/lots. Because these services have already been installed per the approved comprehensive site plan and approved final plat line locations, some services may be required to be removed while new service connections may be required to be installed and/or new easements dedicated to reach the new lots. This impact will be evaluated during the subdivision process. The applicants should be aware a revised comprehensive site plan sheet will likely be needed to accommodate the changes.

Staff believes the changes herein proposed are in the best interest of the community and the City and recommends approving the rezoning to amend the governing regulations of the Chatham Square master plan (except for the two parcels as identified).

Revised Chatham Square

It is proposed that the approved thirty-eight (38) lot subdivision known as Chatham Square be adjusted to a twenty-six (26) lot subdivision. The existing R-6 zoning is proposed to remain. The outside boundaries of the subdivision will remain as is, just the configuration of the lots and the open space will be adjusted. All roads, sidewalks, gazebo, and existing walls remain as presently constructed.

The subdivision is proposed to continue with housing similar to the existing six (6) constructed homes. Each shall be constructed with brick, stone, wood, or concrete siding; vinyl siding shall not be used. Each home shall have a garage that may be attached or detached. When possible the garage shall be set back from the front of the home. All garages along Betts Road and East Market Street shall be constructed of brick on the street side of the garage. These garages may be or may not be part of the continuation of a four (4) foot tall brick wall continuously running around the street side perimeter of the property except for the two entrances to the subdivision (see “Master Plan Layout”, dated April 27, 2015).

The “Master Plan Layout” is a graphic depiction of the zoning regulations herein defined. The layout, however, is a governing detail of Chatham Square, generally depicting where roads, buildings, sidewalks, landscaping, and community amenities may be located.

	Lot Size (min sq. ft.)	Min. Lot Depth (ft.)	Min. Lot Width (ft.)	Max Height (ft.)	Setbacks (ft.)		
					Front	Side	Rear
Detached Single Family Home Lot Numbers 2,6-11	4,000	70	30	35	5	5	3*
All Other Detached Single Family Home Lots	5,000	60	50	35			
Common Area Lots	No Minimum	No Minimum	No Minimum	N/A			

*Garages bordering common space may have a zero setback.

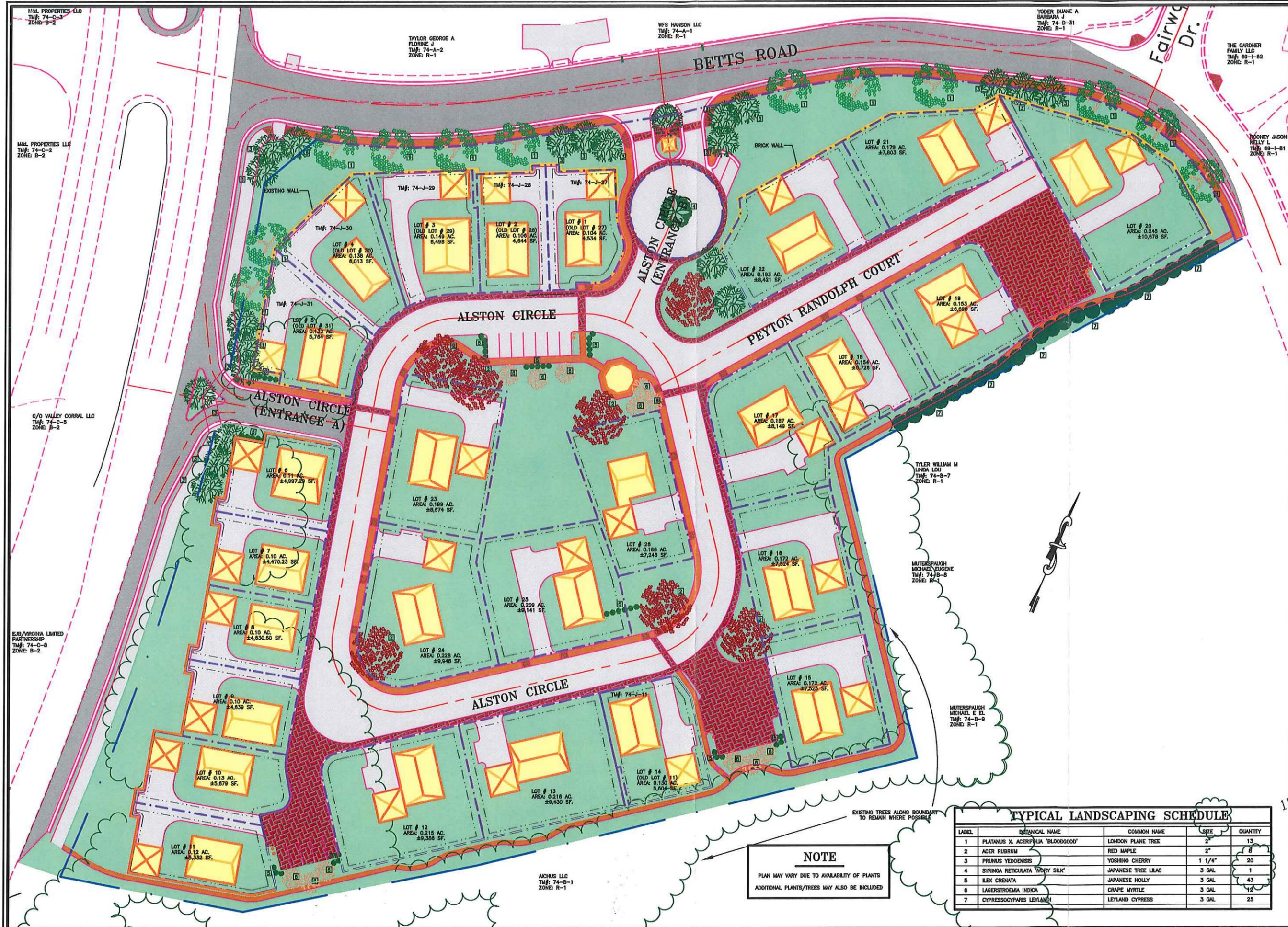
Note: Lots 1 and 5 (old lots 27 and 31) remains under the original rezoning.

