



City of Harrisonburg, Virginia

Planning Commission Meeting

October 12, 2016

7:00 p.m.

Regular Meeting
409 South Main Street

1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the September 14, 2016 regular meeting.**

2) **New Business**

Special Use Permit – 2655 South Main Street (Section 10-3-91(9) to Allow Reduction in Required Side Yard Setback to Zero Feet)

Public hearing to consider a request from 2655 South Main Street LC with representative Balzer and Associates for a special use permit per Section 10-3-91(9) to allow the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2. The 1.655 +/- acre property is zoned B-2, General Business District, is located at 2655 South Main Street, and is identified as tax map parcel 1-F-1.

Public Utility Application – 1790 Harpine Highway (Rockingham County TM 94B-(5)-L 1, 2 & 3)

Consider a request from Chad E. Dove per Section 7-2-4 of the City Code for the City to provide sanitary sewer service for a proposed automotive shop. The property is located at 1790 Harpine Highway, Harrisonburg, Virginia, 22802 and is identified by Rockingham County's tax maps as parcel 94B-(5)-L 1, 2 & 3.

Discussion of Comprehensive Plan Update

Provide guidance to staff for Comprehensive Plan update process and public engagement strategies.

3) **Unfinished Business**

None

4) **Public Input**

5) **Report of secretary and committees**

Proactive Zoning

6) **Other Matters**

7) **Adjournment**

Staff will be available for those interested in going on a field trip to view the sites for the November 9, 2016 agenda. Field trip date and time will be discussed at the October 12, 2016 Planning Commission meeting. Interested parties may call 540-432-7700 after October 12 to confirm date and time.

Procedure For Hearing Cases

Cases shall be heard in the order in which they appear on the agenda, except a case may be advanced for hearing by order of the Planning Commission upon good cause shown.

At the hearing, the order shall be as follows:

1. Presentation of case and explanation and/or report by City staff.
2. Open public hearing (if necessary)
 - a. Statement of applicant or appellant
 - b. Statements of other persons in favor
 - c. Statement by those opposed
 - d. Applicant's rebuttal
3. Close public hearing (if necessary)

The Chairman may prescribe a reasonable time limit for each side to present its case. To maintain orderly procedure, each side shall proceed without interruption by the other. Cross-examination will not be permitted, but questions may be directed to the Chair who may allow limited questioning. The name and address of each person speaking shall be recorded in the minutes.

Public Input

This section of the agenda is where anyone wishing to speak may speak on any matter not outlined previously on the agenda. The Chair will open the floor for any person or organization that would like to speak to the Planning Commission on any subject at the discretion of the Commission. The Chair may prescribe a reasonable time limit for anyone wishing to speak at this time

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MINUTES OF HARRISONBURG PLANNING COMMISSION

September 14, 2016

The Harrisonburg Planning Commission held its regular meeting on Wednesday, September 14, 2016 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh; Deb Fitzgerald, Chair; Henry Way; Kathy Whitten.

Members absent: Gil Colman; Mark Finks

Also present: Adam Fletcher, Director of Planning and Community Development; Thanh Dang, City Planner; Alison Banks, Senior Planner/Secretary; and Yajaira Cruz, Administrative Assistant.

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

Mrs. Whitten moved to approve the minutes as presented.

Mr. Baugh seconded the motion.

All members voted in favor of approving the August 10, 2016 minutes as presented (3-0).

Mr. Way abstained because he was not in attendance at the meeting.

Special Use Permit – 1171 Hillcrest Drive (Section 10-3-48.4 (9) to Allow Public Use to Deviate from the Zoning Ordinance

Chair Fitzgerald read the request and asked staff for comment.

Mrs. Banks said Planning Commission conducted a review, per Virginia State Code Section 15.2-2232, for the Park View Water Tank (PVWT) project on August 13, 2014. As part of the discussion during the review Mike Collins, Director for the Department of Public Utilities, noted that in order to achieve the required elevation for the water tank it would need to be about 90-feet in height. Planning Commission ultimately found that the project was substantially in accord with the City's adopted Comprehensive Plan and City Council accepted Planning Commission's findings on September 9, 2014. The minutes from the Planning Commission review, copy of Planning Commission Findings, and the extract from the September 9, 2014 City Council meeting were included within the agenda packet.

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

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

Site: 29,975 +/- square foot vacant parcel, zoned R-3/I-1

- North: Eastern Mennonite University Seminary, Discipleship Center building, and parking lot, zoned R-3/I-1
- East: Eastern Mennonite University campus, zoned R-3/I-1
- South: Single family dwellings and townhouses, zoned R-3
- West: Across City/County boundary, single family homes, zoned R-2 (County)

The City of Harrisonburg is requesting a special use permit (SUP) per Section 10-3-48.4 (9) of the Zoning Ordinance, which allows for any use defined as a “public use” to deviate from any requirement of the City’s zoning regulations. Specifically, with this application, the City is requesting that the proposed PVWT be granted the ability to exceed the 40-foot maximum height allowance and to encroach into the 10-foot side yard setback requirement of the R-3 zoning district.

The water tank is described as a 500,000 gallon elevated water storage tank. The Public Utilities Department has estimated that the overall height of the water tank will be approximately 105-feet above finished grade; reaching an elevation of 1,671.5 +/- feet to the top of the tank, which is 26.5 +/- feet above the elevation noted during the 15.2-2232 review.

A comprehensive site plan for the PVWT project and access road was approved on November 9, 2015. The site plan provided for the tank to meet the required setbacks of 30-foot for the front, 25-foot for the rear, and 10-foot for the sides. During test borings for the water tank foundation’s center point, the subcontractor encountered rock and therefore, is shifting the test boring location slightly northwest, which would involve a shift in the location of the actual water tank. At this time, the exact location of the center point has not been determined and there is the possibility that the tank may encroach into the 10-foot side setback along the northern property line. Currently, the approved site plan shows the water tank 10-feet from the northern setback line and 20-feet from the northern property line.

Staff supports the request for a SUP per section 10-3-48.4 (9) of the Zoning Ordinance to allow for the PVWT project to exceed the 40-foot height limit and to encroach into the 10-foot side setback along the northern property line.

Mr. Way asked if it is worth putting a specific number on the allowed reduction or does it have to be left open and flexible.

Mrs. Banks said at this time I do not believe we have a number, but you can certainly ask that of the representative from the Public Utilities Department. It may not have to encroach into the setback.

Chair Fitzgerald asked if it would ultimately be fenced.

Mrs. Banks said I believed it will be fenced around portions of the property.

Mrs. Whitten said I am just kind of curious as to what type of security you will have around the water tank.

David Gray, Public Utilities Division Superintendent, said that in working with the university it was their request that we do not fence the property. Because it adjoins their properties and there are so many neighbors that pass through here, they did not want it fenced in; therefore, we took the fencing out.

Speaking to a specific number that we are looking for in the setback, as Alison mentioned, we are working with the contractor right now in sighting the exact center point.

Very early in the project we validated that the soil in this area would support the tank designed this way. Then the contractor came in and did more detailed geotechnical investigation to design the foundation and found that the ground under the rock slopes a little bit and they have requested that we shift the tank 15-feet to the north and to the west. That is why there were additional borings performed. I have not yet heard the results back from that boring to know if that 15-foot shift is going to work out for us or not, so it is still floating just a little bit until we nail it down. As Alison said, we are pretty well committed to this space, we just don't know if the bowl will overhang the 10-foot setback by a foot, two feet, or five feet; at this time, I just do not know.

Mr. Way said you do not expect this to go up to the property line.

David Gray said no, I would not foresee that at all.

Chair Fitzgerald asked if there was anything else before opening the public hearing. Hearing none, she opened the public hearing and asked if anybody would like to speak in favor or against this request.

Mrs. Banks said at yesterday's site tour there was a question concerning wireless telecommunication facilities. I did check and I understand that there are no provisions to accommodate wireless telecommunication equipment installation on the tank.

Chair Fitzgerald asked if there is anything else before we close the public hearing.

Mr. Baugh asked do I assume correctly, because part of what I am thinking about with the waiver of the setback requirement is that it impacts them (EMU), because they are the adjoining property owner on both sides and I am assuming that they are aware of this and they are okay with it. They want this right?

David Gray said well I cannot speak whether they want this. They are aware, actually Gil Colman is the engineer for this job; he is kind of our go between with the university and the city, and he has been in correspondence with them. He is actually working up the revised grading plan for their review. Yes, they are aware that we are talking about this shift.

Mr. Baugh said obviously the obvious people with an interest in this would be them. They are the ones to object, because they are the ones that it would move over towards.

Mrs. Whitten said the other thing with the graphics, it looks really nice but how do we determine that EMU gets to put their logo there.

Mrs. Banks said I think that was part of the conversation with EMU as well.

David Gray said the graphics were a surprising side of conversation we had with the university. Their Art Department gave us the logo they would like on the tank and we are working with them right now on just tweaking to make sure we get the right colors. Our contract with our contractor has a provision for the particular logo the university has requested.

Mr. Way said back to wireless technology, are you saying they can put it on there or is there just no intent to do so?

David Gray said it is our desire to not have an outside vendor in this tank. The only way to access the top of the tank, where the antennas would be, is to come through that pedestal at the ground floor, and come up through the pedestal through an access tube in the center to get to the top. I do not want to open that up to an outside vendor, which is just a security risk. The Virginia Department of Health, I think, would frown on us doing that as well and for those reasons we would rather not.

Mrs. Whitten asked does the old tank remain in use?

David Gray said the old tank is undersized, it has reached the end of its useful life, once this is up and functional, we would abandon the old tank. We will take it down and it will go away.

Chair Fitzgerald asked if there was anything else. Hearing none, she closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Way moved to approve the SUP per Section 10-3-48.4 (9) of the Zoning Ordinance as submitted.

Mrs. Whitten seconded the motion.

Chair Fitzgerald asked for further discussion on the request. Hearing none, she called for a voice vote on the motion.

All voted in favor (4-0) to recommend approval of the SUP per Section 10-3-48.4 (9) of the Zoning Ordinance.

Chair Fitzgerald said this goes to City Council on October 11th.

Unfinished Business

None.

Public Input

Chair Fitzgerald asked if there was any public input.

Nathalia Rodriguez, 530 Virginia Avenue, said thank you for the opportunity to speak to you about this tonight. I tried to open a business from my home, a baking business, because I like to bake. I bake cakes and I am pretty good at it; a lot of people have asked me why I do not open my own business. At this moment I am not able to go and rent a nice bakery and have my business there. I want to start from home.

I called the Department of Agriculture and I found out that I can apply for the exemption; I did not have to have somebody come and inspect my house. I do have a nice kitchen, maybe I do not have the stainless steel appliances or granite tops that they may need, and maybe I should try to do that. But I wanted to start with the exemption and see if I could start that way. I called the Department of Agriculture; they told me all the things that I have to do and all the steps. I did everything I could, I did not have to get the tax identification number, because I am going to use my social security number since I am starting small. I just went to register my name, it's registered and ready.

Then I went to zoning and I have the problem that I live here in the city inside a residential area. One of the things that happened was, in explaining to the Zoning Inspector Ms. Ott, that the lady at the Department of Agriculture told me that I could not deliver the cakes. I can have the customers come to my house and pick them up. Then Ms. Ott told me the City's

regulations are the opposite, you cannot have anyone come to your house and pick them up, but you can deliver the cakes.

Mr. Baugh said there are two different sets of rules.

Natalia Rodriguez said yes, there are two different rules and they are opposite. That means I cannot do the business; how can we work it out? Ms. Ott asked me for the lady's number at the Department of Agriculture, then she called and found out that was the rule. I cannot deliver cakes, but I can have customers come to the house and pick them up. Okay, so what do I do now? They told me to come here and explain my situation and see how we can work it out. They are just totally opposite. I wish and hope that this can grow, and I can just get out of my house and open a bakery, this is my dream, I want to do that, but I have to start small. I have to see if people like what I do and I just wanted to start small and see how this works. Since there is a contradiction with the rules, it looks like I just cannot.

I do not want to move out of Harrisonburg, because I love Harrisonburg. I have lived here 10 years, I own my house and my kids go to Waterman Elementary School, I walk to the school. It is important to me to be able to stay here and follow my dreams too. I feel like this would keep me out of unemployment, it will help other people in the future. I know that rules are there for a reason, I feel like there has to be rules, too. If everyone was to do whatever, of course, it would be very bad. I feel like there has to be rules and there has to be things to follow.

I just want some flexibility in that area; if I could have people come to my house. I am not asking for 20 people a week because that would be crazy to have that many people come to my house. If I want to do a wedding, I will have someone visit my house just to see what I can do for them. I would have to show them pictures and things on the computer.

Mr. Fletcher said would one of the two (speaking to Ms. Dang and Mrs. Banks) of you explain in zoning terms what the situation is.

Mrs. Banks said with the Home Occupation Permit it is an occupation that is operated out of the home or in an accessory building on the property, by the person residing in the house. It is not intended to have outside employees come to work and it is not intended to have customers coming and going from the house. There are exemptions that were made for piano or music lessons in general and then there has been an exemption made for counseling, which allows 10 people a week to come in for counseling. Other than that when someone applies for a Home Occupation Permit we then tell them you are not suppose to have people coming and going from your house for pickup or anything like that. You need to deliver your product, or if you are keeping books or record keeping you need to meet the customer at a separate location, they do not need to be coming back and forth to your house. This is where Ms. Rodriguez is in a quandary because to get the exemption from the Department of Agriculture, she has to have people come to her house to pick-up the cake. She is not allowed to package it up and deliver it to them; they actually have to come to the house.

Mr. Fletcher said I would like to add something, Home Occupation Permits have been allowed in the City of Harrisonburg for a long time. At least one person on this board will remember when we did the Home Occupation ordinance amendment to the definition. Alison described it very well, essentially you should be able to look at a house and it looks no different, no

advertising, there is nobody coming and going, there are no employees outside of the home, nobody knows there is a business going on there.

We did an ordinance amendment in 2008, where we did two things. We clarified that music lessons were permitted to be a Home Occupation Permit. It was historically allowed and it was obviously in opposition to really what the point of the Home Occupation Permit was, because that is a client coming to your home, just like a customer coming to your home. It was advised that such a use was permitted for years, so we made the clarification that it was permitted. At the same time, we also made the amendment that allowed counselors to have up to 10 clients a week come to the home.

If I recall correctly, staff actually recommended against the amendment with the concern of sort of the domino effect of exemption, after exemption, after exemption. There was obviously support for it, because it was recommended by Planning Commission and then obviously it was of course approved by City Council. We have had maybe two or three people come in under the Home Occupation Permit and apply to be a counselor. There was one that was highly questionable as to whether or not it should be interpreted that they were a counselor. Being that we did not define what a counselor was, we allowed it.

