

Total Fees Due: \$ 580.00
Application Fee: \$550.00 plus \$30.00 per acre

Date Application & Fee Received: 4/4/19
Received by: [Signature]

Application for Change of Zoning District (Rezoning) City of Harrisonburg, Virginia

www.harrisonburgva.gov/zoning-applications

Section 1: Description of Property

Location (street address): 1385 Wine Drive, Harrisonburg, VA 22801
Tax Map Number: Sheet: 88 Block: 1 Lot: 8 Total Land Area: 41,944 ^{+/- 36,000} acres or sq. ft. ^{in city} 4/5/19
Existing Zoning District: R-3C Proposed Zoning District: B-2C
Existing Comprehensive Plan Designation: Limited Commercial

Section 2: Property Owner's Information

Property Owner's Name: Kathy Ulrich / HburgComm, LLC (Contract Purchaser)
Street Address: 92 N. Liberty Street Email: tcrhea@clark-bradshaw.com
City: Harrisonburg State: Virginia Zip: 22802
Telephone: Work: 540-433-2601 Fax: 540-433-5528 Mobile/Home: _____

Section 3: Owner's Representative Information

Owner's Representative: Todd C. Rhea
Street Address: 92 N. Liberty Street Email: tcrhea@clark-bradshaw.com
City: Harrisonburg State: Virginia Zip: 22802
Telephone: Work: 540-433-2601 Fax: 540-433-5528 Mobile/Home: 540-746-5551

Section 4: Certification

I certify that the information supplied on this application and on the attachments provided (maps and other information) is accurate and true to the best of my knowledge. In addition, I hereby grant permission to the agents and employees of the City of Harrisonburg to enter the above property for the purposes of processing and reviewing this application. I also understand that, when required, public notice signs will be posted by the City on any property.

Signature: Todd C Rhea <sup>Digitally signed by Todd C Rhea
DN: cn=Todd C Rhea, o=Clark & Bradshaw, PC, ou
email=tcrhea@clark-bradshaw.com, c=US
Date: 2019.03.26 10:55:28 -0400</sup> [Signature] *My for applicants*
Property Owner

Section 5: Required Attachments to be provided by Applicant

- ☒ Letter explaining Proposed Use & Reasons for Seeking Change in Zoning
- ☒ Statement of Proffers, if applying for conditional rezoning
- ☒ Survey of Property or Site Map
- ☒ Traffic Impact Analysis (TIA) Determination Form OR Traffic Impact Analysis (TIA) Acceptance Letter signed by Public Works Department - Applicant is responsible for coordinating with Public Works Department prior to submitting Rezoning application. More information at www.harrisonburgva.gov/traffic-impact-analysis.

CLARK & BRADSHAW, P.C.

MARK B. CALLAHAN
TODD C. RHEA
MATTHEW C. SUNDERLIN
BRADLEY J. MOYERS
DAVID C. NAHM
QUINTON B. CALLAHAN
KAREN L. ROWELL

ATTORNEYS AT LAW
92 NORTH LIBERTY STREET
POST OFFICE BOX 71
HARRISONBURG, VIRGINIA 22803-0071
TELEPHONE (540) 433-2601
FACSIMILE (540) 433-5528
CLARK-BRADSHAW.COM

M. STEVEN WEAVER
OF COUNSEL
—
ELLEN H. BRODERSEN, C.P.A.
AMY L. RUSH, C.P.A.
(NOT ATTORNEYS)

April 4, 2019

VIA HAND DELIVERY

Mr. Adam Fletcher
City of Harrisonburg
Director of Planning and Community Development
409 S. Main Street
Harrisonburg, VA 22801

Re: Rezoning Application for City Tax Parcel 88 I 8

Dear Mr. Fletcher:

On behalf of the owner applicant Kathy Ulrich and contract purchaser, HburgComm, LLC I am submitting this letter explaining the proposed use and reasons for the rezoning request of the subject parcel located at the corner of Wine Drive and Port Republic Road in the City of Harrisonburg (with a portion of the property encumbered by a Dominion Power easement lying in Rockingham County).

The subject parcel is one of four professional office/limited commercial parcels originally created and zoned in 2007 as Ashby Estates, Section Two. Two of the four parcels (88 G 7 and 88 I 7) have been rezoned from R-3C to B-2C to accommodate limited commercial use development, while the remaining parcel (88 H 8), which directly borders two residential lots, remains zoned R-3C. The subject parcel is designated as Limited Commercial under the City Comprehensive Plan.

