



# City of Harrisonburg

409 South Main Street  
Harrisonburg, VA 22801

## Meeting Agenda City Council

*Mayor Ted Byrd*  
*Vice-Mayor Charles Chenault*  
*Council Member Kai Degner*  
*Council Member Richard Baugh*  
*Council Member Abe Shearer*

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Tuesday, August 12, 2014

7:00 PM

Council Chambers

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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. Approval of minutes

**Attachments:**     [July 22, 2014 - Draft Minutes](#)

- 5.b. Consider a request to amend Section 15-3-2 of the Harrisonburg City Code by expanding subsections containing definitions and specific prohibitions to further define excessive noise and noise violations.

**Review & Recommendation:** Council approved 5-0, first reading. Some minor language modifications were made to the attached ordinance.

**Attachments:**     [Public Hearing Notice - Noise](#)  
                          [NOISE ORDINANCE revised](#)  
                          [NOISE ORDINANCE modified 8.6.14](#)

6. Public Hearings

- 6.a.** Consider a request from James Madison University to close a portion of Chesapeake Avenue (24,176 +/- sq. ft.), East Grace Street (50,429 +/- sq. ft.), a portion of South Mason Street (28,575 +/- sq. ft.), and a 10-foot alley located between South Main Street and South Mason Street (6,708 +/- sq. ft.).

**Review &**

The section of Chesapeake Avenue is adjacent to tax map parcels 24-S-12, 13 & 15.

**Recommendation:**

The section of East Grace Street is adjacent to tax map parcels 17-B-1 and 25-P-1.

The section of South Mason Street is adjacent to tax map parcels 17-C-0 through 4 and 25-P-1 & 11 through 14. The 10-foot alley located between South Main Street and South Mason Street is adjacent to tax map parcels 25-P-3, 4, 5, 10, 12, 13, and 13A. Planning Commission recommended (5-0) closure of 109,888 +/- square feet of public street and alley right-of-way with the condition that appropriate easements be reserved for all utilities.

**Attachments:**

[Cover Sheet Street Closing JMU \(Chesapeake, Mason, & Grace\)](#)

[Extract Street Closing JMU \(Chesapeake, Mason, & Grace\)](#)

[JMU Street Closings Site Map](#)

[JMU Street Closings Zoning Map](#)

[Staff Report JMU Street and Alley Closing](#)

[JMU Alley Closing Letter](#)

[Public Hearing Newspaper Ad](#)

[Surrounding Property Owners Notice - JMU.pdf](#)

- 6.b.** Consider a request from Carmel Quinn Falls, Leon Nelson, and HGC, Inc. with representative Ed Blackwell of Blackwell Engineering for a special use permit to allow multiple family dwellings of up to 12 units per building within the R-3, Medium Density Residential District on property addressed as 2475 & 2477 Reservoir Street.

**Review &**

Planning Commission recommended approval (5-0), for the special use permit request,

**Recommendation:**

per Section 10-3-48.4 (6) of the Zoning Ordinance, to allow multiple family dwellings of up to 12 units per building within the R-3, Medium Density Residential District on the 2.039 +/- acre property identified as tax map parcel 81-A-8; specifically for 2 buildings of 12 units each and a clubhouse as requested by the application materials.

**Attachments:**

[Cover Sheet SUP 2477 Reservoir St Campus View](#)

[Extract SUP 2477 Reservoir St Campus View](#)

[Site Map - SUP 2477 Reservoir St](#)

[Zoning Map SUP 2477 Reservoir St](#)

[Staff Report SUP 2477 Reservoir St Campus View Apts](#)

[Application and info](#)

[Public Hearing Ad - Newspaper](#)

[Surrounding Property Owners Notification](#)

- 6.c. Consider a request from Rawley Enterprises LC with representative Evaristo Antonio-Perez-Tomas for a special use permit to allow religious, educational, charitable, or benevolent institutional uses which do not provide housing facilities within the M-1, General Industrial District. The property is located at 206 Charles Street.

**Review & Recommendation:** Planning Commission recommended approval (5-0), for the special use permit request, per Section 10-3-97 (9) of the Zoning Ordinance, to allow religious, educational, charitable, or benevolent institutional uses which do not provide housing facilities within the M-1, General Industrial District on the 8,673 +/- sq. ft. property identified as tax map parcel 41-B-2.

**Attachments:** [Cover Sheet SUP 206 Charles St](#)  
[Extract SUP 206 Charles St](#)  
[Site Map SUP 206 Charles St](#)  
[Zoning Map SUP 206 Charles St](#)  
[Staff Report SUP 206 Charles St](#)  
[Application and info](#)  
[Public Hearing Ad - Newspaper](#)  
[Surrounding Property Owners Notification](#)

- 6.d. Consider a request from Lantz-Eby Enterprises with representative Ken Kline of Cottonwood Commercial for a special use permit to allow financial institutions and offices within the M-1, General Industrial District on property addressed as 130 Mt. Clinton Pike and 302 Acorn Drive.