In Ms. Rodriguez's situation, really what got us having a lot of internal discussion about this, was the fact that we had most definitely given Home Occupation Permits to people doing the exact thing and have explained to them you cannot have clients come to your home. They said we understand. Ms. Rodriguez however, has explained the State does not allow that, so we are kind of in a quandary here.

Lots of thought has gone into this, and we said why not just have her come and speak to the Planning Commission and see if there are thoughts about how we might investigate this or research this. This would not obviously be an immediate thing or one that we would jump right in to amend, because there are a lot of ramifications you have to think about.

Ms. Rodriguez paints a beautiful picture, she really does, but we have to think of this from the bigger perspective, which is all the different retail components and where do you draw the line. If we make an exception for a baker, why are we not making an exception for a clothing maker, or a meat processor; just go down the line of different jobs. Because Home Occupations are by right, no review whatsoever; how many do you think we do in a week?

Mrs. Banks said about eight.

Mr. Fletcher said because they are doing exactly what Ms. Rodriguez is doing, they are very young businesses wanting to find out: whether they can make it work?

Mrs. Whitten said you deal with them on a complaint bases.

Mr. Fletcher said we do deal with them on a complaint bases. We get complaints which they will call and say I think there is a business running out of a home next door. First thing we do is go to the Home Occupation Permit database to see if they have a Home Occupation Permit. If they do, they could be in violation, if they do not, we bring that to their attention and know that there is a legal way to go about this, but you cannot have people come to your house.

Mr. Baugh said the Commissioner of Revenue also checks income tax records.

Mr. Fletcher said many times we will be called up to the front and someone will say I want to get my business license and Commissioner of Revenue said I have to come and get this Home

Occupation Permit. How much is it going to cost me? Zero, it is free. But it is documentation. It is documentation that 1) a business is operating in a residential property and 2) they are using their home address as the business license location and that is why they have to have the Home Occupation Permit for the Commissioner of Revenue to be able to give them a license. There are some things going on here and it is more complicated than it might seem.

Mr. Way said remind me what we did with the agriculture one, the business gardens.

Mr. Fletcher said again the business gardens are home occupations. The first part of the business garden definition is "Home Occupation" and then we created a whole set of guidelines; because the group at the time, this Planning Commission, did not want to create this special use permit. We set parameters to be flexible.

Mr. Way said the situation is you cannot have customers come to the house.

Mr. Baugh said that was the thing; it was a very key distinguishing point that you can take it to the market, but once customers go to the premises to buy vegetables, it starts to cross the line over what feels appropriate at a residential area.

Mr. Fletcher said in the back of my mind I can still hear Chair Fitzgerald saying "when money is involved, it changes everything;" and that was what the discussion was about, those two gentlemen were utilizing every square inch of their area that they could.

Chair Fitzgerald said that violated the other part of the home occupation.

Mr. Fletcher said yes, because it was outside. There were these weird technicalities about it.

Mr. Baugh said but there were no limits, we do not limit where people can grow. So the city had this weird situation where they could in fact put all those plants there as long they gave the vegetables away.

Mr. Fletcher said or use them for their own use. Ms. Rodriguez does a fantastic job coming in and explaining the situation and I really like it, but it is not that simple. That was the point I wanted to make sure folks understood.

Mrs. Whitten said it seems like the music teacher and counselors have a strong lobby somehow. I wonder about the people who bake and bring it to the Farmers Market?

Mrs. Banks asked am I correct in saying that they said that you can take it to the Farmers Market?

Natalia Rodriguez said they said yes, I can take it to the Farmers Market, but I cannot take it to the people's homes. I can only sell my stuff at the Farmers Market.

Mr. Way asked is there a simple way out of this where there can be some language in the ordinance that says, where city regulations are in conflict with state regulations, then special use permits can be applied for, or an exemption can be applied for. Then you can deal with it on a case by case basis so when a compelling case like this does come up, it does not just open the doors to any one that wants the exemption, but specifically says in the case of conflict between local and state delegations.

Mr. Fletcher said your question was is there a simple way. If there was a simple way, we kind of would not be here. We do this every day. We hear ideas from folks where it does not fit

and we start brainstorming with them and say how can we make it work this way or that way, is it a good idea or a bad idea? We have done some of that internally, we have not had a lot of back and forth with Ms. Rodriguez, but we assure you that we have thought about this among the staff. We are at a point where we are either going to maintain the status quo with the existing regulations, or do you want us to devote a lot of time to this situation.

Mr. Way asked what about my suggestion about the kind of language in the ordinance?

Mr. Fletcher said I am not aware of it in Harrisonburg. The idea about when there is conflict amongst state and local regulations.

Mr. Baugh said I would have thought that was encompassed in your statement "take a lot of time." The point is that if staff does anything, whether to sort that out or anything, but it is not going to be a five minute analysis.

Mr. Fletcher said we try to give a lot of time to folks; we really do, I do not want you to think that we have not done that. I know you guys know that. Now it has gone to this, now we are getting bigger, this is a bigger discussion.

Chair Fitzgerald asked do I understand correctly that there are other folks who have just kind of gone ahead and done what Ms. Rodriguez is trying to do, without or unaware of the conflict?

Natalia Rodriguez said I was told that licenses had been given to people before without knowing that was the rule. I am always very honest and I go upfront and say everything, some times I do not get things.

Mr. Fletcher said also remember too, there are a lot of exceptions to the rule when you are serving Farmers Markets, which is why people can do that. If they are only serving through the Farmers Market that is a totally different angle, that is one we cannot touch.

Mr. Way said what is the problem with just saying, a home occupation bakery where there is no employee, it is a single person operation.

Mr. Fletcher said we absolutely see what you are saying and that is really the question. How many exceptions do we make to the rule? Why it is okay for a baker and not okay for others?

Mr. Way said because of the conflict in state rule that is why I am saying it.

Mr. Baugh said this piece was more of an overlay when we did the debate of the counselors. One thing I do not remember if we did this particular exercise back with the counselor, and that is in looking at how we match up compared to other places. I do not know if we really focused on that. I will say this, if you look at Harrisonburg's ordinance and this is not the only area where Harrisonburg ordinances are like this, but it is certainly one of the big ones. My way of describing it is it looks like somebody went through in 1963 and came up with a sort of certain sense of what a perfect world would look like and then a lot of our rules reflect that. One of the things that is very clear is this whole idea of home occupancy, the underlying philosophy is that businesses do not belong in residential areas.

A lot of things that people from other communities are familiar with, I remember the neighborhood where I grew up, there was the woman in the neighborhood who did hair for other women, but that was specifically prohibited in our ordinance. You can see that they went through and it was a very deliberate attempt to say residences are for residences and if

people are going to do business, they need to do it somewhere else, as we said there were a couple of limited exceptions. There was a traditional exception that was made for the music instructors, but there was this really strong bias throughout the whole ordinance.

Maybe there is even a more comprehensive look; I think there is a feel that even now Harrisonburg is pretty restrictive. It has been like that for a long time. Going back to the discussion of when we did the counselors, when you are doing this, a big part of the discussion is prognosticating, well if we do this, this will happen, and if we do that, some other thing will happen, and of course now we have the benefit of we are 7-8 years later, so we know what has happened.

One of the things that was discussed was: what are we going to do when there is this flood of applicants doing counseling? Well, we see now there has been three. There was also the discussion of why are we assuming there is going to be a flood of applicants? Well, the people who said why are we assuming that there will be a flood of applicants got the better of that argument so far. There was a definite concern from staff, that here is one advantage of that old style way of doing things, it is a whole lot easier to monitor and enforce. When the rule is you just cannot do a bunch of this stuff, then you work with people where you can, but it is fairly cut and dry.

I think I am being fair that a lot of the resistance that staff had was this sense of even when you put the counselor in, of course we put that in and yes we have these rules that say if you keep it to a minimum it is going to be okay. One of the questions was well in a complaint driven system, it sounds great to put in there, 10 clients a week. The good news is that we in fact do not seem to have any problem with that, but if we did have a problem, how is that really being enforced. The ability to put staff people out there and dedicate the time to even address a problem if it comes up, you have that issue to deal with as well.

Chair Fitzgerald said it seems to me that a lot of the kinds of production that people would want to do within their home is a professionalization of the kind of work that is already done in the house. So, childcare, caring for hair, doing the nails, doing gardening and turning it into a business, using your kitchen to do baking, I do not know if it would be realistic to think that is okay. What about a meat processor or something that would be kind of off the wall like making grits?

Mr. Fletcher said we often times use, and I do not know why we do this, but we always say the cabinet maker, because it is a skill that can go in a building, it can go in a garage, but it can get quite noisy. The garage door goes up, it is hot outside, they are pounding away, they are sawing away, and yes those are typical residential noises; but should this be allowed all day?

Chair Fitzgerald asked do we think this is appropriate for some further investigation about how we can make this kind of request possible, so Ms. Rodriguez can do this in a way that was consistent with both the state and the city?

Mrs. Whitten said you have this situation if she wants to find out if she is going to be able to sustain an actual business. It would benefit our city if she works herself out of her home and she can open a store front business.

Natalia Rodriguez said it is my dream. I want to live in Harrisonburg, I love Harrisonburg, I have been in this city for 10 years and I have been told if I move to Rockingham County I will be able to do this and I will not have any problems there.

Chair Fitzgerald said your home kitchen is kind of an incubator for a business that might move on or grow.

Mr. Baugh said in a way that is my point about should we even look at where we fit in the larger philosophical thing, because we are definitely using an ordinance that at least in my view, it seems to reflect a very specific point-of-view that was intended to be very restrictive about these things; that is the 1963 point that I am talking about. It may or may not be what we want to continue.

Mr. Fletcher said I would have to appreciate those that wrote the home occupation definition, for those that are not aware, it is a relatively lengthy definition, but there is a component in here that states home occupations shall not include beauty parlors, barbershops, and doctor offices for the treatment of patients; really what we are talking about is personal services. My hair lady, she is busy every hour, you would have that all the time at a residential place.

Natalia Rodriguez said I cannot do more than two wedding cakes in a week, I do not know if I can do 10 or more wedding cakes in a week.

Mr. Baugh said we did not ban doing it all day; we banned doing it at all. The way it was written, it was almost that you cannot do anything. There are some things out there that we know that people want to do out of their house and we are going to say you absolutely cannot do that.

Mrs. Whitten said we have an urban residential use where we encourage professional offices, which they can have clients once an hour, architect, lawyer; I mean we hope and pray that they have a client every hour or two or three.

Mr. Fletcher said there is always this opportunity and for me for lack of better terminology, you can do a special use permit. I do not always like to fall back on the special use permit, you can do that to no end.

Mrs. Banks said we may need to research this. I mentioned to Ms. Dang, I think a lot of other community ordinances call out a difference between a home occupation and home business; with a home business being a little different, a little bit more intense.

Mr. Fletcher said I would like to caution the group. We had this concern of the counselors, and yes we had this oh gosh we are going to have this run of the mill kind of stuff. Counselors is a very specific occupation, retail is about volume. Counselors are different. When you are doing retail you are talking about wanting to get the quick turnover. It looks like you want us to do something. First, I cannot give you a time frame and Ms. Dang and Mrs. Banks can definitely be working with you and our other folks that work in our office.

Natalia Rodriguez said I am okay with a limit; I do not want to say I want to have 20 people, because it would bother me if my neighbor does that. I have a very good relationship with my neighbors, I do know the ones that live beside me and they know what I do, that I like to bake all the time and for birthday parties.

Mr. Fletcher said another component of this, again it takes some time to research, is that you look at corridors too, so that can be written in a way about where businesses operate. Ms. Rodriguez to her benefit is on a corridor, and yet to think about this and I mean to think about this holistically what is the big deal of somebody baking a cake and someone coming over three or four times a week and picking it up? But if you have five of them on your street, it

can be a big deal; in and out internal to the traffic. But if you are on a corridor, traffic is already different. I think we are getting a good feeling about what you all think about it and that we can move forward with the research.

Mr. Baugh said I had a situation several years ago and it turned out that there was really nothing any one can do about it, because apparently the person was not charging for the services. They were not really considered operating a business. It can be disconcerting in the middle of your residential neighborhood when you have this one house where cars are just sort of driving up all hours of the night, people walking in and out.

Mr. Fletcher said I think we have good direction; we will think about it and work with Ms. Rodriguez.

Mr. Baugh asked is there any way we can see how the Charlottesville, Winchester, Staunton or some of these other places as we see as near peers? It would be interesting to see how they address some of these things, whether we are in line with them.

Mr. Fletcher said I would like to look a little at the Virginia State regulations for myself to get a little better handle on the angle and reasoning of these sorts of things.

Natalia Rodriguez said thank you very much.

Chair Fitzgerald said thank you for starting the discussion. She asked if there was any more public input. Hearing none, she asked for the report of secretary.

Report of Secretary and Committees

Mrs. Banks said proactive zoning was in the South East industrial area where they found four violations this month. They will step next door into the Greendale/Ramblewood area for October.

Chair Fitzgerald asked about the City Council meeting.

Mr. Baugh said Council approved everything that came from this body; there was the Ashby Avenue variance for the plat approval, the EMHS Master Plan, and the spirited parking discussion from this body, which Council unanimously voted to follow this body's recommendation. We do have now the de minimis exception for the parking landscaping rules in B-1 for six spaces or less.

Mrs. Whitten said there was no Rockingham County Planning Commission meeting this month.

Mr. Baugh said we did appoint Brent Finnegan to succeed Judy Dilts on Planning Commission since she has resigned.

Other Matters

Chair Fitzgerald asked if there were any other matters.

Ms. Dang said a couple of things, you mentioned the Comprehensive Plan. Phone calls have been made to other communities and we are compiling that summary that we will provide to you hopefully at the next meeting. As far as next meeting, we initially thought we would have eight agenda items, but Alison and I have been meeting with the applicants this week and some of them have decided to postpone until November and now we are down to three agenda items for October.

Adjournment

The Planning Commission meeting was adjourned at 7:54 p.m.

DRAFT



City of Harrisonburg, Virginia

Department of Planning & Community Development
409 South Main Street
Harrisonburg, Virginia 22801
www.harrisonburgva.gov/community-development

Building Inspections: (540) 432-7700
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700
Department Fax: (540) 432-7777

To: Planning Commission
From: Department of Planning and Community Development
Date: October 12, 2016 (Regular Meeting)
Re: Special Use Permit – 2655 South Main Street – Section 10-3-91 (9) To Allow a Reduction in the Required Side Yard Setback

Summary:

Public hearing to consider a request from 2655 South Main Street LC with representative Balzer and Associates for a special use permit per Section 10-3-91 (9) to allow the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2. The 1.655 +/- acre property is zoned B-2, General Business District, is located at 2655 South Main Street, and is identified as tax map parcel 1-F-1.

