



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**  
**December 9, 2015**

## **COMPREHENSIVE PLAN AMENDMENT AND REZONING SPOTSWOOD COUNTRY CLUB (8 ACRES)**

### **GENERAL INFORMATION**

- Applicant:** Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Blackwell Engineering
- Tax Map:** 73-B-1 & 3
- Acreage:** 8.0 +/- acres
- Location:** 1980 Country Club Road – 8 acres along Country Club Road and East Market Street
- Requests:** (1) Public hearing to consider a request to amend the Comprehensive Plan by modifying the Land Use Guide map within Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for 8 acres of land from the Conservation, Recreation, and Open Space designation to the Commercial designation.
- (2) Public hearing to consider a request to rezone 8 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional.

### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the City's parks and golf course, as well as private open space recreation uses, such as country clubs.

The following land uses are located on and adjacent to the property:

- Site:** Forested, undeveloped acreage of the Spotswood Country Club, zoned R-1
- North:** Spotswood Country Club, zoned R-1
- East:** Spotswood Country Club, zoned R-1
- South:** Spotswood Country Club, zoned R-1
- West:** Across Country Club Road and East Market Street, commercial uses, zoned B-2

### **EVAULATION**

Spotswood Country Club (the Club) is requesting to amend the Comprehensive Plan (the Plan) by changing the Land Use Guide designation for 8.0 +/- acres of their property along Country Club Road and East Market Street while at the same time requesting to rezone the same acreage. The subject site

involves two parcels. The first includes a 7.25-acre portion of tax map parcel 73-B-1 (this parcel in its entirety totals 78.18 +/- acres). The second parcel is a 0.75-acre lot identified as tax map parcel 73-B-3. The subject area is undeveloped and is almost entirely forested. It stretches about 638 feet along Country Club Road and about 558 feet along East Market Street.

Proposed amendments to the Plan that occur between official City-led updates are rare. While considering the current request, it is best to understand the requests that occurred in the past. They are often times associated with significant developments and for projects that might be substantially different than the planned land use.

There are only six files documenting requested Plan amendments. Two of the six amendments were text changes put forth by City staff in 1998 and 2008 and were ultimately approved. The other four amendments were Land Use Guide changes, all proposed by private developers. The first was in 2003 when Dunham Bush Holdings, Inc. proposed changing their Land Use Guide designation from General Industrial to Commercial while also proposing to rezone the same property from M-1 to B-2C. Both requests were supported by staff and Planning Commission (PC) and were approved by City Council (CC). The site was then redeveloped to what is now known as Harrisonburg Crossing. The other three requested changes all occurred in 2006. In April of that year, the property now known as Chatham Square—located at the intersection of East Market Street and Betts Road—was reviewed for a designation change from Low Density Residential to Low Density Mixed Residential. Staff and PC recommended approval of the request, but City Council denied the application. However, several months later the property was successfully rezoned from R-1 to R-6 and then developed. Also in April of 2006, a separate developer proposed designation changes for over 150 acres of property now commonly known as “the Quarry” development. The proposed changes were from Commercial and Mixed-Use Development Areas to Medium Density residential, Medium Density Mixed Residential, and Commercial. Staff supported the changes in part, PC recommended approval as submitted, and CC ultimately approved the requests. Portions of the Quarry property were later rezoned to R-7; however, neither the planned commercial or residential components of that planned development have materialized. Lastly, in May 2006, over 60 acres of land in the southern section of the City, adjacent to Interstate 81, was reviewed for designation changes from Commercial to Medium Density Mixed Residential while simultaneously reviewed to rezone the property from B-2 and M-1 to R-7 to make way for a large multi-family residential development. Staff and PC recommended denial of both applications; CC, however, approved both. The planned development never occurred and the property is now owned by James Madison University.

Specifically, with regard to the current requested Plan amendment, the proposed change would occur on the Land Use Guide map, which is part of the Plan’s Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for the subject property from the Conservation, Recreation, and Open Space designation to the Commercial designation. Concurrently, the applicant is requesting to rezone the subject area from R-1, Single Family Residential District to B-2C, General Business District Conditional.

