



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

409 South Main Street

Harrisonburg, Virginia 22801

Website: <http://www.harrisonburgcommdev.com/>

Telephone: (540) 432-7700 Fax: (540) 432-7777

November 4, 2016

TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Consider a request from Chad E. Dove per Section 7-2-4 of the City Code for the City to provide sanitary sewer service for a proposed automotive shop. The property is located at 1790 Harpine Highway, Harrisonburg, Virginia, 22802 and is identified by Rockingham County's tax maps as parcel 94B-(5)-L 1, 2 & 3.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING
HELD ON:** October 12, 2016

Chair Fitzgerald read the request and asked staff for a review.

Mr. Colman recused himself at 7:14 p.m. and left the Council Chambers.

Ms. Dang said the subject property is located at 1790 Harpine Highway and is identified by Rockingham County's tax maps as parcel 94B-(5)-L 1, 2 & 3. The property is located on the southeast corner of the intersection of Harpine Highway (Route 42) and Harmony Drive/Harman Road. The applicant desires to build and operate an automotive repair shop at this location. The City/County boundary in this area is Harpine Highway (Route 42), which is adjacent to and west of this property.

Per Section 7-2-4 (b) of the City Code, all uses, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sewer infrastructure, shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection. As noted above, this request is for a non-residential connection; thus Planning Commission review and City Council approval is needed.

On October 4, 2016, Rockingham County's Planning Commission recommended approval of the applicant's request to rezone the subject parcels from Medium Density Residential to General Business District. The rezoning request will be heard by the County Board of Supervisors on October 26, 2016.

The City's Public Utilities Department worked with the applicant to identify several location options for connecting to the City's sanitary sewer system. The applicant decided that connecting to the sanitary sewer main at Sharon Lane, about 456 feet south of the property, was the best option. If approved, the property owner would be responsible for obtaining private easements and to extend the private lateral to Sharon Lane.

The proper application has been completed and submitted by the property owner. The Public Utilities Department has completed the preliminary review of the request and has no issues. As noted on the attached application, Public Utilities will review engineering site plans and the private pump station design, and will require an oil-water separator.

Although staff supports this application to extend sanitary sewer service for this site in Rockingham County, staff wishes to use this opportunity to acknowledge a general concern of extending future utilities into Rockingham County in areas where a proposed development may not be consistent with the City's adjacent area or Comprehensive Plan. Potential negative impacts include increased traffic, conflicting land use issues, and potential for a domino effect or pressure to develop properties in the City that are not desired or planned for in the long term. City Code Section 7-2-4 (b) requires all uses, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sewer infrastructure, be reviewed by Planning Commission so that potential negative impacts can be reviewed and considered.

Staff has no concerns and the Public Utilities Department supports this application for the extension of sanitary sewer service into Rockingham County. Staff recommends approval.

Chair Fitzgerald asked if there were any questions for staff. This is not a public hearing; however, a representative from Public Utilities is here to speak. She then asked would you like to come forward and speak regarding the request or are you good with what has been presented?

Mike Collins, Director of Public Utilities, said I am not really here to discuss this specifically. I am here on Adam's request to discuss briefly the process. This process when you look at the City Code Section 7-2-4 was revised in 1996, and in 2003 twice. I was here at that time and was involved very significantly as the author of this ordinance. I just wanted to tell you a couple perspectives of what this is intending to do and I think there were some questions.

First, I will point out in City Code Section 7-2-4(a) it requires the applicant to get with Rockingham County and make a petition to that. The reason is because the City of Harrisonburg cannot service somebody in Rockingham County without the County's approval; that is the first step. The second step requires the Public Utilities Department to render an opinion whether or not it is acceptable from the Public Utilities perspective. When we do that we look at two different things. We look at whether the level of service will be satisfactory either by regulatory requirements or the expectation of the customer with regards to serving their needs. The second thing we do is we also take a look at whether there is any impact to existing customers or to the future planning of the city to those pieces of property that are not yet developed. When we give you our opinion for recommendation, we have taken care of all that, so you do not need to worry about any Public Utilities concern for the customer, for the existing city resident, or for future city residents.

Then there are two more steps. Why does it come to Planning Commission? When this was drafted there were other impacts to be considered; all the bottom line effects. You will see that one residential application does not come through your process; but a business does, subdivisions do and so forth. The intent at the time was for you take a look at the other things, not the utilities, the other things. Financial, you have a business, you are supporting a business that is going through Rockingham County and it is not going to be in the city. There may be some social impacts, whatever that may be, some type of development that you do not want by the city, traffic or some environmental impact. That was the intention of this step, then it goes to Council and they take into consideration the same thing. I wanted to be a little clearer about this process.

I will give you three examples. First example is just the single family home, what is going to happen, great example of that is around Route 33 West. That happens all the time; somebody builds a house, they go to the County, get their applications, one house we say no big deal. Public Utilities says we can service it, everything is good, and we serve them.

Second example, let us use the example being discussed tonight. This is a business, which is why it is coming to you. This is a business that is being developed on the outside of the city with the tax revenue going there. And without all utilities, it does not go there. So is that an issue or is it not? Whether there is going to be traffic on that road or whatever the concerns may be.

Third example may catch you off guard. Let us take something like the Altitude, which is planned student housing beside Port Republic Road. For that application, the applicant to us was Rockingham County. We have a utilities agreement with Rockingham County that says we have signed a contract with them and the agreement states that we will give them so much capacity and that we will not reasonably deny that request. In that case the applicant was Rockingham County, so if you were to find some issue that you did not want to service that particular situation, then we would be into our contract of getting involved as to whether that meets the definition for why we denied it. That will only be if the applicant is Rockingham County.

Mrs. Whitten asked when we take on a customer from Rockingham County, whether it is residential or business, are they paying the same rates?

Mike Collins said no they are paying more. There is a numeric water works association that sets a format on how to do that. You are basically recovering your assets and a return on your investment above and beyond what city customers do.

Chair Fitzgerald asked if there were any further questions. Hearing none, she asked for a motion.

Mr. Way moved to approve the request for Public Utility Application.

Mr. Finks seconded the motion.

Chair Fitzgerald asked for further discussion on the request. Hearing none, she called for a voice vote on the motion.

All voted in favor (6-0) to recommend approval of the Public Utility Application.

Mr. Colman returned to the room at 7:23 p.m.

Mr. Fletcher said Mr. Collins described it pretty well and I just want to make sure that we understood what he was saying, because for the past 10 years or more we have had a lot of these smaller requests. It seems that, and for lack of better description, most have not been that big of a deal, in some ways they are paying more money for the utility. As we continue to plan, and the bigger development is occurring on our fringe, just make sure we are thinking about it wholistically. That was really the approach and the understanding on why I wanted Mr. Collins to come, because we have had these conversations internally and we really wanted to recognize it in a public format. When you go back and look, these things go through relatively easily, but they are not always going to be easy. We need to think about the ramifications; if there is a development that is proposed outside our boundaries is not necessarily cohesive and in line on how we are hoping something develops, then maybe it is inconsistent with the way our adjacent properties are planned for in the city. Think about that and think about those ramifications.

Chair Fitzgerald said this will go forward to City Council on November 15, 2016

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner