



City of Harrisonburg, Virginia

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December 5, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.85 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District Conditional with amendments to existing proffers that were approved when the property was rezoned in 2007. The property is located on the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive and is identified by tax map parcel 88-H-8.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 9, 2016

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

Mr. Finnegan recused himself from the request and left council chambers at 7:40 pm.

Ms. Dang said the Comprehensive Plan designates this area as Professional. This designation states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas and land uses.

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

Site: Undeveloped parcel, zoned R-3C

North: Harrisonburg Community Health Center property zoned B-2C; a single-family dwelling, and undeveloped parcels zoned R-1

East: Harrisonburg Community Health Center property zoned B-2C

South: Undeveloped parcels zoned R-3C and R-1

West: Undeveloped and developed single-family parcels zoned, R-1

The applicant is requesting to rezone a 0.85 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to R-3, Medium Density Residential District Conditional with amendments to existing proffers that were approved when the property was rezoned in 2007. If approved, at this time, the property owner's plan is to construct a doctor's office.

Before getting into the details of the proposed 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 property 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 tract into 29 parcels for single-family dwellings and the remaining 6.96 +/- acres into four parcels zoned R-3C. In 2010, the parcel identified as tax map number 88-G-7 was rezoned from R-3C to B-2C; this is where the Harrisonburg Community Health Center is located today. The three remaining parcels are undeveloped and remain zoned R-3C, Multiple Dwelling Residential District Conditional.

It should also be understood that in August 2007, City Council amended the Zoning Ordinance and created Article J.2 – R-3, Medium Density Residential District (City Code Sections 10-3-48.1 through 10-3-48.6). The existing Article J – R-3, Multiple Dwelling Residential District (City Code Sections 10-3-43 through 10-3-48) remained, and is now often referred to as “old R-3,” but was amended to apply only “to multifamily buildings constructed by or with Comprehensive Site Plans approved before August 14, 2010.” It also noted that “[e]ffective this date, all other construction must comply with Article J.2.” There are only two ways in which “old R-3” is recognized; the first is if multi-family units meet the 2010 parameters as noted, and the second is if an R-3 property was conditionally zoned prior to the 2010 date – such as the case herein. Properties cannot rezone to the “old R-3.” By default, properties become recognized as “new R-3,” which is officially the R-3, Medium Density Residential District, which does have different regulations than “old R-3.” However, this has little impact to this property since both the original and proposed proffers limit uses to only medical and professional offices.

The approved and existing proffers (from the May 2007 rezoning), which currently apply to parcels identified as 88-H-8, 88-I-7, and 88-I-8 include the following (written verbatim):

1. All buildings would be used only for medical offices and professional offices.
2. Screening between residential R-1 and proposed medical or professional office R-3.
 - a. Screening on east and west side as shown on preliminary site plan would be evergreen such as Leyland Cypress or equal.
 - b. Screening in middle section between R-1 and proposed R-3 would be 6’ vinyl fence similar to attached picture (included in the packet).
3. All buildings would be one story, all brick 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 owner. This will be a deed requirement.

The current proffers limit uses to medical and professional offices, as well as, limits buildings to one story. The applicant indicates in a letter (included with the rezoning application) that “[t]he reason for the rezoning request is to be able to have a second floor to minimize the footprint and maximize land use.” The applicant desires to amend proffer #3 to allow no more than two stories. Proffer #3 is further amended to allow buildings to be “substantially of brick material” since the gable ends for the second story are not planned to be constructed of brick material.

At staff’s recommendation, the applicant also made amendments to proffers #2 and #4 so that the proffers apply only to the subject parcel, which removes references to the other parcels included in the 2007 rezoning. The new, proposed proffer letter includes the following (written verbatim):

The subject lot containing 0.852 acres is presently zoned R-3C. I am requesting that the existing proffers be amended to the following:

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.

Staff recommends approving the requested rezoning from R-3C, Multiple Dwelling Residential District Conditional to R-3C, Medium Density Residential District Conditional with amendments to existing proffers.

Chair Fitzgerald asked if anyone had any questions for staff.

Mr. Way asked about the third proffer, I see the two story change there, but the colonial design seems to be the same in both.

Ms. Dang said that is correct.

Mr. Way said that is staying the same.

Ms. Dang said the second change was where it says “substantially of brick material,” where as the previous one says “all brick”. You can see it better in the example.

Mr. Fletcher said during the B-2C rezoning the Harrisonburg Community Health Center property had the same wording as the noted proffers, which was substantially of brick material. The existing building at least gives you an idea of what substantially of brick material would look like.

Mr. Colman said it will be consistent with the building in front.

Chair Fitzgerald asked if anyone had any more questions for staff. Hearing none, she opened the public hearing and asked if anyone would like to come forward and speak to this request.

Dick Blackwell, Blackwell Engineering, said Ms. Dang explained it very well and I will answer questions. They are proffering the basic look of the building; any questions?

Hearing none, Chair Fitzgerald asked if anyone else would like to speak to this request.

Khaleed Darwish, 76 Pleasant Hill Road, said I own lot 12 behind the fence. I want to make sure of what they are going to do over there; will it be two stories or three stories? All the buildings that are supposed to be over here are single family. I do not know what they are going to do on the lot in front of me.

Chair Fitzgerald asked if the slide could be put up of what is going to be done on the lot. Is your question what it would look like, what the building would look like?

Khaleed Darwish said yes, is that like townhouses?

Mrs. Whitten said it is going to be an office building.

Ms. Dang said it would be something similar to this picture, but two stories.

Mrs. Whitten said but medical and professional offices would be the only use.

Sarwat Barzanji, 1360 Little Sorrell Drive, said two stories, I am not happy with that. I will be honest with you. When I bought the lot from Bob Cook he told me about the Harrisonburg Community Health Center, he said it was going to be one story and not two. When they built it, they made it two, a pharmacy beside it, and after that, the dentist. There is too much traffic in this area. Sometimes I have no place to park my car. We have kids that play there. Sometimes I have to park up on the hill and then walk down to

my house. Do you think that is right? If they put another office over there, that is it, we are going to start with no parking. I am not happy with that to be honest with you.

Chair Fitzgerald asked the applicant if they would like to speak to anything about parking and the use associated with it.

Dick Blackwell said this site will have more parking than what is required. What he is talking about is the medical building. They are having a lot of traffic there and there is parking on the street, which is legal. This will have extra parking to be honest, probably some people from across the street will park in this parking lot.

Chair Fitzgerald said I was just going to ask, we know that you have more parking than you are required and it might actually alleviate the problem a little bit. Because the parking that is going in associated with the subject site, it might help and get the parking in the lot rather than on the street.

Dick Blackwell said it will probably not get it all off the street.

Chair Fitzgerald said I know but it might help.

Dick Blackwell said yes.

Mr. Barzanji said I talked to the manager at the Harrisonburg Community Health Center, he said I will tell my patients not to park their cars over there and they keep doing it. What he is saying will not happen, it will be worse than that.

Chair Fitzgerald said the Community Health Center is not here right now, we are not really able to communicate that to them.

Mr. Barzanji said you guys are from the City, please let them know about that, please. He is saying he is going to build more parking lots, I believe that is going to be more traffic in this area.

Chair Fitzgerald said and more parking spaces though.

Mr. Barzanji said ok, thank you so much.

Chair Fitzgerald asked if anyone else would like to speak. Hearing none, she closed the public hearing and asked for any further comments or questions or for a motion.

Mr. Colman said referring to the Stone Springs Village, which is the neighborhood to the west, I guess it is part of King Edwards Way. Parking is not allowed unless you have a parking pass, I do not know how the neighborhood went about it.

