



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, July 14, 2015

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: [June 23, 2015 Draft Meeting Minutes](#)

6. Public Hearings

- 6.a. Consider a request from Jamison Black Marble Wildlife Preserve, LLC to amend the Zoning Ordinance Section 10-3-97(10) to allow nontransient dwellings with recreational and leisure time activities within the M-1, General Industrial District by special use permit

Review & Recommendation: Planning Commission recommended approval (6-0) of the Zoning Ordinance amendment that would modify Section 10-3-97(10). Currently, recreational and leisure time activities are permitted in the M-1, General Industrial District only by special use permit and no dwellings are permitted in association with this use. The amendment would add text to Section 10-3-97 (10) allowing for nontransient dwellings.

Attachments: [Extract ZO Amend Non-Transient Dwellings in M-1](#)
[Staff Report SUP & ZO Amend. M-1 Non-Transient Dwellings](#)
[Application and Supporting Info](#)

- 6.b. Consider a request from Jamison Black Marble Wildlife Preserve, LLC for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow for recreational and leisure time activities with nontransient dwellings within the M-1, General Industrial District

Review & Recommendation:

The property is located at 1430 Red Oak Street. Planning Commission recommended approval (6-0) of the special use permit request to allow for recreational and leisure time activities with nontransient dwellings on the 16.5 +/- acre M-1 property identified as tax map parcel 46-C-8 with the following conditions:

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

Attachments:

[Extract SUP1430 Red Oak Street](#)
[Site Maps](#)
[Staff Report SUP & ZO Amend. M-1 Non-Transient Dwellings](#)
[Application, Maps and Other Info](#)
[Surrounding Property Notice](#)
[Anthem Letter](#)

- 6.c. Consider a request from PSJ4, LLC with representative Bill V. Neff, Sr. for a special use permit per Section 10-3-97 (3) of the Zoning Ordinance to allow for a business office within the M-1, General Industrial District

Review & Recommendation:

The property is located at 961 Acorn Drive. Planning Commission recommended approval (6-0) of the special use permit request to allow for a business office within the M-1, General Industrial District on the 1.71 +/- acre property identified as tax map parcel 56-C-4.

Attachments:

[Extract SUP 961 Acorn Drive](#)
[Site Maps](#)
[Staff Report 961 Acorn Dr. SUP](#)
[Application and Other Info](#)
[Surrounding Property Notice](#)

- 6.d. Consider amending the Zoning Ordinance Sections 10-3-24, 10-3-34, 10-3-35, 10-3-40, 10-3-41, 10-3-46, 10-3-47, 10-3-48.4, 10-3-48.5, 10-3-52, 10-3-53, 10-3-55.4, 10-3-55.5, 10-3-56.4, 10-3-56.5, 10-3-57.4, 10-3-57.5, 10-3-58.4, 10-3-58.5, 10-3-84, 10-3-85, 10-3-86, 10-3-90, 10-3-91, 10-3-92, 10-3-96, 10-3-97, 10-3-98, 10-3-129, 10-3-180, and 10-3-181 and to add a new Article CC. Wireless Telecommunication Facilities with new Sections 10-3-195 through 10-3-203

Review & Recommendation: Planning Commission recommended approval (6-0) of the request to amend the Zoning Ordinance by modifying multiple existing sections and to add a new article to the Code. Changes to the existing Code include those needed in the Definitions section and then proceeding through the code sections of most of the zoning districts and specifying the different types of wireless telecommunications facilities that will be permitted and whether they would be allowed by right or by special use permit. The new article includes the specifics of how wireless telecommunications facilities would be permitted within all residential districts and the MX-U district, the B-1 and B-2 districts, and the M-1 district. There are submittal and application requirements, rules for submitting annual reports for each facility, maintenance and enforcement regulations, stipulations regarding the removal of defective and abandoned facilities, and finally specifics regarding how property owners can take advantage of Section 6409 of the Spectrum Act.

In addition to the modifications associated with wireless telecommunications facilities, the Zoning Ordinance Section 10-3-84 Uses Permitted By Right within the B-1, Central Business District would also be modified by adding "radio and television stations and studios or recording studios" as an additional set of uses permitted by right, where all antennas and satellites and associated equipment shall be screened.

