

**MOUNTAIN VIEW APARTMENTS, LLC**  
**Post Office Box 64**  
**Bridgewater, Virginia 22812**

**MEMORANDUM**

**TO: Harrisonburg City Council**  
**FROM: Mountain View Apartments, LLC**  
**DATE: January 10, 2016**  
**RE: In Support of Rezoning Request**

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In your consideration of the application before you, there are several additional important criteria that should be included in your deliberative process as follows:

(1) The subject property is just adjacent to Port Republic Road which has been widened by the City to a four lane highway to the southern bypass at State Route 280 and according to the Harrisonburg Public Works Department the traffic count is 18,000 vehicles per day. This widening by the City has changed the complexion of the entire community within the City limits along Port Republic Road from an emphasis on a residential community to business. It has been represented that the City's Comprehensive Plan will soon be under consideration and may revise Port Republic Road to include commercial properties uses from the CVS Pharmacy located at the intersection of Neff Avenue and Port Republic Road to the County line which is located at the property under consideration.

(2) It is also notable that growth in the County near and around Sentara Hospital is extensive and comprehensively focused on business and commercial development. The entire nature of the area is business/commercial which is in direct competition with the City's developing its corridor along Port Republic Road.

(3) The property under consideration on the attached plat indicates this property fits very nicely into the changing usage of Port Republic Road. The proposed property to be rezoned would accommodate an Academy for schooling which is and would be an acceptable buffer transition between the highly commercial/traffic activities on Port Republic Road, which the City has endorsed and adjoining residential areas.

(4) The location of the Academy projected to use this property is benefited by the fact that it has access to the Harrisonburg Transit Authority transportation system which would help support students attending the Academy.

(5) The Applicant also suggests that the extraordinarily extensive covenants limit the future use of the property so that it will remain a "transitional buffer property" between residential neighborhoods and the soon to be heavily commercial Port Republic Road. These covenants make the usage of the property not unsimilar to high schools, colleges, elementary schools, all of which are perceived to be beneficial to property values of adjoining residential zoned subdivisions.

(6) From a traffic use perspective, the hours of operation are from 9:00 a.m. in the morning to 9:00 p.m. in the evening which will benefit and reduce the traffic flow in the area during peak hours simply because of the extensive hours of operation distribute traffic flow over a 12 hour period as opposed to a normal 7 or 8 hour day.

(7) In reviewing the City's definition of Professional Offices it is clear that an Academy, while not specifically defined in the City Code as a business, certainly by its nature, and restricted by the covenants required by the City and fall well within the concept of a business district definition which supports professional and traditional office space. Additionally, the City Code defines "Professional Office" as "offices limited to personal services.... who are not dependent on extensive on-site advertising." The proposed proffers and usage of the property evidence it easily falls within the City's definition of business.

(8) By granting this rezoning the City Council will not be setting a precedent simply because the type of proposed facility, an Academy is transitional between residential and business, also extensive proffers are not customary; but, specific to this particular area this unique transitional buffer to the property that adjoins Port Republic Road on both sides which will in the very near future be rezoned for business.

(9) It should also be noted that the City granted the Health Care Community Center on the same street is a B-2 (C) zone which compliments the request before you for consideration.

(10) Finally, the City is in competition with the County on developing its tax basis. The City has a business license tax, the County has none. Thus, because the City is at a disadvantage, a business will choose the County over the City. This fact is especially true when comparing the availability of business/commercial property in the County to the City's Port Road property.

Before you is a taxpayer business at your doorstep – if rejected by the City more than likely the County will be the beneficiary.