Background:

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

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

- Site:** Vacant retail store, parking area, and undeveloped land, zoned B-2
North: Undeveloped land, automotive dealership, and commercial businesses, zoned B-2
East: Across South Main Street, Trucking industry, zoned M-1
South: Automotive dealerships, zoned B-2
West: Undeveloped land, zoned R-3C

Key Issues:

The applicant is requesting a special use permit (SUP) per Section 10-3-91 (9) of the Zoning Ordinance to allow for a reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2. The property is located along the western side of South Main Street between West Mosby Road and Pointe Drive. The site is improved with a 5,960 +/- square foot building, which is currently vacant, and it's associated parking lot. If approved, the applicant desires to construct a 6,040 +/- square foot addition to the existing structure.

The existing building was constructed in 1987 and is situated approximately 4.4-feet from the southern property line. The proposed addition would be constructed along the western side of the existing building and the applicants would like to apply the established, 4 +/- foot setback along the southern property line adjacent to the addition. There are specific Building Code regulations regarding fire rating for exterior walls located within five-feet of a property line; as well, no openings are permitted if the exterior wall is

less than three-feet from the property line. The applicant has been made aware of these issues and will need to work closely with the Building Inspections Division when designing the proposed new addition.

The layout for the proposed addition, along with a new parking area, is currently going through the City's Comprehensive Site Plan (CSP) review process. (The site plan layout is included within this packet.) The proposed project is located not only on the 2655 South Main Street site, but also on the adjacent parcel to the north. As part of the CSP review, staff has made the applicant aware that a shared parking agreement is required to have parking on an adjoining property to the lot where the building is located; or the property will need to be subdivided creating one parcel and meeting all requirements of the City's subdivision regulations. A parking agreement or a minor subdivision must be approved and recorded prior to the release of the CSP for construction and prior to approval of the building permit.

Staff recognizes the applicants desire to construct the new addition using the same setback as the existing structure in order to keep the exterior southern wall uniform. Staff has no concerns with the requested SUP; however, suggests a condition that the SUP be applicable to the existing and planned addition, and be substantially similar to the submitted layout. This means any future buildings or additions must comply with required setbacks.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

If the SUP is denied, the proposed addition would need to be redesigned to meet the required ten-foot side yard setback in the B-2, General Business District; or the project would need to be relocated to a different site.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing for the special use permit. The advertisement was published as shown below:

Special Use Permit – 2655 South Main Street (Section 10-3-91(9) to Allow Reduction in Required Side Yard Setback to Zero Feet)

Public hearing to consider a request from 2655 South Main Street LC with representative Balzer and Associates for a special use permit per Section 10-3-91(9) to allow the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2. The 1.655 +/- acre property is zoned B-2, General Business District, is located at 2655 South Main Street, and is identified as tax map parcel 1-F-1.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff supports the request for a SUP per section 10-3-91 (9) of the Zoning Ordinance to allow for the reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2, on property located at 2655 South Main Street with the suggested condition.

Attachments:

1. Site maps (2 pages)

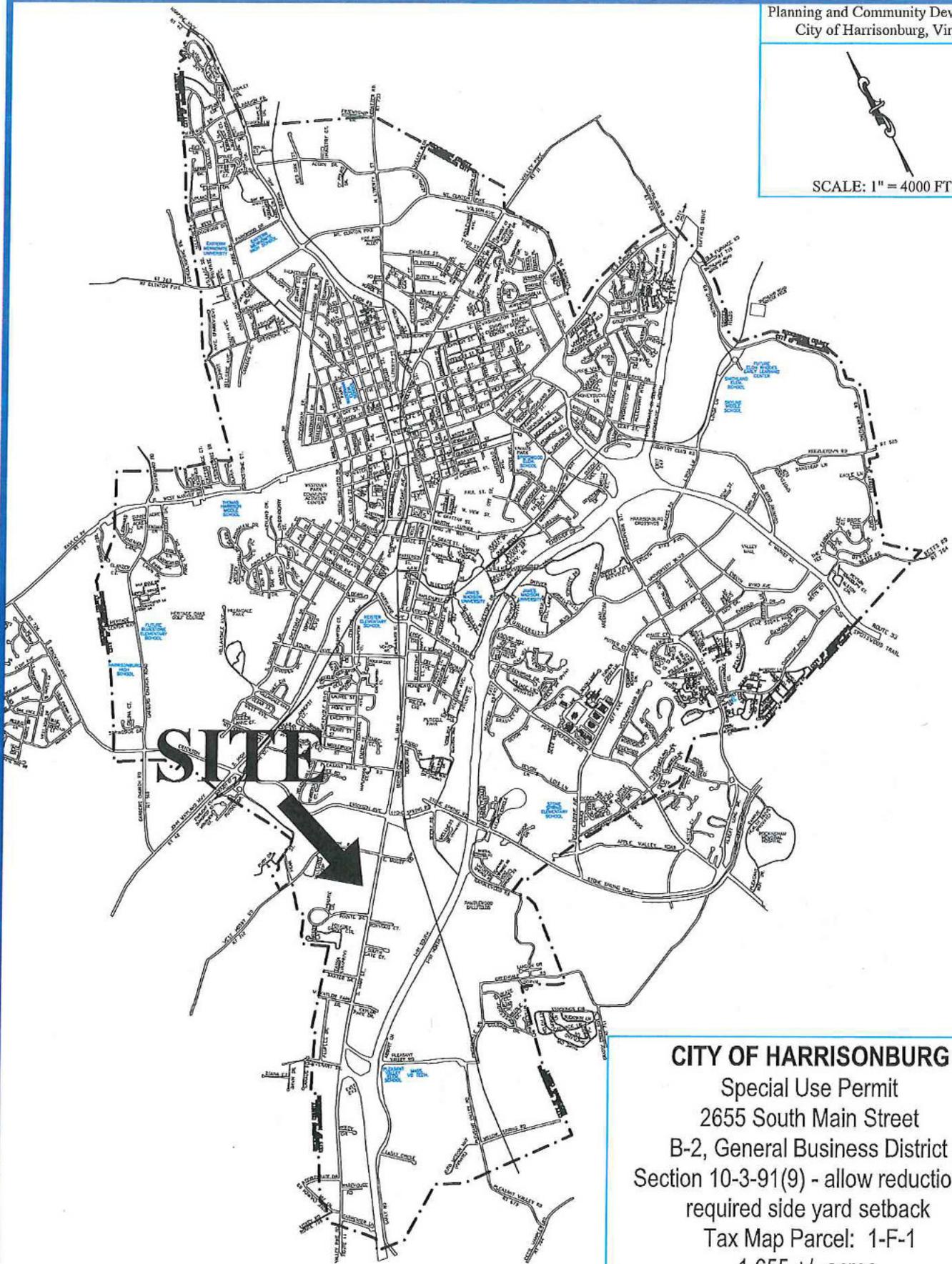
2. Application and site layout (2 pages)

Review:

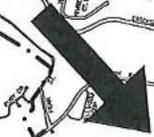
N/A



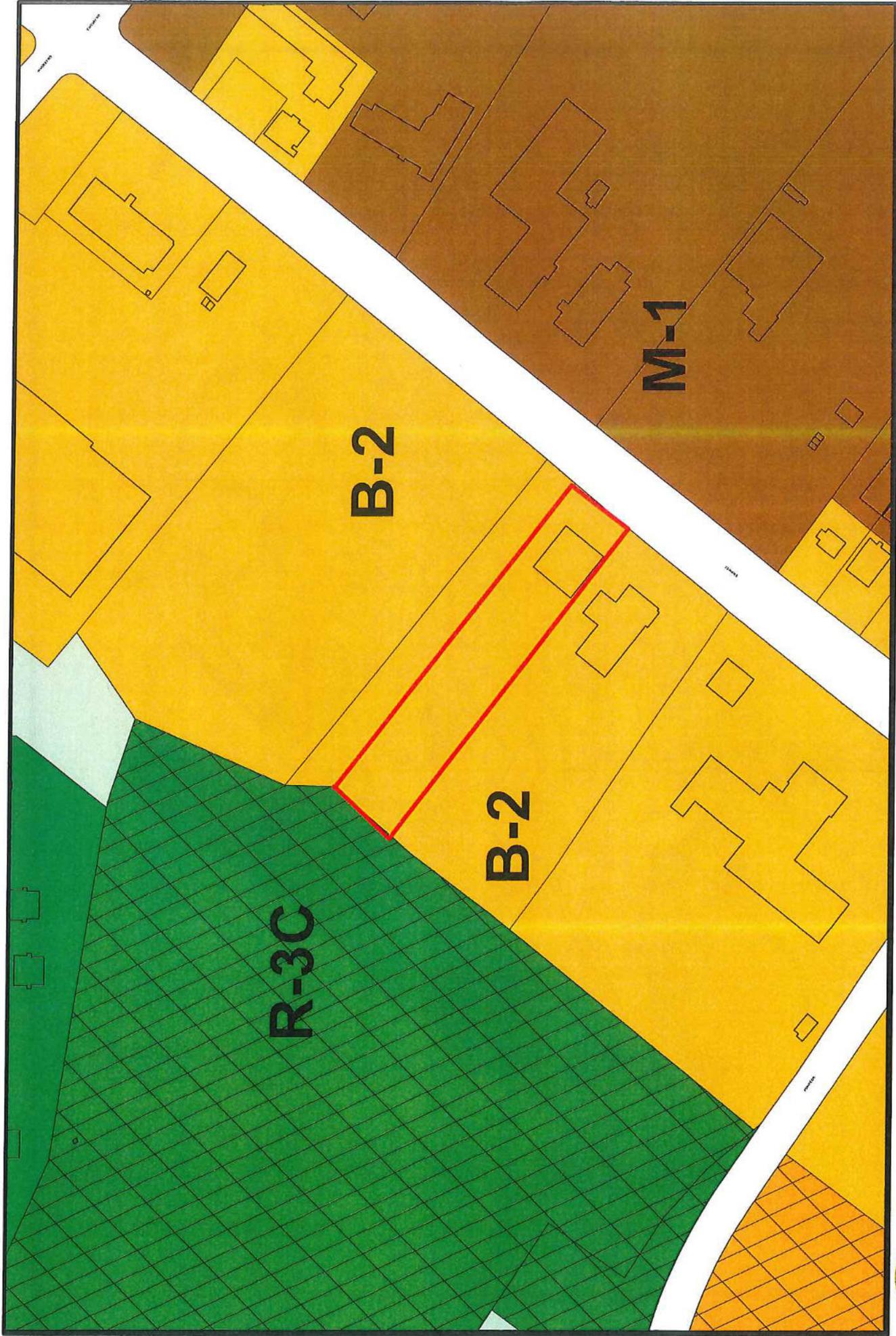
SCALE: 1" = 4000 FT.



SITE



CITY OF HARRISONBUR
Special Use Permit
2655 South Main Street
B-2, General Business District
Section 10-3-91(9) - allow reduction in
required side yard setback
Tax Map Parcel: 1-F-1
1.655 +/- acres
LOCATION MAP



2655 South Main Street - SUP Reduced Setback - Goodwill



Date Application Received: 9-9-2016

Total Paid: \$435.00 *OB*
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: 2655 South Main Street LC

Street Address: 2885 South Main St Email: _____

City: Harrisonburg State: Virginia Zip: 22801

Telephone: Work _____ Fax _____ Mobile _____

Owner's Representative: Balzer and Associates, Inc. (William S. Moore, PE)

Street Address: 128 West Market Street, Suite 103 Email: wmoore@balzer.cc

City: Harrisonburg State: Virginia Zip: 22801

Telephone: Work 540-433-1908 Fax N/A Mobile N/A

Description of Property and Request

Location (Street Address): 2655 South Main Street

Tax Map Number Sheet: 1 Block: F Lot: 1 Lot Area: 1.655 Acres

Existing Zoning Classification: B-2

Special Use being requested: Per Sec.10-3-91(9), reduction of side setback to 0'.

Adjacent parcel is also zoned B-2.

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

Existing building, planned for an expansion, is non-conforming to current zoning setbacks for side yard.

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

North: Nelson E. Swartz - 2675 South Main Street

South: N/A (Route 11)