The Land Use Guide map is a key component of the Plan and illustrates the recommended future land uses for parcels in the City. As explained within Chapter 5 of the Plan, “[i]t is the official land use policy map of the Comprehensive Plan and is to be used as a guide in decisions on such matters as rezoning and special use permit proposals and the location of public facilities.” The Plan describes the Conservation, Recreation and Open Space designation by stating “[t]he City’s parks and golf course are included in this category, as well as private open space recreation uses, such as country clubs.” The Plan describes the Commercial designation by explaining that “[c]ommercial uses include retail, office,

wholesale, or service functions. Restaurant and lodging uses are also included. These areas are generally found along the City's major travel corridors. The largest concentration of commercial land use is located between E. Market Street and Reservoir Street and includes the Valley Mall, a number of shopping centers, and significant office development."

Regarding the rezoning, the applicant has proffered the following details (written verbatim):

1. Only the following uses allowed in the B-2 General Business District will be allowed:
  - a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
  - b. Governmental, business and professional offices and financial institutions.
  - c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
  - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
  - e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
  - f. General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees.
  - g. Pet shop or pet grooming establishment and animal hospitals however no outside space shall be permitted.
  - h. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
  - i. Public and privately owned parking lots and parking garages.
  - j. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
  - k. Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened.
  - l. Public uses.
  - m. Vehicle fuel stations. Vehicles excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
  - n. 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.

- o. Accessory buildings and uses customarily incidental to any of the above listed uses.
2. Special use permits shall be permitted as approved by City Council.
  3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Ramey Kemp, RKA Project 15175 dated October 2015, shall be constructed and implemented as required by the City of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the City of Harrisonburg.

The above proffered list of permissible uses is very similar to the by right permitted uses listed in Section 10-3-90 in the B-2 district; however, there is some variation. The applicant specifically omitted subsections (6), (7), (10), (12), and (13), which include the sale of vehicles, recreation equipment, and trailers; the repair of vehicles, recreation equipment, and trailers; radio and television stations and studios or recording studios; warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district; and funeral homes, respectively. Then, although proffer item “1 g” allows the same uses as those within Section 10-3-90 (9), the stated proffer specifically prohibits outdoor spaces associated with pet shops, pet grooming establishments, and animal hospitals. Lastly, within item “n,” which is similar to Section 10-3-90 (19), the applicant excluded the ability for “bus terminals or other facilities designed for vehicular convenience.”

As noted by proffer numbers 2 and 3, if approved, the property owners would be able to apply for any available SUP; and, they would be required to implement the approved recommendations of the already completed traffic impact analysis (TIA) or any revision to the TIA or other TIA that could be required depending upon the actual use that is to operate on site.

Importantly, note that the internal layout of the site as depicted on the engineered layout submitted by Blackwell Engineering is only a conceptual layout; it is not proffered.

It should be understood that although it is rarely required at the time of application submission, the Zoning Ordinance requires TIAs to be completed and then reviewed by the City prior to the acceptance of an application for a rezoning or Comprehensive Plan amendment. TIAs are described and implemented by the Design and Construction Standards Manual (DCSM). The DCSM explains that “[a] traffic impact analysis is a study that provides information on the impacts of vehicle trips generated from the proposed land uses on traffic safety and operation within a designated area and provides recommended solutions to mitigate the impacts. These standards and guidelines are to provide applicants the requirements for a comprehensive and acceptable traffic study for development proposals in the City of Harrisonburg.” Within Section 3.2.1.2 of the DCSM is the stipulation that any planned development that is expected to generate 100 peak hour vehicle trips, could necessitate the review of a TIA. In this particular case, due to the recommended uses within the requested Commercial Land Use Guide designation and the unknown factors of potential size and operations of the uses that would be permitted, the threshold for necessitating a TIA was met, and thus the City required a TIA to be reviewed prior to application submission.