The current request is appropriate to bring the subject parcel into alignment with the permitted uses on the two previously rezoned parcels. The request limits the slightly expanded permitted uses to those B-2 uses which have been looked upon favorably by Staff, Planning Commission and Council as "limited commercial" in nature. Intensive B-2 permitted uses such as fast food/coffee/convenience stores and gas stations have been prohibited by proffer. The request to increase building height to two stories is also consistent with the approvals granted to the two immediately adjacent rezoned lots in Ashby Meadows, Section Two, and to the structure height actually built on Tax Parcel 88 G 7. Further, the subject parcel fronts directly on Port Road and only shares boundaries with the two rezoned B-2C parcels within Section Two and the Aspen Heights student housing development in the County. The residential uses across Port Road are effectively separated and buffered by the four-lane major arterial Port Road improvements. The road network and entrances to the site are already established and designed to accommodate professional office uses under the current R-3C zoning. The property will have no direct access from Port Republic Road and shall utilize the designed and installed joint access from Wine Drive. The requested changes do not materially change the intensity of use under the B-2C use categories proffered with the application, and existing infrastructure is fully in place to serve the limited commercial B-2C request.

April 4, 2019
Page 2

With the development of the Port Road corridor and Stone Port area in the County, this rezoning allows the parcel to offer better development potential consistent with the rezoned parcels which border it, while maintaining the restrictions on use to retain the limited commercial nature of the site.

We appreciate the City's positive consideration of this request.

Regards,



Todd C. Rhea

Attorney for Applicants

HburgComm, LLC/Kathy Ulrich ZONING AMENDMENT REQUEST (B-2C)

PROFFER STATEMENT

DATE: April 30, 2019

Contract Purchaser: HburgComm, LLC

Owner: Kathy Ulrich

Rezoning Case No:

City Tax Parcel 88 1 8

Re: Rezoning of City Tax Parcel 88 1 8

HburgComm, LLC and Kathy Ulrich hereby proffer that the use and development of the subject property shall be in strict accordance with the following conditions:

1. The use of the property shall be limited to the following uses permitted by right under City Ordinance Section 10-3-90:
 - (1) Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants (excluding freestanding fast food restaurants, fast food restaurants with drive-through windows, and coffee/donut shops with or without drive-through windows), and other shops and stores customary to shopping centers and convenience outlets (excluding convenience stores).
 - (2) Governmental, business and professional offices and financial institutions.
 - (4) Theatres, community rooms, museums, galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
 - (5) Religious, educational, or benevolent institutional uses which do not provide housing facilities.
 - (9) Pet shop or pet grooming establishments and animal hospitals (excluding kennels for boarding).
 - (15) Accessory buildings and uses customarily incidental to any of the above listed uses
 - (18) Public Uses
 - (20) Small cell facilities, concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless communications facilities would be subject to the regulations contained in Article CC of the City zoning ordinance (or any similar future regulatory article or section).
2. Special Use permits shall only be permitted as approved by City Council.
3. Buildings would be limited to two (2) above ground stories (basements would be allowed).

4. The site shall be limited to one freestanding sign, not taller than 12-feet in height and shall not exceed 80 square feet in area. The square footage limitations shall not affect any building mounted or wall signage permitted by ordinance. There shall be no LED or scrolling message center/board signs on the property (including building or wall mounted).
5. All exterior lighting on the property will be designed to be directed to minimize directional impact to the residential neighborhood lying to the west of the property along Wine Drive, consistent with on-site safety illumination needs.
6. Vehicular ingress and egress to the property shall be limited to Wine Drive. A single vehicular entrance shall be shared with the adjacent parcel Tax Map 88-I-7. No vehicular access to or from the subject site shall be permitted to Port Republic Road.
7. No less than one (1) large deciduous tree shall be planted and maintained for every forty (40) linear feet of parcel public street frontage where trees are not required by parking lot landscaping regulations (Section 10-3-30.1(1) of the Zoning Ordinance). Trees shall be planted within 10-feet of public street rights-of-way. At the time of planting, tree sizes shall meet the requirements as defined in Section 10-3-24 of the Zoning Ordinance. Tree locations within 10-feet of public street right-of-way are at the discretion of the property owner/developer.

