



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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March 1, 2022

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from Mountain View Apartments LLC with representatives Harrisonburg Community Health Center to rezone 1381 Little Sorrell Drive*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON: February 9, 2022**

Chair Finnegan read the request and asked staff to review.

Ms. Banks said the Comprehensive Plan designates this site as Limited Commercial. These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described.

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

- Site: Vacant parcel, zoned R-3C
- North: Across Little Sorrel Drive, single family detached dwelling, zoned R-1, and medical offices, zoned B-2C
- East: Across Little Sorrel Drive, medical offices, zoned B-2C
- South: Across Wine Drive, single family detached dwelling, zoned R-1, and vacant parcels, zoned B-2C
- West: Single family detached dwellings, zoned R-1

Before getting into the details of the rezoning request, some history of this property should be known. Prior to 2007, this parcel was part of a larger 16.51-acre tract known as Ashby Meadows. In May 2007, City Council approved to rezone a +/- 6.96-acre area closest to Port Republic Road

(which includes the subject parcel identified as tax map number 88-H-8) from R-1, Single-Family Residential District to R-3C, Multiple Dwelling Residential District Conditional.

Three subdivisions took place in 2008, which divided the original 16.51-acre R-1 zoned tract into 29 parcels for single-family dwellings and the remaining +/- 6.96 acres into three R-3C parcels, creating the subject parcel, the Harrisonburg Community Health Center (HCHC) parcel, a +/- 2-acre parcel, and the right-of-way for Wine Drive and Little Sorrel Drive. (The +/- 2-acre parcel was later subdivided into two, +/- 1-acre parcels).

From 2007 until present, all the parcels from the original 6.96 +/- acre rezoning have been rezoned in some manner, with three of the parcels being rezoned to B-2C and the subject parcel rezoned with proffer amendments to R-3C, Medium Density Residential Conditional in January 2017. The current proffers governing the subject parcel are as follows (written verbatim):

1. All buildings would be used only for medical offices and professional offices.
2. Screening between properties zoned R-1 and the subject property will be a six-foot-tall vinyl fence, similar to the picture from 2007 rezoning.
3. All buildings would be no more than two story, substantially of brick material, and of colonial design similar to attached pictures. Design would have to be approved by Architectural Control Committee.
4. Islands would be landscaped by Developer and maintained by adjoining property owners. This is a deed requirement.

The applicant is requesting to rezone a +/- 37,000 square foot parcel zoned R-3C, Medium Density Residential District Conditional to B-2C, General Business District Conditional. The site is located on the northwest corner of Little Sorrell Drive and Wine Drive, directly across from the HCHC. The site is about 200 feet west of Port Republic Road as well as about 200 feet north of the City/County jurisdictional boundary. If approved, the applicant plans to construct a parking lot on the parcel, which will serve as additional parking for HCHC. It should be understood that the R-3 zoning district does not allow for a “stand alone” parking lot as a principle use, whereas parking lots are permitted by-right in the B-2 zoning district.

With this rezoning request, the applicant has proffered the following (written verbatim):

1. Permitted uses of the subject Property shall be limited to:
 - a. An off-street parking lot to serve the needs of the designated use of the property identified as TM # 88-G-7, and as generally depicted in the attached Exhibit A.
 - b. Building uses shall be limited to Medical and Professional Offices.
 - i. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage or other unit of measure as calculated using the latest

edition of the Institute of Transportation Engineer's Trip Generation Manual.

- ii. All buildings would be no more than two story.
2. Screening will consist of a six-foot-tall vinyl fence between properties zoned R-1 and the subject Property.
3. A five (5) foot minimum landscape buffer, measured from property line to back of curb, shall be provided adjoining TM Parcels 88-H-6 and 88-H-9. Landscaping shall consist of 1 canopy tree per 50 linear feet, or 1 sub-canopy tree per 30 linear feet.
4. If trees are planted within sight distance triangles, they shall not impede sight distance. For example, large deciduous trees without low hanging branches could be appropriate.
5. Owner shall install bump-outs on Little Sorrell Dr. at proposed location of pedestrian crosswalk, as generally depicted in the attached Exhibit A. Bump-out design will generally match those existing along Little Sorrell Dr. and Wine Dr.
6. Site shall be limited to one (1) entrance only. Sole entrance shall be located on Little Sorrell Dr.
7. Islands would be landscaped by Developer and maintained by adjoining property owner. This will be a deed requirement.
8. Property signage (excluding directional/way-finding signs aimed to address traffic and/or pedestrian flow) shall be limited to:
 - a. One (1) freestanding sign:
 - i. Shall be 60 square feet or less in size;
 - ii. Overall height of freestanding sign not to exceed eight (8) feet;
 - iii. Sign may be double faced;
 - iv. Sign may not be internally illuminated. Lighting of the sign will be from ground mounted light fixtures only.
 - b. One wall mounted building sign
 - i. Shall be 30 square feet or less in size;
 - ii. Signage will not be illuminated.
 - c. No scrolling or digital signs will be permitted.