The results of the TIA concluded that no improvements were recommended at any of the following studied intersections: East Market Street/University Boulevard, East Market Street/Country Club Road, East Market Street/Evelyn Byrd Avenue, and Country Club Road/Keezletown Road. There

were, however, solutions offered to mitigate impacts at both ingress and egress locations studied for the site. With regard to the right-in right-out access, a westbound right turn lane on East Market Street with 150 feet of storage and appropriate taper shall be constructed as well as to construct one ingress lane and one egress lane on the proposed site driveway. With regard to the full access along Country Club Road, a northbound right turn lane and a southbound left turn lane both with 100 feet of storage and appropriate taper shall be constructed on Country Club Road. Lastly, one ingress lane and two egress lanes shall be provided on the proposed site driveway to Country Club Road.

Although not proffered or part of the necessary explanations in the TIA, as the site develops, all typical street frontage improvements associated with any required curb and gutter and pedestrian and bicycle improvements would be required. As depicted on the submitted layout, the applicant already understands that the City would require a shared use path in lieu of a sidewalk along both street frontages.

Concerning utilities, existing public sanitary sewer along Country Club Road will more than likely accommodate additional flows that commercial development on this property would generate. The existing water supply to this area is limited, but can be increased with upgrades or upsizing of existing public water mains at the expense of the developer. Harrisonburg Electric Commission (HEC) has significant power poles along this property and the applicant is aware that any development that impacts those poles or any HEC infrastructure shall be improved or relocated at the developer's expense. The applicant further understands that actual relocation of the large utility poles is limited.

After much consideration, staff is recommending approval of both applications.

First, regarding the Comprehensive Plan amendment, to the best of staff's knowledge this is likely the first time a private property owner has requested to develop something that is not permitted by right on property with the Conservation, Recreation and Open Space designation. As part of this application review, staff determined there are 123 parcels in the City with the Conservation, Recreation and Open Space designation, and of those parcels, only eight parcels are privately owned. Three of the eight are owned by the Spotswood Country Club and one is owned by the Daughters of the Confederacy Monument, which is the parcel where the Turner Ashby Monument stands. In taking a closer look at this issue, and in recognizing where these private properties are located, having all of these private properties or, as is the case for the subject request, all portions of these properties designated as Conservation, Recreation and Open space, is not necessarily the best practice. This is because several of these will likely not remain open space or be "conserved" due to the by right development permissions of the properties' zoning. Given the location of the subject area and the existing and planned uses in this area of the City, staff believes the Commercial designation is more appropriate.

As already described, properties designated Commercial are usually found along the City's major travel corridors; East Market Street meets this description and, not only is Country Club Road more and more becoming one, the Street Improvement Plan (within the Comprehensive Plan) recognizes this and identifies Country Club Road to be improved to a three lane facility including a center turn lane with bicycle and pedestrian facilities.

Staff is not only recommending for the subject site's Land Use Guide amendment to be approved, we are also suggesting that the City, during the upcoming Comprehensive Plan review, consider whether the other privately owned parcels with the Conservation, Recreation and Open Space designation should be changed to something that would be more practical for overall City planning.

With the belief that the subject site should be designated Commercial, and in considering the submitted proffers, staff is also recommending approval of the rezoning. As a reminder, the submitted layout is not proffered, but is a representation of what the site could look like. In general though, the location of the buildings, the number of parking spaces and the parking lot landscaping regulations appear to be represented accurately. Staff is drawing attention to this because, in particular, the number of trees shown on the parcel is likely what would be required if the site were to develop as shown. With regard to the illustrated evergreen trees shown on the perimeter of the subject site, staff understands this tree buffer is a required private arrangement by the Spotswood Country Club.

If the applications are approved and the site develops as is planned by the applicant, the most observable change that would occur is that the hillside would likely be deforested. Staff understands the importance of urban forests and would like the developer to try to conserve as many mature trees as possible. In knowing this, however, it should also be recognized that the existing zoning of the site does not prevent the property owner from already deforesting this area of their property. If the site is to be built with such an expansive parking lot, where there is significant parking lot street frontage, staff has faith in the minimum stipulations of the parking lot landscaping regulations to end up with a respectably landscaped commercial development.

Staff supports amending the Comprehensive Plan's Land Use Guide designation for the identified 8 acres of property from Conservation, Recreation and Open Space to Commercial, and recommends approving the rezoning from R-1 to B-2C.