East: NFI Properties - 2675 South Main Street

West: Nelson E. Swartz - 2675 South Main Street

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

Signature: *Nelson E. Swartz*
Property Owner

ITEMS REQUIRED FOR SUBMISSION

Completed Application

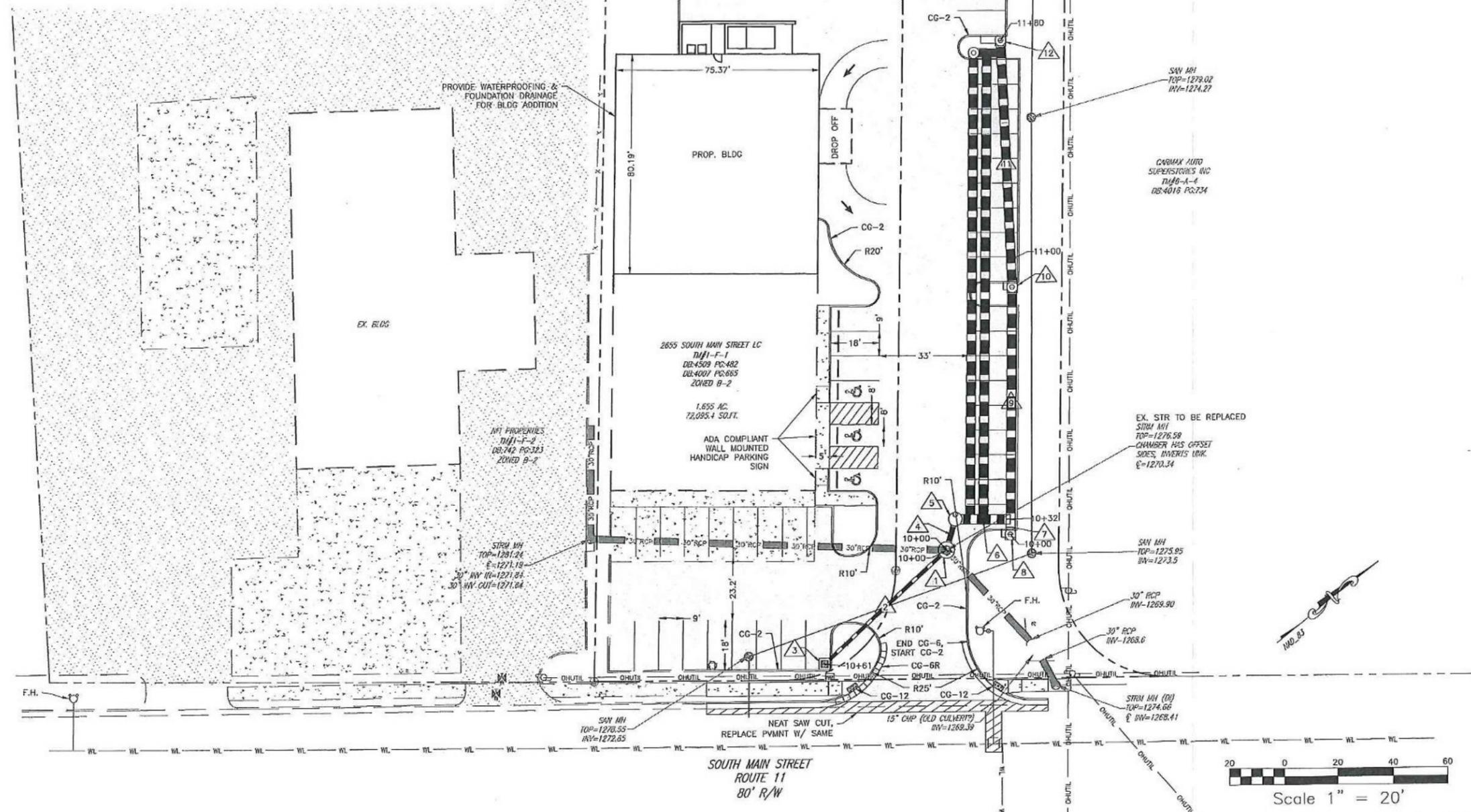
Site Plan

Description of Proposed Use

Adjacent Property Owners

Fees Paid

STORMWATER STRUCTURE TABLE											
STR #	TYPE	NOSE	TOP ELEV.	HEIGHT	LENGTH	DIAMETER	MATERIAL	SLOPE	INV. IN	INV. OUT	COMMENTS
1			1278.49	1278.49	60.50	12"	HDPE	5.94%	1274.00	1270.40	MH-1 (72')
2			1278.20	4.20							ST-1/ DI-1
3			1278.62	5.12							MH-1 (60'), CONTROL MH
4					20.63	36"	HDPE	0.00%	1273.50	1273.50	PIPE MANFOLD
5					5.50	36"	HDPE	1.82%	1273.60	1273.50	
6	DI-3B	TYPE B	1278.58	4.98	4.00						ST-1
7					84.50	36"	HDPE	0.30%	1273.75	1273.50	
8	DI-3B	TYPE B	1278.98	5.23	4.00						ST-1
9					90.14	36"	HDPE	0.30%	1274.02	1273.75	
10	DI-3B	TYPE B	1279.53	5.51	6.00						ST-1



NELSON E. SWARTZ
 MH-A-3
 DB:1446 PG:467
 DB:1007 PG:665
 ZONED B-2

SAN MH
 TOP=1286.10
 E=1274.9
 (NOTE-LINE COMES IN
 NEAR TOP OF CHAMBER,
 INV. UNK.)

SAN MH
 TOP=1279.02
 INV=1274.27

CGMAX AUTO
 SUPERSTORES INC
 TH-16-A-1
 DB:4016 PG:734

EX. STR TO BE REPLACED
 SIGN MH
 TOP=1276.58
 CHAMBER HAS OFFSET
 SIDES, INVERTS UNK.
 E=1270.34

PROVIDE WATERPROOFING &
 FOUNDATION DRAINAGE
 FOR BLDG ADDITION

ADA COMPLIANT
 WALL MOUNTED
 HANDICAP PARKING
 SIGN

NEAT SAW CUT,
 REPLACE PAVMT W/ SAME

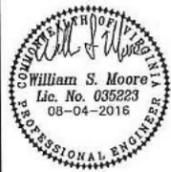


REFLECTING TOMORROW
 www.balzer.ec

Staunton
 New River Valley
 Roanoke
 Richmond
 Harrisonburg

RESIDENTIAL LAND DEVELOPMENT ENGINEERING
 SITE DEVELOPMENT ENGINEERING
 LAND USE PLANNING & ZONING
 LANDSCAPE ARCHITECTURE
 LAND SURVEYING
 ARCHITECTURE
 STRUCTURAL ENGINEERING
 TRANSPORTATION ENGINEERING
 ENVIRONMENTAL & SOIL SCIENCE
 RETAINMENT DESIGN & STREAM EVALUATIONS

Balzer and Associates, Inc.
 128 West Market Street
 Suite 103
 Harrisonburg, VA 22801
 540-433-1908



2655 South Main St.
 Goodwill
 Layout Plan
 Harrisonburg, Virginia

DRAWN BY TKP
 DESIGNED BY WSM
 CHECKED BY WSM
 DATE 08-04-2016
 SCALE 1" = 20'
 REVISIONS:

SHEET NO.
C4
 JOB NO. 44160007



City of Harrisonburg, Virginia

Department of Planning & Community Development
409 South Main Street
Harrisonburg, Virginia 22801
www.harrisonburgva.gov/community-development

Building Inspections: (540) 432-7700
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700
Department Fax: (540) 432-7777

To: Planning Commission
From: Department of Planning and Community Development
Date: October 12, 2016 (Regular Meeting)
Re: Public Utilities Application – 1790 Harpine Highway (Rockingham County)

Summary:

Consider a Public Utilities Application from Chad E. Dove to provide sanitary sewer service onto property addressed as 1790 Harpine Highway (Route 42) within Rockingham County.

Background:

The subject property is located at 1790 Harpine Highway and is identified by Rockingham County's tax maps as parcel 94B-(5)-L 1, 2 & 3. The property is located on the southeast corner of the intersection of Harpine Highway (Route 42) and Harmony Drive/Harman Road. The applicant desires to build and operate an automotive repair shop at this location. The City/County boundary in this area is Harpine Highway (Route 42), which is adjacent to and west of this property.

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. As noted above, this request is for a non-residential connection; thus Planning Commission review and City Council approval is needed.

On October 4, 2016, Rockingham County's Planning Commission recommended approval of the applicant's request to rezone the subject parcels from Medium Density Residential to General Business District. The rezoning request will be heard by the County Board of Supervisors on October 26, 2016.

Key Issues:

The City's Public Utilities Department worked with the applicant to identify several location options for connecting to the City's sanitary sewer system. The applicant decided that connecting to the sanitary sewer main at Sharon Lane, about 456 feet south of the property, was the best option. If approved, the property owner would be responsible for obtaining private easements and to extend the private lateral to Sharon Lane.

The proper application has been completed and submitted by the property owner. The Public Utilities Department has completed the preliminary review of the request and has no issues. As noted on the attached application, Public Utilities will review engineering site plans and the private pump station design, and will require an oil-water separator.

Although staff supports this application to extend sanitary sewer service for this site in Rockingham County, staff wishes to use this opportunity to acknowledge a general concern of extending future utilities into Rockingham County in areas where a proposed development may not be consistent with the City's adjacent area or Comprehensive Plan. Potential negative impacts include increased traffic, conflicting land use issues, and potential for a domino effect or pressure to develop properties in the City that are not desired or planned for in the long term. City Code Section 7-2-4 (b) requires all uses, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sewer infrastructure, be reviewed by Planning Commission so that potential negative impacts can be reviewed and considered.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

Rather than approving the public utilities request as applied for herein, denial of the application would otherwise require the applicant to obtain sanitary sewer service from an approved method within Rockingham County.

Community Engagement:

N/A

Recommendation:

Staff has no concerns and the Public Utilities Department supports this application for the extension of sanitary sewer service into Rockingham County. Staff recommends approval.

Attachments:

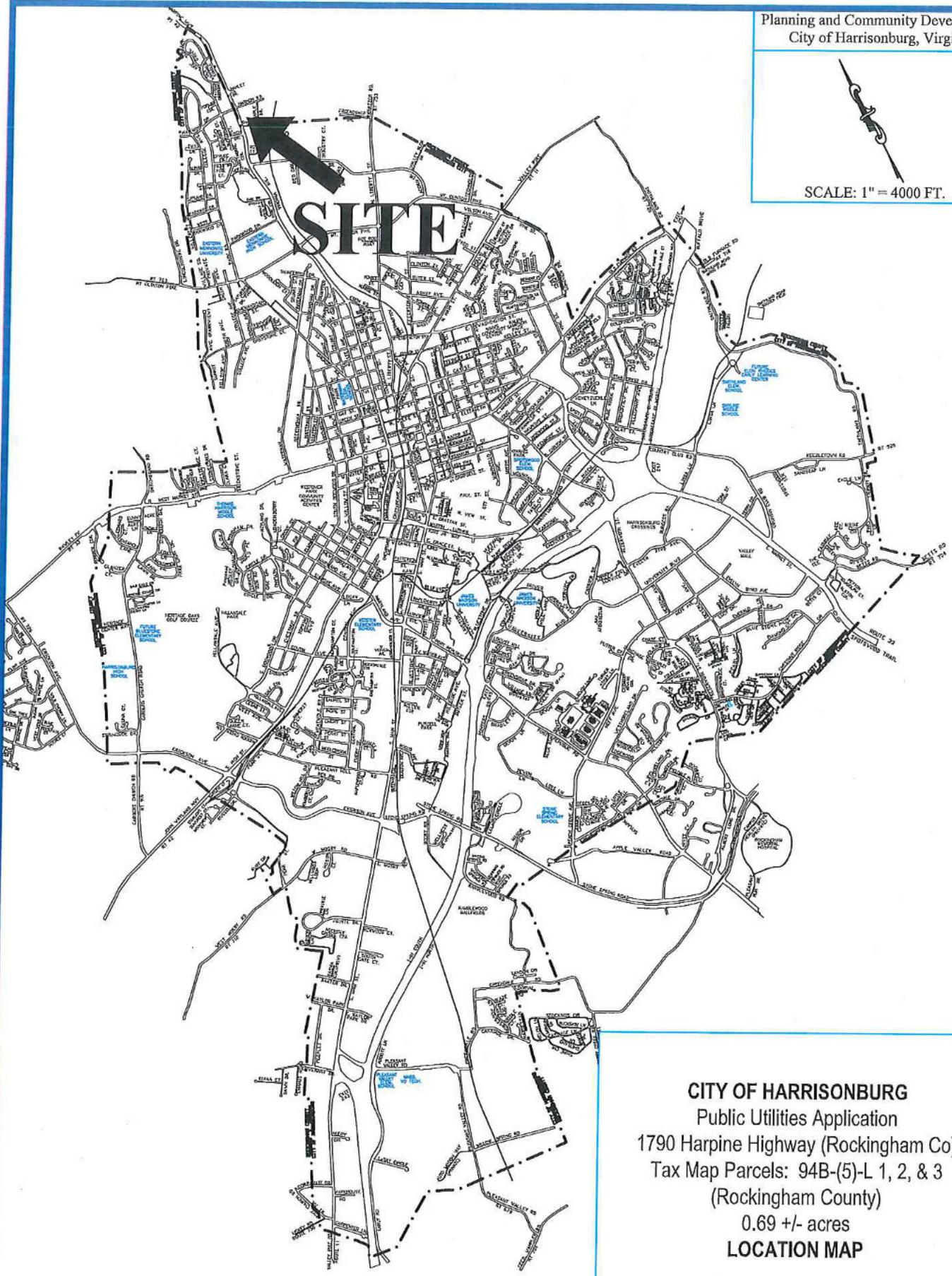
1. Site maps (2 pages)
2. Public utilities application (5 pages)
3. Proposed site development layout (1 page)

Review:

N/A



SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Public Utilities Application
1790 Harpine Highway (Rockingham Co)
Tax Map Parcels: 94B-(5)-L 1, 2, & 3
(Rockingham County)
0.69 +/- acres
LOCATION MAP



Public Utilities Application

1790 Harpine Highway (Rockingham County)



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

I. GENERAL INFORMATION (By Applicant)

Name of Applicant: Chad E Dove
 Address of Applicant: 129 Windy Knoll DR Rockingham VA 22802
 Telephone of Applicant: 540-578-1212
 Service Location ID: TM 940-(5)-L 623 LOT 123 Parcel
 Service Location Address: 1790 Harpine Hwy Harrisonburg VA 22802
 Type of Utility Requested: Water Sewer
 Type of Utility Use: Residential Commercial Industrial Institutional
 Agriculture Other: _____
 Rockingham County Approval: Attachment _____

II. UTILITY INFORMATION (By Applicant)

A. Average Daily Usage:
1 Equivalent Residential Connections * 250 gpd / B.R.C. = 250 gpd
 Other Calculations: _____
 Specific Data (describe): Single commercial connection
2- 1/2 bath & 1- utility sink

B. Peak Daily Usage
 AWWA Fixture Units is Equivalent to _____ gpm
 Average Daily Demand * Peak Factor of _____ = _____ gpm
 Specific Data (describe): _____

C. Fire Flow Demand
 Requirement _____ gpm
 Describe needs assessment: _____

III. UTILITY ASSESSMENT COMMENTS (By Director)

A. System Zone for Water N/A County Water
Zone ID: _____
Zone Transfer & Storage Issues for Daily Demand: _____
Site Specific Delivery and Pressure Issues for Peak Demand: _____
Fire Flow Demand: _____
Other Issues: _____

B. System for Sanitary Sewer
Collection System Comments: Site plan requires approval by City Public Utilities engineering along with pump station.
Interceptor System Comments: _____
Treatment System Comments: Onsite oil water separator required.