While the applicant refers to Exhibit A., the Preliminary Site Plan, and elements that are shown within the preliminary site plan, this plan is not specifically proffered.

Regarding the first proffer, the applicant has removed all B-2 permitted uses for the site other than a parking lot that will be serving the development across Little Sorrel Drive, which is currently the HCHC, and the ability to have medical and professional offices in which buildings would be no more than two stories. The medical and professional offices with the height restriction proffer is a carryover from the existing R-3C zoning and staff is comfortable with allowing such use to continue to be allowed.

Given that there are no details regarding future medical and professional office uses for the site at this time, proffer #1.b.i. addresses staff's concerns about traffic generation to and from the development. This proffer limits future uses on the site to no more than a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual. This is the threshold the City uses to require a traffic impact analysis (TIA) for planned developments associated with rezonings, special use permits, preliminary plats, and engineered comprehensive site plans. Should a property owner ever desire to put a medical or professional office use on the site that increases the calculated vehicle trips in the peak hour above 100 vehicle trips, then the property owner must amend or remove proffer #1.b.i. through the rezoning process and a TIA may need to be provided at that time.

Proffer #2, also a carryover from the existing R-3C zoning, requires a six-foot tall vinyl fence to separate any development on the B-2C zoned parcels from the R-1 residential uses. Proffer #3 extends that separation between the subject property and the directly adjacent R-1 properties (TM Parcels 88-H-6 and 88-H-9) by requiring a minimum five-foot landscape buffer with trees to be provided along with the existing vinyl fence.

Proffer #4 ensures that sight distance for vehicles exiting the subject parcel will not be impeded by any trees that may be planted within the specified sight distance triangle. Furthermore, proffer #6 limits the subject parcel to only one entrance and that entrance shall be along Little Sorrel Drive. In addition, it should be understood that the City will be removing on street parking from Little Sorrel Drive along the subject parcel's side of the street, from Wine Drive to the existing bump out furthest west, so as not to impede sight distance from the site's entrance.

Proffer #5 provides that Little Sorrel Drive's width will be narrowed with bump outs at a mid-block pedestrian crosswalk from the subject parcel to TM Parcel 88-G-7. The bump outs will be similar to the existing "islands" referred to in proffer #7. These bump outs will shorten the crossing distance and should assist in raising awareness of potential pedestrians waiting to cross the street.

Proffer, #7, is a carryover proffer from the original 2007 R-3C rezoning. These islands currently exist; therefore, it is important to maintain this proffer.

The last proffer, #8 specifies signage limits on the subject parcel. In the R-3 zoning district, freestanding signs are restricted to a maximum height of six feet with a maximum sign area of 32-square feet. In the B-2 zoning district, signs are permitted to be a maximum of 35-feet in height and sign face area is limited to one square foot per one lineal foot of site frontage parallel to the principal street, not to exceed 240-square feet. The subject property's frontage is +/- 370-feet. The proposed proffer reduces the parcel to one freestanding sign with an allowable sign height of eight feet, a maximum sign area of 60-square feet, and no internal illumination. Wall mounted signage is limited to one sign, 30-square feet in area, and no illumination. Proffer #8 also restricts the use of digital or scrolling signage on the site. These signage proffers mimic some of the proffers approved in 2010 for the Harrisonburg Community Health Center parcel and the other B-2C parcels in this area.

As previously stated, the Comprehensive Plan designates this site as Limited Commercial. The Limited Commercial designation states that this area is suitable for commercial and professional office development, but in a less intensive approach than the Commercial land use designation, and that careful controls are needed to ensure compatibility with adjacent land uses. Under the existing R-3C proffers, a small building housing a medical or professional office use could be built on the subject parcel and a relatively large parking lot—that could appear similar in design to the proposed concept of Exhibit A—could be constructed along with the building. Given the limited B-2 uses proffered by the applicant with this request and the fact that a relatively large parking lot and building could currently exist on the R-3C zoned property, staff believes the proposal meets the intent of the Limited Commercial land use designation.