Attachments: [Extract Wireless Telecommunications Facilities Ord](#)
[REVISED FINAL Staff Report Wireless Telecommunications](#)
[Extract August 14, 2013.doc](#)
[Extract September 11, 2013.doc](#)
[Telecommunications Report Packet 08-14-13.pdf](#)

7. Regular Items

- 7.a. Consider a request from John Daly to preliminarily subdivide a 12.5 +/- acre parcel into seven lots (six new single family home lots and the remaining parent tract) with variance requests to the Subdivision Ordinance Sections 10-2-41(a), 66 and 67

Review & Recommendation: The property is zoned R-1, Single Family Residential District and has almost 400 feet of road frontage along Ramblewood Road. Planning Commission recommended approval (6-0) of the preliminary plat to dedicate a public street and temporary cul-de-sac, with variances that would allow for the design of the proposed street to deviate from the public street standards of the DCSM, and allow the subdivision to occur without constructing the required street improvements along the remaining portion of tax map 97-A-7.

Attachments: [Extract PP Ramblewood](#)
[Site Maps](#)
[Staff Report Ramblewood Subdivision](#)
[Application, Letter and Supporting Info](#)

- 7.b. Consider a refund for a portion of the 2014 and 2015 Business, Professional and Occupational License (BPOL) tax refund to WilcoHess LLC

Review & Recommendation: Wilco Hess LLC discontinued a portion of their business the last quarter of 2014 and they have requested a refund on that part of the business. They had also included the prior year receipts on that portion of the business in their 2015 license renewal and we are refunding that as well. Information regarding the amount is attached.

Attachments: [WilcoHess LLC - Letter Rose](#)
[WilcoHess LLC - Letter Brown](#)

7.c. Consider establishing a voter precinct on the JMU Campus

Review & Recommendation: At council's May 26, 2015 meeting a motion was approved tasking the Electoral Board with the following: 1) to review the request for a JMU precinct, present pros and cons associated with this request; 2) provide estimates on the costs associated with the request; 3) examine other localities that have on campus precincts; 4) present options they feel are appropriate for Harrisonburg to consider; and 5) make a recommendation to City Council.

The attached e-mail, which was sent on July 8 to council members does not address all of the items noted above, but does include a recommendation to establish an on-campus precinct for all students living on campus and who are registered voters in the City of Harrisonburg. The motion was approved on a 2-1 vote.

Attachments: [Electoral Board Recommendation on JMU Precinct](#)

7.d. Presentation on submission regarding the 2015 Edward Byrne Memorial Justice Assistance Grant

Review & Recommendation: The Harrisonburg Police Department has submitted a grant application for the Edward Memorial Justice Assistance Grant for the FY15-16 with the entitled amount of \$13,317. The grant is required to be presented to the governing body and to allow an opportunity for citizen comment. A brief presentation will be provided by staff outlining the grant plan. Contact information can be found at <http://www.harrisonburgva.gov/police> No formal action needed.

Attachments: [Budget Detail Worksheet BYRN04](#)
[Project Narrative](#)
[Project Abstract](#)
[Budget Narrative](#)
[Edward Byrne Memorial JAG Program](#)
[Frequently Asked Questions](#)

7.e. Consider amending and re-enacting Section 7-3-84 (6) in the Harrisonburg City Code, limits for Total Dissolved Solids (TDS)

Review & Recommendation: The amendment would change the limits for TDS to one thousand (1,000) mg/l. Currently, the ordinance reads three hundred (300)mg/l. Unnecessary concerns have been presented with development interests within the city with limits for TDS at 300 mg/l. The limits were originally recommended by Harrisonburg-Rockingham Regional Sewer Authority (HRRSA) to the city for adoption in 1991; HRRSA has revisited this issue and agrees that the limits can be changed to 1,000 mg/l. Attached you will find HRRSA minutes from March 2015 and the proposed ordinance change.

Attachments: [Minutes - March 2 2015](#)
[Ordinance 7-3-84](#)

7.f. Update on the Park View Water Tank and Pump Station project

Review & Recommendation: A brief update will be given by the Director of Public Utilities.

Attachments: [PowerPoint Presentation](#)

8. Other Matters

9. Boards and Commissions

10. Adjournment