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

IV. RECOMMENDATION

- Recommendation for Approval
- Recommendation for Approval Subject to the Applicant Completing the following:

- Forward to Planning Commission
- Forward to City Council

5,000 gpm. billing or shared water meter reading with Parkridge County

Chad E. [Signature]
Signature of Applicant
7-25-16
Date

[Signature]
Signature of Director of Public Utilities
8.19.2016
Date

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

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

APPLICANT

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

Services Requested: C.E.D
SEWER (Please Initial) WATER (Please Initial)
Chad E. [Signature]
Signature

7-25-16
Date

CITY OF HARRISONBURG

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

David A. [Signature]
Director of Public Utilities

7-27-16
Date

COUNTY OF ROCKINGHAM

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

[Signature]
Director of Community Development
[Signature]
Director of Public Works

7/25/2016
Date
7/25/2016
Date

Comments: _____

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

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

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

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

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

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

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

Name

Date

P.O. Box; Street #

City, State, Zip

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

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

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

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

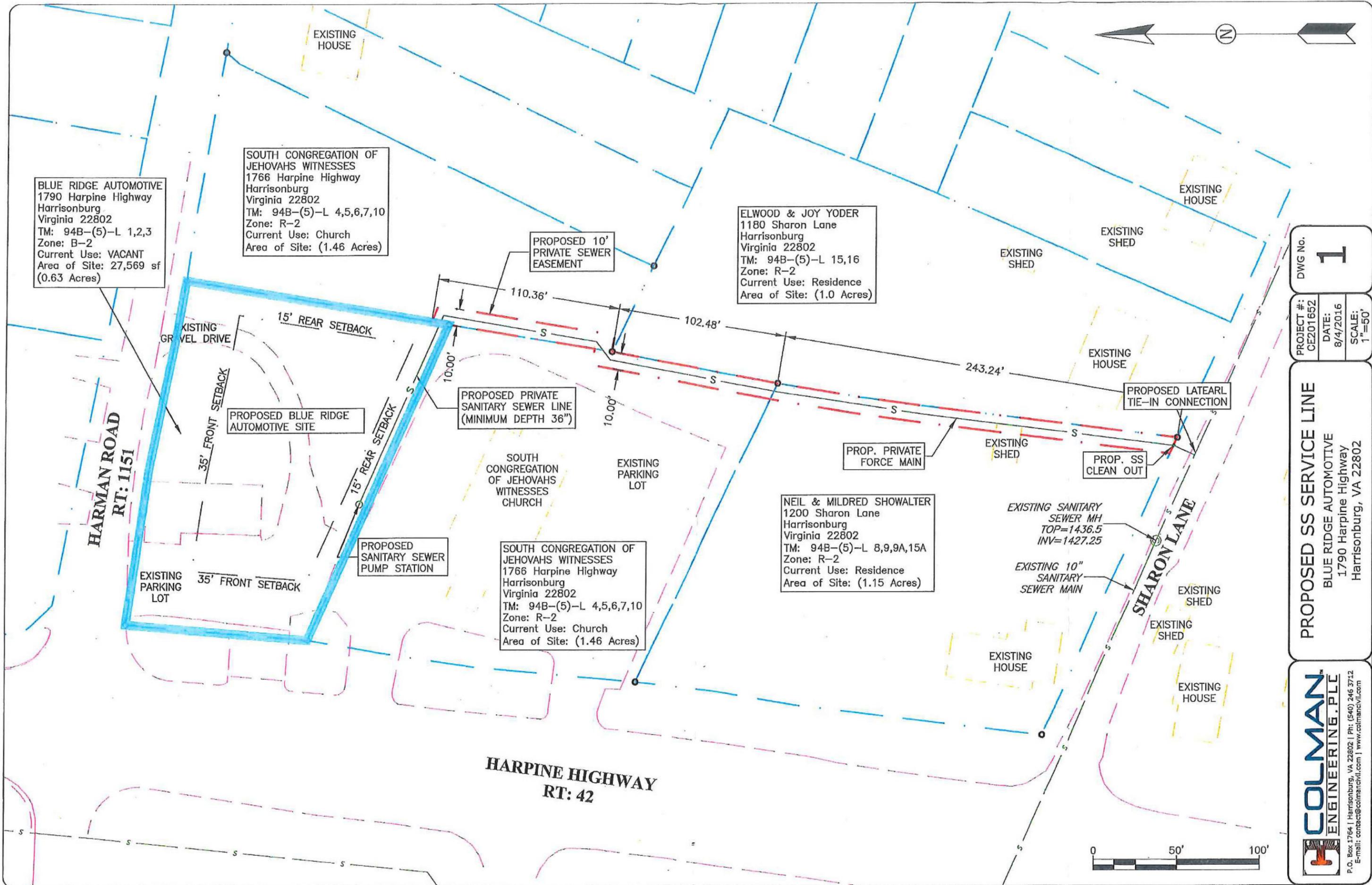
(b) Where the intended use of the Applicant's land is residential involving fewer than ten units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the application to the Planning Commission for its recommendation. After consideration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

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

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

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

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



BLUE RIDGE AUTOMOTIVE
1790 Harpine Highway
Harrisonburg
Virginia 22802
TM: 94B-(5)-L 1,2,3
Zone: B-2
Current Use: VACANT
Area of Site: 27,569 sf
(0.63 Acres)

SOUTH CONGREGATION OF
JEHOVAHS WITNESSES
1766 Harpine Highway
Harrisonburg
Virginia 22802
TM: 94B-(5)-L 4,5,6,7,10
Zone: R-2
Current Use: Church
Area of Site: (1.46 Acres)

PROPOSED 10'
PRIVATE SEWER
EASEMENT

ELWOOD & JOY YODER
1180 Sharon Lane
Harrisonburg
Virginia 22802
TM: 94B-(5)-L 15,16
Zone: R-2
Current Use: Residence
Area of Site: (1.0 Acres)

PROPOSED BLUE RIDGE
AUTOMOTIVE SITE

PROPOSED PRIVATE
SANITARY SEWER LINE
(MINIMUM DEPTH 36")

SOUTH
CONGREGATION
OF JEHOVAHS
WITNESSES
CHURCH

PROP. PRIVATE
FORCE MAIN

PROPOSED LATEARL
TIE-IN CONNECTION

PROP. SS
CLEAN OUT

HARMAN ROAD
RT: 1151

EXISTING
PARKING
LOT

PROPOSED
SANITARY SEWER
PUMP STATION

SOUTH CONGREGATION OF
JEHOVAHS WITNESSES
1766 Harpine Highway
Harrisonburg
Virginia 22802
TM: 94B-(5)-L 4,5,6,7,10
Zone: R-2
Current Use: Church
Area of Site: (1.46 Acres)

NEIL & MILDRED SHOWALTER
1200 Sharon Lane
Harrisonburg
Virginia 22802
TM: 94B-(5)-L 8,9,9A,15A
Zone: R-2
Current Use: Residence
Area of Site: (1.15 Acres)

EXISTING SANITARY
SEWER MH
TOP=1436.5
INV=1427.25

EXISTING 10"
SANITARY
SEWER MAIN

SHARON LANE

HARPINE HIGHWAY
RT: 42

DWG No.

1

PROJECT #:

CE201652

DATE:

8/4/2016

SCALE:

1"=50'

PROPOSED SS SERVICE LINE

BLUE RIDGE AUTOMOTIVE
1790 Harpine Highway
Harrisonburg, VA 22802

COLMAN
ENGINEERING, P.L.L.C.

P.O. Box 1764 | Harrisonburg, VA 22802 | PH: (540) 246 3712
E-mail: contact@colmancivil.com | www.colmancivil.com



City of Harrisonburg

Department of Planning and Community Development

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

www.harrisonburgva.gov/community-development

Memorandum

To: Planning Commission
From: Thanh Dang, City Planner
RE: Discussion of Comprehensive Plan Update – Summary of Interviews of Communities
Date: October 7, 2016

On June 8, 2016, Planning Commission voted to begin working to update and amend the Comprehensive Plan. Following the July 13, 2016 meeting, Planning Commissioners sent staff questions to ask of other communities about comprehensive planning. In August, staff interviewed local government staff from the communities of Charlottesville, VA; Greenville, NC; Richmond, VA; Roanoke [city], VA; Rockingham County, VA; and Waynesboro, VA. Staunton, VA shared information by e-mail.

Enclosed is a summary of comments received from the interviews.

As you review the comments, please consider the ideas and questions below. Staff hopes this information will assist Planning Commission's discussion at the October 12, 2016 meeting for the Comprehensive Plan update process.

1. Discuss whether the Comprehensive Plan will be updated by City staff and Planning Commission or if a budget request would be made for FY17-18 to City Council to hire a consultant to do most or some of the update.
2. Discuss general approaches for updating the Comprehensive Plan. Phasing for plan update? At what points during the process should the public be solicited for input and feedback? Does Planning Commission want to start by soliciting input from the public early for general ideas and suggestions on how to engage with the community in future phases?
3. Discuss ideas for community engagement. What should we try? What should we avoid? (Ex: Branding with logo, collect e-mail addresses and send periodic notifications to citizens, use Be Heard Harrisonburg to collect surveys, social media – twitter, facebook, instagram, etc., present at civic organization meetings, etc.) City Public Information Officer and City Webmaster are available resources.
4. Discuss structure of committees. How should committees and/or subcommittees be structured? How should committee members be solicited and/or appointed? How many

members should each committee have? What level of involvement will Planning Commissioners have with each committee?

5. Initial thoughts on structure of the Comprehensive Plan document. How should topics/plan elements be organized in the plan? Should topic/plan element names and organization be revisited? New topics to be considered? Any topics to remove or reduce emphasis of?
6. Initial thoughts on general expectations for implementation strategies after the Comprehensive Plan is updated.

With guidance from Planning Commission, staff will develop an outline of the process for updating the Comprehensive Plan and for public engagement. This outline will be presented to Planning Commission at a future date, and can be used to guide discussions with City Council at a joint meeting.

Enclosed are excerpts of Planning Commission's June 8, 2016 and July 13, 2016 meeting minutes related to the Comprehensive Plan.

Also enclosed are particular sections of the Code of Virginia relative to a comprehensive plan.

Comprehensive Plan Update – Summary of Interviews

1 Communities Interviewed in August/September 2016

2 Unless otherwise indicated, 2015 population estimates from Weldon Cooper Center for Public
3 Service, <http://www.coopercenter.org/demographics/virginia-population-estimates>.

- 4 • Charlottesville, VA
 - 5 ○ 10.3 square miles
 - 6 ○ 48,210 population
- 7 • Greenville, NC
 - 8 ○ 26.3 square miles
 - 9 ○ 90,597 population (Census Bureau, July 1, 2015)
- 10 • Richmond, VA
 - 11 ○ 62.5 square miles
 - 12 ○ 217,938 population
- 13 • Roanoke [city], VA
 - 14 ○ 43 square miles
 - 15 ○ 99,681 population
- 16 • Rockingham Co, VA
 - 17 ○ 853 square miles
 - 18 ○ 79,134 population
- 19 • Staunton, VA – did not speak with Staunton staff, but they provided limited information
20 by email
 - 21 ○ 20 square miles
 - 22 ○ 24,542 population
- 23 • Waynesboro, VA
 - 24 ○ 15.2 square miles
 - 25 ○ 21,795 population

26 Background of Comprehensive Plans

- 27 • Greenville, NC’s Comprehensive Plan was updated in 2016. Prior to that it was updated
28 in 2010 and 2004. (Note: Information provided during the interview was a planner who
29 worked on the plan update around 2006.)
- 30 • Roanoke City’s Comprehensive Plan was last updated in 2001. The Comprehensive Plan
31 generally had broad goals. Roanoke completed area planning in subsequent years. For
32 several years, they developed plans for each part of the city; this was a very busy time.
33 They also completed a Greenway Plan. All plans were considered additions to the
34 Comprehensive Plan. Land Use Maps were done through neighborhood plans.
- 35 • Richmond’s Master Plan was last updated in 2001.
- 36 • Rockingham County’s Comprehensive Plan was last updated in 2007. Rockingham
37 County will begin updating their plan in 2017.

- 38 • Waynesboro’s Comprehensive Plan completed its last major update in 1998. Land Use
39 Guide was last updated in 2008. Other plans that were adopted into Comprehensive Plan
40 include the Downtown Guidelines in 2011 and Bicycle Plan in 2012.

41 **Was the plan updated or will it be updated by staff or consultants?**

- 42 • Entirely or mostly by staff – 4 communities
- 43 ○ Two of these communities had a consultant help with updating previous plans, but
44 have chosen to do their upcoming plans by staff.
 - 45 ○ One of these communities had done much of the update by city staff and hired
46 consultants only to help with transportation planning.
 - 47 ○ One community (Richmond) hired one consultant staff person to supplement the
48 city’s staff. The consultant staff person is responsible for leading the
49 Comprehensive Plan update with the support of city staff. This same community
50 also plans to release RFPs to hire consultant(s) to assist with engagement,
51 facilitation, and developing an interactive website, and also to study downtown
52 parking issues.
- 53 • Consultants – 2 communities (Staunton & Waynesboro) will be hiring consultants to
54 assist with their next update

55 **How long did it take to update the Comprehensive Plan?**

- 56 • 2 year process by staff.
- 57 • Anticipates a 2 year process by staff.
- 58 • “A few years” by consultants.
- 59 • Started community outreach in autumn through the following summer.
- 60 • One community took 5 years to develop and adopt their last Comprehensive Plan.

61 **Relationship of Comprehensive Plan with other community plans**

- 62 • In general, communities said they tie subsequent area (neighborhood) and topic plans
63 with their Comprehensive Plan. The Comprehensive Plan is amended to reference new
64 area or topic plans. Area and topic plans are developed following the adoption of base
65 Comprehensive Plans.

66 **General Approaches to Comprehensive Plan update**

- 67 • Greenville, NC used a phased approach with clearly named phases, which helped elected
68 officials and the public understand where they were in the process.
 - 69 ○ *Initiate* – branding for project “PlanIT Greenville.” Hosted an open house. What
70 is a Comprehensive Plan? Why is it important? Explained process. Surveys.
71 Would not do phone surveys again.
 - 72 ○ *Discover* – researched current conditions and updated data.

- 73 ○ *Dream* – some overlap with Initiate. Hosted community meetings, including
- 74 meetings with school children, looking at city map to look at areas of
- 75 opportunities & concerns.
- 76 ○ *Plan* – developed themes from previous conversations. Identified 5-6 themes and
- 77 developed committees for each “focus theme.” Each committee dug deeper into
- 78 the issue and developed goals.
- 79 ▪ “Reveal Meeting” – each focus team presented to other teams what they
- 80 had been working on. Fixed overlaps. Ensured consistency.
- 81 ○ *Build* – had a big public meeting, presented findings, and solicited feedback
- 82 ○ *Adoption*
- 83 • Greenville later simplified the process in a future Comprehensive Plan as:
- 84 ○ Phase I: *Initiate* the planning effort
- 85 ○ Phase II: *Analyze* community conditions
- 86 ○ Phase III: *Draft* the plan framework
- 87 ○ Phase IV: *Adopt* the Comprehensive Plan
- 88 • Another community suggested the following phases:
- 89 ○ *Strategy*
- 90 ○ *Action* - which they said will ideally take 1 year.
- 91 ○ *Adoption* - Planning Commission & City Council adoption.
- 92 • One person suggested the following phases:
- 93 ○ *Pre-Planning* – process development, data collection & special analysis,
- 94 community energizing (community series #1)
- 95 ○ *Plan Development* – imagining & big ideas (community series #2), goal setting &
- 96 strategy development (community series #3), draft plan development
- 97 ○ *Plan Review & Adoption* – draft plan review (community series #4), final plan
- 98 development, final plan adoption
- 99 ○ *Plan Execution*
- 100 • Were Comprehensive Plans developed by neighborhood or done at one look city wide? It
- 101 seems to pendulum back and forth...
- 102 ○ One community which had typically done city-wide Comprehensive Planning is
- 103 considering that they will examine and plan for neighborhoods and desires small
- 104 area plan(s).
- 105 ○ One community said that 2 Comprehensive Plan updates ago, they held a series of
- 106 5 neighborhood meetings with each of their neighborhoods (this requires a lot of
- 107 evening meetings and they said was difficult to sustain). Their last
- 108 Comprehensive Plan update, they looked more city-wide.

