



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 12, 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 June 14, 2016](#)

6. Public Hearings

6.a. Consider issuing a Certificate of Convenience and Necessity to Checkered Cab

Review & Recommendation: The Taxi Committee recommends approval for the Certificate of Public Convenience and Necessity for Checkered Cab. Mr. Christian Maragni will continue to operate Checkered Cab in a professional manner. The city of Harrisonburg has not received any complaints against Mr. Maragni as a taxi driver.

Attachments: [Memorandum](#)
[Public Hearing Notice](#)
[Checkered Cab Maragni Application](#)

6.b. Consider an ordinance granting a franchise to use streets and other public lands of the city of Harrisonburg for operation of a fiber optic network

Review & Recommendation: Shentel has requested that the city grant a franchise to use streets and other public lands of the city to lay fiber optic cable. Fiber optic cable to be installed by Shentel will connect various city owned properties through dark fiber.

Attachments: [Memorandum](#)
[Ordinance](#)
[Public Notice](#)

- 6.c. Consider a request from Rockingham County School Board, with representative John Hash of Timmons Group for a special use permit per Section 10-3-97 (9) to allow an educational use within the M-1, General Industrial District at 215 and 311 Pleasant Valley Road

Review & Recommendation: Planning Commission recommended approval (7-0) of the special use permit to allow an educational use on the 16.8 +/- acre parcel identified as tax map parcel 102-B-1.

Attachments: [Memorandum](#)
[Extract SUP 1911 South High Street - zero setback](#)
[Site Maps](#)
[Application and applicant letter](#)
[Aerial Zoom In](#)
[Site Plan](#)
[Surrounding Property Notice](#)

- 6.d. Consider a request from the Trustees BPO Elks 450 to rezone three parcels from R-3, Medium Density Residential District to B-2C, General Business District Conditional

Review & Recommendation: The properties are addressed as 482 South Main Street and 50 Paul Street. Planning Commission recommended approval (6-0) of rezoning the 2.31 +/- acres, identified as tax map parcels 26-O-1, 20, & 21, from R-3 to B-2C with the following proffers:

* The following B-2 uses would be permissible on the site:

i. Restaurants contained within the existing structure in the two rooms shown on the provided drawing as "Dining," and the area shown as "Kitchen," specifically not including drive through food service; ii. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities; iii. Accessory buildings and uses customarily incidental to any of the above listed uses; iv. Public uses; and, v. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.

* The property owner could apply for any special use permit allowed in the B-2 district.

* All freestanding signs shall be no taller than 10 feet in height, no freestanding sign shall be larger than 100 square feet in area, and any signage may not be LED or contain scrolling message boards.

Attachments: [Memorandum](#)
[Extract RZ 482 South Main Street R-3 to B-2C](#)
[Letter, application, proffer statement, and supporting application material](#)
[Site Maps](#)
[Surrounding Property Notices](#)

- 6.e. Consider a request from Harrisonburg OB/GYN Associates, LLC to rezone a parcel from R-3, Medium Density Residential District to B-2C, General Business District Conditional

Review & Recommendation: The property is addressed as 2205 Evelyn Byrd Avenue. Planning Commission recommended approval (6-0) of rezoning the 1.27 acres, identified as tax map parcel 77-L-12A, from R-3 to B-2C with the following proffers:

1. The site shall only permit business and professional office uses; 2. All uses allowed by an approved special use permit shall be permitted; 3. The existing vegetation (trees and shrubbery) parallel to and within 45 feet from the southern property boundary shall be maintained to provide a vegetated buffer to protect the adjacent residential uses from uses on the subject site; or, an evergreen vegetative buffer shall be created parallel to and within 10 feet from the southern boundary with the intent to create a dense screen, where such evergreens shall be planted at no less than 5 feet on center and 6 feet in height at the time of planting.

Attachments: [Memorandum](#)
[Extract RZ 2205 Evelyn Byrd Ave R-3 to B-2C](#)
[Site Maps](#)
[Proffer letter and supporting application materials](#)
[Subdivision Plat Demonstrating Potential Buildable Area](#)
[Surrounding Property Notices](#)

- 6.f. Consider a request from H2 Investments, LLC with representative Balzer and Associates, Inc., to close 1,814 +/- square feet of an undeveloped public alley located between 634 Collicello Street and 113 & 123 Third Street

Review & Recommendation: Planning Commission recommend approval (5-1) of closing the 10-foot wide by 181-foot long alley located adjacent to tax map parcels 40-U-4 and 40-U-9, 10, & 11.

Attachments: [Memorandum](#)
[Extract Alley closing and PP 632634 Collicello Street](#)
[Site Maps](#)
[Application, letter, alley survey and preliminary plat](#)
[Neighbor letter of opposition](#)
[Surrounding Property Notices](#)

7. Regular Items

- 7.a. Consider a request from H2 Investments, LLC with representative Balzer and Associates, Inc., to preliminarily subdivide two parcels into six parcels with variances from the Subdivision Ordinance Sections 10-2-41 (a) and 10-2-42 (c)

Review & Recommendation: The properties are zoned R-2, Residential District and are located at 632 and 634 Collicello Street. Planning Commission recommended approval (5-1) of the preliminary plat with the requested variances to allow four lots to not have public street frontage and to allow a private street to be built off Collicello Street to serve the proposed lots and the private street would not meet any of the standards as specified in Section 2.7 of the DCSM. The 0.838 +/- acres is identified as tax map parcels 40-U-2 and 3.

Attachments: [Memorandum](#)
[Extract Alley closing and PP 632634 Collicello Street](#)
[Site Maps](#)
[Application, letter, alley survey and preliminary plat](#)
[Neighbor letter of opposition](#)

7.b. Presentation from the local Re-entry Council

Review & Recommendation: Darrell Simpson from the Harrisonburg-Rockingham Community Services Board will present activities and goals for assisting offenders and their families in successfully transitioning back into our community after incarceration. The local Re-entry Council is interested in entering into a closer partnership with City Council and other major stakeholders in the area to seek avenues for public outreach, engagement, and education on the important issues of criminal justice and local re-entry.

7.c. Consider a public utilities request from Virginia Mennonite Retirement Community (VMRC) to provide water service onto property within Rockingham County

Review & Recommendation: The subject property is identified by Rockingham County's tax maps as parcel 93-7-L1 and is located at the western end of Harmony Drive, which is also the city/county boundary. Planning Commission recommend approval (6-0) of the public utilities request for the end of Harmony Drive within Rockingham County as presented.

Attachments: [Memorandum](#)
[Extract PUA West end of Harmony Drive](#)
[PUA End of Harmony Drive Site Map](#)
[Aerial Map](#)
[Public Utilities Application](#)

8. Other Matters**9. Boards and Commissions****9.a. Consider appointing one council member to the Finance Committee**

Review & Recommendation: This vacancy comes after Mayor Jones stepped down from the Finance Committee during the June 14, 2016 council meeting. Currently, Council Member Byrd serves on this committee.

10. Closed Session

10.a. Discussion or consideration of the acquisition of real estate for a public purpose and the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body

11. Adjournment