Staff recommends in support of the rezoning request.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan said this is my primary care provider. I was there when it was being built. It was constructed in 2011. Maybe this is a question for the applicant. When it was built, were they expecting less traffic than they ended up getting?

Ms. Banks said when it was originally rezoned, they also requested a SUP to have a reduction in parking and left a certain part of their property grass so that if they ever needed to come back and put the parking in, they would do so. Since then, they have gone back and put the parking in and continued to have some parking concerns with individuals parking on the street. There is a lot of traffic in and out.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Jon Ernest, Monteverde Engineering and Design Studio, representing the project applicant Harrisonburg Community Health Center, spoke in support of the request. First off, I want to say that I see a lot of tired faces out there. I want to affirm you and what you are doing, especially, City staff and several Planning Commission members. You feel the weight of the proposals that are coming through for development. I appreciate that. Local designers and engineers appreciate that. We appreciate that you are in this and fully engaging. Thank you, Ms. Banks for presenting this request. Thank you, Planning Commission members for staying engaged after a very long evening of what has seemed to be a very productive discussion of the items. I commend staff for their accessibility throughout this process and their timely response. There is always a direct line of communication between staff, myself and the applicant. It has allowed for clarity and communication in our requested goals and communicating what the intent is for this request as well as creating efficiencies when coordinating submittal documents and the subsequent revisions that occur throughout the process.

The proffer conditions proposed take into consideration much more than the desired goal of the application which is the construction of a parking lot. To meet the parking needs of the existing demand for the Health Center that it receives day to day. The Harrisonburg Community Health Center understands that the Zoning law goes beyond what is needed today. They are pleased to

have an open dialogue with staff on what they could do to provide a softer transition from existing uses today, especially with the residential community adjoining their development in addition to being sensitive about potential development, even considering far in the future when an additional owner may seek to develop the property that could impact the surrounding neighborhood. What these proffered conditions say could impact that. After vetting through these comments and potential concerns with staff, the applicant, Harrisonburg Community Health Centre, found themselves in total full agreement with the City and they met staff comments by the way of the proffered conditions that have been outlined. I will answer any questions that you have for me. We also have Beth Mosely who represents the Heath Center as the CFO. She is on the line if there are any operational questions.

Chair Finnegan asked if there were any questions for the applicant.

Chair Finnegan said I am not sure who to address this question to. I wanted clarification from Ms. Banks. You had mentioned a variance from parking requirements, initially.

Ms. Banks said that when they originally rezoned, they also received a SUP that allows you to have a reduction in your required parking as long as you leave the open green space available in case you need to put that parking in at some time. They came back and needed to have to put that parking in.

Chair Finnegan said that is not this request?

Ms. Banks said that is not this request. That was back in 2010 when they asked for that.

Chair Finnegan said they have already extended into this section that they had set aside and now they are still having parking issues. Is that correct?

Ms. Banks said correct.

Beth Mosely, CFO for the Harrisonburg Community Health Center, spoke in support of the request. I was not employed when they built this building. If I had been, things would look a little bit differently. When I did join in 2015, we had 15 exam rooms. Since that time, we have expanded to 24. We have also added several services that did not exist at the Health Center then, including prenatal care along with behavior health services. We have grown our existing practices. When I started in 2015, we had roughly 5,800 patients that we were serving. Today we are serving close to 17,000. One of the needs in this community, that is not only affordable housing, but affordable healthcare and that is what HCHC provides. This has been an ongoing issue for HCHC. It is a safety issue for our patients and for the surrounding neighborhood. The fact that we do not have enough parking is because we are meeting the needs of the community. We have not been able to purchase this land, until now. That goes to the care that we have been able to expand and provide and the funding we have been able to secure, that we are now in the position to be able to secure this land and hopefully bring this parking lot to the center that should enhance the experience, not only for the patients and the employees, but also the neighborhood.

Chair Finnegan said I was marginally involved with some fundraising having to do with this building that was built in 2011. I remember when the Harrisonburg Community Health Center was on Neff Avenue, next to Costco. This seems similar to the Harrisonburg High School on Garbers Church Road. It was an expansion, and it met the needs at the time, but it quickly outgrew that. I have experienced the parking issues there.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said as someone who is a patient at the Harrisonburg Community Health Center, the parking is not great, currently. I do think that this is needed.

Commissioner Whitten moved to recommend approval of the rezoning request.

Commissioner Byrd seconded the request.

Chair Finnegan asked for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Baugh	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on March 8, 2022.