



# City of Harrisonburg, Virginia

## Planning Commission Meeting

January 13, 2016

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Election of Officers for 2016**
- 2) **Call to order, roll call, determination of quorum, and review/approval of minutes from the December 9, 2015 regular meeting.**
- 3) **New Business**

*Public School Off-Street Parking Approval Requests – Garbers Church Road Elementary School and Pre-Kindergarten Learning Center Along Linda Lane*

Consider a request from Harrisonburg City Public Schools for approval of the school's proposed off-street parking arrangements for the Garbers Church Road Elementary School along Garbers Church Road and the Pre-Kindergarten Learning Center along Linda Lane. Per Section 10-3-25 (12), Planning Commission must review and approve the school's proposed off-street parking plans to be considered in conformance with the Zoning Ordinance's minimum off-street parking requirements. The Garbers Church Road Elementary School site is zoned R-1, Single Family Residential District, includes 10.8 +/- acres, and is made up of tax map parcels 117-D-1, 2, & 6. The Pre-Kindergarten Center site along Linda Lane is zoned R-1, Single Family Residential District, includes 55.4 acres, and is identified as tax map parcel 72-A-16.

*Special Use Permit – 680 North Liberty Street (Section 10-3-40 (7) Increased Occupancy)*

Public hearing to consider a request from Astroverto Arellano and Juan J. Arellano for a special use permit per Section 10-3-40 (7) of R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site. The 6,200 +/- square feet property is located at 680 North Liberty Street and is identified as tax map parcel 40-W-10.

*Special Use Permit – 98 Pleasant Hill Road (Section 10-3-40 (6) MFDH)*

Public hearing to consider a request from Harold and Thelma Williams Life Estate with representative Tara Koontz for a special use permit per Section 10-3-40 (6) of the R-2, Residential District to allow for a Major Family Day Home. A Major Family Day Home is defined as "a child day care program offered in the residence of the provider or the home of any of the children in care for 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." The 24,000 +/- square feet property is located at 98 Pleasant Hill Road and is identified as tax map parcel 9-D-1.

*Zoning Ordinance Amendment – Sections 10-3-196 & 197 to Modify Concealed Wireless Telecommunications Facilities Minimum Setbacks*

Public hearing to consider a request to amend the Zoning Ordinance Sections 10-3-196 & 197 to modify the minimum setback regulation required for concealed wireless telecommunications facilities in residential districts and the MX-U district as well as the B-1 and B-2 districts. Specifically, the amendment would eliminate the required minimum setback for concealed wireless

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telecommunications facilities when such facilities are collocated. The amendments would occur within Section 10-3-196 (2), which allows concealed facilities by special use permit within all residential districts and the MX-U, Mixed Use Planned Community District; and within Section 10-3-197 (1), which allows concealed facilities by right within the B-1 and B-2 districts.

**4) Unfinished Business**

*None.*

**5) Public Input**

**6) Report of secretary and committees**

**7) Other Matters**

*Discussion Regarding Revisions to Section 15-2-24 Fowl, Chickens and other Domestic Birds (commonly referred to as the Chicken Ordinance) – Avian Flu Presentation by Dr. Don Hopson, Regional State Veterinary Supervisor, Virginia Department of Agriculture and Consumer Services*

**8) Adjournment**

Staff will be available Tuesday February 9, 2016 at 4:30 p.m. for those interested in going on a field trip to view the sites for the February 10, 2016 agenda.

**MINUTES OF HARRISONBURG PLANNING COMMISSION**  
**December 9, 2015**

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

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

Members absent: None.

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

Chair Fitzgerald called the meeting to order and said there was a quorum with all members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the November 2015 Planning Commission meeting.

Mr. Colman made a motion to approve the minutes as presented.

Mr. Way seconded the motion.

All members voted in favor of approving the November 2015 minutes as presented (5-0). Commissioners Heatwole and Dilts abstained because they were not in attendance at the November meeting.

**New Business**

***Public Utilities Application – 1380 Blackberry Lane***

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said Walter W. Carr III and Cindy H. Carr have requested approval to allow for the extension of City water and sewer services onto property in Rockingham County. The five +/- acre parcel is located at 1380 Blackberry Lane, which is approximately one quarter mile west of the City limits, off of Mt. Clinton Pike. Currently, the applicants operate River of Life Ministries Church on the property and are pursuing a special use permit with Rockingham County in order to use the site as a venue for weddings and special events.

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

City water and sewer infrastructure extends beyond the City limits in this area to serve Lincolnshire Drive, a County neighborhood. If approved, a private utility easement would be required to extend the utilities from Lincolnshire Drive, across private property, and onto the requested site.

The proper application has been completed and submitted by the owners. The Public Utilities Department has completed the preliminary review of the request and is offering a recommendation for approval with the understanding that specific conditions must be met by the owners. Those conditions are listed in the letter provided to the applicant by the Public Utilities Department and included with this report. If approved, the applicants would need to work closely with the City to ensure that all conditions are met as described within the letter.

Staff has no concerns and the Public Utilities Department supports this application for the extension of water and sewer service with the specified provisions.

Chair Fitzgerald asked if there were any questions. Hearing none, she said we are not required to have a public hearing regarding this; however, we generally ask the applicant or the applicant's representative if they would like to speak.

Cindy Carr, property owner of 1380 Blackberry Lane, said we already have an easement in place from Lincolnshire Drive to the property and everything is in order if we receive the City's blessing.

Chair Fitzgerald asked if there was any further discussion or perhaps a motion on the request.

Mr. Da'Mes made a motion to recommend approval of the request as presented tonight with the conditions as listed in the letter from Public Utilities.

Dr. Dilts seconded the motion.

Chair Fitzgerald called for a voice vote. All voted in favor of the motion (7-0).

Chair Fitzgerald said this item will go before City Council on January 12, 2016, with a favorable recommendation.

***Comprehensive Plan Amendment – Spotswood Country Club 8 Acres (Land Use Guide Change: Conservation Recreation to Commercial) and Rezoning – Spotswood Country Club 8 Acres (R-1 to B-2C)***

Chair Fitzgerald said the next two items on the agenda will be covered in one staff report; she then read the request and asked staff for a review.

Mr. Fletcher said the Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the City's parks and golf course, as well as private open space recreation uses, such as country clubs.

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

Site: Forested, undeveloped acreage of the Spotswood Country Club, zoned R-1

North: Spotswood Country Club, zoned R-1

East: Spotswood Country Club, zoned R-1

South: Spotswood Country Club, zoned R-1

West: Across Country Club Road and East Market Street, commercial uses, zoned B-2

Spotswood Country Club (the Club) is requesting to amend the Comprehensive Plan (the Plan) by changing the Land Use Guide designation for 8.0 +/- acres of their property along Country Club Road and East Market Street while at the same time requesting to rezone the same acreage. The subject site involves two parcels. The first includes a 7.25-acre portion of tax map parcel 73-B-1 (this parcel in its entirety totals 78.18 +/- acres). The second parcel is a 0.75-acre lot identified as tax map parcel 73-B-3. The subject area is undeveloped and is almost entirely forested. It stretches about 638 feet along Country Club Road and about 558 feet along East Market Street.

Proposed amendments to the Plan that occur between official City-led updates are rare. While considering the current request, it is best to understand the requests that occurred in the past. They are often times associated with significant developments and for projects that might be substantially different than the planned land use.

There are only six files documenting requested Plan amendments. Two of the six amendments were text changes put forth by City staff in 1998 and 2008 and were ultimately approved. The other four amendments were Land Use Guide changes, all proposed by private developers. The first was in 2003 when Dunham Bush Holdings, Inc. proposed changing their Land Use Guide designation from General Industrial to Commercial while also proposing to rezone the same property from M-1 to B-2C. Both requests were supported by staff and Planning Commission (PC) and were approved by City Council (CC). The site was then redeveloped to what is now known as Harrisonburg Crossing. The other three requested changes all occurred in 2006. In April of that year, the property now known as Chatham Square—located at the intersection of East Market Street and Betts Road—was reviewed for a designation change from Low Density Residential to Low Density Mixed Residential. Staff and PC recommended approval of the request, but City Council denied the application. However, several months later the property was successfully rezoned from R-1 to R-6 and then developed. Also in April of 2006, a separate developer proposed designation changes for over 150 acres of property now commonly known as “the Quarry” development. The proposed changes were from Commercial and Mixed-Use Development Areas to Medium Density residential, Medium Density Mixed Residential, and Commercial. Staff supported the changes in part, PC recommended approval as submitted, and CC ultimately approved the requests. Portions of the Quarry property were later rezoned to R-7; however, neither the planned commercial or residential components of that planned development have materialized. Lastly, in May 2006, over 60 acres of land in the southern section of the City, adjacent to Interstate 81, was reviewed for designation changes from Commercial to Medium Density Mixed Residential while simultaneously reviewed to rezone the property from B-2 and M-1 to R-7 to make way for a large multi-family residential development. Staff and PC recommended denial of both applications; CC, however, approved both. The planned development never occurred and the property is now owned by James Madison University.

Specifically, with regard to the current requested Plan amendment, the proposed change would occur on the Land Use Guide map, which is part of the Plan’s Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for the subject property from the Conservation, Recreation, and Open Space designation to the Commercial designation. Concurrently, the applicant is requesting to rezone the subject area from R-1, Single Family Residential District to B-2C, General Business District Conditional.

The Land Use Guide map is a key component of the Plan and illustrates the recommended future land uses for parcels in the City. As explained within Chapter 5 of the Plan, “[i]t is the official land use policy map of the Comprehensive Plan and is to be used as a guide in decisions on such matters as rezoning and special use permit proposals and the location of public facilities.” The Plan describes the Conservation, Recreation and Open Space designation by stating “[t]he City’s parks and golf course are included in this category, as well as private open space recreation uses, such as country clubs.” The Plan describes the Commercial designation by explaining that “[c]ommercial uses include retail, office, wholesale, or service functions. Restaurant and lodging uses are also included. These areas are generally found along the City’s major travel corridors. The largest concentration of commercial land use is located between E. Market Street and Reservoir Street and includes the Valley Mall, a number of shopping centers, and significant office development.”

Regarding the rezoning, the applicant has proffered the following details (written verbatim):

1. Only the following uses allowed in the B-2 General Business District will be allowed:

- a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
  - b. Governmental, business and professional offices and financial institutions.
  - c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
  - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
  - e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
  - f. General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees.
  - g. Pet shop or pet grooming establishment and animal hospitals however no outside space shall be permitted.
  - h. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
  - i. Public and privately owned parking lots and parking garages.
  - j. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
  - k. Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened.
  - l. Public uses.
  - m. Vehicle fuel stations. Vehicles excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
  - n. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.
  - o. Accessory buildings and uses customarily incidental to any of the above listed uses.
2. Special use permits shall be permitted as approved by City Council.

3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Ramey Kemp, RKA Project 15175 dated October 2015, shall be constructed and implemented as required by the City of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the City of Harrisonburg.

The above proffered list of permissible uses is very similar to the by right permitted uses listed in Section 10-3-90 in the B-2 district; however, there is some variation. The applicant specifically omitted subsections (6), (7), (10), (12), and (13), which include the sale of vehicles, recreation equipment, and trailers; the repair of vehicles, recreation equipment, and trailers; radio and television stations and studios or recording studios; warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district; and funeral homes, respectively. Then, although proffer item “1 g” allows the same uses as those within Section 10-3-90 (9), the stated proffer specifically prohibits outdoor spaces associated with pet shops, pet grooming establishments, and animal hospitals. Lastly, within item “m,” which is similar to Section 10-3-90 (19), the applicant excluded the ability for “bus terminals or other facilities designed for vehicular convenience.”

As noted by proffer numbers 2 and 3, if approved, the property owners would be able to apply for any available SUP; and, they would be required to implement the approved recommendations of the already completed traffic impact analysis (TIA) or any revision to the TIA or other TIA that could be required depending upon the actual use that is to operate on site.

Importantly, note that the internal layout of the site as depicted on the engineered layout submitted by Blackwell Engineering is only a conceptual layout; it is not proffered.

It should be understood that although it is rarely required at the time of application submission, the Zoning Ordinance requires TIAs to be completed and then reviewed by the City prior to the acceptance of an application for a rezoning or Comprehensive Plan amendment. TIAs are described and implemented by the Design and Construction Standards Manual (DCSM). The DCSM explains that “[a] traffic impact analysis is a study that provides information on the impacts of vehicle trips generated from the proposed land uses on traffic safety and operation within a designated area and provides recommended solutions to mitigate the impacts. These standards and guidelines are to provide applicants the requirements for a comprehensive and acceptable traffic study for development proposals in the City of Harrisonburg.” Within Section 3.2.1.2 of the DCSM is the stipulation that any planned development that is expected to generate 100 peak hour vehicle trips, could necessitate the review of a TIA. In this particular case, due to the recommended uses within the requested Commercial Land Use Guide designation and the unknown factors of potential size and operations of the uses that would be permitted, the threshold for necessitating a TIA was met, and thus the City required a TIA to be reviewed prior to application submission.

The results of the TIA concluded that no improvements were recommended at any of the following studied intersections: East Market Street/University Boulevard, East Market Street/Country Club Road, East Market Street/Evelyn Byrd Avenue, and Country Club Road/Keezletown Road. There were, however, solutions offered to mitigate impacts at both ingress and egress locations studied for the site. With regard to the right-in right-out access, a westbound right turn lane on East Market Street with 150 feet of storage and appropriate taper shall be constructed as well as to construct one ingress lane and one egress lane on the proposed site driveway. With regard to the full access along

Country Club Road, a northbound right turn lane and a southbound left turn lane both with 100 feet of storage and appropriate taper shall be constructed on Country Club Road. Lastly, one ingress lane and two egress lanes shall be provided on the proposed site driveway to Country Club Road.

Although not proffered or part of the necessary explanations in the TIA, as the site develops, all typical street frontage improvements associated with any required curb and gutter and pedestrian and bicycle improvements would be required. As depicted on the submitted layout, the applicant already understands that the City would require a shared use path in lieu of a sidewalk along both street frontages.

Concerning utilities, existing public sanitary sewer along Country Club Road will more than likely accommodate additional flows that commercial development on this property would generate. The existing water supply to this area is limited, but can be increased with upgrades or upsizing of existing public water mains at the expense of the developer. Harrisonburg Electric Commission (HEC) has significant power poles along this property and the applicant is aware that any development that impacts those poles or any HEC infrastructure shall be improved or relocated at the developer's expense. The applicant further understands that actual relocation of the large utility poles is limited.

After much consideration, staff is recommending approval of both applications.

