



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, August 11, 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: [July 28, 2015 Draft Meeting Minutes](#)

- 5.b. Consider a supplemental appropriation for the Police Department in the amount of \$12,610.13

Review & Recommendation: These funds would be transferred from the Federal Asset Forfeiture (\$10,091.99) and State Asset Forfeiture (\$2,518.14) budget to the Police Hardware line item to purchase iPad tablets for all supervisory personnel in the Police Department. This purchase furthers the Geographical Policing initiative and preparation for "predictive policing" and COMSTAT documentation.

Attachments: [Supplemental Appropriation \(Asset Forfeiture\)](#)

Legislative History

7/28/15 City Council approved on first reading

6. Public Hearings

- 6.a. Consider closing and vacating an undeveloped portion of Grove Street containing approximately 13,462 square feet - Postponed

Review & Recommendation: This agenda item was advertised for a public hearing to be held during the August 11, 2015 Council Meeting. It has been requested to be postponed until the August 25, 2015 Council Meeting.

- 6.b. Consider a request from Campbell and Main, LLC with representative Rodney L. Eagle to rezone a 18,901 +/- square foot parcel zoned B-2C, General Business

District Conditional to B-1C, Central Business District Conditional

Review & Recommendation: This property is located at 412 South Main Street. Planning Commission recommended approval (6-0) of the rezoning request for the property identified as tax map parcel 26-O-3, with the following proffers:

1. The subject property shall only be used for inn (transient lodging), restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted.
2. The restaurant operation shall not be open to the public between the hours of 1:00 am to 11:00 a.m. on Sundays. Limited food service to in-house inn guests from the kitchen may be provided during these hours.
3. The property shall maintain the existing off-street parking area enclosed by the existing vinyl fencing on the north side of the property adjacent to Campbell Street. Portions of the property (not restricting the Campbell Street entrance), may also be used for non-permanent outdoor storage of landscaping, construction or similar materials (with outdoor storage at no time to take up more than 20% of the fenced-in area).
4. The property shall maintain a thirty-foot (30') setback along South Main Street and a twenty foot (20') setback along Campbell Street for permanent structures. Fences, patios or other non-enclosed and uncovered structures shall not be subject to this restriction.

Attachments: [Extract RZ 412 South Main Street](#)
[Site Maps](#)
[Staff Report 412 South Main Street RZ](#)
[Application & Supporting Documents](#)
[412 South Main Street Surrounding Property Notice](#)

- 6.c.** Consider a request from Chatham Land Co.; 126 Belmont, LLC; Nancy Lantz; Delbert and Lela Snyder, Trustees; and Tonya Taylor Price to rezone 37 lots comprising of 7.6 +/- acres of property zoned R-6, Low Density Mixed Residential Planned Community District by amending the development's master plan

Review & Recommendation: The development is located along Betts Road and East Market Street and is served by Alston Circle and Payton Randolph Court-both private streets. Planning Commission recommended approval (6-0) of the rezoning request which would reduce the total number of master planned lots from 38 to 26 single family home lots and make amendments to the allowable area and dimensional regulations of the community. The properties are addressed as 2302, 2310, 2313, 2314, 2318, 2319, 2322, 2326, 2330, 2334, 2337, 2338, 2341, 2342, 2346, 2347, 2350, 2354, 2358, 2362, 2366, 2370, 2371, 2374, 2375, 2382, 2386, 2390 Alston Circle and 40, 41, 50, 51, 60, 61, 70, 71, 80, and 90 Peyton Randolph Court. The properties are identified as tax map parcels 74-J-0 through 26, 28 through 30, and 32 through 38.

Attachments: [Extract RZ Chatham Square 2015](#)
[Site Maps](#)
[Staff Report Chatham Square 2015 Amend](#)
[Application & Supporting Documents](#)
[Chatham Square Surrounding Property Notice](#)

- 6.d.** Consider a request from Rawley Enterprises, LC with representative Dennis W. Rawley for a special use permit per Section 10-3-97 (2) of the Zoning Ordinance to allow for a convenience store on a 8,750+/- square foot property

Review & Recommendation: The property is located at 210 Charles Street. Planning Commission recommended approval (6-0), with one condition, of the special use permit to allow for a convenience store. The property is zoned M-1, General Industrial District, and is identified as tax map parcel 41-B-1.

1. Any off-street parking spaces (existing or future spaces) on the subject property shall comply with Section 10-3-25 (5).