109 **Committees and Focus Groups/Coordination with “community”**

- 110 • Used focus teams and committees that met 4-5 times each. 12-15 members on each
- 111 committee (15-20 on roster). Committees were facilitated by staff. At meetings,

112 committee discussed “what are the issues?” Members had questions and at the next
113 meeting staff presented answers and best practices. At the end of each meeting, the group
114 set the agenda for the next meeting.

- 115 • For a Small Area Plan (ex. Downtown Plan), one community had a 15-member steering
116 committee that did most of the work and a 40-member advisory committee.
- 117 • Comprehensive Plan committee had 30 people on the roster, about 18 people regularly
118 participated.
- 119 • Each committee elected its own chair person.
- 120 • One community did not create new advisory groups, but instead each chapter of the
121 Comprehensive Plan had a staff champion who spearheaded it and worked with existing
122 city advisory groups.
- 123 • One community stated that they will begin their Comprehensive Plan update by going out
124 into the community (attending civic association meetings) to tell people that the plan will
125 be updated, explaining what the plan is, and collecting email addresses so that when the
126 visioning process begins they will have an audience.
- 127 • One community will ask Planning Commission for a resolution to establish an advisory
128 committee co-chaired by two planning commission members. There will be an open call
129 for advisory committee members and an application process. This same community
130 would like to establish subcommittees based on goals. Each subcommittee would have 1
131 advisory committee member and 1 staff member co-chairing with a total of 5-6 members
132 each.
- 133 • Reaching out to underserved community members is difficult. One community suggested
134 having staff go out into the communities and meet/present to different groups. Connect
135 with groups and activities by attending community days to collect surveys, attended
136 summer events and back to school nights, etc.
- 137 • Pros and cons of focus groups – people have good dialogue and a lot is learned, but other
138 people can be left out.
- 139 • One community expressed concern regarding potential lack of engagement with certain
140 groups of people who are difficult to reach. For this community, they were concerned
141 primarily with young people (who were about to enter the workforce) and minorities.
- 142 • The community that is hiring consultants to assist with engagement is developing a
143 “Master Plan Process & Public Engagement Plan” which is a document describing goals,
144 process, and metrics for the planning process.

145 **Coordination with Large Institutions**

- 146 • Local hospital system helped fund a public event/rent space. Large institutions knew the
147 Comprehensive Plan update was going on and were specifically invited to attend some
148 focus groups.
- 149 • One community said that their local university was invited to the table, but sometimes
150 this has caused a loss of credibility with other community members.

- 151 • One community said they are scheduling meetings with key outside organizations.

152 **Coordination with locality staff; other departments**

- 153 • Internal staff team represented by various departments. 8 people who met regularly.
154 • Each chapter of the Comprehensive Plan had a staff champion from the planning
155 department who spearheaded it and worked with existing advisory groups that other city
156 departments regularly interacted with or facilitated.

157 **Coordination with Planning Commission members**

- 158 • One community said that they had different milestones to get through writing each
159 chapter. They worked with Planning Commission to redefine the document following
160 public input, lots of back and forth. It took about 1 year for Planning Commission and
161 City Council to approve their plan.
162 • One community plans to have two Planning Commission members co-chair their
163 advisory committee.

164 **Branding, Publishing, etc.**

- 165 • Two communities stated that they have or are considering moving away from a hardcopy
166 book, and will be posting their Comprehensive Plan online with links to data sources and
167 other city plans. Less time spent updating background, data, and narrative.
168 • One community stated that their Comprehensive Plan is a small document (~70 pages),
169 but has lots of appendices that references to other plans.
170 • The community that will be hiring a consultant to assist with engagement will be
171 branding their Comprehensive Plan update and creating a website for the update. They
172 are waiting to see what the consultants propose during the request for proposals
173 (interview) process.
174 • Branding and a logo was/is a successful component for several communities.

175 **Other considerations**

- 176 • Several communities suggested refreshments for committee meetings – lunches and/or
177 snacks – to keep people happy.
178 • One person’s advice was “Comprehensive Plans should have some broad statements to
179 cover things that come up, but also have specific statements with focus.”
180 • Another person said Comprehensive Plans should be 30,000 ft. view. Only specific in
181 land use and transportation as required by state code. Still need smaller planning
182 documents for trees, public health, neighborhoods, etc.
183 • Advice: pay attention to messaging and ensure that materials do not have planning jargon
184 and are easy to read and understand. Use plain English.

185

186 **Example plans and websites shared by communities interviewed:**

- 187 • Charlottesville: <http://www.charlottesville.org/departments-and-services/departments-h->
188 [z/neighborhood-development-services/comprehensive-plan](http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/comprehensive-plan)
189 ○ Links to background and data, [http://www.charlottesville.org/departments-and-](http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/comprehensive-plan/comprehensive-plan-update-2012/draft-chapters/new-final-draft)
190 [services/departments-h-z/neighborhood-development-services/comprehensive-](http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/comprehensive-plan/comprehensive-plan-update-2012/draft-chapters/new-final-draft)
191 [plan/comprehensive-plan-update-2012/draft-chapters/new-final-draft](http://www.charlottesville.org/departments-and-services/departments-h-z/neighborhood-development-services/comprehensive-plan/comprehensive-plan-update-2012/draft-chapters/new-final-draft)
192 • Greenville, NC: [http://www.greenvillenc.gov/government/community-](http://www.greenvillenc.gov/government/community-development/planning-division)
193 [development/planning-division](http://www.greenvillenc.gov/government/community-development/planning-division)
194 • Richmond:
195 <http://www.richmondgov.com/planninganddevelopmentreview/PlansAndDocuments.aspx>
196 [x](http://www.richmondgov.com/planninganddevelopmentreview/PlansAndDocuments.aspx)
197 • Roanoke City: <http://www.roanokeva.gov/1160/Vision-2001-2020>
198 • Staunton: [http://www.staunton.va.us/directory/departments-h-z/planning-](http://www.staunton.va.us/directory/departments-h-z/planning-inspections/draft-comprehensive-plan-2010-2030)
199 [inspections/draft-comprehensive-plan-2010-2030](http://www.staunton.va.us/directory/departments-h-z/planning-inspections/draft-comprehensive-plan-2010-2030)
200 • Waynesboro: <http://www.waynesboro.va.us/261/Comprehensive-Plan>

201 One community interviewed shared these additional websites:

- 202 • Longmont, Colorado: <https://envisionlongmont.com/>
203 • Seattle, Washington: <http://2035.seattle.gov/>

Excerpt from Minutes of the June 8, 2016 Planning Commission Meeting

Discussion of the Comprehensive Plan Update

Chair Fitzgerald read the agenda item and asked staff for input.

Mr. Fletcher said we do not have a presentation for you; the memo you received in your packet and the informal discussion we had last month (which is captured in the May minutes) basically reflect what the Planning Commission should be considering this evening. In May we passed that five year threshold of being in the time frame of which Planning Commission needs to take into consideration whether the Comprehensive Plan (CP) needs to be reviewed. As we identified last month, the State Code requires within Section 15.2-2230 for the CP to be reviewed at least once every five years to determine if it is advisable to revise the plan. What Planning Commission needs to consider this evening is that “official determination” of whether this body believes the CP should be amended, and if so, then discussions can begin as to how you would want to do that.

As staff was asked by Planning Commission last month to remind everyone of the process that was undertaken in 2011 and, as explained in the memo, we really wanted to provide the picture of both the 2004 and the 2011 process. They were two very different processes, which just goes to the point that there is really no wrong or right way to update the CP, or in the way in which you wish to gather public input. Generally speaking, the community likes to be heard and they want to have public participation. Over the years participation has increased in the planning process, which is something that staff always appreciates; we like to hear feedback from the public.

With that, I will stop talking and turn this back over to Planning Commission. We are here to answer any questions you might have.

Dr. Dilts said the first sentence of the memo says “the State Code states that at least once every five years the Comprehensive Plan shall be reviewed to determine whether it is advisable...” Therefore, we are saying we will go ahead and review it and then determine whether we are going to amend it. Is that correct?

Mr. Fletcher said my interpretation of what that code section is saying is that the review by the local Planning Commission is, in many respects, something you are doing all the time. Planning Commission is utilizing the CP as a tool when reviewing different development plans. I believe the intent of this section of the State Code is that you are just officially determining whether it should be amended or not.

Dr. Dilts asked if she was correct in stating that a plan was designed in 2004 using a consultant.

Mr. Fletcher said that is correct.

Dr. Dilts asked whether it was a modification of a previous plan or whether it was a brand new plan?

Mr. Fletcher replied it was a brand new plan.

Dr. Dilts said it has been about twelve years since that plan, which was then reviewed and amended in 2011. Is it appropriate to think about doing something significant or major? Has enough happened in that twelve years where we really need to look at the significant changes in

that plan. The only reason I ask this is because the answer will determine how we will approach it now.

Chair Fitzgerald said that is the big question. Is it time to go back and not “tweak” the plan; but go back and look at the City as it is now, and to relook at the big picture.

Dr. Dilts said correct, and there have been major developments within Rockingham County that affect what goes on in the City.

Chair Fitzgerald said in 2004, as I recall there was a committee of Planning Commission, City Council, and citizen members that were the core of the CP re-write.

Mr. Fletcher said correct, that information is within the memo. The committee consisted of 15 members; comprised of all members of the Planning Commission, two members of City Council, a representative from the School Board, and six citizens. At that time all five voting precincts (Keister, Simms, Spotswood, Stone Spring, and Waterman) were represented.

Mr. Finks asked what determined who was picked to be on the committee.

Mr. Baugh replied it was very ad hoc.

Chair Fitzgerald said this was something new for the City at the time; it was a new way of going about the CP review.

Chair Fitzgerald said as I recall the number of people who came to the input sessions in 2004 was relatively small and there was some sense that the next time we do this (2011) we have to really figure out how to get more people involved in the process. The 2011 review was largely driven by staff and Planning Commission; but the number of people who came and gave input during the planning sessions was considerably increased.

Mr. Fletcher said in 2004 there were approximately 70 citizens that participated, which is very minimal. However, in the time period between the beginning of the 2004 and the beginning of the 2011 reviews, there were considerable technological changes and advances. We suddenly had the ability to reach out to people in different ways. We are even beyond that at this point. The City has its own capability to reach out to people; we want people to participate in local government. Another component of the 2011 CP input was the fact that there was a very large pedestrian & bicycle element with very active individuals for that cause.

Dr. Dilts said she is more in favor of doing something in line with the 2004 CP review; even the fact of getting a consultant if we have the resources to do that. I was involved in what was called “the Blueprint for Liberty” when I resided in Liberty, Missouri. It was a build out design for Liberty by 2050. It was really interesting with some very fascinating public sessions where they gave different examples of the ways things could look and people could discuss it or vote on it. I am wondering if, even with using a consultant, there may be new ways of reviewing this plan; especially given our technological advances. So I am pushing more for something like the 2004 CP review, because I think there have been some significant changes in the City.

Mr. Way said we have crossed over that 50,000 mark in the population threshold and that changes a few things in categorization; and somewhat psychologically as well.

Chair Fitzgerald asked staff what would you like from Planning Commission this evening.

Mr. Fletcher said it would be nice to perhaps have someone officially move on the determination regarding the CP. After that, there is really no wrong way with which to move forward.

Thinking on the idea of a consultant that Dr. Dilts just offered, I can at least tell you there are not funds within the upcoming budget cycle for Community Development to be able to pay for that. We might consider discussion of whether we want to do an update of the data and allow staff to do that, and then as we move into the upcoming preparation of the next budget cycle we try to propose additional funds to hire a consultant. Staff updating the data saves a great deal of time for money purposes. We did that last time, and it is not just planning staff that collects the data, we get together with a team of staff participants from many different departments to compile data. That is one option you may want to consider. Once you get the data updated you can review it and ask “how do we want to frame this work?” That might be the time a consultant could come in.

Dr. Dilts moved that Planning Commission determined a need to update and amend the City’s Comprehensive Plan.

Mr. Way seconded the motion.

Chair Fitzgerald called for a voice vote on the motion to update and amend the CP.

All voted in favor (7-0).

Chair Fitzgerald said the question before you now is: “how?”

Mr. Fletcher said you may want to consider if the public has any ideas of how they might want to move forward. You might want to hear ideas from the public as to what their vision may be.

Mr. Colman said I think it would be a good idea as Mr. Way was saying, is there some way we can bring neighborhoods together and get an idea of where they would like to be. That would help to guide us as we work through this in the future; because right now we are going by what we think neighborhoods want.

Mr. Fletcher said there are a couple of ideas that this body has expressed interest in doing for the next round of comprehensive planning. I will speak to the most recent idea, which Mr. Way and Mr. Colman have just referred to this evening, regarding neighborhoods and plans for particular neighborhoods. We do not often talk about this, but it is in the CP, where we actually have identified some of those spaces. It is within Chapter 4, which is called the Plan Framework Map. This shows where the neighborhood preservation areas, neighborhood revitalization areas, the downtown revitalization area, and the Edom Road revitalization areas are located. Within each of those preservation areas or revitalization areas is a description in the CP that says these areas have the following concerns, problems, and issues in which there should be plans identified for these areas. So our CP already identifies that we want to do that, the problem is that we have never had the staff to be able to devote to do that. We are a staff of two when it comes to planning proposes; lots of other localities have ten planning employees. We have just never had the staff to do the things you are talking about this evening; but we have identified the importance of that already in our existing CP. All of this framework information came from the 2004 plan.

The 2011 plan update was very much an amendment of what was there; we added some things, we took out some things at that time. There is a lot of merit to the layout of our existing CP. There was the idea expressed by this body of having a chapter solely devoted to the downtown area; I informally talked to other folks in the community about that issue and they loved that idea. So that might be something you want to consider to definitely do. There are so many different ways that things could be done; but, remember we have a good CP. I am not saying

that it does not need to be revamped; I am just saying that it is a good plan and we do our best with following it.

As to the process, I think this body needs to think about and figure out exactly how you want to move forward. We can reach out to the public information officer to get information out to the public. We could put this on our agenda repeatedly for the next several months as we continue to talk about it. This would get the discussion moving forward at every meeting with new ideas on how to proceed. The public could join in on these discussions and tell us what they are looking for. We could utilize our public relations staff to reach out to the media. All of this is entirely up to you as we move forward.