First, regarding the Comprehensive Plan amendment, to the best of staff's knowledge this is likely the first time a private property owner has requested to develop something that is not permitted by right on property with the Conservation, Recreation and Open Space designation. As part of this application review, staff determined there are 123 parcels in the City with the Conservation, Recreation and Open Space designation, and of those parcels, only eight parcels are privately owned. Three of the eight are owned by the Spotswood Country Club and one is owned by the Daughters of the Confederacy Monument, which is the parcel where the Turner Ashby Monument stands. In taking a closer look at this issue, and in recognizing where these private properties are located, having all of these private properties or, as is the case for the subject request, all portions of these properties designated as Conservation, Recreation and Open space, is not necessarily the best practice. This is because several of these will likely not remain open space or be "conserved" due to the by right development permissions of the properties' zoning. Given the location of the subject area and the existing and planned uses in this area of the City, staff believes the Commercial designation is more appropriate.

As already described, properties designated Commercial are usually found along the City's major travel corridors; East Market Street meets this description and, not only is Country Club Road more and more becoming one, the Street Improvement Plan (within the Comprehensive Plan) recognizes this and identifies Country Club Road to be improved to a three lane facility including a center turn lane with bicycle and pedestrian facilities.

Staff is not only recommending for the subject site's Land Use Guide amendment to be approved, we are also suggesting that the City, during the upcoming Comprehensive Plan review, consider whether the other privately owned parcels with the Conservation, Recreation and Open Space designation should be changed to something that would be more practical for overall City planning.

With the belief that the subject site should be designated Commercial, and in considering the submitted proffers, staff is also recommending approval of the rezoning. As a reminder, the submitted layout is not proffered, but is a representation of what the site could look like. In general

though, the location of the buildings, the number of parking spaces and the parking lot landscaping regulations appear to be represented accurately. Staff is drawing attention to this because, in particular, the number of trees shown on the parcel is likely what would be required if the site were to develop as shown. With regard to the illustrated evergreen trees shown on the perimeter of the subject site, staff understands this tree buffer is a required private arrangement by the Spotswood Country Club.

If the applications are approved and the site develops as is planned by the applicant, the most observable change that would occur is that the hillside would likely be deforested. Staff understands the importance of urban forests and would like the developer to try to conserve as many mature trees as possible. In knowing this, however, it should also be recognized that the existing zoning of the site does not prevent the property owner from already deforesting this area of their property. If the site is to be built with such an expansive parking lot, where there is significant parking lot street frontage, staff has faith in the minimum stipulations of the parking lot landscaping regulations to end up with a respectably landscaped commercial development.

Staff supports amending the Comprehensive Plan's Land Use Guide designation for the identified 8 acres of property from Conservation, Recreation and Open Space to Commercial, and recommends approving the rezoning from R-1 to B-2C.

Chair Fitzgerald asked if there were any questions for staff.

Dr. Dilts said when the traffic impact analysis (TIA) was done did they look at what was the most likely entrance and exit for the site. If you look at the east entrance, along Market Street, the only way to get in there is to be traveling west on Market Street. If you are traveling east you must either turn at Country Club Road or make a U-turn further up Market Street at the next stop light. Does that increase the number of U-turns happening along this corridor?

Mr. Fletcher said what happens when a TIA is being scoped out is engineers on both sides (public and private), along with the applicant (if desired), sit down and scope out the design. What they are doing is giving percentage designations to areas of where the traffic breakdowns likely occur.

Mr. Fletcher referred to the TIA and noted that the primary trip distributions from the TIA show that:

- 45% of traffic traveling east on Market Street through this area would turn left onto Country Club Road. Of the 45% turning left, 55% of them would turn into the site;
- 55% of traffic would continue traveling on East Market Street;
- 25% of traffic traveling west on Market Street would turn into the site;
- 75% of traffic would continue traveling on West Market Street. Of the 75% traveling west, 35% would turn right at the light onto Country Club Road; which then becomes part of the 55% turning into the site.

I do not know if this breakdown answers your question.

Dr. Dilts said what you are saying is the traffic study tells us that a majority of the traffic is going to be coming into the site from Country Club Road. Is that a fair analysis?

Mr. Fletcher replied I do not know if that is a fair analysis. What you must remember is the traffic that is studied is not just traffic that is traveling to this site.

Dr. Dilts said I understand that. My concerns are the U-turn possibility happening and the fact that if you come into the site from the entrance off Country Club Road you must then drive through the parking lot – which is not particularly safe.

Mr. Fletcher said you are correct that the entrances are not proffered; however, the entrances are what ...

Dr. Dilts interjected and said I am asking about the layout of the buildings being proffered.

Mr. Fletcher said no, the layout is not proffered.

Dr. Dilts said the largest mass of parking is to the east by the larger building, but to get there from the entrance you must go through all this other parking space.

Mr. Fletcher said yes. I do recall the discussion of the U-turns during the scoping meetings. There were questions about where there could be U-turns – at the first cross-over or would they travel to the light at Evelyn Byrd Avenue. It will be an evolving thing as people learn how to maneuver into the site.

Dr. Dilts asked if we should worry about the increase in the number of U-turns, is it a safety issue.

Mr. Fletcher said I do not know the answer to your question.

Mr. Way said the City keeps an eye on this type of thing. If you look further west on Market Street, where Chick-fil-A is located, that used to be an area where you could make a U-turn; but, no longer can you do that. It appears to be something that the City looks at as far as safety.

Mr. Fletcher said I am trying to recall if there is a sign at the Evelyn Byrd Avenue intersection that prohibits U-turns. I do not think that there is. However, I do recall this discussion – regarding someone wanting to make a U-turn at this intersection. If someone wants to do it they would probably never want to do it again because the timing sequence of the light deters someone from being able to turn left. There is no left turn light; therefore, someone would be sitting there for awhile waiting for a break in traffic.

Mr. Colman said what that means is most of the traffic will come through Country Club Road onto the site.

Mr. Fletcher said yes, if you are traveling east bound on Market Street.

Mr. Colman said this seems like an opportunity for the City to improve traffic flow on Country Club Road right in front of this property. I know many of us have probably sat at that traffic light on Country Club Road waiting to queue through the intersection and with this plan it all stays the same; except there will be additional traffic. Will the traffic leaving this site even be able to get out onto Country Club Road?

Mr. Da'Mes said what dictates a traffic study being done now given that there are a lot of unknowns at this point? Why not do the TIA during the site approval process?

Mr. Fletcher replied they may be required to do another TIA at that point.

Mr. Da'Mes asked what would dictate that.

Mr. Fletcher said the proposed uses. The reason it is done now is because there are so many unknowns. Having it done now gave us a better grasp as to if it were built this way, what are the mitigating factors. As is proffered there could be revisions that are necessitated or a whole other

traffic study. Those are requirements of the Comprehensive Site Plan review and they will have to abide by that.

Mr. Da'Mes asked who dictates who completes the TIA. Will it be done by the same party or is it at the selection of the developer.

Mr. Fletcher replied it is private. It is usually performed by a traffic engineering firm. Ramey Kemp is one that the City has seen many times. When a traffic study is done the engineering firm puts forth their information and the City has to accept it. The City may say they disagree and ask that proportions be rearranged or changed and re-evaluated. The City has accepted this TIA.

Dr. Dilts said does the City have its own traffic study group?

Mr. Fletcher said we do not have folks that perform traffic impact analysis, but we have particular people that review them when they are provided to us. It is mainly evaluated out of the Department of Public Works with the Transportation Planner and the Assistant Director of Public Works. The City Engineer has a hand in on it as well.

Mr. Da'Mes said getting back to the improvements along Country Club Road and understanding that there are some restrictions due to the overpass for Interstate 81 and the bottlenecking that occurs. There have been some changes made along other areas of Country Club Road with McDonald's and when the school went in with the extension of Linda Lane; but when was the last time the road was looked at in terms of its capacity and what Country Club Road should look like.

Mr. Fletcher replied to the best of my knowledge it was 2011. The Comprehensive Plan designates it as a three lane facility, so for all intended purposes you are getting that here at this location with the center turn lanes. The TIA recommended no improvements for additional lanes at the intersection.

Mr. Way said with regards to the multi-use trail, what drives that connection between this site and the Chatham Square trail? Would that be whenever the City would start to do something or whenever the area is privately redeveloped?

Mr. Fletcher said one of the two; whichever occurs first.

Mr. Colman said it is interesting that we have the entrance to this site at one location along Country Club Road and then the entrance to the Country Club is just maybe 200 feet down the road. Was there any thought to have the two entrances in one place?

Mr. Da'Mes said on Port Republic Road with the Ashby Meadows property we talked about the numerous entrances and interchanges along a short portion of Port Republic Road. I feel there was a nice compromise to that with the one entrance into the residential area and then from there into the health center; not creating an extra entrance off Port Republic Road. I could see from a smart planning perspective that same concept being better utilized here.

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

Mr. Joseph Funkhouser said he is a member of the Spotswood Country Club as well as the Club representative for this transaction. Speaking to the Comprehensive Plan change, the Club is in favor of this amendment.

Chair Fitzgerald said we will hear both the Comprehensive Plan amendment and the rezoning request as one public hearing.

Mr. Funkhouser then continued by saying Spotswood Country Club was founded in the Harrisonburg area in 1926, which will be 90 years next year. During that time we have had a very positive relationship with the City. The eight acres we are referencing tonight, is basically land that the Club feels would be very hard to put single-family dwellings on; it is just not practical. The Club has held on to the acreage as somewhat of a safety net for when the time came, and a financial crunch were here, we could possibly sell the land off. That time has come.

The reason being, as we all know, is the economic downturn in the economy has hurt all of us, especially with the golf or club business here in the mid-Atlantic area. It is not so much the loss of or the gaining of members, it is a point that the financial institutions made a decision to not do financing with golf courses and if you did have financing with them, then they were not going to renew. That is pretty much how it was for all of the mid-Atlantic area, and probably throughout the United States. This is also happening with churches as well, the financial institutions are not lending because they do not like to have to foreclose.

As you know we built a new facility a number of years ago, that is open for others to use as well. We have always met our payments to the bank; however the lending institution today is saying no. In order for us to continue to operate and service our members and the City and County as well, we need to gain from the sale of this property and not have to deal with the lending institutions that are choosing not to deal with us.

The other factor along those lines is that we have conscientiously worked very hard to make sure that whoever we sold this land to would be someone who was willing, and had the drive, to put something in there that would be a good neighbor to the adjoining land owners and anyone else around that area. Mr. Collier, who is the contract purchaser of this land, has agreed to do that, so we have a good development there that the City populous can use. At the same time it is something that fits in with the community very well.

The last thing I would like to say to you is with this rezoning it will help the Club become sound for 90 years come 2016. That is the largest green area that is privately owned in all of the City of Harrisonburg. For 90 years we have maintained that like a park and it is used by the population of Harrisonburg for special events. We maintain all of that land. With this rezoning and the change in the Comprehensive Plan, it will allow us to have the financial well being to continue operating Spotswood Country Club without the banks help. We will be able to continue the same service and celebrate 90 years next year.

Dick Blackwell, Blackwell Engineering, said he would be glad to answer any technical type questions regarding the request. As noted in the report, the site plan is not proffered, although the large building is currently under contract negotiations with the proposed developer. We have shown the building the way the tenant insists it needs to be placed.

As for the entrances that are shown, basically, City staff told us where they would go as we were working on the TIA. It is not as much our decision as it is the staff's decision. We have been very involved with staff during the TIA process. Because we are not aware of all the tenants that would go into the development when we did the TIA, we took a use that would be very heavy traffic in the morning with another use that would be very heavy traffic in the evening and did somewhat of a hybrid TIA. Basically, we considered the worse conditions for the site. I am sure that there is something that could come up that was unexpected and we may have to revise the TIA.

We are cutting down a lot of trees, but interestingly, with this particular layout using the required landscaping, there will be about 96 trees added back to the site. This is not counting the tree border between the development and the Club.

I would be happy to answer any questions you may have.

Mr. Colman said I asked the question earlier and I will ask again now – did you consider the common entrance for the development and the Club.

Mr. Blackwell said we do not really know how to make that work. The traffic would still have to come through the development and we do not want the traffic to have to drive through the development to get into the Club. We did discuss the two entrances with the City and they did not have a problem with it. Also, the U-turns that were mentioned earlier are somewhat of a concern for me personally; however City staff feels they have ways to handle that issue.

Chair Fitzgerald said the trees that are shown around the border, I imagine that they are going to try and keep some of the existing trees to the best extent possible.

Mr. Blackwell replied they will and then they will fill in with new trees. I am not sure of the agreement that the Club has with the developer regarding the trees; but I do know that they want it screened. They do not want the people in the swimming pool or tennis court looking at the development; therefore they will have to put something in that really screens.

Chair Fitzgerald said the incentive for the Club to minimize the number of trees that get pulled up because of development aligns nicely with what the City would like as well. I think the heartburn that some people will have when they read about this is the taking down of so many trees. However, there is the case that the incentive is there to leave as many as possible.

Mr. Blackwell said as you saw from the photos many of the trees are deciduous. Therefore, in the winter you can see through. I believe what they will put back in will be evergreen; a screening type tree that will be good for the Club and the development as well.

Mr. Colman said I think that the commercial type use fits in here and I do not have a problem with that. It certainly is the access that is the challenge and you have done the best you can.

Mr. Blackwell said that when we first met with the City it was discussed to have the access directly across from Kohl's entrance. But the more the City thought about it they became concerned with having stop lights so close; but if you do not have a light there it would create a problem. There is also a large drainage swale in that area that would have to be piped and filled-in to create a turn lane. But ultimately the City was concerned it would not be a safe intersection. There is the possibility that people will do U-turns; but once they get used to the area they will realize the easiest way would be to turn onto Country Club Road. Until then I am sure there will be U-turns.

Dr. Dilts said that goes to my question regarding the number of people going to the Country Club Road entrance in order to get to the large box tenant on site. There is often a road that does not have parking along it which allows you to go from one end of the site to the other without being in the actual parking lot. This looks really convoluted to get from the entrance on Country Club Road to the large box building.

Mr. Blackwell said I agree with you and we actually have the drive aisle wider than required; however, we just cannot make it work otherwise.

Mr. Da'Mes said a majority of the people leaving the parcel will be exiting at the Country Club Road entrance as well or go out through the East Market Street entrance, merge over to the left, and make a U-turn at the stop light there. It's complicated.

Chair Fitzgerald asked if there was anyone else wishing to speak in favor of the request.

Michael Collier said he is the contract purchaser for the property. I wanted to be here to answer any questions that you may have for me. I will tell you, as Mr. Funkhouser stated earlier, we are like minded on what we want to see for here – to be able to develop the property effectively, but still retain the feel for the Club.

