



City of Harrisonburg

409 S. Main Street
Harrisonburg, VA 22801

Meeting Agenda - Final City Council

Mayor Christopher B. Jones
Vice-Mayor Richard Baugh
Council Member Ted Byrd
Council Member Kai Degner
Council Member Abe Shearer

Tuesday, May 10, 2016

7:00 PM

Council Chambers

1. Roll Call
2. Invocation
3. Pledge of Allegiance
4. Comments from the public, limited to five minutes, on matters not on the regular agenda. (Name and address are required)
5. Consent Agenda (any item placed on the consent agenda shall be removed and taken up as a separate matter, if so requested by any member of Council, otherwise all items will be voted on with one (1) motion)

5.a. Minutes

Attachments: [Draft Meeting Minutes](#)

- 5.b. Consider amending and re-enacting Sections 5-2-18, 5-2-19 and, 5-2-20 of the Harrisonburg City Code on combustible landscape cover material (mulch)

Review & Recommendation: At its 2016 session, the Virginia General Assembly passed Senate Bill 736, which was signed by the Governor. This legislation, copy of which is attached, states in relevant part that the "The City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City, use specific landscape cover materials or retrofit existing landscape cover materials at such property." This legislation affects Harrisonburg's ordinance regarding use of combustible landscape cover materials. The proposed amendment to sections 5-2-18, 5-2-19 and 5-2-20 of the Harrisonburg City Code are recommended to the council to bring these sections into compliance with the newly enacted state law.

Attachments: [Memorandum](#)
[Current Ordinance reflecting proposed changes](#)
[Public Hearing Notice](#)

- 5.c. Consider a request to amend the Zoning Ordinance Sections 10-3-24, 10-3-90, & 10-3-96 related to plant nurseries and greenhouses. The amendment would add landscaping businesses and similar operations within the definition of plant nurseries and greenhouses. The amendment would also allow these uses to have small-scale, outdoor manufacturing, processing, storage, and treatment of products within the

M-1, General Industrial District.

Review & Recommendation: Planning Commission recommended approval (6-0) of the Zoning Ordinance amendments within Sections 10-3-24 Definitions, 10-3-90 (17) and 10-3-96 (16), which currently allow plant nurseries and greenhouses by right within the B-2 and M-1 districts, respectively.

Attachments: [Memorandum](#)
[Extract ZO Amend Plant Nurseries and Greenhouses](#)
[Memo Staff Report ZO Amend Plant Nurseries Greenhouses](#)
[FINAL Draft Amendment Document Plant Nurseries & Greenhouses](#)
[Notice of Public Hearing](#)
[PowerPoint](#)

- 5.d. Consider amending the Zoning Ordinance Sections 10-3-24, 132, and 135 through 140. Section 10-3-24 Definitions shall be amended by updating the definition of “variance” to align with changes to the Code of Virginia. Multiple sections within Article W, Board of Zoning Appeals shall be amended by updating existing sections in order to align with recent changes to the provisions of the State Code and to make general housekeeping corrections within the Article.

Review & Recommendation: Planning Commission recommended approval (6-0) of the Zoning Ordinance Amendments to Section 10-3-24 Definitions, and multiple Sections within Article W.

Attachments: [Memorandum](#)
[Extract ZO BZA Updates](#)
[FINAL Draft Amendment Document 10-3-24 and Article W](#)
[CC Notice of Public Hearing](#)
[PowerPoint](#)

6. Joint Public Hearing with Planning Commission

- 6.a. Consider a request for a Special Use Permit per Section 10-3-34(11) to allow for a proposed, new elementary school to exceed the 35-foot maximum height allowed for a structure in the R-1, Single Family Residential District

Review & Recommendation: This property is located at 750 Garbers Church Road and is identified as tax map parcels 117-D-1, 117-D-2 and 117-D-6. A presentation will be provided to both the Planning Commission and City Council followed by a public hearing.

Attachments: [Memorandum](#)
[Site Maps](#)
[Application](#)
[Elevation Drawings and General Site Layout](#)
[Surrounding Property Notice](#)
[Public Hearing](#)

7. Public Hearings

- 7.a. Consider a request from Erickson Road Investments, LLC with representative Edmond Blackwell for a special use permit per section 10-3-91 (9) of the Zoning

Ordinance on the property addressed as 1911 South High Street

Review & Recommendation: Planning Commission recommended approval (7-0) of the SUP 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 or M-1. The 26,572 +/- square feet is identified as tax map parcel number 112-A-5.