Mr. Way asked if City Council had a say in this.

Chair Fitzgerald said it was mentioned last month about the possibility of having a Planning Commission – City Council worksession.

Mr. Baugh said I can certainly ask them. It would not surprise me if the answer is yes. I know in the past there were some meetings within the early stages of the proceedings. This would give council members the opportunity to say what some of their thoughts are. I am not certain that we did that in 2011.

Mr. Fletcher said we had an informal meeting, or worksession, with City Council in Council Chambers as we got started on the process.

Mr. Baugh said he would talk to Council about the idea. We did have a discussion several months ago where you had some council members talking about creating a more streamlined CP without a whole lot of the current stuff in it now. I suspect that is not what the majority of this group is thinking; or what I am thinking for that matter. Frankly, we can ask Council for their input, but it is this body's job to actually move it forward.

Mr. Finks said do we need to make a motion for public comment at the next meeting or for how we want to proceed?

Dr. Dilts asked whether it is better to have something like a draft plan that you put out for comment.

Mr. Baugh said in the past it has somewhat been starting off with general input from the public, creating a draft, which then generated comments.

Mr. Fletcher said are we getting public input about the process in general; folks come in and say we want you to do this; we want public comment periods at these locations, and so forth. Or do you all determine the process you want and let the public know this is how we are going to do it and do you all have any thoughts on this process?

The last time we did this, this body determined the process without public input and then reached out to the public and said here is the process, come and give us your comments on the draft.

Mr. Baugh said this was all done under the context that we were going to take the 2004 plan and use it as the template for the 2011 plan. So it is completely different from what we are discussing now.

Dr. Dilts said I am personally more comfortable with figuring out a process and then presenting the process to the public and asking them "what have we missed?"

Ms. Dang said if I could make the suggestion that perhaps staff could come up with a couple of alternative processes and then present that back to this body. You could then pick one you like, add to it, or not, and we could move forward from there as to whether you want to ask the public for feedback on the agreed upon process. Mr. Fletcher is correct about all the new technology; and the Be Heard Harrisonburg website would be a good forum for posting that process and for soliciting feedback.

Mr. Fletcher said if the group decides to go this direction, please give us some time to do this. It may not be next month, or even the month after that, but we will bring it forward.

Mr. Colman said this is the citizen's plan and I think it might be a good idea to get citizen input on the process throughout; rather than bringing it to them and saying this is the way it is going to be. I really like the idea of having the citizens involved as much as possible throughout all processes.

Mrs. Whitten said again let's not forget that we have a good plan already and we do not want to just go right back to the drawing board completely.

Mr. Fletcher said what I have found in our experience is that people have a lot of great ideas and they do not realize that those ideas are already within the CP.

Mr. Baugh said I have two conflicting thoughts on that. One is that what we came up with in 2004 really was forward thinking enough and people were kind of just playing catch up to it. In 2011 it was a big factor of "you need to be doing this and it should be in the CP" when actually it was already there.

Mrs. Whitten said the disconnect we have is that we have a good plan, we have good ideas, but trying to put it to "how do we change the things" that are wrong with that CP; because we always are rushing right in to saying "well it is only a guide." Therefore, when we want to do something that maybe does not go right along with the plan, or not even close to the plan, then that is the statement that is made – only a guide. This has been going on forever.

Mr. Baugh said I would say the one thing we see more and more of is actually the coming together action of people who see something in the CP and question why it was not done that way as described in the CP. Sometimes it is just something that we have not gotten around to developing or deciding on because we are making the decisions on those things that are happening right now. We do get a lot of questions as to "why haven't you done this?"

Mrs. Whitten said the CP should not be the "pie-in-sky."

Mr. Baugh said you have heard me talk about this often, the fact that we have specifically had a lot of input on historic preservation and environmental sustainability standards; so I do think there will be some input, regardless of how much we use the existing template, along these lines. Even if not, I believe there is already support in this group to say that those are areas where we feel it needs to be moved to the front of the line and not just part of the mass of things.

Mr. Fletcher said what I always like to emphasize is that there are two main components to planning – there is plan writing and there is law writing or ordinance writing. People often forget about the latter. To really follow a plan you have to have the law that makes people do what you want them to do. At the end of the existing CP there are the five year objectives, the things we want to tackle, and one of those objectives was the parking lot landscaping regulations. We wrote the parking lot landscaping regulations that were adopted in 2012. Another is to

consider implementing a rental housing registration annual inspection program to ensure compliance with building code and to promote safe and decent sanitary housing – that has come up many different times over the years and in different contexts. And, as you can see, it states sufficient funding is necessary to secure this program. So when we are asked as to why we do not just start tackling these things one after the other; well, that is what we try to do. But do not forget that we have all of these immediate things that are in front of us every month that spur us in different directions.

Mr. Baugh said exactly; look at the chicken ordinance, business gardens, and wireless telecommunications.

Chair Fitzgerald asked staff if they were clear with the direction in which to head for now.

Staff agreed they understood.

Excerpt from Minutes of the July 13, 2016 Planning Commission Meeting

Chair Fitzgerald asked staff for a review on the Comprehensive Plan Update.

Ms. Dang said to follow-up on the discussion on the Comprehensive Plan Update, Vice Mayor Baugh did speak with City Council members at the June 14th meeting about the idea of a joint City Council/Planning Commission worksession. If I understand correctly, the idea got sent back to City Manager Hodgen and staff to discuss and propose when that worksession may take place.

Mr. Baugh said yes, City Council is open to the idea, but thought it would be best to let staff figure out when and make a recommendation back to us.

Ms. Dang said before trying to decide on specific dates that may work, I would like to make some phone calls to different communities to ask them how their process had worked. This will be my first time taking the lead to facilitate this process, so I have a lot to learn. Therefore, if you all have some questions you would like for me to ask other communities I can ask them all at the same time.

Mr. Way said he had some questions and would it be best to email those directly to you.

Ms. Dang said yes, that would be great. In general, some of the questions I have are, *How long did your process take? Tell me about your citizen advisory committee and what was the make-up of that committee? What are some ideas for the public input process? When was the last time your community did a major update and did you hire a consultant? What was the RFP process for that?*

If you do have some questions to ask, please email them to me within the next week and I can get moving on that. Hopefully, I will have this to bring back to you next month.

Chair Fitzgerald asked if there was anything else for discussion. Hearing none, she asked what the agenda looked like for August.

Mrs. Banks said right now it looks as if the two items that were tabled this month, a preliminary plat with variance and the ordinance amendment, will be on the August agenda. As well, there was a special use permit for a multi-family development in R-3 that was tabled in May and could be coming in August. Lastly, there is a Master Plan Amendment for Eastern Mennonite School that has been received for next month.

Chair Fitzgerald said I was asked recently by someone in the community about food trucks. I know we had talked about doing some work with that and I was just wondering where that was.

Mr. Fletcher said that is still in the works, but it probably will not get to this body for some time. There is still some internal staff work that needs to be going on back and forth between different departments. This is not just a zoning matter; in fact it is not a zoning matter in many ways. There will be a zoning component the way it will be proposed; overall, it is a City Code amendment. We are really calling this a “mobile vendor” ordinance because it is not just food trucks.

Mrs. Whitten said I have one item that I would like to put out on the radar for this body. I have concerns about our non-conforming use definition and the way it is applied. I think there

are things that we could do to make this definition a little tighter and that we should consider looking at that.

Mr. Fletcher said along these same lines, some time back, maybe a year, eighteen months ago, we had a discussion on “community gardens.” This is a project that we have recently done some research on and have begun drafting some language for an ordinance. I just wanted to make you aware that that project did not die off either and staff will have something on that in the near future.

Article 3. The Comprehensive Plan

§ 15.2-2223. Comprehensive plan to be prepared and adopted; scope and purpose.

A. The local planning commission shall prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and every governing body shall adopt a comprehensive plan for the territory under its jurisdiction.

In the preparation of a comprehensive plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and trends of growth, and of the probable future requirements of its territory and inhabitants. The comprehensive plan shall be made with the purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the territory which will, in accordance with present and probable future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and general welfare of the inhabitants, including the elderly and persons with disabilities.

The comprehensive plan shall be general in nature, in that it shall designate the general or approximate location, character, and extent of each feature, including any road improvement and any transportation improvement, shown on the plan and shall indicate where existing lands or facilities are proposed to be extended, widened, removed, relocated, vacated, narrowed, abandoned, or changed in use as the case may be.

B.1. As part of the comprehensive plan, each locality shall develop a transportation plan that designates a system of transportation infrastructure needs and recommendations that include the designation of new and expanded transportation facilities and that support the planned development of the territory covered by the plan and shall include, as appropriate, but not be limited to, roadways, bicycle accommodations, pedestrian accommodations, railways, bridges, waterways, airports, ports, and public transportation facilities. The plan shall recognize and differentiate among a hierarchy of roads such as expressways, arterials, and collectors. In developing the plan, the locality shall take into consideration how to align transportation infrastructure and facilities with affordable, accessible housing and community services that are located within the territory in order to facilitate community integration of the elderly and persons with disabilities. The Virginia Department of Transportation shall, upon request, provide localities with technical assistance in preparing such transportation plan.

2. The transportation plan shall include a map that shall show road and transportation improvements, including the cost estimates of such road and transportation improvements from the Virginia Department of Transportation, taking into account the current and future needs of residents in the locality while considering the current and future needs of the planning district within which the locality is situated.

3. The transportation plan, and any amendment thereto pursuant to § 15.2-2229, shall be consistent with the Commonwealth Transportation Board's Statewide Transportation Plan developed pursuant to § 33.2-353, the Six-Year Improvement Program adopted pursuant to subsection B of § 33.2-214, and the location of routes to be followed by roads comprising systems of state highways pursuant to subsection A of § 33.2-208. The locality shall consult with the Virginia Department of Transportation to assure such consistency is achieved. The transportation plan need reflect only those changes in the annual update of the Six-Year

Improvement Program that are deemed to be significant new, expanded, or relocated roadways.

4. Prior to the adoption of the transportation plan or any amendment to the transportation plan, the locality shall submit such plan or amendment to the Department for review and comment. The Department shall conduct its review and provide written comments to the locality on the consistency of the transportation plan or any amendment to the provisions of subdivision 1. The Department shall provide such written comments to the locality within 90 days of receipt of the plan or amendment, or such other shorter period of time as may be otherwise agreed upon by the Department and the locality.

5. The locality shall submit a copy of the adopted transportation plan or any amendment to the transportation plan to the Department for informational purposes. If the Department determines that the transportation plan or amendment is not consistent with the provisions of subdivision 1, the Department shall notify the Commonwealth Transportation Board so that the Board may take appropriate action in accordance with subsection E of § [33.2-214](#).

6. Each locality's amendments or updates to its transportation plan as required by subdivisions 2 through 5 shall be made on or before its ongoing scheduled date for updating its transportation plan.

C. The comprehensive plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the locality's long-range recommendations for the general development of the territory covered by the plan. It may include, but need not be limited to:

1. The designation of areas for various types of public and private development and use, such as different kinds of residential, including age-restricted, housing; business; industrial; agricultural; mineral resources; conservation; active and passive recreation; public service; flood plain and drainage; and other areas;
2. The designation of a system of community service facilities such as parks, sports playing fields, forests, schools, playgrounds, public buildings and institutions, hospitals, nursing homes, assisted living facilities, community centers, waterworks, sewage disposal or waste disposal areas, and the like;
3. The designation of historical areas and areas for urban renewal or other treatment;
4. The designation of areas for the implementation of reasonable ground water protection measures;
5. A capital improvements program, a subdivision ordinance, a zoning ordinance and zoning district maps, mineral resource district maps and agricultural and forestal district maps, where applicable;
6. The location of existing or proposed recycling centers;
7. The location of military bases, military installations, and military airports and their adjacent safety areas; and
8. The designation of corridors or routes for electric transmission lines of 150 kilovolts or more.

D. The comprehensive plan shall include the designation of areas and implementation of measures for the construction, rehabilitation and maintenance of affordable housing, which is sufficient to meet the current and future needs of residents of all levels of income in the locality

while considering the current and future needs of the planning district within which the locality is situated.

1975, c. 641, § 15.1-446.1; 1976, c. 650; 1977, c. 228; 1988, c. 268; 1989, c. 532; 1990, c. 19; 1993, cc. 116, 758; 1996, cc. 585, 600; 1997, c. 587; 2003, c. 811; 2004, cc. 691, 799; 2005, cc. 466, 699; 2006, cc. 527, 563, 564; 2007, c. 761; 2012, cc. 729, 733; 2013, cc. 561, 585, 646, 656; 2014, cc. 397, 443.

§ 15.2-2223.1. Comprehensive plan to include urban development areas.

A. For purposes of this section:

"Commercial" means property devoted to usual and customary business purposes for the sale of goods and services and includes, but is not limited to, retail operations, hotels, motels and offices. "Commercial" does not include residential dwelling units, including apartments and condominiums, or agricultural or forestal production, or manufacturing, processing, assembling, storing, warehousing, or distributing.

"Commission" means the Commission on Local Government.

"Developable acreage," solely for the purposes of calculating density within the urban development area, means land that is not included in (i) existing parks, rights-of-way of arterial and collector streets, railways, and public utilities and (ii) other existing public lands and facilities.

"Population growth" means the difference in population from the next-to-latest to the latest decennial census year, based on population reported by the United States Bureau of the Census. In computing its population growth, a locality may exclude the inmate population of any new or expanded correctional facility that opened within the time period between the two censuses.

"Urban development area" means an area designated by a locality that is (i) appropriate for higher density development due to its proximity to transportation facilities, the availability of a public or community water and sewer system, or a developed area and (ii) to the extent feasible, to be used for redevelopment or infill development.

B. Any locality may amend its comprehensive plan to incorporate one or more urban development areas.

1. Urban development areas are areas that may be appropriate for development at a density on the developable acreage of at least four single-family residences, six townhouses, or 12 apartments, condominium units, or cooperative units per acre, and an authorized floor area ratio of at least 0.4 per acre for commercial development, any proportional combination thereof, or any other combination or arrangement that is adopted by a locality in meeting the intent of this section.

2. The urban development areas designated by a locality may be sufficient to meet projected residential and commercial growth in the locality for an ensuing period of at least 10 but not more than 20 years, which may include phasing of development within the urban development areas. Where an urban development area in a county with the urban county executive form of government includes planned or existing rail transit, the planning horizon may be for an ensuing period of at least 10 but not more than 40 years. Future residential and commercial growth shall be based on official estimates of either the Weldon Cooper Center for Public Service of the

University of Virginia, the Virginia Employment Commission, the United States Bureau of the Census, or other official government projections required for federal transportation planning purposes.