No provisions of the City’s Zoning Ordinance Article T shall apply, except Section 10-3-110(a) and 10-3-111. Matters normally regulated by Article T are otherwise regulated as indicated below:

- Patios, courtyards, terraces, porches and other similar features may have setbacks of one (1) foot along all property lines.
- Accessory buildings shall not be located in front yards and shall be held to the same setback required of principal buildings.
- Walls and fences may be located on property lines, shall not impede sight distance, and shall be no taller than six (6) feet.

With the change in the number of lots and lot configuration, the community open space increases from 1.56 acres to approximately 1.71 acres which is nearly 22% of the development. The amenities such as gazebo, walking path, and landscaped areas will remain for community use.

A Home Owners Association is presently in effect and has been given the responsibility to maintain the landscaping of all common areas, the roads, wall, gazebo, mailboxes, and the community appearance and values. All new houses and landscaping must be approved by the HOA.



Date: APRIL 27, 2015
 Scale: 1"=30'
 Designed by: RLB II
 Drawn by: MMS
 Checked by: RLB II

BLACKWELL ENGINEERING, PLC
 565 East Market Street, 22801
 Harrisburg, Virginia
 PHONE: (804)434-4500 FAX: (804)434-1004
 E-Mail: info@blackwelleng.com

COMMONWEALTH OF VIRGINIA
 REGISTERED PROFESSIONAL ENGINEER
 RICHARD L. BLACKWELL, JR.
 Lic. No. 005742

Revision Dates

JUNE 4, 2007
JULY 25, 2007
MARCH, 2015

MASTER PLAN LAYOUT
 CHATHAM SQUARE
 CHATHAM LAND COMPANY
 1323 JAMESTOWN RD, SUITE 101
 WILLIAMSBURG, VA, 23185

Drawing No.
1
 of 1 Sheets

Job No. 1467

NOTE
 PLAN MAY VARY DUE TO AVAILABILITY OF PLANTS
 ADDITIONAL PLANTS/TREES MAY ALSO BE INCLUDED

TYPICAL LANDSCAPING SCHEDULE

LABEL	BOTANICAL NAME	COMMON NAME	SIZE	QUANTITY
1	PLATANUS X ACERIFOLIA 'BLOODGOOD'	LONDON PLANE TREE	2"	13
2	ACER RUBRUM	RED MAPLE	2"	8
3	PRUNUS YEDOENSIS	YOSHINO CHERRY	1 1/4"	20
4	SYRINGA RETICULATA 'ROYAL SILK'	JAPANESE TREE LILAC	3 GAL	1
5	ILEX CRENATA	JAPANESE HOLLY	3 GAL	43
6	LAGERSTROEMIA INDICA	CRAPE MYRTLE	3 GAL	12
7	CYPRINOCARPUS LEYLANDI	LEYLAND CYPRESS	3 GAL	25