Attachments: [Extract SUP 210 Charles Street](#)
[Site Maps](#)
[Staff Report 210 Charles Street SUP](#)
[Application & Supporting Documents](#)
[210 Charles Street Surrounding Property Notice](#)

- 6.e. Consider a request from Aneta and Christopher Smialek for a special use permit per Section 10-3-34 (6) of the Zoning Ordinance, to allow for a major family day home on a 15,452+/- square foot property

Review & Recommendation: The property is located at 521 Blue Ridge Drive. Planning Commission recommended approval (6-0), with conditions, of the special use permit to allow a major family day home. The property is zoned R-1, Single Family Residential District and is identified as tax map parcel 29-D-29. The conditions are as follows:

1. Vehicles shall not be permitted to exit the property onto Country Club Road. All vehicles shall exit onto Blue Ridge Drive.
2. All vehicles shall only turn right when exiting onto Blue Ridge Drive.
3. The existing island area created by the connecting portions of the driveway, near the southwestern property corner, shall remain open space for improved sight distance. All planting within this area shall be low-lying and/or ground covering vegetation.
4. The connecting portions of the driveway shall remain open at all times to allow parents/guardians to maneuver on and off of the property without utilizing the public right-of-way. Therefore, parking is prohibited on these portions of the driveway.
5. If City Council finds traffic conditions warrant re-evaluation of the "major family day home," they may require the applicant to return to Planning Commission to re-examine the use of the property. It shall be at the discretion of Planning Commission and/or City Council to determine if the re-evaluation shall necessitate a public hearing. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

Attachments: [Extract SUP 521 Blue Ridge Drive](#)
[Site Maps](#)
[Staff Report 521 Blue Ridge Dr. SUP](#)
[Application & Supporting Documents](#)
[521 Blue Ridge Surrounding Property Notice](#)

- 6.f. Consider amending the Zoning Ordinance by modifying the existing definitions of "minor family day home" and "major family day home."

Review & Recommendation: Planning Commission recommended approval (6-0) of the Zoning Ordinance amendment to change the total number of children allowed in a minor family day home to one to four children while a major family day home would be allowed to have five to twelve children.

Attachments: [Extract ZO Amend Minor & Major Family Day Homes](#)
[Amendment](#)

6.g. Consider the reappropriation of encumbrances requested by department heads and the School Board that were outstanding at the end of Fiscal Year 2015

Review & Recommendation: At the end of Fiscal Year 2015 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2015. These purchase orders were carried forward to the new Fiscal Year 2016 budget; however, the budgeted funds lapsed as of June 30, 2015. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2015. The purpose of this supplemental appropriation is to request that the funds for these outstanding purchase orders be reappropriated to the current fiscal year's budget.

Approval of this request will increase the Fiscal Year 2016 budget by 3,423,374.32. This represents an increase of over 1% of the total city budget. Code of Virginia Section 15.2-2507 requires a public hearing for budget amendments that exceed 1% of the budget.

Attachments: [Supplemental Appropriation \(Encumbrances\)](#)
[Encumbrances List \(City\)](#)
[Encumbrances List \(Schools\)](#)
[Public Hearing Notice \(Encumbrances\)](#)

7. Regular Items

7.a. Consider modifications to the Mutual Aid Agreement with James Madison University and Rockingham County regarding sexual assault on campus

Review & Recommendation: A modification is required in order to include a reporting requirement for sexual assaults committed on JMU's property.

Attachments: [Police Mutual Aid Agreement](#)

8. Special Event Application Requests

8.a. Consider the Block Party in the Burg for a special event request

Review & Recommendation: Block Party in the Burg will be held on Saturday, August 29th from 6:00 p.m. to 9:00 p.m. in downtown Harrisonburg.

Attachments: [Special Event Application - Block Party](#)
[Bus Route 2015](#)
[Rough Draft of Street Closure](#)
[City of Hburg COI General](#)
[Block Party - Sellers Real Estate](#)
[Block Party - Bank of America](#)
[Block Party - County of R'ham](#)
[Block Party - First Pres](#)
[Block Party - James McHone](#)
[Block Party- City of H'burg](#)

8.b. Consider the Brothers Craft Brewing Three Miler for a special event request

Review &**Recommendation:**

The Brothers Craft Brewing Three Miler will be held on Saturday, August 29th from 9:00 a.m. to 11:00 a.m. on East Washington Street from North Main Street to Northfield Ct. The special event is requesting two Harrisonburg Police Officers and the rest will be provided by the event.

Attachments:

[Brothers Craft Brewing Three Miler](#)

[Three Brothers Three Miler Road Closures](#)

[Three Miler Certificate of Insurance](#)

9. Other Matters**10. Boards and Commissions****11. Closed Session**

- 11.a. 2.2-3711(A)(7) Consultation with legal counsel and briefings by staff members or consultants pertaining to specific contractual matters

12. Adjournment