**Review & Recommendation:** Planning Commission recommended approval (4-0), for the special use permit request, as detailed in the application materials, per Section 10-3-97 (4) of the Zoning Ordinance, to allow financial institutions and offices within the M-1, General Industrial District on the 3.0 +/- acre property identified as tax map parcel 44-C-1 and further recommends granting the property owner the ability to have five years from the date of approval to begin construction for the authorized use.

**Attachments:** [Cover Sheet SUP 130 Mt Clinton Pk](#)  
[Extract SUP 130 Mt. Clinton Pk](#)  
[Site Map SUP 130 Mt. Clinton Pike SUP](#)  
[Zoning Map SUP 130 Mt. Clinton Pike](#)  
[Staff Report SUP 130 Mt Clinton Pike \(10-3-97 \(4\)\)](#)  
[Application and Info](#)  
[Public Hearing Ad - Newspaper](#)  
[Surrounding Property Owners Notification](#)

- 6.e.** Consider a request from Gerdau to amend the Zoning Ordinance to allow junk yards within the M-1, General District by special use permit. The amendment would add text within Section 10-3-96 (8) & (20), add junk yards as an available special use within Section 10-3-97, add additional text within Section 10-3-99 (c), add parking regulations for junk yards within 10-3-25 and correct language within Section 10-3-24.

**Review &**

**Recommendation:**

Planning Commission recommended approval (5-0) of the Zoning Ordinance amendments that would include adding text within Sections 10-3-96 (8) and (20) explaining that vehicle salvage, storage of inoperable vehicles, or sale of junk continues to be prohibited in association with vehicle and other equipment sales or storage and for uses associated with taxicab, limousine, and bus uses, unless the property owner obtains a special use permit allowing junk yard.

Junk yards would be added as an available special use within Section 10-3-97 and Section 10-3-99 (c) would be amended to allow materials (i.e. at junk yard operations) to not have to be completely enclosed within structures when specifically permitted. Other changes are: adding off-street parking regulations within Section 10-3-25 specifically for junk yards and making a correction to Section 10-3-24 within the junk yard definition.

**Attachments:**

[Extract ZO Amend Junkyards.doc](#)

[Application Gerdau.pdf](#)

[Staff Report - ZO Amend.doc](#)

[Public Hearing Ad - Newspaper](#)

- 6.f.** Consider reappropriation of encumbrances requested by department heads that were outstanding at the end of fiscal year 2014.

**Review &**

**Recommendation:**

At the end of fiscal year 2014 there were outstanding encumbrances for purchase orders which were issued prior to June 30, 2014. These purchase orders were carried forward to the fiscal year 2015 budget; however, the budgeted funds lapsed as of June 30, 2014. The purchase orders were for goods and/or services which were contracted for but not received prior to June 30, 2014. 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 2015 budget by \$3,487,508.11. 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 Listing \(City\)](#)

[Encumbrances Listing \(Schools\)](#)

[Public Hearing Notice \(Encumbrances\)](#)

## 7. Regular Items

**7.a. Report on Northend Greenway Unsolicited PPEA Proposal.****Review & Recommendation:**

In April of this year, the City received an unsolicited PPEA proposal to construct the Northend Greenway Shared Use Path. Per the guidelines of this process, city staff have reviewed the proposal and would recommend to Council that it is not in the interest of the City to proceed with the proposal. Such recommendation is based on the following: 1) the proposed project exceeds the scope of work anticipated by Council; 2) the proposed project exceeds the amount of available funding for the project; and 3) the proposal included no viable alternatives to overcome the exceeding of available funding.

Staff has considered other options available at this time relative to the project and believe we essentially have three possibilities:

1. Revert to a "traditional" engineering design, right-of-way acquisition, and construction bid process for Phase 1 of the project.
2. Do nothing at this time. This would not be a preferred option as the City is under time constraints from VDOT to spend the \$600,000 in Revenue Sharing funds that were made available for the project. It is possible that the Revenue Sharing Funds could be moved to a different project, subject to VDOT approval.
3. Consider an alternative project. With the pending construction of the new grocery store project at the intersection of North Main and Mt Clinton Pike and its requirement to construct a bike and pedestrian path along the road frontage, the City could consider continuing that path along Mt. Clinton Pike to its intersection with Virginia Avenue. There is existing city right-of-way along most of this route, along with existing street lighting. Preliminary, in-house cost estimates indicate that the work could be done at or near the amount of existing available funding

It is recommended that Council refer these options back to the Bike and Pedestrian sub-committee for consideration and recommendation of one of the above alternatives.

**8. Other Matters****9. Boards and Commissions**

Visit <http://www.harrisonburgva.gov/boards> to see current and upcoming vacancies.

**10. Adjournment**