In looking at the overall concept and the way it is laid out, if you look at the front and envision what is there today – shrubs and power poles, it will be cleaned up. What we will be able to do at the entrances and the primary corner of the property is create some very nice green space to enhance and landscape. While seven or eight acres seems like a lot, it is really kind of spread out more along the frontage of the site. This allows for a lot of frontage perimeter green space and planting. This will make for a very attractive entrance. Along with the landscaping ordinances that the City has in place will make this for a very nice development. Part of the reason we like this plan, and although it is not proffered, it allows for a nicer fill area as opposed to a strip mall shopping center. We think it will take this prime corner, that is treed now, and make it a very nice place.

With respect to the entrance along Country Club Road, one of the reasons the City likes where it is, and the reason we think it is logical, is that it is directly across from McDonald's. The one thing you do not want in this area is staggered entrances in close proximity. The Club entrance is relatively close, but still is pretty far away. The two uses are really not very compatible for a shared entrance. What it would do would be to further compound the concerns expressed here tonight of having people travel through the development itself. This is a reasonable and nice compromise and as the developer we want to make certain the traffic is as safe and flows as best it can on site; our tenants are going to demand that. Even though it looks some distance it is not really that long of a traverse through the parking area. Again, some of these buildings may morph and we can reconfigure the parking within that space.

We feel that working with the traffic engineers, Blackwell Engineering, and City staff we are really at the best location for an entrance along Country Club Road. You have to be able to get into and out of the site and believe me we want the best locations.

Just a bit about me – I am with a company out of Northern Virginia and we have been developing and building properties of different sizes and uses for 30 years now. We have properties up and down the Interstate 81 corridor; however, nothing this far south. I actually have been coming here for awhile, my son is a senior at James Madison University this year and I am very excited to have the opportunity to develop something in this area. If you have any questions that I could further answer I would be happy to do so.

Mr. Da'Mes said we welcome development to Harrisonburg. My question is in terms of maximizing the usage of the space – buildings and impervious pavement is what would be there. You could reduce the footprint in terms of either buildings or pavement and I may feel a bit better if you were not particularly maximizing that usage within this space. Is there a better configuration that, as a developer, you could do that would reduce the size and create a more suitable traffic flow?

Mr. Collier said I may have to refer to staff or Blackwell Engineering, but I am fairly confident here with this eight acre site, that given the maximum B-2 zoning development, we are substantially

under what the maximum would be allowed. I believe we have considerably more open or green space within the development than what is required by the ordinance. That is all intentional. We are not maximizing the development that could be on the site.

Mr. Fletcher said I cannot confirm or deny that; I have not seen the numbers for parking lot square footage or green space. Some of the other issues that were discussed such as traveling through the property to get to the big box store, we did ask if the building could be relocated to the other side of the property. The answer was that they do not want to be there; it is a visibility thing for the tenant.

We understand the concerns of Planning Commission as far as the general access and drivability on site; however it is not something that we have authority of within the existing code. In a perfect world, if somebody said "here you go staff, lay it out how you want it," it would probably look significantly different. The fact is we do not control the internal layout. At the same time you could make the argument that doing this type of layout is better because people are visually slowing down to get to locations within the development. It could be argued either way, but I do understand your concerns.

Mr. Way said one way to try and reduce the number of vehicles traveling into the site would be to try and encourage more people to walk or use bicycles to get to the site, which is one reason I was inquiring about connection of the multi-use trail to Chatham Square. Another thing that could be looked at might be moving the building closer to the street with parking more to the rear.

Mr. Collier said these are all very fair concerns and questions. To speak to the placement of the big box building, we did try to look at it over on the north side. If you look, the site is very shallow on that end and the building just does not fit. When we moved it to the south side, we encouraged a fair amount of parking be placed along the sides as opposed to all in front. With this we were able to get more islands and could disperse the parking throughout the site.

Mr. Way said I am very encouraged to hear about your interests in the design quality and to try and make sure it is well landscaped. This site falls within a corridor enhancement area, so questions of design and making an attractive entryway into the City are really important. So I am glad to hear you are taking those seriously.

Mr. Collier said I believe this corner could go from big power poles and overhead lines to an attractive entrance to a pleasing shopping area. We want that for this highly visible corner.

Dr. Dilts said I understand that this is a good use of this land, but for me the trees that must come down are not just what you see and look at, but for what they provide for us. One of the things that they provide is slowing down run-off; the development would create an area where water would no longer be able to sink into the ground as it is suppose to. Have you given any thought as to rather than just putting in impervious surfaces, perhaps another type surface that would allow water to seep through?

Mr. Collier said we have not been into that level of detail with our engineers yet. We have talked about some unique ways in which we could retain and control the quality of water that comes off of the site. These are things that we will have to do in order to meet our obligations for stormwater management.

Chair Fitzgerald asked if there were any further questions. Hearing none, she asked if there was anyone else desiring to speak regarding the two requests.

Dick Gardner said I have lived nearby on Fairway Drive since 1988; although I am not a member of the Club, I am in favor of the requests. My thing is that I would like to see some of the trees removed in the area. My home borders along the golf course and we get a lot of wildlife that comes from further east and they like to cross through the private residential property in order to stay in the wooded area. You see so much wildlife that gets killed in the roads within this area because they are in these woods. I like to see the trees as much as anyone; however, this is not the best location for wildlife to reside.

Chair Fitzgerald asked if there was anyone else wishing to speak with regard to the two requests. Hearing none, she closed the public hearing and asked for discussion or a motion.

Mr. Colman said we will probably discuss this on the update for the Comprehensive Plan, but will we extend that commercial designation further east along East Market Street.

Mr. Baugh said the one thing that did not come up this evening is the history behind Chatham Square, which is further east along East Market Street. There was a lot of sensitivity to that area and the Fairway Hills Neighborhood about commercial development along this stretch of East Market Street. I do think it is something that we will look at during Comprehensive Plan review, but I just want to remember that there is a history with the residential area and not having so much commercial.

Mr. Colman said if the character of this development enhances that corner that is what we are looking for. I think this could potentially be a great feature as traffic comes into the City.

Mr. Way said it is heartening to hear about the design quality issues for this development. This is a corridor enhancement area and we all know parts of the City where this issue has come up and the development has not really enhanced the corridor. Given the neighbor of this development, the Club, you feel that there is some pressure to make this a high quality development along this corner.

Chair Fitzgerald said I am happy to support the requests. I feel we all agreed that concentrating development within the central part of the City is important, but it is not necessarily an "either/or", you can do both at the same time and I think this project does that.

Dr. Dilts said I support this, but I want to reiterate what others have said and add to it as well. It will be a nice entryway into the City. I am very concerned about the traffic and the possibility of U-turns and would encourage someone to pay attention to that. I am concerned about the impervious surfaces and encourage you to perhaps become a model for the City about ways to handle water, other than just shuttling it off somewhere else. With that said, I would like to make a motion to recommend approval of the Comprehensive Plan amendment and the rezoning for the eight acres of Spotswood Country Club.

Mr. Colman seconded the motion.

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

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

Chair Fitzgerald said these items will move forward to City Council on January 12, 2016, with a favorable recommendation.

***Zoning Ordinance Amendment – Section 10-3-57.5 (b) Maximum Density in R-7***

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said Kin Group, LLC, property owners for Collicello North, is requesting a Zoning Ordinance (ZO) amendment to the R-7, Medium Density Mixed Residential Planned Community District. The proposed amendment is to Section 10-3-57.5 (b) which regulates density within the R-7 district, and would increase the allowable density from twelve (12) to fifteen (15) dwelling units per acre.

In 2013, the applicants received City Council approval to rezone and master plan the 127,195 +/- square feet of property known as Collicello North. The applicants took on the spirit and intent of the R-7 zoning by master planning an infill site that had been passed over by traditional development. They maximized the permitted density of 12 units per acre with a proposed 35 dwelling units – a mix of single family, duplex, and townhouse units.

After site development of the Collicello North project began, the applicants felt that there was increased cost associated with infill development and that an adjustment to the maximum density, by adding additional units, would help offset the expense. Therefore, they are proposing an increase in the allowable density from twelve to fifteen units per acre.

When reviewing the proposed amendment, staff created the following chart to compare the existing maximum allowable residential density per unit type per zoning district.

**Existing Maximum Allowable Residential Density Per Unit Type Per Zoning District**

	Single Family Detached Lot Area/Units Per Acre	Duplex Lot Area#/Units Per Acre	Townhouse Lot Area#/Units Per Acre	Multi-Family Lot Area#/Units Per Acre
R-1	10,000 / 4			
R-2	7,000 / 6	5,500 # / 7		
R-3s	6,000 / 7	4,000 # / 10	2,000 # / 21	3,000 # / 14 (SUP Req'd)
R-4	6,000 / 7	3,000 # / 14	2,000 # / 21	3,000 # / 14
R-5			2,000 # / 21	1,800 # / 24
R-6*	Per Master Plan / 6			
R-7*	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12
MX-U^	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20
U-R	7,000 / 6	7,000 # / 6		
B-1	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.

\* R-6 and R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing can exceed 70 percent of the master plan. In R-7, no more than 30 percent of the total dwellings may be multi-family units.

^ MX-U requires a specific mix of uses; residential uses shall make up no less than 50 percent nor more than 80 percent of the uses within the master plan.

# Per unit

Utilizing the chart, one can determine, for instance, that a traditional R-1, Single Family Residential development would allow for four (4) single-family detached dwelling units per acre.

When one computes the possible density of an R-7 development today, utilizing the traditional lot area density, the minimum lot area per unit is 3,630 square feet per unit ( $43,560/12 = 3,630$ ). The proposed density in the same approach equates to 2,904 square feet of lot area per unit ( $43,560/15 = 2,904$ ). Thus, an increase in the R-7 density would be more within the range of R-3 and R-4 density for townhomes and multi-family units; which require lot area of 2,000 square feet per townhouse unit and 3,000 square feet per multi-family unit, respectively.

It should be understood that although the density is being proposed to increase by 3 units per acre, in actuality, the increase would be a minimum of 6 potential additional units because the R-7 master plan requires a minimum of 2 acres for such developments. Also remember that R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing type can exceed 70 percent of the master plan. As well, no more than 30 percent of the total dwellings may be multi-family units.

Staff researched the records of when the R-7 district was being created and there is no documented reasoning for the maximum density of 12 units per acre within the R-7 district. The master plan process of an R-7 development requires much scrutiny from City staff, during the conception of the project, as well as review and approval from Planning Commission and City Council. Because of this, staff believes the request for the increase in density is within keeping with the intent of the R-7 district.

Staff has discussed that any new, or existing R-7 master plan development that would like to increase density, if this is approved, would need to go through the rezoning and master plan process. Therefore, staff is recommending approval of the requested ZO amendment.

Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if the applicant would like to speak in regard to the Zoning Ordinance Amendment.

Dean Weaver said he is with Kin Group and I just want to make myself available and to say I still believe in this project very passionately. I did request this, not just on behalf of Collicello North, but more for what I am learning with Collicello North and because I believe in R-7 development. I hope to apply this change and what I have learned with Collicello North to future R-7 projects.

I currently have an R-5 project going on within the County, so I am learning both systems. I believe this change will go a long way in promoting the R-7 and its great traditional neighborhood values, which I appreciate very much. When I first bought the property, we really looked at the R-3 and I felt it was just not fun, it was not the way I like to look at things and I do not feel it is the way people want to live in the future. I believe the R-7 really has the future in mind.

Chair Fitzgerald asked if anyone else would like to speak regarding the ordinance amendment. Hearing none, she closed the public hearing and asked for discussion or a motion.

Mr. Colman said I think what the R-7 does is to increase density to build community. Much of the property available within the City now is very hard to develop, so unless you have a high density on it, you cannot make it work from the return standpoint. This is one of those sites. I am in support of the request.

Chair Fitzgerald said I find it fascinating that there was not really a strong reason as to why the number 12 was chosen for the density.

Mr. Fletcher said so did we.

Mr. Baugh said I would like to expand on this just a bit. I think where this came from was the idea that R-7 oversimplified, is just a flexible R-3. It was really intended to take how our "R-3ish" looking property through a planned use phase that would require scrutiny and interaction with staff, Planning Commission and City Council. My recollection of where the 12 probably came in was because of the old R-3 – three stories and 12 units per building standard. I intend to support this request. I think in an ideal world, what staff is saying is exactly right, which is the nature of R-7

and its flexibility and the fact that you have so much staff involvement that it allows us to make a case-by-case determination, such that allowing the increase from 12 to 15 is reasonable. But, this issue of density is part of our history; it is not that far back in our history. The next thing we will hear about will be the past decisions that did not take this density issue into serious enough consideration when rezonings occurred. The fact is, the nature of our City and the nature of our market is we have and will have for the foreseeable future, the vast majority of potential developers wanting to increase density. There is money there. They will always want more and the pressure is always going to be more. The history, until not too long ago, was that it never hurts to ask the City for more. I do think that there was some intent at keeping the number at 12; but I think we can go to 15 and still get it right. I certainly hope we do not lose sight of these larger issues, because they are pretty important.

Mr. Da'Mes said from creating the chart within the staff report, was there anything within the chart that caught staff's attention as to why it was a particular way or if there was another area that could change.

Mrs. Banks said there was nothing that caught my attention.

Mr. Fletcher replied nothing for me either. Quite honestly, it seemed like a natural progression once we compiled it and looked at the numbers. If you look at R-3 and think maybe this is a modified more flexible and environmentally friendly R-3; but the reality is that R-3 would allow for 21 townhomes, by right. This is 15 and it is required to have open space; and required to have this traditional neighborhood design feel; and in a perfect world you would not get approved R-6 or R-7 without our blessing. The reality is that the R-6 and R-7 developments do not even get to the Planning Commission without some kind of real good nod from staff; we have to apply it and make it work.

Mr. Baugh said my sense is that the larger undeveloped tracts that are left, may be hanging on in the hopes that some day they will be allowed to have more density than what is currently allowed. So there is an element here that the more we plan for these things and how we limit these things; but there are no limits on us that we are not going to make an exception every time someone asks.

Mr. Colman said in this context the common space does not change, it still needs to be at 15%.

Mrs. Banks said yes, that is correct.

Dr. Dilts said I move to recommend approval of the amendment to Section 10-3-57.5 in order to increase the allowable density within the R-7, Medium Density Mixed Residential Planned Community.

Mr. Heatwole seconded the motion.

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

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

Chair Fitzgerald said this will move forward to City Council on January 12, 2016 with a favorable recommendation.

### **Unfinished Business**

None.