3. The boundaries and size of each urban development area shall be reexamined and, if necessary, revised every five years in conjunction with the review of the comprehensive plan and in accordance with the most recent available population growth estimates and projections.

4. The boundaries of each urban development area shall be identified in the locality's comprehensive plan and shall be shown on future land use maps contained in such comprehensive plan.

5. Urban development areas, if designated, shall incorporate principles of traditional neighborhood design, which may include but need not be limited to (i) pedestrian-friendly road design, (ii) interconnection of new local streets with existing local streets and roads, (iii) connectivity of road and pedestrian networks, (iv) preservation of natural areas, (v) mixed-use neighborhoods, including mixed housing types, with affordable housing to meet the projected family income distributions of future residential growth, (vi) reduction of front and side yard building setbacks, and (vii) reduction of subdivision street widths and turning radii at subdivision street intersections.

6. The comprehensive plan shall describe any financial and other incentives for development in the urban development areas.

7. A portion of one or more urban development areas may be designated as a receiving area for any transfer of development rights program established by the locality.

C. No locality that has amended its comprehensive plan in accordance with this section shall limit or prohibit development pursuant to existing zoning or shall refuse to consider any application for rezoning based solely on the fact that the property is located outside the urban development area.

D. Localities shall consult with adjacent localities, as well as the relevant planning district commission and metropolitan planning organization, in establishing the appropriate size and location of urban development areas to promote orderly and efficient development of their region.

E. Any county that amends its comprehensive plan pursuant to subsection B may designate one or more urban development areas in any incorporated town within such county, if the council of the town has also amended its comprehensive plan to designate the same areas as urban development areas with at least the same density designated by the county. However, if a town has established an urban development area within its corporate boundaries, the county within which the town is located shall not include the town's projected population and commercial growth when initially determining or reexamining the size and boundary of any other urban development area within the county.

F. To the extent possible, federal, state and local transportation, housing, water and sewer facility, economic development, and other public infrastructure funding for new and expanded facilities shall be directed to designated urban development areas or to such similar areas that accommodate growth in a manner consistent with this section.

2007, c. 896;2009, c. 327;2010, cc. 465, 528;2011, c. 561;2012, cc. 192, 518, 805, 836.

§ 15.2-2223.2. Comprehensive plan to include coastal resource management guidance.

Beginning in 2013, any locality in Tidewater Virginia, as defined in § 62.1-44.15:68, shall incorporate the guidance developed by the Virginia Institute of Marine Science pursuant to subdivision 9 of § 28.2-1100 into the next scheduled review of its comprehensive plan. The Department of Conservation and Recreation, Virginia Marine Resources Commission, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request.

2011, c. 885.

§ 15.2-2223.3. Comprehensive plan shall incorporate strategies to combat projected sea-level rise and recurrent flooding.

Beginning July 1, 2015, any locality included in the Hampton Roads Planning District Commission shall incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea-level rise and recurrent flooding. Such review shall be coordinated with the other localities in the Hampton Roads Planning District Commission. The Department of Conservation and Recreation, the Department of Emergency Management, the Marine Resources Commission, Old Dominion University, and the Virginia Institute of Marine Science shall provide technical assistance to any such locality upon request. Where federal regulations as effective July 1, 2015 require a local hazard mitigation plan for participation in the Federal Emergency Management Agency (FEMA) National Flood Insurance Program, such a plan may also be incorporated into the comprehensive plan. For a locality not participating in the FEMA Community Rating System, the comprehensive plan may include an action plan and time frame for such participation.

2015, c. 186.

§ 15.2-2224. Surveys and studies to be made in preparation of plan; implementation of plan.

A. In the preparation of a comprehensive plan, the local planning commission shall survey and study such matters as the following:

1. Use of land, preservation of agricultural and forestal land, production of food and fiber, characteristics and conditions of existing development, trends of growth or changes, natural resources, historic areas, ground water, surface water, geologic factors, population factors, employment, environmental and economic factors, existing public facilities, drainage, flood control and flood damage prevention measures, dam break inundation zones and potential impacts to downstream properties to the extent that information concerning such information exists and is available to the local planning authority, the transmission of electricity, road improvements, and any estimated cost thereof, transportation facilities, transportation improvements, and any cost thereof, the need for affordable housing in both the locality and planning district within which it is situated, and any other matters relating to the subject matter and general purposes of the comprehensive plan.

However, if a locality chooses not to survey and study historic areas, then the locality shall include historic areas in the comprehensive plan, if such areas are identified and surveyed by the Department of Historic Resources. Furthermore, if a locality chooses not to survey and study mineral resources, then the locality shall include mineral resources in the comprehensive plan, if such areas are identified and surveyed by the Department of Mines, Minerals and Energy. The requirement to study the production of food and fiber shall apply only to those plans adopted on

or after January 1, 1981.

2. Probable future economic and population growth of the territory and requirements therefor.

B. The comprehensive plan shall recommend methods of implementation and shall include a current map of the area covered by the comprehensive plan. Unless otherwise required by this chapter, the methods of implementation may include but need not be limited to:

1. An official map;
2. A capital improvements program;
3. A subdivision ordinance;
4. A zoning ordinance and zoning district maps;
5. A mineral resource map;
6. A recreation and sports resource map; and
7. A map of dam break inundation zones.

Code 1950, § 15-964.1; 1962, c. 407, § 15.1-447; 1975, c. 641; 1977, c. 228; 1980, c. 322; 1981, c. 418; 1988, c. 438; 1990, c. 97; 1991, c. 280; 1993, cc. 758, 770; 1996, cc. 585, 600; 1997, c. 587; 2006, c. 564; 2007, c. 761; 2008, c. 491.

§ 15.2-2225. Notice and hearing on plan; recommendation by local planning commission to governing body; posting of plan on website.

Prior to the recommendation of a comprehensive plan or any part thereof, the local planning commission shall (i) post the comprehensive plan or part thereof that is to be considered for recommendation on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for recommendation, (ii) give notice in accordance with § 15.2-2204, and (iii) hold a public hearing on the plan. After the public hearing, the commission may approve, amend and approve, or disapprove the plan. Upon approval, the commission shall by resolution recommend the plan, or part thereof, to the governing body and a copy shall be certified to the governing body. Any comprehensive plan or part thereof approved by the commission pursuant to this section shall be posted on a website that is maintained by the commission or on any other website on which the commission generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof approved by the commission and certified to the governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the local planning commission following notice and public hearing as required herein.

Code 1950, §§ 15-908, 15-921, 15-922, 15-964.2, 15-964.3; 1958, c. 389; 1962, c. 407, § 15.1-448, 15.1-449; 1968, c. 735; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2009, c. 605.

§ 15.2-2226. Adoption or disapproval of plan by governing body.

After certification of the plan or part thereof, the governing body shall post the comprehensive plan or part thereof certified by the local planning commission on a website that is maintained by the governing body or on any other website on which the governing body generally posts

information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof being considered for adoption. After a public hearing with notice as required by § 15.2-2204, the governing body shall proceed to a consideration of the plan or part thereof and shall approve and adopt, amend and adopt, or disapprove the plan. In acting on the plan or part thereof, or any amendments to the plan, the governing body shall act within ninety days of the local planning commission's recommending resolution. Any comprehensive plan or part thereof adopted by the governing body pursuant to this section shall be posted on a website that is maintained by the local governing body or on any other website on which the governing body generally posts information, and that is available to the public or that clearly describes how the public may access information regarding the plan or part thereof adopted by the local governing body. Inadvertent failure to post information on a website in accordance with this section shall not invalidate action taken by the governing body following notice and public hearing as required herein.

Code 1950, § 15-964.4; 1962, c. 407, § 15.1-450; 1975, c. 641; 1976, c. 642; 1997, c. 587; 2000, c. 893; 2009, c. 605.

§ 15.2-2227. Return of plan to local planning commission; resubmission.

If the governing body disapproves the plan, then it shall be returned to the local planning commission for its reconsideration, with a written statement of the reasons for its disapproval.

The commission shall have sixty days in which to reconsider the plan and resubmit it, with any changes, to the governing body.

Code 1950, § 15-964.5; 1962, c. 407, § 15.1-451; 1997, c. 587.

§ 15.2-2228. Adoption of parts of plan.

As the work of preparing the comprehensive plan progresses, the local planning commission may, from time to time, recommend, and the governing body approve and adopt, parts thereof. Any such part shall cover one or more major sections or divisions of the locality or one or more functional matters.

Code 1950, §§ 15-906, 15-921, 15-964.6; 1958, c. 389; 1962, c. 407, § 15.1-452; 1997, c. 587.

§ 15.2-2229. Amendments.

After the adoption of a comprehensive plan, all amendments to it shall be recommended, and approved and adopted, respectively, as required by § 15.2-2204. If the governing body desires an amendment, it may prepare such amendment and refer it to the local planning commission for public hearing or direct the local planning commission to prepare an amendment and submit it to public hearing within 60 days or such longer timeframe as may be specified after written request by the governing body. In acting on any amendments to the plan, the governing body shall act within 90 days of the local planning commission's recommending resolution. If the local planning commission fails to make a recommendation on the amendment within the aforesaid timeframe, the governing body may conduct a public hearing, which shall be advertised as required by § 15.2-2204.

Code 1950, §§ 15-908, 15-921, 15-964.7; 1958, c. 389; 1962, c. 407, § 15.1-453; 1975, c. 641; 1997, c. 587; 2000, c. 893; 2010, c. 821.

§ 15.2-2230. Plan to be reviewed at least once every five years.

At least once every five years the comprehensive plan shall be reviewed by the local planning

commission to determine whether it is advisable to amend the plan.

Code 1950, § 15-964.8; 1962, c. 407, § 15.1-454; 1975, c. 641; 1997, c. 587.

§ 15.2-2230.1. Public facilities study.

In addition to reviewing the comprehensive plan, the planning commission may make a study of the public facilities, including existing facilities, which would be needed if the comprehensive plan is fully implemented. The study may include estimations of the annual prospective operating costs for such facilities and any revenues, including tax revenues, that may be generated by such facilities. For purposes of the study, public facilities may include but need not be limited to water and sewer lines and treatment plants, schools, public safety facilities, streets and highways. The planning commission may forward the study to the local governing body or any other local, regional, state or federal agency that the planning commission believes might benefit from its findings. The study shall also be forwarded to any utility companies or franchised cable operators that may be impacted by such public facilities. The utility companies, the franchised cable operators, and the locality shall cooperate and coordinate in the relocation of such utilities and cable lines as may be appropriate to avoid unnecessary delays in the construction of public facilities and capital projects by the affected localities, consistent with the service obligations of the utility companies and franchised cable operators. For purposes of this section, the term "utility company" shall not include a municipal utility that operates outside its locality's boundaries.

1998, c. 609; 2012, c. 553.

§ 15.2-2231. Inclusion of incorporated towns in county plan; inclusion of adjacent unincorporated territory in municipal plan.

Any county plan may include planning of incorporated towns to the extent to which, in the county local planning commission's judgment, it is related to planning of the unincorporated territory of the county as a whole. However, the plan shall not be considered as a comprehensive plan for any incorporated town unless recommended by the town commission, if any, and adopted by the governing body of the town.

Any municipal plan may include the planning of adjacent unincorporated territory to the extent to which, in the municipal local planning commission's judgment, it is related to the planning of the incorporated territory of the municipality. However, the plan shall not be considered as a comprehensive plan for such unincorporated territory unless recommended by the county commission and approved and adopted by the governing body of the county.

Code 1950, §§ 15-922, 15-964.9; 1962, c. 407, § 15.1-455; 1997, c. 587.

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed,

established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission

to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

Code 1950, §§ 15-909, 15-923, 15-964.10; 1958, c. 389; 1960, c. 567; 1962, c. 407, § 15.1-456; 1964, c. 528; 1966, c. 596; 1968, c. 290; 1975, c. 641; 1976, c. 291; 1978, c. 584; 1982, c. 39; 1987, c. 312; 1989, c. 532; 1990, c. 633; 1997, cc. 587, 858; 1998, c. 683; 2007, c. 801; 2009, cc. 670, 690; 2012, cc. 803, 835; 2016, c. 613.

§ 15.2-2222.1. Coordination of state and local transportation planning

A.1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. Such information shall be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority. Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment.

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans and short and long term traffic impacts on and off site. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality. Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive plan that has already been

reviewed by the Department as provided in this section.

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review. However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be charged by the Department to a citizens' organization or neighborhood association that proposes comprehensive plan amendments through its local planning commission or local governing body.

2006, cc. [527](#), [563](#);2007, c. [792](#);2010, c. [121](#);2011, cc. [647](#), [888](#);2012, c. [770](#);2014, c. [766](#);2016, c. [370](#).

October 2016, Proactive Zoning Report

For the month of October 2016, the proactive zoning program inspected the **Ramblewood & Greendale** section of the city. The violations related to inoperable vehicles and discarded appliances. The proactive zoning program for November 2016, will be directed toward the **Stone Spring Village** section of the City.

MONTH	SECTOR	5 th CYCLE VIOLATIONS	CORRECTED	2 nd CYCLE	3 rd CYCLE	4 th 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	Technology Park	1	1	1	0	0
May 2015	Northeast	45	45	45	63	29
June 2015	South Main	11	11	0	1	1
July 2015	Fairway Hills	2	2	0	0	2
August 2015	Smithland	3	3	4	0	2
January 2016	North Main	38	38	4	4	10
January 2016	North Liberty	33	32	4	18	11
February 2016	Westover	42	31	8	17	13
February 2016	Garbers Church	3	3	2	1	9
March 2016	Spotswood Acres	4	4	4	1	8
March 2016	Jefferson	36	34	22	35	21
April 2016	Forest Hills & JMU	8	8	1	1	1
April 2016	Mosby & Kaylor	13	12	0	2	5
May 2016	Hillandale	18	16	5	17	11
June 2016	Maplehurst & JMU	1	1	5	2	0
July 2016	Hawkins	21	19	28	17	11
August 2016	Greystone	28	21	10	13	9
September 2016	Southeast Industrial	4	1	2	5	1
October 2016	Ramblewood & Greendale	2	0	8	1	11
November 2016	Stone Spring Village			10	0	2
December 2016	Sunset Heights			29	10	2
January 2017	Reherd Acres			12	9	10
February 2017	West Market			16	6	13
March 2017	Chicago			22	29	4
April 2017	Pleasant Hill			13	17	9
May 2017	Avalon Woods			26	11	36
June 2017	Waterman			61	18	15
July 2017	Keister			5	8	7
August 2017	City Hall			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