



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

March 11, 2015

### REZONING – PROFFER AMENDMENT 811 PORT REPUBLIC ROAD (WESTPORT VILLAGE)

#### GENERAL INFORMATION

**Applicant:** K&K, LLC (represented by Riner Rentals)

**Tax Map:** 92-H-0

**Acreage:** 0.915 acres

**Location:** 811 and 821 Port Republic Road

**Request:** Public hearing to consider a request to rezone an R-3C, Multiple Dwelling Residential District Conditional property by amending one of six existing proffers.

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

The Comprehensive Plan designates this area as High Density Residential. This designation states that these areas are intended for high density residential use, mostly apartment buildings at densities ranging from 12 to 24 dwelling units per acre.

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

**Site:** Westport Village student housing development, zoned R-3C

**North:** Hunters Ridge Townhomes, zoned R-3

**East:** Across Port Republic Road, Campus Corner commercial center, B-2C

**South:** Devonshire Village townhomes, R-3

**West:** Devonshire Village townhomes and Hunters Ridge townhomes, R-3

#### EVALUATION

The property owner is requesting to rezone their R-3C, Multiple Dwelling Residential District Conditional property by amending one of the six proffers approved in 1999. If approved, the property owner would be required to install and maintain a fence or shrubs along the eastern property line to provide both a visual and physical barrier to discourage pedestrian access across the same parcel line rather than the existing proffered requirement of only providing trees or shrubs to accomplish the same purpose. The property is known as Westport Village and is located along the southwestern side of Port Republic Road near the intersection of Devon Lane.

In 1999 the subject property was rezoned from R-1, Single Family Residential District to R-3C, Multiple Dwelling Residential District Conditional to allow for a 12-unit student housing complex. The approved and existing proffers include the following:

1. A strip of land along the northeast boundary (the Port Republic Road frontage), up to 25 feet average width shall be reserved for dedication as additional right-of-way for the improvement of Port Republic Road. All building setbacks and development of the property shall be established in conformance with the proposed new right-of-way line as defined by the City Engineering Department.
2. In conjunction with development of the property, the existing structures and other unsightly conditions shall be removed. The property is intended to be developed in an attractive, comprehensive manner.
3. Any building(s) containing residential units shall be constructed on the eastern one-half of the subject property.
4. There shall be no parking areas constructed between residential buildings and the eastern property line.
5. There shall be no entrances or decks situated on the eastern side of residential building(s).
6. Holly or evergreen trees and/or shrubs shall be planted along the eastern property line to provide a visual buffer and to discourage pedestrian access across the eastern property line, to the extent that will not affect the overhead power lines. Existing trees and plants will be left in place wherever possible and practical to accomplish the intent of the buffer. Maximum spacing between new or existing plants comprising the buffer shall be 12 feet.

In December 2014, staff received a complaint regarding a dilapidated fence between the units of Westport Village and the townhouse development to the east known as Devonshire Village. While investigating the issue, staff discovered the subject property was not complying with the sixth proffer as described above. (Staff also learned that the fence was positioned on the Westport Village property and the townhome parcels of Devonshire Village as the fence crisscrossed the dividing line between the two developments). Staff provided notice to the Westport Village property owner to bring their property into zoning compliance by fulfilling their proffered obligation. (All other proffers have been fulfilled or are being maintained.)

Once notified, the applicant's representative informed staff of the difficulty they have had with citizens destroying parts of the existing fence, which they did not wholly own. To rectify the issue, rather than trying to reestablish holly or evergreen trees and/or shrubs across the eastern property line as the proffer requires, the property owner decided to amend the sixth proffer to give them the ability to install *only* a privacy fence.

The following is to replace the existing sixth proffer:

- A privacy fence and/or evergreen shrubs or trees shall be provided along the eastern property line to provide a visual and physical barrier to discourage pedestrian access across the property line. Installed fences shall be six feet in height and maintained. Installed vegetation intended to achieve the purposes as described herein shall, at the time of planting, be at least six feet in height and planted a minimum of five feet on center so as to form a dense screen. Such vegetation shall be maintained and replaced when necessary.

If approved, to fulfill the proffer as written, the property owner intends to install only a privacy fence at this time.

Staff recommends in favor of approving the proposed amendment. Whether the property owner decides to install only a fence or chooses to establish an evergreen buffer or a combination of both, the amended proffer would satisfy the original intent of trying to provide a visual buffer and to discourage pedestrian access across the property line. Furthermore, if the property owner chooses to establish an evergreen visual and physical barrier, the amended proffer is stricter with five-foot on center plantings and six-foot in height minimum requirements as opposed to the existing proffer that only requires plantings every 12 feet and no minimum height stipulations.