### **Public Input**

Dean Weaver said he would like to go on record to say something with regard to Commissioner Baugh's comments from the amendment public hearing regarding density. Density is a trigger and it is keyed upon, especially if you are a numbers guy; but, in an R-7 development you attract a different type of developer. That is the essences of the code, we might maximize the density, but we are looking to maximize it within the traditional neighborhood design.

One of the things I hate to hear is that it does not hurt to ask, because it does hurt to ask. In my company and how we talk about and approach things is that if it is not for the betterment of the community, than it is not worth doing.

I do appreciate Commissioner Baugh's comments, because it is the truth – density is a very important calculation.

Mr. Baugh said the way you are looking at R-7 is a lot of what we were hoping to hear from folks, when we created it. We will continue to work with you and other folks in the community to use R-7 and make it better.

#### **Report of secretary and committees**

Mrs. Banks said there is not a proactive zoning report for this month; however, we will have one starting in January. We have hired a Zoning Inspector who started working at the beginning of this month.

Also, in front of each of you this evening is a list of next year's Planning Commission meeting dates and on the reverse side you will see the list of Rockingham County's Planning Commission meeting dates, if you would like to check your calendars and let me know your availability for those meetings.

Mr. Baugh said City Council took up four items from this body last evening and all four were approved. The items included the rezonings on North Main Street and West Water Street, the SUP's on East Wolfe Street and Rex Road.

#### **Other Matters**

Dr. Scott Kizner with Harrisonburg City Public Schools (HCPS) said he would like to update the Planning Commission on the HCPS enrollment and to speak briefly on some of the conversations at the School Board level and with City Council, on how we are trying to address this enrollment increase. I would then be happy to answer any questions you may have.

There are two dates that school divisions must submit their enrollments to the State Department of Education for funding purposes – September 30 and March 31. What I have for you this evening is a snap shot of our enrollment growth. Currently enrolled, not including pre-school children, we have 4,588 students. This past September we had 5,640 enrolled, including pre-school. Our updated enrollment projections from the Weldon Cooper Center show a trend for HCPS enrollment that is going up. We are close to six percent growth this year, which is up from two percent in the past.

As you know we have five elementary schools, which feed into two middle schools and everyone ends up at Harrisonburg High School. The high school is only ten years old and the needs for the school are great, and having this type of challenge within ten years of opening the school is unusual. The high school was designed for about 1,340 students within classrooms, if you include the cafeteria and hallways and such it is about 1,550 students. We are currently at 1,625 students in the high school. There are two trailers on site and the principal has requested two more.

I do want to bring to your attention that Skyline Middle School, which opened in 2008, was designed for 790 students and will have 930 students next year. Four of the five elementary schools are full and utilizing trailers at this time. Both middle schools are above capacity. We do see a light at the end of the tunnel, because in 2017 we remove the 5<sup>th</sup> grade from the middle schools and distribute elementary children throughout six elementary schools.

HCPS's largest class sizes are their lowest grades. In 2010 there was only one grade that had above 400 students; right now we have only two grades that are not above 400. Some of the lower grades are currently at 480-490 students. The Weldon Cooper Center projects one of the kindergarten classes in 2017-18 is going to 500 students. So we are seeing a real progression in growth. Another thing I want to draw your attention to is with the high school growth. We had nine percent growth in just one year; that is significant. Every area in the school system went up. Between 5<sup>th</sup> grade and 8<sup>th</sup> grade there was five and one-half percent growth.

I do want to say something on a positive note. Between the years 2010 and 2015 we have significantly reduced our drop-out rate from 10.8% to 3.5% for all children; from 22% to 7% for Hispanic children; from 10% to less than 1% for African American children; and from 10.2% to 2% for economically disadvantaged children. I mention this because one of the things we do at the high school is to never give up on a student. We are going to work with a student until they get that diploma; so we do have a lot of over age children. This is a great thing for the community; we do not want a lot of young people walking around without a diploma.

Where HCPS plans are right now, is that sometime in January the elementary school on Garbers Church Road and Early Education Center will be put out to bid. Now we are in early discussions with City Council to talk about high school growth. In our Capital Improvement Plan we are not trying to renovate old buildings to new, we are just trying to keep up with the growth.

I will stop here for a moment if you have any questions for me.

Mr. Way asked what year will the new elementary school be opening up.

Dr. Kizner replied 2017.

Chair Fitzgerald said is the demographic changes you are seeing the pressure of the growth in the numbers?

Dr. Kizner said our demographic numbers have not really changed over the past few years. Our English language learner population still remains somewhere between 34- 36%; if you include the early childhood learners it is about 40-41%. We go back and forth with Manassas as being the highest in the State. The State average went up from 7 to 9%, so you can see we are much above.

Dr. Kizner continued saying that we realize that the personalized learning, when you have 30 to 35 students in a class room at the high school level, is a challenge. The students will tell you the hallways and stairwells at the high school are crowded. The biggest issue for me this year was, for the first time ever, I was asked to help with the issue of not enough room in the refrigerator. We had to buy a second refrigerator for the high school to handle the food. We are serving 400 more lunches per day this year than we were last year and serving 200 more breakfasts. So when you think just add trailers – that does not resolve everything.

Therefore, in early January the school board is going to weigh two options: a brand new, second high school; or, have an annex building on or near the high school site that would also include a cafeteria.

Mr. Heatwole asked whether he anticipate going into the future that the growth will continue at this rate.

Dr. Kizner said I think we will begin to see 500 class sizes; but, something makes me think that we will not go too much above 500. What I am working on with the school board now is to not only focus on the numbers, but focus on instructional benefits of having a second high school or what are the instructional benefits of having just one high school. We are having a lot of conversations like this because we know that whatever happens will not happen overnight. But we need to move forward at a faster pace than six years.

I am optimistic that the City understands this and that the City and the school board will come to some type of consensus and we will move forward. Lastly, you are welcome to come and visit with us at school and really see what we are speaking about.

Chair Fitzgerald thanked Dr. Kizner and asked what next month's agenda looked like.

Mr. Fletcher said we have three items – two special use permit requests and the parking plan approval for the elementary school on Garbers Church Road. Also, what would you like to do about the chicken discussion?

Planning Commission came to a consensus to invite Mr. Bauhan and Dr. Hobson and repeat the presentation regarding the bullet points from City Council. As well, coordinate with Mary Hope to get information out to the media for those who may be interested in coming to discuss.

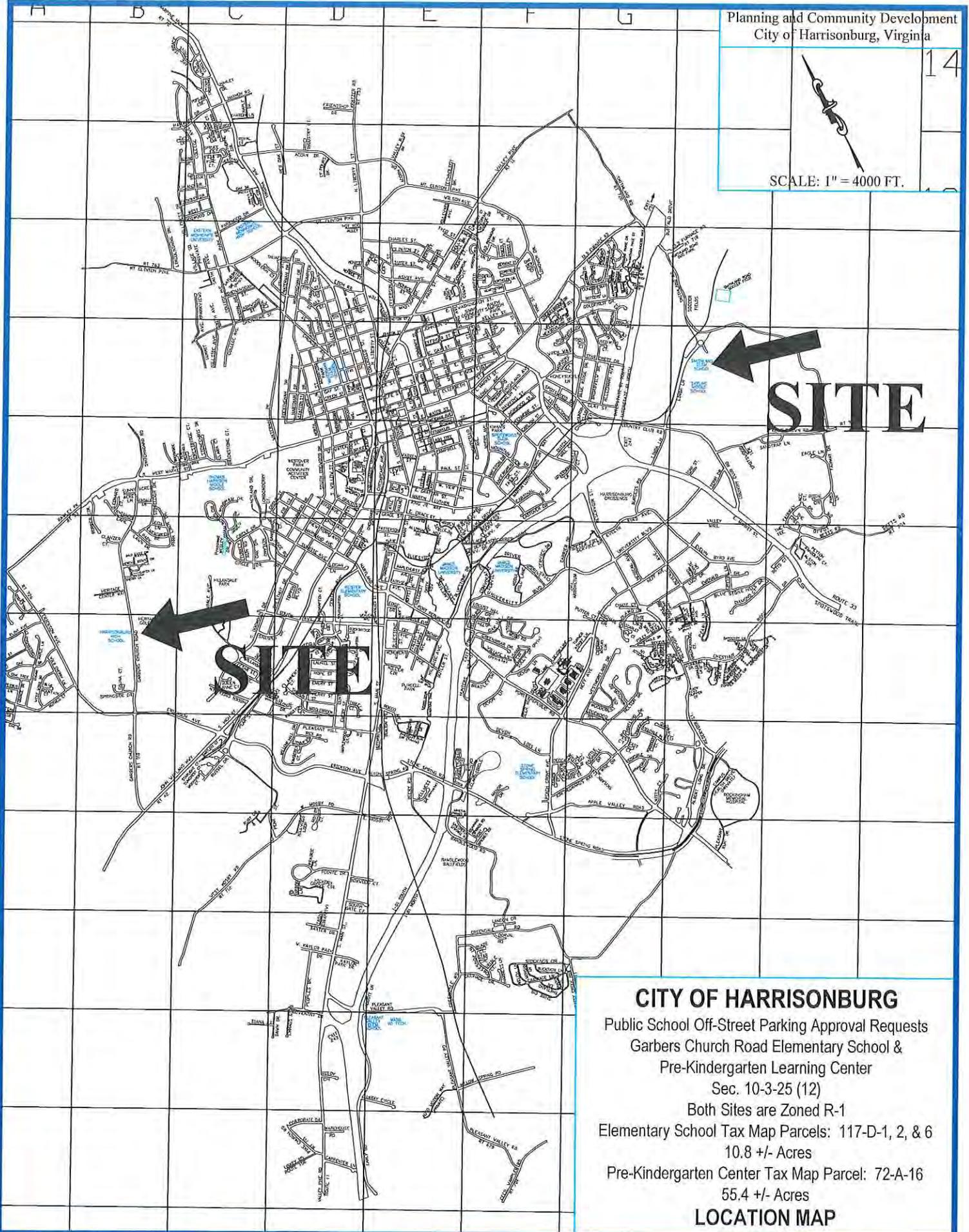
**Adjournment**

Planning Commission adjourned at 9:40 p.m.

DRAFT



SCALE: 1" = 4000 FT.



### CITY OF HARRISONBURG

Public School Off-Street Parking Approval Requests  
Garbers Church Road Elementary School &  
Pre-Kindergarten Learning Center  
Sec. 10-3-25 (12)

Both Sites are Zoned R-1

Elementary School Tax Map Parcels: 117-D-1, 2, & 6  
10.8 +/- Acres

Pre-Kindergarten Center Tax Map Parcel: 72-A-16  
55.4 +/- Acres

### LOCATION MAP



# City of Harrisonburg

## Department of Planning and Community Development

409 South Main Street  
Harrisonburg, Virginia 22801  
540-432-7700

[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

## MEMORANDUM

**TO:** Harrisonburg Planning Commission  
**FROM:** Alison Banks, Senior Planner  
**RE:** **Public School Off-Street Parking Approval Requests – Elementary School and Pre-Kindergarten Learning Center**  
**DATE:** Friday, January 8, 2016

Harrisonburg City Public Schools (HCPS) currently has two projects in review through the City's Comprehensive Site Plan Review, they are: the Garbers Church Road Elementary School and the Pre-Kindergarten Learning Center. As part of the review, they must receive approval of their parking plan, per Section 10-3-25(12) of the Zoning Ordinance (ZO), for both facilities. The process includes for HCPS to determine the amount of parking they feel is adequate for their site based on division and state agency recommendations and then Planning Commission must review, and if confident that enough parking has been proposed, approve the off-street parking plan so that it is considered in compliance with the ZO.

The new elementary school site is situated on 10.8 +/- acres of R-1, Single Family Residential property located along Garbers Church Road, across the street from the athletic facilities at Harrisonburg High School. Parking is proposed throughout the site, with a majority of the spaces situated to the north of the building. There are 135 parking spaces shown on the site plan, with a separate entrance and drop-off area for school buses. HCPS state that approximately 120 staff members will be employed at the school; but not all would be in the building at the same time.

The Pre-Kindergarten Learning Center will be located along Linda Lane on the Smithland Elementary School/Skyline Middle School property, situated adjacent to the elementary school side of the building. The facility is estimated to have a staff of 28; however, as noted above for the elementary school, not everyone would be in the building everyday or at the same time throughout the day. For this facility, no new parking is proposed and all employees and visitors will park in the existing 150 parking spaces provided for the elementary school. The existing elementary school parking lot is consistently at 50 percent capacity on a daily basis. The entire elementary/middle school complex has a total of 334 parking spaces on site.

Staff has no concerns with either proposal and supports the parking plan for both projects.