Date Application Received: 05-12-15

Total Paid: 615.⁰⁰ AF

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Robert G. Beck
Street Address: 1323 Jamestown Rd, Suite 101 Email: rbeck@beckcompany.net
City/State/Zip: Williamsburg, VA 23185
Telephone (work): 757.565.4100 (home or cellular): _____ (fax): _____

Section 2: Owner's Representative Information

Name: Dick Blackwell
Street Address: 566 E. Market St. Email: dick@blackwellengineering.com
City/State/Zip: Harrisonburg VA 22801
Telephone (work): 540.432.9555 (home or cellular): _____ (fax): 540.434.7604

Section 3: Description of Property

Location (street address): _____
Tax Map Number: Sheet: 74 Block: J Lot: *** Total Land Area (acres or square feet): 7.79
Existing Zoning District: R-6 Proposed Zoning District * : _____
Existing Comprehensive Plan Designation: single family detached residential ***~~LOTS 1-10&12-26&32-38~~

**If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper* Lots 0-30 and 32-38 AF.

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.*

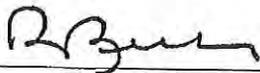
- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No X

*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: SEE ATTACHED SHEET
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

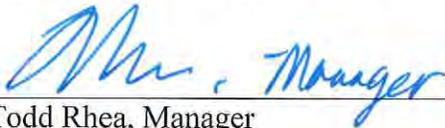
May 8, 2015

Adam Fletcher
Sr. City Planner
City of Harrisonburg
Harrisonburg, VA 22801

RE: Chatham Square – Revised Master Plan

Dear Mr. Fletcher:

As an owner of existing property in the subdivision named Chatham Square in Harrisonburg, VA, I am aware of the proposed revised Master Plan as shown on the attached drawing dated April 27, 2015. I support this revised plan.

A handwritten signature in blue ink that reads "Todd Rhea" followed by a flourish.

Todd Rhea, Manager
126 Belmont, LLC
92 N. Liberty St.
Harrisonburg, VA 22802
TM# 74-J-10,12-19,22-26,32-36

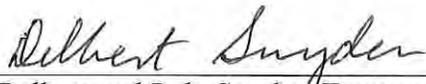
May 8, 2015

Adam Fletcher
Sr. City Planner
City of Harrisonburg
Harrisonburg, VA 22801

RE: Chatham Square – Revised Master Plan

Dear Mr. Fletcher:

As an owner of existing property in the subdivision named Chatham Square in Harrisonburg, VA, I am aware of the proposed revised Master Plan as shown on the attached drawing dated April 27, 2015. I support this revised plan.



Delbert and Lela Snyder, Trustees
2390 Alston Cr.
Harrisonburg, VA 22802
TM# 74-J-28

May 8, 2015

Adam Fletcher
Sr. City Planner
City of Harrisonburg
Harrisonburg, VA 22801

RE: Chatham Square – Revised Master Plan

Dear Mr. Fletcher:

As an owner of existing property in the subdivision named Chatham Square in Harrisonburg, VA, I am aware of the proposed revised Master Plan as shown on the attached drawing dated April 27, 2015. I support this revised plan.

Nancy J. Lantz 5/20/15
Nancy Lantz
2334-2382 Alston Cr.
Harrisonburg, VA 22802
TM 74-J-11

May 8, 2015

Adam Fletcher
Sr. City Planner
City of Harrisonburg
Harrisonburg, VA 22801

RE: Chatham Square – Revised Master Plan

Dear Mr. Fletcher:

As an owner of existing property in the subdivision named Chatham Square in Harrisonburg, VA, I am aware of the proposed revised Master Plan as shown on the attached drawing dated April 27, 2015. I support this revised plan.



Bobby Beck
Chatham Land Co.
1323 Jamestown Rd.
Williamsburg, VA 23185
TM 74-J-20,21,30,37,38

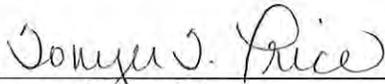
May 8, 2015

Adam Fletcher
Sr. City Planner
City of Harrisonburg
Harrisonburg, VA 22801

RE: Chatham Square – Revised Master Plan

Dear Mr. Fletcher:

As an owner of existing property in the subdivision named Chatham Square in Harrisonburg, VA, I am aware of the proposed revised Master Plan as shown on the attached drawing dated April 27, 2015. I support this revised plan.



