



City of Harrisonburg, Virginia

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To: Kurt Hodgen
From: Planning Commission and
Adam Fletcher, Director – Department of Planning and Community Development
Date: January 10, 2017
Re: Rezoning – 1375 Wine Drive (R-3C, Multiple Dwelling Residential Conditional to B-2C, General Business District Conditional)

Summary:

Public hearing to consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.69 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional. The property is located at 1375 Wine Drive and is identified as tax map parcel 88-I-7.

Background:

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; and an undeveloped parcel, zoned R-3C

East: Undeveloped parcel, zoned R-3C

South: Aspen Heights student housing complex within Rockingham County, zoned R5

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

Key Issues:

The applicant is requesting to rezone the parcel from R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional. If approved, the property owner's plan is to establish and operate a professional salon academy for educating students in cosmetology and hairstyling services, which includes the operation of a personal service establishment.

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-I-7) from R-1, Single-Family Residential District to R-

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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, including the subject parcel, are undeveloped and remain zoned R-3C, Multiple Dwelling Residential District Conditional. In November 2016, the parcel identified as 88-H-8 was presented to Planning Commission with a request for rezoning to amend the May 2007 proffers. Planning Commission voted in favor (6-0) to recommend approval of the rezoning and City Council approved the request at the December 13, 2016 meeting.

The approved and existing proffers (from the May 2007 rezoning and written verbatim) include:

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.
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 2007 proffer statement and supporting materials are included in this packet.

With regard to the current request, the salon academy includes a personal service establishment and educational use, which are not permitted by right in the R-3, Multiple Dwelling Residential District. Although personal service establishments are permitted by special use in the R-3, Multiple Dwelling Residential District, the district does not permit this type of educational use. The salon academy would be permitted by right in a B-2, General Business District. Therefore, the applicant is requesting that the property be rezoned from R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional.

The applicant has proffered the following (written verbatim):

1. Only the following uses permitted by right in section 10-3-90 shall be allowed:
 - a) Personal service establishments.
 - b) Governmental, business and professional offices.
 - c) Educational uses.
 - d) Accessory buildings and uses customarily incidental to any of the above listed uses.
2. None of the uses permitted by special use permit shall be allowed.
3. Screening along the western property line shall be a six-foot-tall opaque fence and evergreen trees shall be planted and maintained to provide a vegetative buffer parallel to the western property line with intent to create a dense screen, where such evergreens shall be planted at no less than 5 to 7-ft on center and 6-ft in height at the time of planting.

4. Buildings would not be more than two stories, and would be substantially of brick material and of colonial design.
5. Islands would be landscaped by developer and maintained by adjoining property owners.
6. A free-standing sign shall be no taller than 8-ft in height and shall not exceed 60 square feet in area. Building mounted sign shall be no more than 30 square feet in area. There will be no LED or scrolling message board signs on the property.

Below is a brief summary of differences between the May 2007 and the new proffers offered by the applicant:

- The 2007 proffers limit the uses to only medical and professional offices. The proposed proffer #1 adds professional service establishments, governmental and business offices, educational uses, and accessory buildings and uses customarily incidental to previously listed uses.
- Proffer #3 addresses screening along the western property line, which is adjacent to an undeveloped single family parcel. In addition to the fencing proffered in 2007, the applicant is proffering the addition of a vegetative buffer.
- The 2007 proffers limit buildings on this parcel to one story. The proposed proffer #4 would allow a two story building.
- In the R-3, Multiple Dwelling Residential District, signs are restricted to a maximum height of six feet with a maximum sign area of 24-square feet. In the B-2, General Business District, signs are permitted to be a maximum of 35-feet in height. 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 130-feet. The proposed proffer #6, reduces the allowable sign height to eight feet with a maximum sign area of 60-square feet, and limits building mounted signs to 30-square feet in area, which mimics some of the proffers approved in 2010 for the Harrisonburg Community Health Center parcel.

The applicant has provided details on the hours of operation and staffing for the salon academy; however, such details are not proffered. The salon academy anticipates operating six days per week between 9am-9pm, and expects up to 55-people within the building at any one time.

As stated previously, the Comprehensive Plan designates this area as Professional. The Professional designation states that this area is for professional service orientated uses with consideration to the character of the area. This area includes a single-family residential neighborhood. Generally, the Professional land use is equated with "professional offices," which is defined in the Zoning Ordinance as "offices limited to personal services customarily performed by professionals such as doctors, dentists, architects, engineers, lawyers, accountants, real estate agents, insurance agents and brokers *who are not dependent on extensive on-site advertising*" (emphasis added).

A B-2, General Business District use at this location is not supported by the Comprehensive Plan. The B-2 district is generally considered equivalent to the Land Use Guide's Commercial designation, or at least a Planned Business area, not the Professional designation. Staff believes that approving the rezoning request would change the character of the area and would set a precedent for intense commercial uses along the west side of Port Republic Road between Neff Avenue and the east city limits, which is not

desired by the Comprehensive Plan. Along this corridor, there remains almost 1,500 lineal feet of undeveloped property frontage. These undeveloped parcels are designated as Professional in the Land Use Guide.

It should be acknowledged that in 2010, staff and Planning Commission supported and City Council approved the rezoning of the Harrisonburg Community Health Center property from R-3C to B-2C to allow for the pharmacy associated with the Harrisonburg Community Health Center. The language used in the proffers limit the functions and types of pharmacy uses, thus eliminating CVS, Rite-Aid, or Walgreen-type stores which are typical to commercial areas from operating at the site. The 2010 staff report for the Harrisonburg Community Health Center rezoning states that “if the applicants wanted to build only the Harrisonburg Community Health Center, they could do it by right with the existing proffers, but they would be limited to one story.” The 2010 staff report goes on to say that “...we are not ready to open this section of Port Republic Road to other commercial uses.” Staff continues to support this statement and recommends that this corridor and area be considered for detailed review during the Comprehensive Plan update and if a new land use designation is proposed that it be properly vetted with the community.

Staff does not believe that the proposed salon academy and other allowable uses under the proposed proffers are compatible with the adjacent residential development. The proposed uses are not supported by the Comprehensive Plan and would be more appropriate in an area that is already zoned B-2, General Business District and/or has a Commercial land use designation.

Staff recommends denying the requested rezoning from R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (1) Recommend approval of the request for rezoning as submitted by the applicant; or
- (2) Recommend denial of the request for rezoning.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing for the rezoning. The advertisement was published as shown below:

Rezoning – 1375 Wine Drive (R-3C to B-2C)

Public hearing to consider a request from Robert Cook with representative Dick Blackwell to rezone a 0.69 +/- acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional. The Zoning Ordinance states that the R-3, Multiple Dwelling Residential District is intended for medium- to high-density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The residential density ranges for R-3 are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft/unit; multi-family, 3,000 sq. ft. minimum

per unit; townhouses, 2,000 sq. ft. minimum per unit; and other uses, 6,000 sq. ft. minimum. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. No minimum lot size restrictions exist in the B-2, General Business District. The Comprehensive Plan designates this area as Professional. The Professional 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 property is located at 1375 Wine Drive and is identified as tax map parcel 88-I-7.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative #2 to deny the rezoning from R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional.

Attachments:

1. Site maps (2)
2. Application, applicant letter, proposed site development layout, and supporting documents (13)
3. May 2007 R-3C, Multiple Dwelling Residential District Conditional Proffer Statement and supporting documents (6)

Review:

Planning Commission recommended to deny the request (4-0) for the rezoning of 1375 Wine Drive (R-3C to B-2C) as presented by staff.