*"A place where learning has no limits and together we work for the success of all."*

# HARRISONBURG CITY Public Schools

January 8, 2016

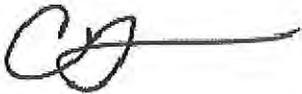
Alison Banks  
Zoning Administrator/Senior Planner  
City of Harrisonburg, Virginia  
Department of Planning and Community Development

Dear Alison,

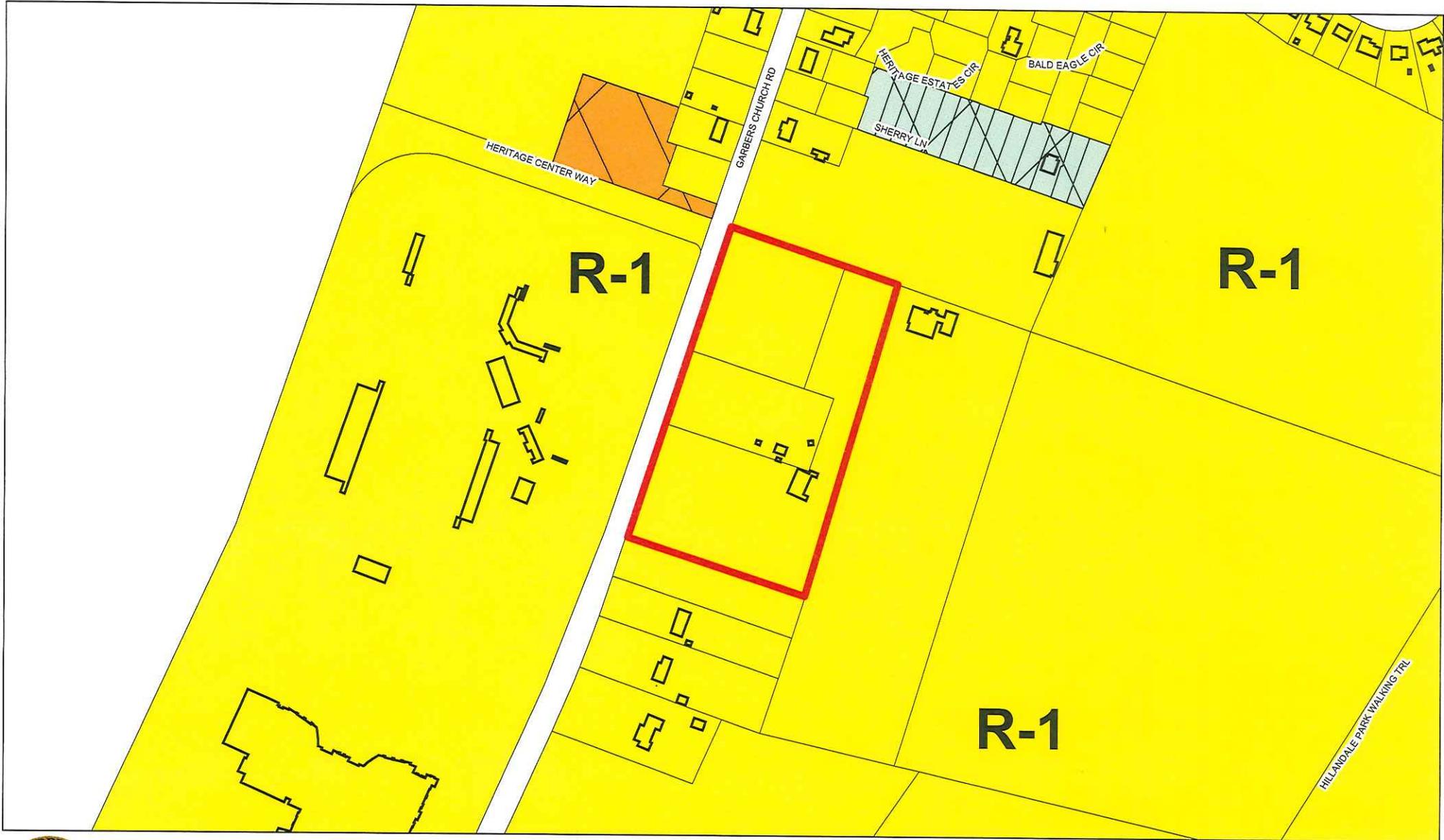
The new elementary school located on Garbers Church Road will have approximately 135 spaces which include 5 ADA spaces. These spaces have been distributed across the site to better support the use of the site during non-school hours. It is estimated that approximately 120 staff members will work in the building. That being said, not all of the 120 staff members will be in the building every day or for the entire day. Visitor parking will be limited to the main or north lot. The parking spaces bordering on Garbers Church road will be designated as staff parking as well as parking for service vehicles. Parents will drop off and pick up their children in the north lot thus separating that traffic from any buses arriving or departing.

The new Pre-Kindergarten Center will utilize the existing parking lot at Smithland Elementary School. There are 150 spaces contained within this parking lot. It is estimated that the school will be staffed by 28 staff members. Again, these staff members may or may not be in the building every day or for the entire day. On a daily basis the Smithland Elementary School lot is at 50% capacity. The designated service road (which will be accommodated off the existing fire lane loop) will be utilized during non-school hours.

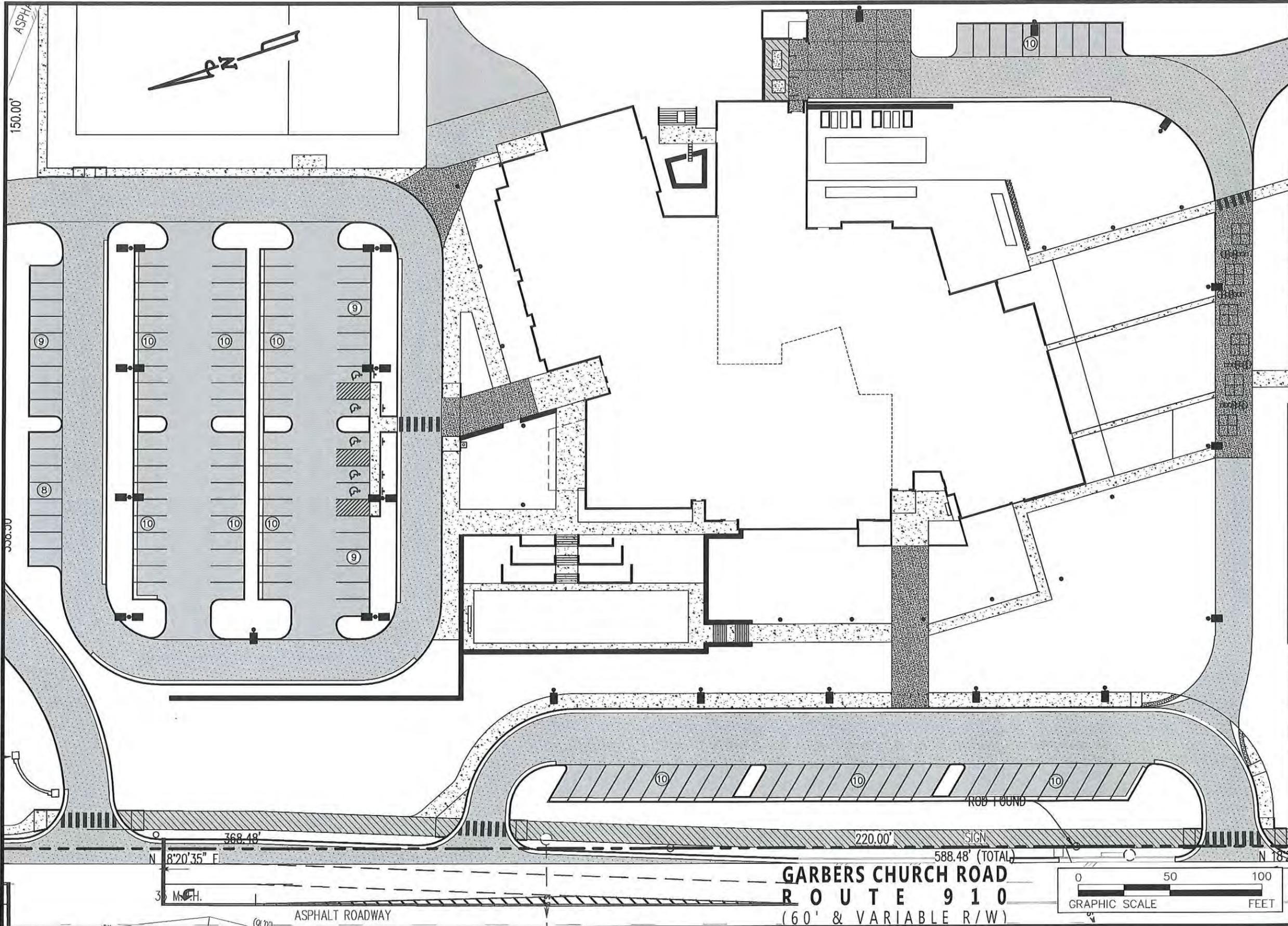
Sincerely,



Craig D. Mackail, MsEd  
Executive Director of Operations & School Safety



**Garbers Church Road Elementary School Site**



I:\projects\2564\ENGINEERING\Design\Plans\Sheets\2564\_Sht\_C2\_Site\_Layout\_Plan.dwg  
 11x17 PARKING LAYOUT - 12/30/2015 12:16:04 PM - Tsproul, DWG To PDF.pc3, 1:1

**GAY AND NEEL, INC.**  
 ENGINEERING ♦ LANDSCAPE ARCHITECTURE ♦ SURVEYING

1260 Radford Street  
 Christiansburg, Virginia 24073

Phone: (540) 381-6011  
 Fax: (540) 381-2773  
 Email: info@gayandneel.com  
 Web: www.gayandneel.com



**SITE LAYOUT AND DIMENSION PLAN**

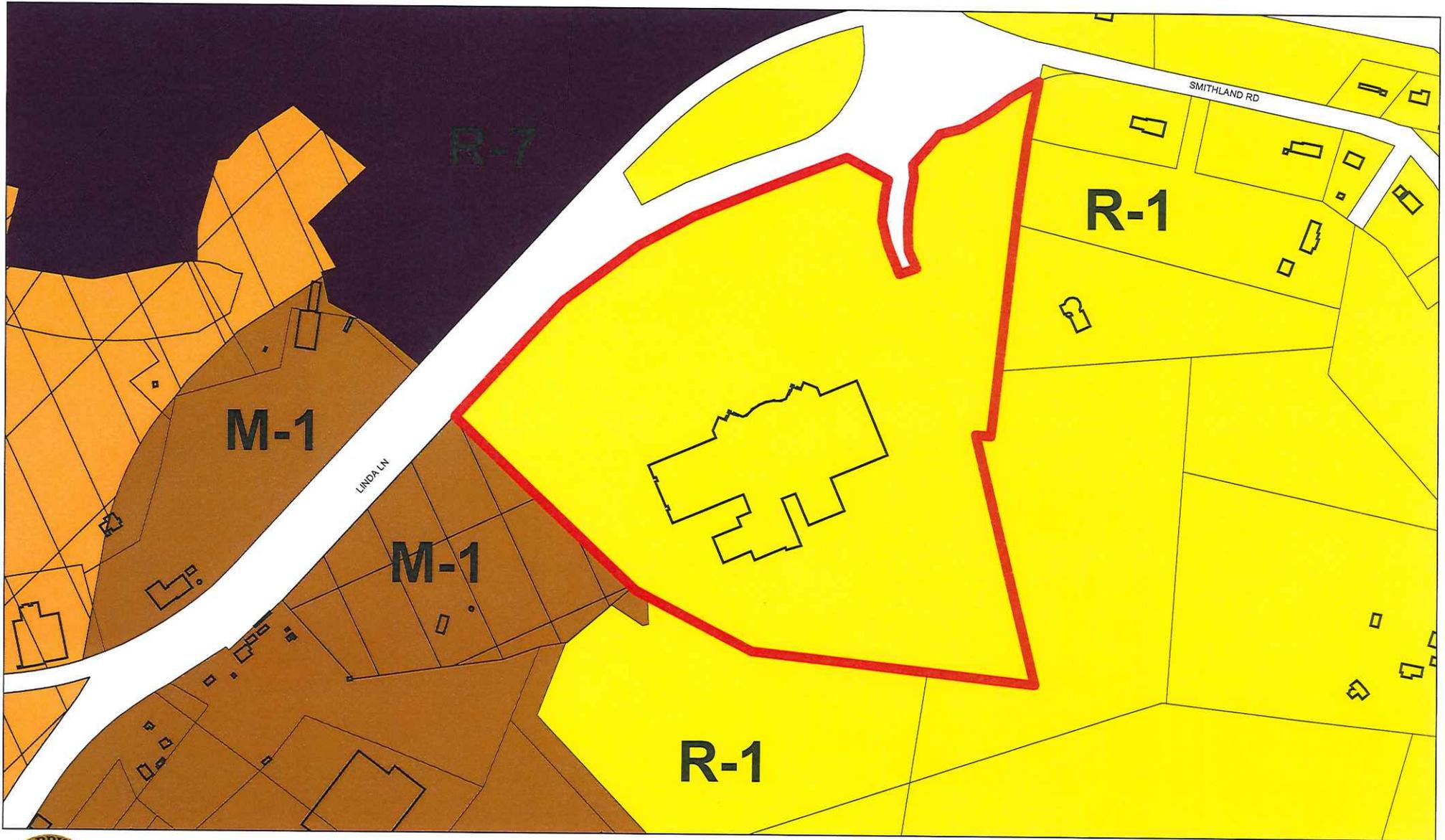
**HCPS GARBERS CHURCH ELEMENTARY**

CITY OF HARRISONBURG, VA

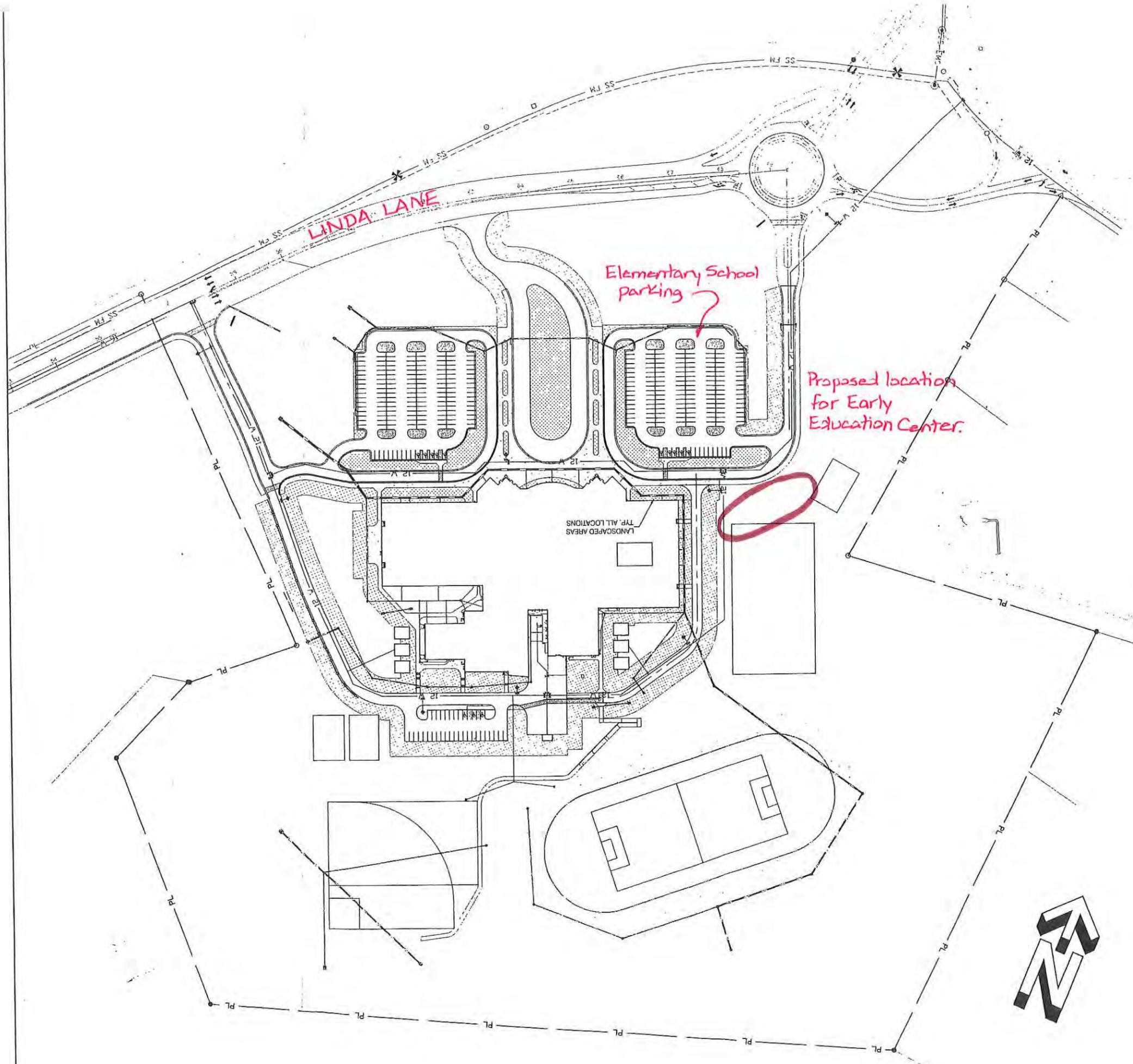
REVISIONS		
NO.	COMMENTS	DATE

PROJECT TEAM	
PIC	TREVOR M. KIMZEY, PE
PM	KEVIN D. CONNER, LA
DESIGN	TES, LHS, LMC

GNI JOB NO.	ISSUE DATE
2564.00	11/06/2015
SHEET NUMBER	
C2-01	



**Early Education Center/Smithland Elementary School Site**



LINDA LANE

Elementary School  
parking

Proposed location  
for Early  
Education Center.