Attachments: [Memorandum](#)
[Extract SUP 1911 South High Street - zero setback](#)
[Site maps \(2\)](#)
[Application](#)
[Proposed Site Plan 1911 S High St](#)
[Surrounding Property Notice](#)
[Public Hearing](#)

- 7.b. Consider a request from Wharton Aldhizer & Weaver, PLC (WAW) to rezone 2,316 +/- square feet of their property from B-2, General Business District to B-1C, Central Business District Conditional and located at 245 East Water Street

Review & Recommendation: Planning Commission recommended approval of the rezoning request (7-0) for the property identified as portions of tax map parcels 26-E-5 & 6 with the following condition:

Two parking spaces shall be provided on site if the subject property is used for commercial/business purposes, and if used residentially, one parking space per tenant will be provided on site.

Attachments: [Memorandum](#)
[Extract RZ 245 East Water Street - B-2 to B-1C](#)
[site maps \(2\)](#)
[Application, applicant letter, supporting documents \(10\)](#)
[Plat](#)
[Surrounding Property Notice](#)
[Public Hearing](#)

- 7.c. Consider a request from Jamison Black Marble Wildlife Preserve LLC represented by Richard Blackwell to close a 8,523 +/- square foot undeveloped portion of Red Oak Street

Review & Recommendation: Planning Commission recommended approval (7-0) of the street closing adjacent to the parcels identified as tax map numbers 46-C-8, 56-G-2A, and 56-E-26. The section to be closed is adjacent to three parcels, which are zoned M-1, General Industrial District.

Attachments: [Memorandum](#)
[Extract PP and Street Closing Red Oak Street](#)
[site maps \(2\)](#)
[Application, Applicant letter, supporting documents](#)
[Extract SUP1430 Red Oak Street](#)
[FINAL Preliminary and Street Closing Plat](#)
[Surrounding Property Notice](#)
[Public Hearing](#)

8. Regular Items

- 8.a. Consider a request from Acorn Enterprises, Inc.; Reon Properties, LLC; Mathew S. and Holly C. Einstein; and Quarles Petroleum, Inc. all being represented by Richard Blackwell to preliminarily dedicate portions of 9 parcels as public street right-of-way for Red Oak Street and to create a permanent cul-de-sac

Review & Recommendation: Planning Commission recommended approval (7-0) of the preliminary plat to create a permanent cul-de-sac with the variance to section 10-2-41 (a) of the Subdivision Ordinance.

Attachments: [Memorandum](#)
[Extract PP and Street Closing Red Oak Street site maps \(2\)](#)
[Application, letter, and supporting documents \(4\)](#)
[Extract SUP1430 Red Oak Street](#)
[FINAL Preliminary and Street Closing Plat](#)
[Public Hearing](#)

- 8.b. Consider a Comprehensive Sign Package request for 1854 East Market Street and 22 Terri Drive

Review & Recommendation: Consider a request from MTAP, LLC for a comprehensive sign plan as per section 11-7-6.1 (7) of the Sign Ordinance.

Attachments: [Memorandum](#)
[Applicant's letter, site map, sign drawings](#)

- 8.c. Consider a recommendation of the proposed revisions to Section 15-2-24 Fowl, Chickens and other Domestic Birds (commonly referred to as the Chicken Ordinance)

Review & Recommendation: Planning Commission recommended revisions (7-0) to the Chicken Ordinance with flexibility for staff changes within sub-section 8.

Attachments: [Memorandum](#)
[Extract from Planning Commission minuted 04/13/16](#)
[Current ordinance reflecting proposed changes](#)
[Proposed Chicken Ordinance Permit Application](#)
[Minutes from previous Planning Commission Meetings](#)
[USDA Brochures](#)
[Poultry Facilities 500' Buffer](#)
[5' Setback Example #1](#)
[5' Setback Example #2](#)
[5' Setback Example #3](#)

- 8.d. Consider approval of the FY2016 CDBG Action Plan

Review & Recommendation: The FY2016 CDBG Action Plan describes in detail actions to be taken in the coming year to further the priorities described in the 2012-2016 Consolidated Plan. These projects are outlined in the attachment, and the full 2016 Action Plan is available in the city manager's office, at the Massanutten Regional Library, and on the city's website. A 30-day Public Comment Period was held, and during that time, the city received comments from the public during the Public Hearing at the city Council Meeting on March 22, 2016. No additional comments were received after the meeting. Staff recommends approval.

