



City of Harrisonburg, Virginia

Department of Planning & Community Development
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To: Kurt Hodgen
From: Planning Commission and
Adam Fletcher, Director - Department of Planning and Community Development
Date: December 13, 2016
Re: Rezoning - Property Located at the Northwestern Corner of the Intersection of Wine Drive and Little Sorrell Drive (R-3C Proffer Amendment)

Summary:

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.

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; 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

Key Issues:

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

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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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

If the request is not approved, future buildings on this parcel would continue to be limited to one story.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission's public hearing and twice for City Council's public hearing for the special use permit. The advertisement was published as shown below:

Rezoning – Property located at northwestern corner of intersection of Wine Drive and Little Sorrell Drive (R-3C Proffer Amendment)

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 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, Multiple Dwelling Residential District 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 R-3, Medium Density Residential District is intended for medium 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, Medium Density Residential District are single-family, 6,000 sq. ft. minimum; duplex, 4,000 sq. ft/unit; townhouses, 2,000 sq. ft. minimum per unit; other uses, 6,000 sq. ft. minimum and by special use permit multi-family, 3,000 sq. ft. minimum per unit. The Comprehensive Plan designates this area as Professional. This designations 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 on the northwestern corner of the intersection of Wine Drive and Little Sorrell Drive and is identified by tax map parcel 88-H-8.

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 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.

Attachments:

1. Site maps (2)
2. Application, applicant letter, and supporting documents (14)

Review:

Planning Commission recommended approval (6-0) of the R-3C rezoning to amend the proffers as presented by staff.