LANDSCAPED AREAS  
TYP. ALL LOCATIONS

LANDSCAPE ANALYSIS

AREA WITHIN PAVED PARKING/DRIVING:	4.76 AC
LANDSCAPED AREA	5.80 AC
DRIVING ZONES =	
PERCENT LANDSCAPED AREA TO PAVED PARKING/DRIVING:	80.95%
NOTES: ALL AREAS NOT PAVED OR BUILT UPON SHALL BE SEEDED OR LANDSCAPED	

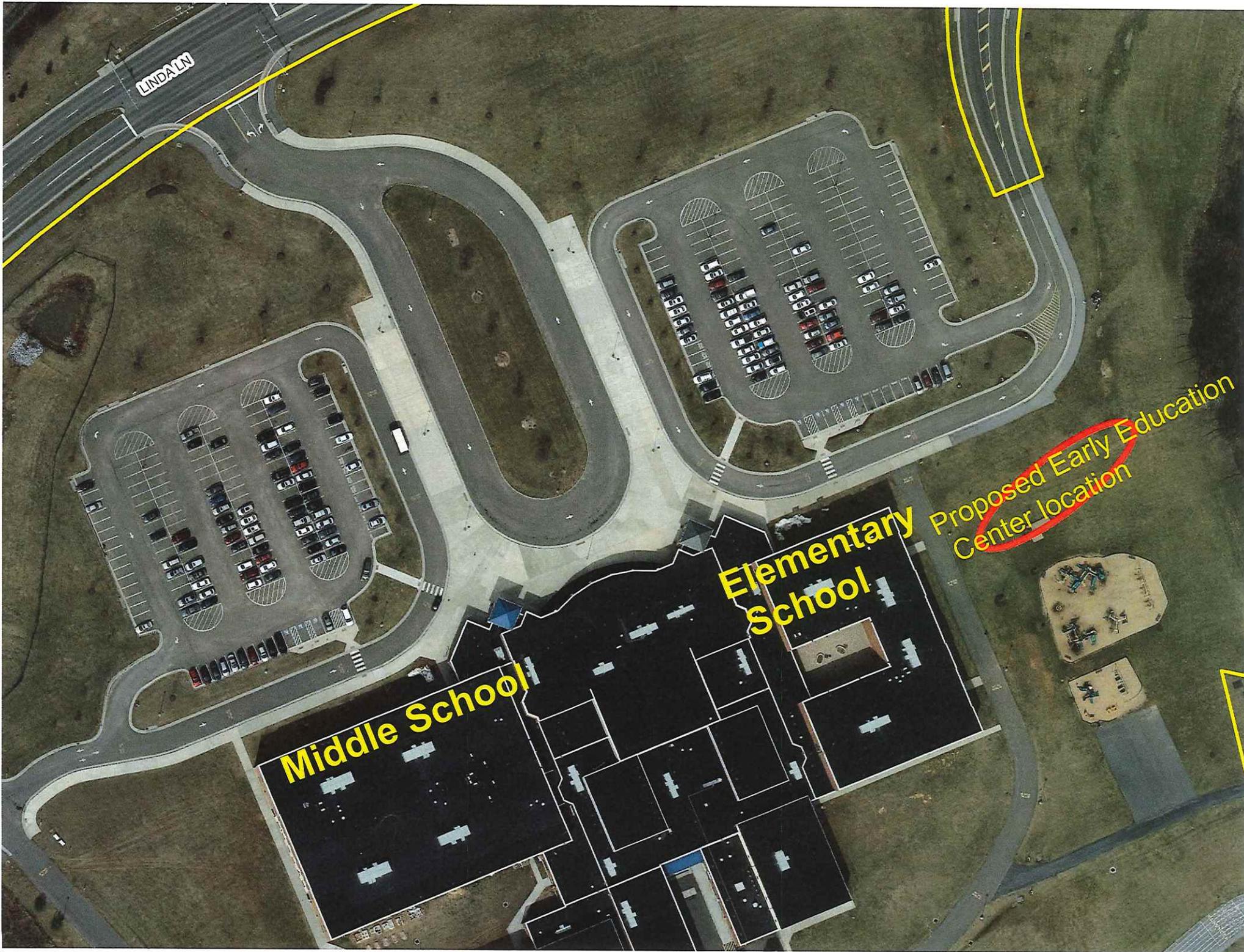


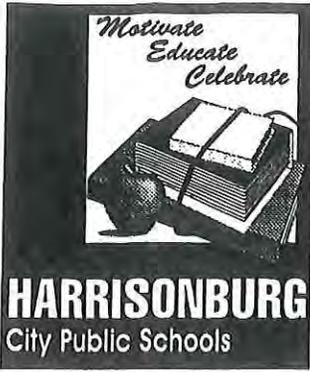
LINDA LN

Middle School

Elementary School

Proposed Early Education Center location





2006 parking analysis  
from HCPS for  
Elem. & Middle School on  
Linda Lane

Donald J. Ford, Ed.D.  
Division Superintendent

**HARRISONBURG**  
City Public Schools

317 South Main Street  
Harrisonburg, Virginia 22801-3606  
540-434-9916 • Fax 540-434-5196

September 19, 2006

Dear Members of the Planning Commission,

Attached you will find the plans for the parking lot(s) and associated bus loop at the new Elementary and Middle Schools located off of Smithland Road. The Elementary School parking area has a total of 150 parking spaces with 5 ADA spaces. The Middle School parking area also has 150 parking spaces with 5 ADA spaces. The parking area located at the rear of the building has 34 parking spaces with 3 ADA spaces. The total parking spaces available at both schools is 335. Of these 335 parking spaces, 13 are ADA parking spaces. At this time, a clear distinction between "Faculty" and "Visitor" has not been made. The parking lot complies with all ADA requirements for the number of spaces required and the loading areas required. A clear advantage to our concept of having two schools on one site is that through proper scheduling we can utilize both parking lots for evening activities.

Each school has a dedicated parking lot that is physically separated from the bus loop. Separate entrances serve the bus loop and the parking areas. Buses and automobiles will not share on-site circulation due to the design of the parking areas. Circulation through each lot is organized so that parked vehicles as well as parent drop-off traffic remains as isolated as possible.

The total student capacity for the Elementary School has been set at 600 students and at 900 students for the Middle School. The anticipated enrollment when the Elementary School opens is 450-500 students. We anticipate the opening enrollment at the Middle School to be 500 students. We anticipate employing 90 faculty and staff members for the Elementary School and 66 faculty and staff members for the Middle School.

Lighting in the parking areas will be provided by the use of dark-skies light fixtures. Of course, all pavement will be marked with the appropriate identification.

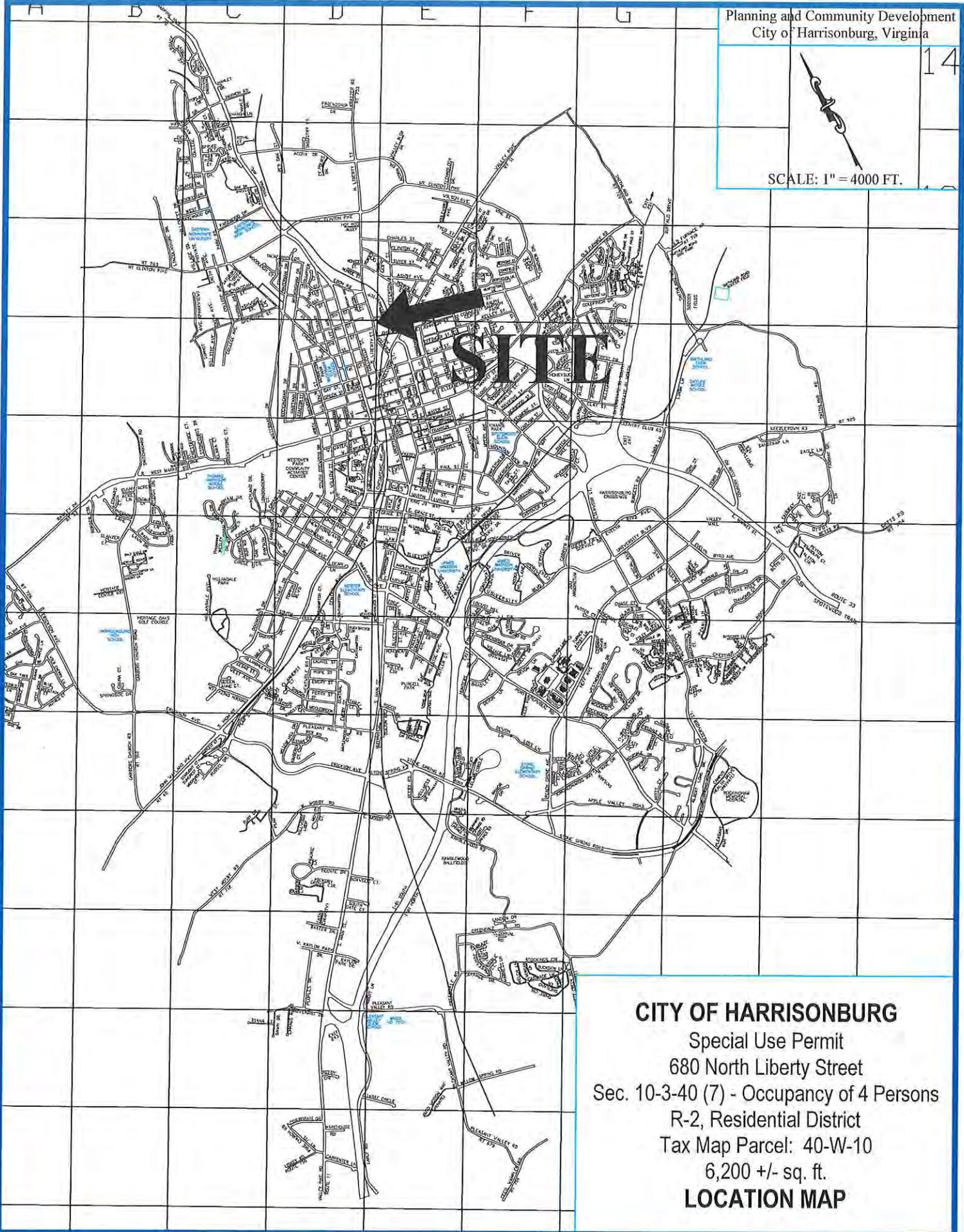
The Harrisonburg City Public School System is pleased to submit these plans for your review. We know that these schools will serve the children of Harrisonburg for many years to come.

Sincerely,

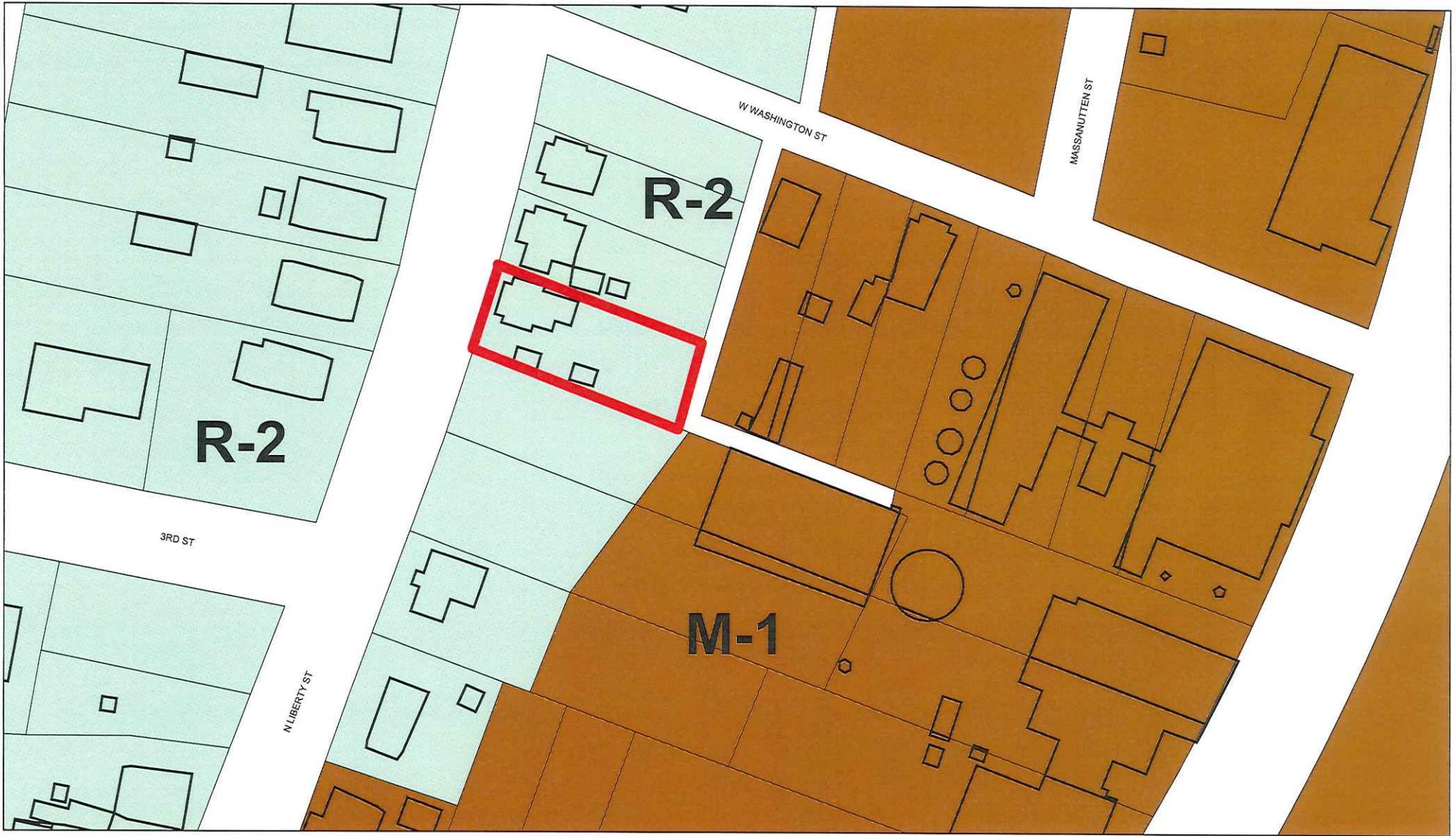
Craig D. Mackail  
Supervisor for Research, Planning and Operations



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**  
Special Use Permit  
680 North Liberty Street  
Sec. 10-3-40 (7) - Occupancy of 4 Persons  
R-2, Residential District  
Tax Map Parcel: 40-W-10  
6,200 +/- sq. ft.  
**LOCATION MAP**



**SUP - 680 North Liberty Street**  
**10-3-40 (7) Occupancy of Four (4) Persons**





# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

January 13, 2016

### **SPECIAL USE PERMIT – 680 NORTH LIBERTY STREET (SECTION 10-3-40 (7) OCCUPANCY OF 4 PERSONS)**

#### **GENERAL INFORMATION**

- Applicant:** Astroverto Arellano and Juan J. Arellano
- Tax Map:** 40-W-10
- Acreage:** 6,200+/- square feet
- Location:** 680 North Liberty Street
- Request:** Public hearing to consider a request for a special use permit per Section 10-3-40 (7) of R-2, Residential District to allow occupancy of not more than four (4) persons provided one (1) off-street parking space per tenant is provided on site.

#### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

- Site:** Single-family dwelling, zoned R-2
- North:** Single-family dwellings, zoned R-2
- East:** Single-family dwelling and industrial uses (George’s Food LLC), zoned M-1
- South:** Vacant lots and multi-tenant dwelling, zoned R-2
- West:** Across North Liberty Street, single-family and multi-family dwellings, zoned R-2

## EVAULATION

The applicants are requesting a special use permit (SUP) per Section 10-3-40 (7) of the Zoning Ordinance to allow occupancy of up to four persons within a single-family detached dwelling, zoned R-2, Residential District, located in the 600 block of North Liberty Street. The property is located on the east side of North Liberty Street between Kratzer Avenue and West Washington Street. If approved, one off-street parking space per tenant must be provided.

The R-2 zoning district shares the same occupancy restrictions as the R-1, Single Family Residential District. Owner-occupied single-family dwellings may include rental of space for occupancy by not more than two persons. Nonowner-occupied single-family dwellings may include rental of space for occupancy by not more than one person. In other words, when a unit is nonowner-occupied, by-right, property owners can rent to a family (regardless of the number of individuals in the family) plus one other person or they may rent to two boarders.

This block of North Liberty Street is a mix of single-family and multi-tenant residential uses, both, owner occupied and non-owner occupied; as well, there are commercial parking lots and parking lot entrances along this section of the street. The rear of the property is adjacent to M-1, General Industrial District zoning and currently serves as parking and storage for George's Food. The Comprehensive Plan designates the subject parcel as Mixed Use Development. This designation most closely aligns with the B-1, Central Business District which allows by right occupancy of four persons.

The applicants stated the property was purchased as an investment and do not reside in the dwelling. If approved, they intend to rent the four bedroom house, on a per bedroom basis, as affordable housing for single residents. Four off-street parking spaces, one per tenant, would be required if the SUP is approved. The parcel has an existing large parking area in the rear, which can accommodate the required four parking spaces.

Staff does not believe approving the request will have negative impacts to the surrounding neighborhood and supports the applicant's request.

Special Use Permit request for 680 N. Liberty St.

December 8, 2015

To whom it may concern,

I would like to request a "special use permit" to rent the property that I have on 680 N. liberty St. on a per bedroom basis. The purpose would be to offer an affordable alternative to single residents needing a place to live.

The current median rent in Harrisonburg is around \$800 which makes it very difficult for single residents to afford a place to live. By renting the house on a per bedroom basis I would be able to offer an affordable alternative to single residents.

The property is located in the central part of Harrisonburg only a couple hundred yards from the Georges chicken plant and the Shenandoah Valley Organic as well as only a few miles from EMU. The location of the property would allow for single residents that for whatever reason do not own a car or don't have a license, to rent affordable shelter near a source of employment or to attend school at EMU.

The property has 2 bathrooms, a kitchen and 4 bedrooms as well plenty of off street parking space in the back of the property.

I currently own the property as an investment. The issuance of this permit would allow me to increase the return on my investment and would provide a needed service to the community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan J. Arellano', written in a cursive style.

Juan J. Arellano

Date Application Received: 12-08-15 Total Paid: 405<sup>00</sup> pd. pd.

### Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre NOTE: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

Property Owner's Name: Juan J. Arellano  
Street Address: 15416 Evergreen Valley Rd Email: jjarellanojj@gmail.com  
City: Harr Timberville State: VA Zip: 22853  
Telephone: Work 540-879-2566 Fax \_\_\_\_\_ Mobile 540-820-1588

Owner's Representative: \_\_\_\_\_  
Street Address: \_\_\_\_\_ Email: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

#### Description of Property and Request

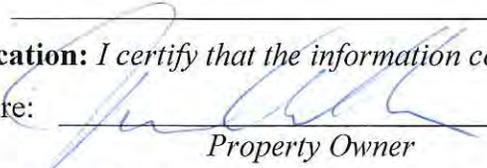
Location (Street Address): 680 N. Liberty St.  
Tax Map Number Sheet: 40 Block: W Lot: 10 Lot Area: 6,200 +/- sq. ft.  
Existing Zoning Classification: R-2  
Special Use being requested: 10-3-40 (7)

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

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:   
Property Owner

#### ITEMS REQUIRED FOR SUBMISSION

- |  |  |
|--|--|
| <input type="checkbox"/> Completed Application       | <input type="checkbox"/> Fees Paid                   |
| <input 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"/> _____                       |



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**

Special Use Permit

98 Pleasant Hill Road

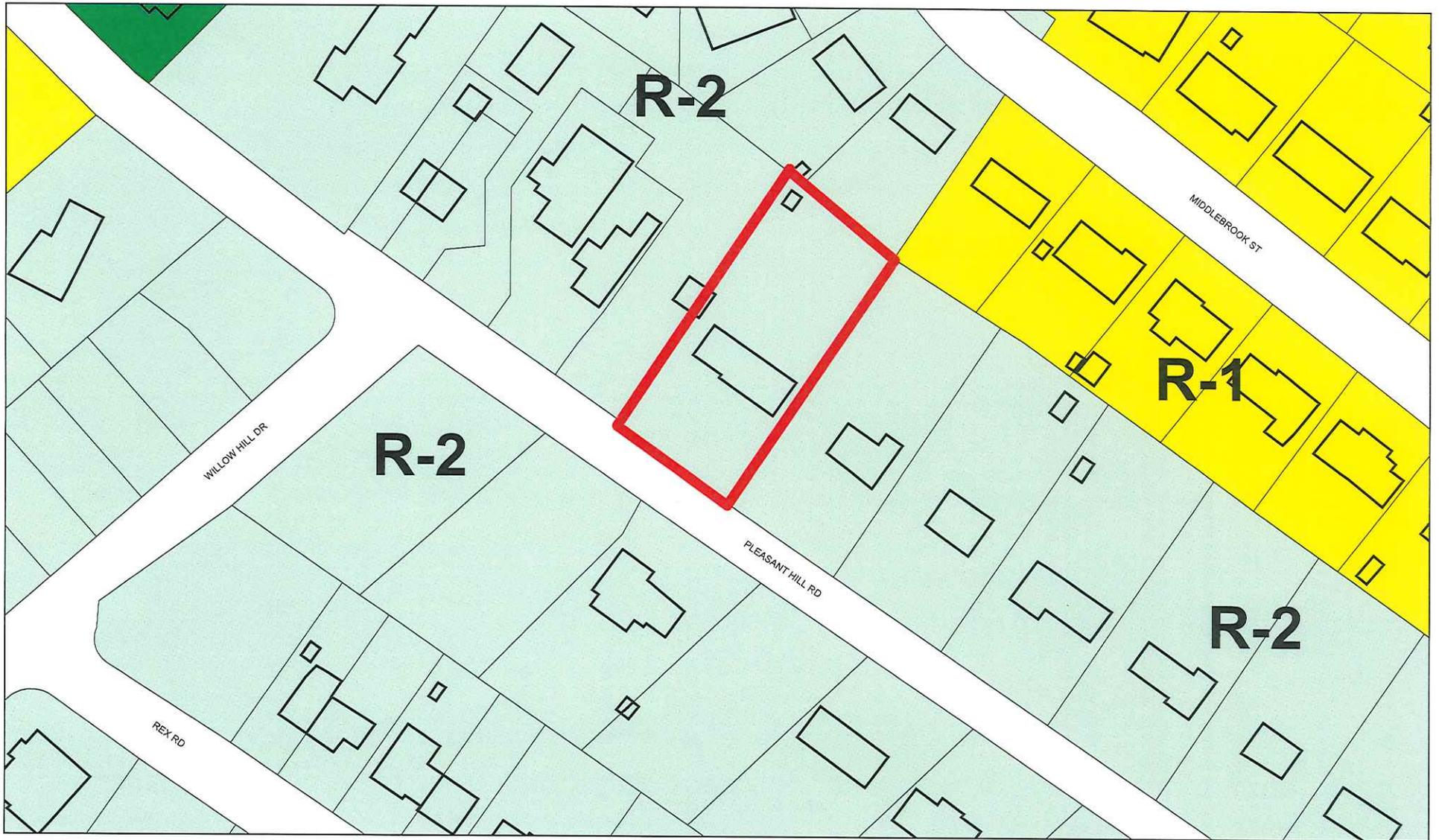
Sec. 10-3-40 (6) - Major Family Day Home

R-2, Residential District

Tax Map Parcel: 9-D-1

24,000 +/- sq. ft.

**LOCATION MAP**



**98 Pleasant Hill Road**  
**SUP - 10-3-40(6) Major Family Day Home**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**  
**January 13, 2016**

## **SPECIAL USE PERMIT – 98 PLEASANT HILL ROAD (SECTION 10-3-40 (6) MFDH)**

### **GENERAL INFORMATION**

- Applicant:** Harold and Thelma Williams Life Estate with representative Tara Koontz
- Tax Map:** 9-D-1
- Acreage:** 0.55-acres
- Location:** 98 Pleasant Hill Road
- Request:** Public hearing to consider a request to allow a major family day home per Section 10-3-40 (6) of the Zoning Ordinance within the R-2, 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 detached home, zoned R-2
- North:** Single family detached homes fronting Middlebrook Street, zoned R-2
- East:** Single family detached homes fronting Middlebrook Street, zoned R-1, and other single family detached homes fronting Pleasant Hill Road, zoned R-2
- South:** Across Pleasant Hill Road, single family detached homes and undeveloped parcels, zoned R-2
- West:** Single family detached homes, zoned R-2

### **EVAULATION**

The applicant's representative, Ms. Tara Koontz, is requesting a special use permit (SUP) per Section 10-3-40 (6) to operate a major family day home (MFDH) at 98 Pleasant Hill Road, which is zoned R-2, Residential District. The subject site is currently for sale and Ms. Koontz has the property under contract to purchase. Ms. Koontz is hopeful that both her real estate contract and SUP application are approved so she can easily transition her family and her existing MFDH child care operation located at 627 South Mason Street to the subject site.

As noted, Ms. Koontz currently operates a MFDH at 627 South Mason Street, where the property is zoned U-R, Urban Residential District and has the R-P, Residential Professional District Overlay. In May 2010, after going through the public hearing process and receiving favorable recommendations

for approval of a SUP to allow a MFDH from both staff and Planning Commission, City Council approved her SUP with no conditions at the Mason Street location. Prior to receiving her MFDH SUP, Ms. Koontz operated a minor family day home at the same property.

The subject site at 98 Pleasant Hill Road is located within the block bounded by Willow Hill Drive to the west and Central Avenue to the east, where it is just over one half acre in size and is improved with a single family detached dwelling with a large, fenced rear yard. The property is accessible via Pleasant Hill Road by a paved single lane, almost 80-foot in length driveway, leading from the public street to the garage.

After thorough review, staff has only one concern with the application and is recommending approval of the request with one condition. Although Pleasant Hill Road no longer maintains the same traffic volumes it once carried prior to the opening of Erickson Avenue between South Main Street and South High Street, the street remains designated a collector street and holds relatively high traffic counts. (After Erickson Avenue was opened, there was almost a 45 percent traffic reduction on Pleasant Hill Road.) Because the traffic numbers remain relatively high, staff does not want to allow new or additional uses that would promote vehicles backing into Pleasant Hill Road when exiting properties.

To help prevent this from happening, staff is recommending approval of the MFDH only with the following condition:

- A vehicle turnaround shall be provided on site. The turnaround shall not simply be additional space for the storage of vehicles for drop-off and pick-up of children, but rather a designated area, where vehicles can safely turnaround on site to eliminate the need to back into Pleasant Hill Road when exiting the property.

Date Application Received: \_\_\_\_\_

Total Paid: 405.00 PAID

## Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre      NOTE: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.