Tonya Taylor Price
2386 Alston Cr.
Harrisonburg, VA 22802
TM# 74-J-29

Adjacent Property Owners

North:

74-A-2	George & Florine Taylor 35 Betts Ct. Harrisonburg, VA 22802	Zoned R-1
74-A-1	WIS Hanson, LLC 6 Harrington Ct. Landenburg, PA 19350	Zoned R-1

South:

74-B-1	AICHUS, LLC PO Box 588 Harrisonburg, VA 22803	Zoned R-1
--------	---	-----------

East:

69-1-82	The Gardner Family, LLC 295 Birdie Cr. Harrisonburg, VA 22802	Zoned R-1
69-1-81	Jason & Kelly Rooney 115 Betts Rd. Harrisonburg, VA 22802	Zoned R-1

West:

74-C-3	M&L Properties, LLC Harrisonburg Nissan 2275 E. Market St. Harrisonburg, VA 22801	Zoned B-2
74-C-2	M&L Properties, LLC 276 W. Market St. Harrisonburg, VA 22801	Zoned B-2
74-C-5	BT Holdings, LLC 407 W. Bute St. Norfolk, VA 23510	Zoned B-2
74-C-8	EJB/ Virginia Limited Partnership Quality Stores, Inc. 17556 Lake Estates Dr. Boca Raton, FL 33496	Zoned B-2

Adjacent Property Owners con't

74-B-7	William & Linda Tyler 116 Betts Road Harrisonburg, VA 22801	Zoned R-1
74-B-8	Michael E. Muterspaugh 122 Betts Rd. Harrisonburg, VA 22802	Zoned R-1
74-B-9	Michael & Elizabeth Muterspaugh 122 Betts Rd. Harrisonburg, VA 22802	Zoned R-1

Within Chatham Square

74-J-11	Nancy Lantz 2382 Alston Cr. Harrisonburg, VA 22802	Zoned R-6
74-J-27	Karen Lynne Spurgeon 2394 Alston Cr. Harrisonburg, VA 22802	Zoned R-6
74-J-28	Delbert & Lela Snyder, Trustees 2390 Alston Cr. Harrisonburg, VA 22802	Zoned R-6
74-J-29	Tonya Taylor Price 2386 Alston Cr. Harrisonburg, VA 22802	Zoned R-6
74-J-30	Chatham Land Co. 1323 Jamestown Rd., Suite 101 Williamsburg, VA 23185	Zoned R-6
74-J-31	Glenda Jones 175 Club Ln. McGaheysville, VA 22840	Zoned R-6
74-J-20,21,30,37,38	Chatham Land Co. 1323 Jamestown Rd., Suite 101 Williamsburg, VA 23185	

Within Chatham Square Con't

74-J-1-10 126 Belmont, LLC
74-J-12-19 92 N. Liberty St.
74-J-22-26 Harrisonburg, VA 22801
74-J-32-36

Existing 2006-Approved Master Plan

Narrative to Accompany R-1 to R-6 request for Rezoning of TM Parcels 74-B-2, 3,4,5,6 on the Northeast Corner of Betts Road and East Market Street.

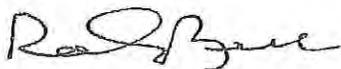
It is proposed that a thirty eight (38) lot subdivision meeting the R-6 zoning regulations be developed on the five (5) tax map parcels comprising 7.79 acres. The subdivision proposes to have colonial Williamsburg (Virginia) and Charleston (South Carolina) style housing similar to those pictured on Exhibits A and B. These homes will vary in sizes but no smaller than 1850 sq. ft. and at least half containing 2100 sq. ft. or larger. Each will be constructed with brick, stone, wood, or concrete; vinyl siding will not be used. Each home will have a two car garage that may be attached or detached, depending on the owners preference. In all cases, the garage will be set back from the front of the home and on most lots, the garage will be behind the home. All garages along Betts Road and East Market Street will be constructed of brick on the street side of the garage. There will be a four (4) foot tall brick wall continuously running from garage to garage around the street side perimeter of the property except at the two entrances and as shown on the "Rezoning Plan", sheet 1 of 2. Twenty of the lots (53%) average some 36% larger than the 18 smaller lots. There will be a minimum front set back of five (5) feet, a side set back of five (5) feet, and a rear set back of three (3) feet, except for garage bordering common space where the set back may be zero (0). Decks and patios may be built within one (1) foot of the property line.

It is proposed that approximately 1.56 acres (20 %) of the development be in open community space. A gazebo, village green, walking trails and landscaped areas around the perimeter of the development help provide activities and beauty. A "landscaping plan" (sheet 2 of 2) is included as an attachment to the Rezoning Application. The plan includes maintaining as many of the large existing trees as possible. A variety of evergreen, flowering trees, and flowering shrubs are planned for the common spaces and a sample of a landscaping plan for the individual lots is also included. The walking trail will be at least four (4) feet wide and will be hard surfaced. The trail along East Market St. shall be ten (10) feet wide and the trail along Betts Road shall be five (5) feet wide.

The internal roads are planned to be private and maintained by the Home Owners Association. The road will be 30 ft. wide including a 4 ft. gutter on one side and a raised 5 ft. sidewalk on the other side. Both the gutter and the sidewalk will be constructed of stamped or exposed aggregate concrete. The road surface will be asphalt (8" - 21B, 3" BM-25.0 and 1.5" SM-9.5A), and parking will be allowed on one side of the street. In addition at five different locations around the development, public parking is provided for guests.

A Home Owners Association will be established and given the responsibility to maintain the landscaping, all common areas, the roads, the wall, gazebo, gate house, and community appearances and values.

Improvements to the eastside of Betts Road will be the responsibility of the developer. At the same time the City will construct the west side of Betts Road. A left and right turn lane will be constructed on Betts Road at the intersection of East Market Street in conjunction with the City. In addition a right turn lane onto Betts Road will be constructed in the west bound lane of East Market Street by the developer. These street improvements will be constructed with the approval of the City. A right in and right out of the proposed development on East Market Street is planned pending City approval.



Robert Beck



Existing Master Plan EXHIBIT A



Existing Master Plan

Existing 2006-Approved Master Plan



Date: 05/02/08
 Scale: 1"=30'
 Designed by: RLB JR
 Drawn by: JRD
 Checked by: RLB JR

BLACKWELL ENGINEERING, PLC
 565 East Market Street
 Harrisonburg, Virginia 22801
 Phone: (804)432-2222 Fax: (804)432-7668
 E-Mail: BE@BlackwellEngineering.com




Revision	Date
1	05/30/08

REZONING PLAN - R-1 TO R-6C

CHATHAM COURT
 EIGHTY-ONE, LLC
 1323 JAMESTOWN RD., SUITE 101
 WILLIAMSBURG, VA, 23185

OWNER/DEVELOPER:
 EIGHTY-ONE, LLC
 ATTN: BOBBY BECK
 1323 JAMESTOWN RD, SUITE 101
 WILLIAMSBURG, VA 23185
 540-434-5150

PROPERTY INFO:
 TMF 74-B-2, 74-B-3,
 74-B-4B 74-B-5 & 74-B-6
 TOTAL OF 7.79 acres
 ZONED: R-1

Drawing No.
1
 of 2 Sheets

Job No. 1467

ORDINANCE AMENDMENT

**To Amend Section 10-3-24 to Align the
Definitions of Major and Minor Family
Day Homes with Recent Changes to the
Code of Virginia.**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT July 8, 2015

ZONING ORDINANCE AMENDMENT Section 10-3-24

On April 30, 2015, the State approved several changes to the Code of Virginia related to Family Day Homes (per the 2015 Virginia Acts of Assembly SB 1160 and HB 1570). Most of the provisions in the bill took effect July 1, 2015. The changes impacted the City's existing Zoning Ordinance definitions for "minor family day homes" and "major family day homes." The changes herein proposed by staff are to modify those definitions to align with the recent changes to the Code of Virginia.

Currently, a minor family day home is a child day care program offered in the home of the provider for one to five children while a major family day home is a program offering care for six to twelve children. In either case, the provider's children and any children residing in the home do not count against the total number they are allowed to provide care for. As shown below, the proposed amendment would change the total number of children allowed in a minor family day home to one to four children while a major family day home would be defined as having five to twelve children.

Family day home, minor: A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through ~~five (5)~~ four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.

Family day home, major: A child day care program offered in the residence of the provider or the home of any of the children in care for ~~six (6)~~ five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.

Staff recommends approving the proposed amendments.

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 is amended by modifying the definitions as shown:

Family day home, major: A child day care program offered in the residence of the provider or the home of any of the children in care for ~~six~~ ~~(6)~~ five (5) through twelve (12) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation.

Family day home, minor: A child day care program offered in the residence of the provider or the home of any of the children in care for one (1) through ~~five (5)~~ four (4) children under the age of thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. A minor family day home shall be considered a home occupation and therefore requires that a home occupation permit be granted by the zoning administrator; however, no conditions more restrictive than those imposed on residences occupied by a single family shall be imposed on the day home.

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 _____, 2015.
Adopted and approved this _____ day of _____, 2015.

MAYOR

ATTESTE:

CLERK PRO TEMPORE