The conditions set forth in this proffer statement supersedes and replaces all previous proffers and conditions for the subject property, including those rezoning proffers contained in the proffer letter dated March 13, 2007 and previous Proffer Statement submitted April 4, 2019.

HburgComm, LLC and Kathy Ulrich

By: _____

Todd C. Rhea, attorney for Applicants



City of Harrisonburg, VA
Department of Public Works

Determination of Need for a
Traffic Impact Analysis (TIA)

www.harrisonburgva.gov/traffic-impact-analysis

| | | | |
|--|--|---|---|
| Contact Information | | | |
| Consultant Name: | Todd C. Rhea, attorney Clark & Bradshaw, PC (540)433-2601 | | |
| Telephone: | torhea@clark-bradshaw.com | | |
| E-mail: | | | |
| Owner Name: | HburgComm, LLC - same as consultant above | | |
| Telephone: | | | |
| E-mail: | | | |
| Project Information | | | |
| Project Name: | Ashby Meadows Section Two | | |
| Project Address: | 1385 Wine Drive, Harrisonburg VA 22801 | | |
| TM #: | | | |
| Existing Land Use(s): | R-3C Limited Commercial/Prof Office | | |
| Proposed Land Use(s): (if applicable) | B-2C Limited Commercial | | |
| Submission Type: | Comprehensive Site Plan <input type="radio"/> | Special Use Permit <input type="radio"/> | Rezoning <input checked="" type="radio"/> Preliminary Plat <input type="radio"/> |
| Project Description: (Include site plan or preliminary sketch and additional details on land use, acreage, access to site, etc) | Rezone Tax Parcel 8818 to allow for a small expansion of permitted uses under B-2C classification. Proposed use proffers provided for review along with plat showing exact acreage of site. Proposed development would be for professional office, financial institution or low intensity retail uses. | | |
| Peak Hour Trip Generation (from row 15 on the second page) | | | |
| AM Peak Hour Trips: | 33 | | |
| PM Peak Hour Trips: | 72 | | |

(reserved for City staff)

TIA required? Yes ☐ No ☒

Comments:

Financial institution was used to estimate trip generation
as their traffic impact greater than professional office.

Accepted by: [Signature]

Date: 04/04/2019

Revised Date: February 2019

Peak Hour Trip Generation by Land Use

| Row | ITE Land Use | | ITE Land Use Code | Unit | Quantity | AM Peak Hour of Adjacent Street Traffic | PM Peak Hour of Adjacent Street Traffic |
|-----|--|---------------|-------------------|---------------|----------|---|---|
| 1 | Proposed #1 | Drive-in Bank | 912 | 1,000 Sq. Ft. | 3.5 | 33 | 72 |
| 2 | Proposed #2 | | | | | | |
| 3 | Proposed #3 | | | | | | |
| 4 | Proposed #4 | | | | | | |
| 5 | Proposed #5 | | | | | | |
| 6 | Proposed #6 | | | | | | |
| 7 | Total New Trips | | | | | 33 | 72 |
| 8 | Existing #1 | Vacant | | | | 0 | 0 |
| 9 | Existing #2 | | | | | | |
| 10 | Existing #3 | | | | | | |
| 11 | Existing #4 | | | | | | |
| 12 | Existing #5 | | | | | | |
| 13 | Existing #6 | | | | | | |
| 14 | Total Existing Trips | | | | | 0 | 0 |
| 15 | Final Total (Total New - Total Existing) | | | | | 33 | 72 |

Instructions

Determination of trip generation rates shall be in conformance with ITE guidelines.

1. Based on the intended use(s), calculate the AM Peak and PM Peak trip generation using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 1-6). Attach additional sheets as necessary for more uses.
2. Sum up all of the trips generated for the new uses in the Total New Trips row (row 7).
3. If the development has any existing uses, calculate the AM Peak and PM Peak trip generations using the AM and PM Peak Hour of Adjacent Street Traffic rates from the most current version of the ITE Trip Generation Manual (rows 8-13). Attach additional sheets as necessary for more uses.
4. Sum up all of the trips generated for the existing uses in the Total Existing Trips row (row 14).
5. Subtract the total existing trips from the total new trips to get the final total number of trips generated by the development (row 15). Enter these numbers on the first page.

Revised Date: February 2019

Exhibit "A"