Property Owner's Name: Harold and Thelma Williams Life Estate

Street Address: 98 Pleasant Hill Road      Email: \_\_\_\_\_

City: Harrisonburg      State: VA      Zip: 22801

Telephone:    Work \_\_\_\_\_      Fax \_\_\_\_\_      Mobile \_\_\_\_\_

Owner's Representative: Tara Koontz

Street Address: 627 S Mason Street      Email: grantsgurl@comcast.net

City: Harrisonburg      State: VA      Zip: 22801

Telephone:    Work 540-578-3499      Fax \_\_\_\_\_      Mobile \_\_\_\_\_

### Description of Property and Request

Location (Street Address): 98 Pleasant Hill Road

Tax Map Number    Sheet: 9      Block: D      Lot: 1      Lot Area: .55 acres

Existing Zoning Classification: R-2, Residential Zoning District

Special Use being requested: 10-3-40 (6) Major Family Day Home

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

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: *Jaya Kumar*  
Property Owner

### ITEMS REQUIRED FOR SUBMISSION

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

- Fees Paid
- Property Located on Tax Map
- \_\_\_\_\_
- \_\_\_\_\_

Date Application Received: 12-8-15

Total Paid: 405<sup>00</sup> pd/Bank

## Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

**NOTE: If applying for a Wireless Telecommunications Facility allowed only by SUP, then also submit a wireless telecommunications facility application.**

Property Owner's Name: Tara KOONTZ

Street Address: 98 Pleasant Hill Rd. Email: grantsgur1@comcast.net

City: Harrisonburg State: VA Zip: 22801

Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile 540-578-3499

Owner's Representative: \_\_\_\_\_

Street Address: \_\_\_\_\_ Email: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

### Description of Property and Request

Location (Street Address): 98 Pleasant Hill Road

Tax Map Number Sheet: 9 Block: D Lot: 1 Lot Area: .55 acre

Existing Zoning Classification: R-2, Residential

Special Use being requested: Major Family Day Home

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

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: Tara KOONTZ  
Property Owner

### ITEMS REQUIRED FOR SUBMISSION

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

- Fees Paid
- Property Located on Tax Map
- \_\_\_\_\_
- \_\_\_\_\_

To Whom It May Concern:

I would like to be considered for a new special use permit. I currently run a licensed daycare in my home on Mason St. I have a special use permit for this house. We are in the process of buying a new house on Pleasant Hill Rd. I have been running my daycare for six years and absolutely love it. My hours of business are 7:00am to 5:30pm. I currently care for nine children with the help of an assistant. I would be very appreciative if I am approved for this permit so I can continue to care for children.

Thank You,

Tara Koontz

# Commonwealth of Virginia

DEPARTMENT OF



SOCIAL SERVICES

## LICENSE FAMILY DAY HOME

Issued to KOONTZ FAMILY DAY HOME T/A Tara's Tots (Operated by Tara Koontz)

Address 627 S. Mason Street, Harrisonburg, Virginia 22801

This license is issued in accordance with provisions of Chapters 1, 17 and 18, Title 63.2, Code of Virginia as amended, the established rules and regulations of the State Board of Social Services and the specific limitations prescribed by the Commissioner of Social Services as follows:

Capacity	
Twelve (12)	
Sex	Age
M/F	6 Weeks Through 5 Years

This license is not transferable and will be in effect from April 2, 2013 through April 1, 2016 unless revoked for violations of the provisions of law or failure to comply with the limitations stated above.

**ISSUING OFFICE:**

Virginia Department of Social Services  
Division of Licensing Programs - Valley Licensing Office  
57 Beam Lane, Suite 102  
Fishersville, VA 22939  
Telephone: (540) 332-9166  
VLO-13-075

LICENSE NUMBER 1107882 - L704

MARGARET ROSS SCHULTZE

ACTING COMMISSIONER OF SOCIAL SERVICES

By Christopher H. Fracher  
Title LICENSING ADMINISTRATOR  
Date March 27, 2013

Mr Mayor, city council members and Harrisonburg City staff,

I'm writing in regards to Tara Koontz and her request for a special use permit to relocate her business (Tara's Tots) to a new location at 98 Pleasant Hill Rd. Harrisonburg VA 2801.

Tara has been our childcare provider for 2 years now. We couldn't be happier with our son Aiden's time with Tara and her mother Mellie that also works for the business. Tara's unconditional love for each of the kids under her care shows through each and every day. For me personally it often happens in small ways. Like once when I sneezed Aiden, barely two at the time, without hesitation calmly said "bless you daddy". Not even looking up. After which I looked at my wife Laura to see if that was something she had been working with him on and she was looking back at me with as much surprise. Instantly we both knew it was Tara's Tots.

I also know for a fact she takes the concerns of the city and neighbors seriously as I was once gently reminded that I shouldn't park on the street blocking neighbors spots but rather use the driveway. Some of the neighbors had expressed concerns over not having their usual parking space at the end of the day when coming home. Tara took that seriously and asked each of us to respect her neighbors wishes.

The new location is on a less busy street and also has a longer driveway with additional space for parents to pull off the street when picking up their kids. The yard will provide outdoor play space that Tara's Tots can not currently provide. Plus the opportunity to own the home and place of business would allow for Tara and her husband Grant to make improvements and modification to the home to better the business as they sees fit.

In truth I'd miss having Tara's Tot's at it's Mason St location because I live just a few blocks away at 487 Ott St and currently can walk my son to daycare. While that would no longer be an option for us should Tara's Tots move, I feel the benefits outway the loss.

In short Tara's genuine love for the children in her care is without questions the single most important reason we have our son at Tara's Tots. Tara has shown quality business planning skills giving us her vacation schedule a whole year in advance and being one of the only VA State licensed childcare providers in the area. She continues to look for ways to better her business and this is the next step.

I hope you will find Mrs Koontz application agreeable and grant the special use permit she is requesting.

Regards,



Derik Trissel  
487 Ott St

98 Berkeley Avenue  
Grottoes, VA 24441

December 7, 2015

Mr. Adam Fletcher  
City Planner  
Department of Planning and Community Development  
409 South Main Street  
Harrisonburg, VA 22801

Dear Mr. Fletcher,

My name is Aimee Roberts, and my son, Logan, started attending Tara's Tots in the fall of 2014.

I commute to Harrisonburg every morning from Grottoes, VA, and when Tara first told me about the possible location change, I was thrilled. The new Tara's Tots location will be great for children and parents, alike. The kids will benefit from the huge fenced-in backyard, and the parents will have better off-street parking.

My husband and I are incredibly happy with the care that Logan receives at Tara's Tots. Now, at 15 months old, Logan is visibly excited when we arrive at daycare. He greets Miss Tara every morning with a huge smile and an even bigger hug. Tara; her mother, Mellie; and father, Tom, are nurturing and dedicated childcare providers, and Logan has developed into a happy, inquisitive young boy because of the care he receives at Tara's Tots.

Sincerely,

A handwritten signature in cursive script that reads "Aimee Roberts". The signature is written in black ink and is positioned above the typed name.

Aimee Roberts

# ORDINANCE AMENDMENT

**To Amend Section 10-3-196 and 10-3-197  
to Modify the Minimum Setback  
Regulations for Concealed Wireless  
Telecommunications Facilities**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**  
**January 13, 2016**

## **ZONING ORDINANCE AMENDMENT** **Section 10-3-196 & 197**

Staff is proposing to modify the Wireless Telecommunications Facilities ordinance, Article CC, by eliminating the setback regulations for collocated concealed wireless telecommunications facilities. As a reminder, concealed wireless telecommunications facilities are defined as: “Any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.” After applying the recently adopted regulations for the past five months on several properties throughout the City, an unintended regulatory situation presented itself at 23 Toni Street. Staff would like to amend the code to alleviate the unplanned prohibition as described below.

For the past couple of months, staff has been assisting a representative with Network Building and Consulting, LLC—a wireless site development firm contracted by Verizon Wireless—to erect several wireless telecommunications facilities on B-2 zoned property throughout the City, where the intent was to install camouflaged macrocells and industrial microcells as well as concealed wireless telecommunications facilities. Of the locations that were evaluated, preliminarily, the only property that became problematic for them was the site at 23 Toni Street, which is improved with a structure that is non-conforming to setback regulations.

At the time of their initial site analysis, their desired installation was to erect a facility by mounting it to a side of the building that is non-conforming to setback regulations. During the analysis, staff pointed out that, oddly, depending upon whether the facility was categorized as a camouflaged industrial microcell or a concealed wireless telecommunications facility, there could be an issue with whether or not the wireless facility could meet the code provisions associated with setback regulations. This is because the code states that by right concealed wireless telecommunications facilities in the B-1 and B-2 districts, and others, shall meet the minimum setback regulations of the base district (even if they are collocated) while all other by right wireless telecommunications facilities (i.e. industrial microcells, DAS, macrocells, and others) do not have minimum setback regulations because such facilities shall be collocated. In this particular case, since their desired installation was to reach above the roofline of the building, the facility had to be classified and designed as a concealed wireless telecommunications facility, which then triggered the application of setback regulations, and therefore the facility could not be mounted on the side of the building they desired. Staff believed this created an odd situation because if camouflaged industrial microcells could be

located anywhere on the non-conforming structure, but concealed wireless telecommunications facilities—those that are intended to be less obtrusive than the camouflaged facility—could not, then the existing regulation was overly burdensome.

The amendment described herein would modify the code to treat collocated concealed wireless telecommunication facilities equal to all other collocated facilities. Rather than only making the change in the code for the facilities that could be located on B-1 or B-2 property, staff is also proposing to make the change for collocated concealed wireless telecommunications facilities that could be located on any residentially zoned property and for properties zoned MX-U. Staff does not believe there would be negative consequences in making the change for facilities that could be located on residentially zoned property because any wireless telecommunications facility to be located in any of those districts must be approved by a special use permit and therefore be subject to public review.

Specifically, the proposed amendments would occur within Section 10-3-196 (2) (a) (ii), where the regulation would be amended as shown below for residentially zoned properties and the MX-U district:

- Unless collocated, mMinimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by city council.

And then for the changes necessary for facilities located on B-1 or B-2 property, the modifications would occur within Section 10-3-197 (1) (a) (ii), where the regulation would be amended as shown:

- Unless collocated, mMinimum setback regulations shall be controlled by the district in which they are located.

Staff recommends approving the proposed Zoning Ordinance amendments.

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-196  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

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

**Section 10-3-196 Wireless telecommunications facilities within residential districts and the MX-U, Mixed Use Planned Community District shall be amended by modifying subsection (2) a. ii. as shown:**

(2) Uses permitted only by special use permit.

a. Concealed wireless telecommunications facilities.

i. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the special use permit application or as may be more strictly conditioned and approved by city council.

ii. Unless collocated, mMinimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by city council.

iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per section 10-3-114 or as may be more strictly conditioned and approved by city council.

iv. Unless otherwise required, or as part of the intent of the facility, artificial lighting is prohibited.

v. No advertising of any type may be placed on the facility.

b. Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities.

i. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.

- ii. The height of such equipment shall not increase the height of the utilized support structure by more than five (5) feet.
  - iii. All collocated equipment shall be camouflaged.
  - iv. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per section 10-3-114 or as may be more strictly conditioned and approved by city council. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by city council.
  - v. Unless otherwise required, artificial lighting is prohibited.
  - vi. No advertising of any type may be placed on the facility.
- c. Telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center, which may include rental of space for private wireless telecommunications providers.
- i. The facility shall be no taller than two hundred (200) feet in height.
  - ii. Minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by city council.
  - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and shall meet the requirements for accessory buildings per section 10-3-114 or as may be more strictly conditioned and approved by city council.
  - iv. Unless otherwise required, artificial lighting is prohibited.
  - v. No advertising of any type may be placed on the facility.

The remainder of Section 10-3-196 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
 Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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**MAYOR**

ATTESTE:

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CITY CLERK

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-197  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

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

**Section 10-3-197 Wireless telecommunications facilities within the B-1, Central Business District and the B-2, General Business District shall be amended by modifying subsection (1) a. ii. as shown:**

The requirements within this section apply to all wireless telecommunications facilities, except facilities as specified in section 10-3-195, as identified in the B-1 and B-2 districts.

(1) Uses permitted by-right.

a. Concealed wireless telecommunications facilities.

i. The height of such facilities shall be controlled by the maximum height regulation of the district in which they are located.

ii. Unless collocated, ~~m~~Minimum setback regulations shall be controlled by the district in which they are located.

iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per section 10-3-114.

iv. Unless otherwise required, or as part of the intent of facilities, artificial lighting is prohibited.

v. No advertising of any type may be placed on the facility.

b. Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities.

- i. Other than associated equipment cabinets and other structures or equipment that may be located on the ground, such facilities shall be collocated.
- ii. The height of such facilities shall not increase the height of the utilized support structure by more than five (5) feet.
- iii. All collocated equipment shall be camouflaged.
- iv. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per section 10-3-114. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by city council.
- v. Unless otherwise required, artificial lighting is prohibited.
- vi. No advertising of any type may be placed on the facility.

The remainder of Section 10-3-197 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2016.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CITY CLERK

## January 2016, Proactive-Zoning Report

For the month of January 2016, the proactive-zoning program inspected the **N. Main St.** and **Liberty St.** sections of the city. The violations related to inoperable vehicles. The proactive-zoning program for February 2016, will be directed toward the **Westover** and **Garbers Church** sections of the City.

MONTH	SECTOR	5 <sup>th</sup> CYCLE VIOLATIONS	CORRECTED	2 <sup>nd</sup> CYCLE	3 <sup>rd</sup> CYCLE	4 <sup>th</sup> CYCLE
March 2015	Wyndham Woods	0	0	0	4	2
March 2015	Northfield	19	19	6	19	13
April 2015	Purcell Park	6	6	6	5	8
April 2015	Parkview	11	11	7	16	5
May 2015	Ind./Tech Park	1	1	1	0	0
May 2015	Northeast	45	44	45	63	29
June 2015	Exit 243	11	11	0	1	1
July 2015	Fairway Hills	2	2	0	0	2
August 2015	Smithland Rd.	3	3	4	0	2
January 2016	N. Main St.	38		4	4	10
January 2016	Liberty St.	31		4	18	11
February 2016	Westover			8	17	13
February 2016	Garbers Church			2	1	9
March 2016	Spotswood Acres			4	1	8
March 2016	Jefferson St.			22	35	21
April 2016	Forest Hills/JMU			1	1	1
April 2016	S. Main St.			0	2	5
May 2016	Hillandale			5	17	11
June 2016	Maplehurst/JMU			5	2	0
July 2016	Long Ave/Norwood			28	17	11
August 2016	Greystone			10	13	9
September 2016	Greendale/SE			2	5	1
October 2016	Ramblewood			8	1	11
November 2016	Stone Spring Village/JMU			10	0	2
December 2016	Sunset Heights			29	10	2
January 2017	Reherd Acres			12	9	10
February 2017	RT 33 West			16	6	13
March 2017	Chicago Ave			22	29	4
April 2017	Pleasant Hill			13	17	9
May 2017	Avalon Woods			26	11	36
June 2017	Waterman Elementary			61	18	15
July 2017	Keister Elem			5	8	7
August 2017	500-600 S. Main			30	16	4
September 2017	Court Square			3	2	5
October 2017	Bluestone Hills & Valley Mall			33	31	27
November 2017	Preston Heights			3	1	7