Attachments: [Memorandum](#)
[Proposed 2016-2017 CDBG Funding](#)

8.e. Consider approval of an Amendment to the CDBG Citizen Participation Plan

Review & Recommendation: The CDBG Citizen Participation Plan (CPP) has been amended to include the Affirmatively Furthering Fair Housing Final Rule requirements found at 24 CFR 91.105 and 24 CFR 5. These revisions reflect the City's requirement to prepare and submit an Assessment of Fair Housing no later than October 1, 2016.

No comments were received from the public during the Public Comment Period. Staff requests that council consider approval of this item. This plan will not become final until approved by HUD.

Attachments: [Memorandum](#)
[DRAFT Citizen Participation Plan \(CPP\)](#)

8.f. Consider updates to the Stormwater Utility Fee Credit Manuals for Residential and Non-Residential

Review & Recommendation: At the March 10, 2015 City Council meeting, the Stormwater Utility Fee Ordinance, Credit Manuals, and Fee were adopted. Since that time, property owners have applied to receive a reduction in their fees through the Stormwater Utility Fee Credit Program. Interactions with property owners, city departments, and regulatory personnel have made it necessary to update the Credit Manuals for increased consistency with regulations and clarity for all applicants.

Attachments: [Memorandum](#)
[Non-Residential Credit Manual and Appendices \(only Appendices with proposer\)](#)
[Residential Credit Manual](#)
[Excerpts of SWAC Meeting Minutes](#)

9. New Special Event Application Requests

9.a. Consider the special event request application for the Strawberry Festival on Saturday, May 21, 2016 for approval

Review & Recommendation: The Strawberry Festival will take place on Saturday, May 21, 2016 in the City Hall parking lot and adjacent gravel lot. The festival will be from 11am - 5pm with kids activities, food trucks, and strawberry themed goodies for sale to benefit the City and County Park Projects.

Attachments: [Application](#)
[hand drawn map](#)
[Map of Area needed](#)
[Rotary Insurance](#)

10. Annual Special Event Application Requests

10.a. Consider the special event request application for Fundfest 2016

Review & Recommendation: Fundfest will be held on May 18th, June 1st 15th & 29th, July 13th & 27th, and August 10th & 24th at the Turner Pavilion.

Attachments: [Special Event Application](#)
[Map](#)

11. Supplementals

11.a. Consider a supplemental appropriation in the amount of \$2,404,517.00 for the Sanitation Fund

Review & Recommendation: It is requested that City Council consider approving a supplemental appropriation for the Sanitation Fund in the amount of \$2,404,517.00 for costs associated with the decommissioning of the Resource Recovery Facility (RRF), as well as, operational costs incurred at the RRF that are reimbursed by James Madison University.

Attachments: [Memorandum](#)
[Supplemental Appropriation - Sanitary](#)

12. Reallocations

12.a. Consider a budget reallocation in the amount of \$411,023.14 for the Sanitation Capital Projects Fund

Review & Recommendation: It is requested that City Council consider the reallocation of budgeted funds within the Sanitation Capital Projects Fund for costs associated with the decommissioning of the Resource Recovery Facility and for the new transfer station.

Attachments: [Memorandum](#)
[Budget Reallocation](#)

13. Other Matters

14. Boards and Commissions

14.a. Planning Commission

Review & Recommendation: The city clerk received notification from Jefferson Heatwole that he would be moving from the city which makes him ineligible to serve on the Planning Commission. Mr. Heatwole's last meeting will be the Wednesday, May 11, 2016 meeting. Mr. Heatwole's term was to expire December 31, 2016 so the appointment will be to fill an unexpired term to expire December 31, 2016.

Attachments: [Chance Ebersold](#)
[John Monger IV](#)
[Robert Steere](#)
[Chris Pipkins](#)
[Kathy Whitten](#)

15. Adjournment