Mrs. Banks said King Edwards Way is not part of Stone Spring Village. Stone Spring Village does have permit parking, but King Edwards Way is not part of that neighborhood.

Mr. Colman said so the question is whether something like that can be pursued by the neighbors of this property. Is that possible or doable?

Mr. Fletcher said the Harrisonburg Community Health Center received a special use permit to reduce the amount of parking that they need to put on their parcel. We can double check to see how the conditions were approved and quite honestly the special use permit may give the opportunity for Planning Commission or City Council to recall it for further review. I am going by memory here, but I do recall that part of the area in which it was to be constructed as parking, on the northwestern side, which is adjacent to the single family homes, they put in quite a bit of landscaping to separate the parking lot from the single family homes. It is a catch-22, at least from an adjacent property owners perspective and that is only one property owner. You can either look at requiring the Harrisonburg Community Health Center to put in more parking, which gets parked cars off the street, maybe, because parking is permitted on the street. If it is further to park on the parcel from the building, but if parking is permitted on the street and it

is closer to the building, people are probably going to park on the street. The parking permit issue on Little Sorrell Drive is a Police and Treasurer's office matter, not zoning, because it is on a public street.

Chair Fitzgerald said would it be worth looking at that special use permit.

Mr. Fletcher said we can, we will dig in to it and give you a short synopsis of it next month.

Chair Fitzgerald said at a certain point with these we started putting that condition in almost every one that came through, just to address situations exactly like this.

Mr. Fletcher said if I recall that particular special use permit is very specific because they are requesting to not put in all the parking. If there was need of it, it can always go in.

Chair Fitzgerald said we are going to look back at when the special use permit was granted and check and see what kind of options there might be that were associated with the parking and see just how it was specified back when they built it.

Mr. Baugh said what she is saying is it might be possible that we can go back to the Community Health Center and tell them they have to put more parking in.

Mr. Barzanji said yes please, and plus when people park their car on the street, they park too far from the curb and sidewalk. If somebody comes on the other side, they have to stop.

Chair Fitzgerald said we were over there on Monday to look at the site and we noticed the same thing.

Mr. Barzanji said when the other office opens, they should have enough parking. We do not like anybody parking in front of our house. Now is ok, but in a couple more months, there will be snow and ice. Do you think it is right that I live down there and I have to park at the top of the hill and come back walking? It is not right. Thank you.

Mr. Fletcher said we can do two things, we will take a look and see if there were conditions and take a look at the details of the special use permit. Give us some time. It takes a little bit of time to evaluate how much parking is occurring on the street during business hours to evaluate how often it is occurring. I do caution the group to think about the ramifications of saying if we just simply put in more parking on the parcel, it is not necessarily going to fix the problem.

Chair Fitzgerald said that is not really addressing the issue before us. Separate the two, but it is worth looking into. We noticed it when we were there on Monday.

Chair Fitzgerald asked if anyone else would like to speak to the special use permit application. Hearing none, she closed the public hearing and asked for any further questions or for a motion.

Mr. Colman said if more parking is provided on that property, then likely you will have other people parking there, to go across the street as long as it is not prohibited or restricted parking. It should ease some of the parking issues there hopefully.

Mr. Finks said I agree with that, it sounds like possibly having more parking than they need, can help alleviate some of this problem with this approval. If this is approved, there would be possibly more parking in the area and it might take some of it off the street during the day.

Mrs. Whitten said if they are not going to restrict their lot, which they could with liability issues in parking lots.

Chair Fitzgerald asked for a motion.

Mr. Colman moved to approve the request of the rezoning of the property located at the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive (R-3C Proffer Amendment), as presented by staff.

Mrs. Whitten 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 rezoning of the property located at the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive (R-3C Proffer Amendment), as presented by staff.

Chair Fitzgerald said this will go forward to City Council on December 13, 2016

Mr. Finnegan returned to council chambers at 8:04 p.m.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner