



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections

Engineering

Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director - Department of Planning and Community Development; and
Harrisonburg Planning Commission
Date: June 11, 2019 (Regular Meeting)
Re: Rezoning – 1385 Wine Drive (R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional)

Summary:

Public hearing to consider a request from Kathy Ulrich to rezone a +/- 36,000 sq. ft. area zoned R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional. The +/- 36,000 sq. ft. area located in the City is addressed as 1385 Wine Drive and is identified as tax map parcel 88-I-8.

Background:

The Comprehensive Plan designates this area as Limited Commercial. These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. Efforts should be made to maintain the intent as described.

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: Across Port Republic Road, single-family dwellings, zoned R-1; duplexes within Rockingham County, zoned R3
- South: Aspen Heights student housing complex within Rockingham County, zoned R5
- West: Undeveloped parcel, zoned B-2C

Background:

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-8) from R-1, Single-Family Residential District to R-3C, Multiple Dwelling Residential District Conditional.

The approved and current regulating 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.

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. In January 2017, the parcel identified as 88-H-8 was approved for a rezoning to amend the May 2007 proffers and to allow two story buildings. Also, in January 2017, the parcel identified as 88-I-7 was rezoned from R-3C to B-2C to allow for personal service establishments, governmental, business and professional offices, educational uses, and accessory buildings and uses customarily incidental to the previous uses. At the time, there were plans for a professional salon academy for educating students in cosmetology and hairstyling services to locate on that property. Although City staff and Planning Commission recommended to deny the rezoning of 88-I-7, it was approved by City Council with a 4-1 vote. The salon academy use was never established at the site and the property remains an undeveloped B-2C parcel. Therefore, the subject property of this request is the only remaining parcel that contains the original proffers from the May 2007 rezoning.

Key Issues:

Regarding the current request, the applicant desires to “bring the subject parcel into alignment with the permitted uses on the two previously rezoned parcels,” (tax map parcels 88-G-7 and 88-I-7, which were both conditionally rezoned to the B-2 district), by rezoning the site from R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional.

The applicant has proffered the following (written verbatim):

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.
 - (3) Theaters, community rooms, museums, galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreation and leisure-time activities which are compatible with surrounding uses are permitted.
 - (4) Religious, educational, benevolent institutional uses which do not provide housing facilities.

- (5) Pet shop or pet grooming establishments and animal hospitals (excluding kennels for boarding).
 - (6) Accessory building and uses customarily incidental to any of the above listed uses.
 - (7) Public uses.
 - (8) 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. Building 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 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.

Below is a 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. With the requested rezoning, the B-2 zoning district has a wider range of permitted uses. The applicant has limited, within proffer #1, the uses that would be allowed by right on the property. The more intensive uses such as vehicle fuel stations, public and private parking lots, plant nurseries and greenhouses, vehicle sales, repair of vehicle, hotels and motels, warehousing, radio and television studios have been proffered out. The applicant has also excluded several types of restaurants and convenience stores that would typically generate high volumes of vehicular traffic to and from the property. All uses allowed by special use permit within the B-2 district must be approved by City Council.
- Proffer #2 from the 2007 rezoning addresses screening between the undeveloped R-1 parcels and the R-3C parcels. With the current rezoning request, the subject parcel is not directly abutting any R-1 zoned property, and therefore this proffer has been removed.

- Section 10-3-30.1(1) of the Zoning Ordinance (ZO) states that trees are only required to separate parking lots from public street right-of-way; therefore, where a parking lot is not adjacent to a public street, no trees are required. With the requested rezoning, through proposed proffer #7 the applicant has proffered the planting of trees along public street right-of-way when not required by the City's parking lot landscape regulations.
- The 2007 proffers limit buildings on this parcel to one story. The proposed proffer #3 would allow a two story building. (It should be noted that the 2017 proffer amendment for tax map parcel 88-H-8 and the 2017 B-2C rezoning of tax map parcel 88-I-7 both allow for two story buildings.)
- 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, freestanding signs are permitted to be a maximum of 35-feet in height and one sign is permitted along each public street frontage. 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 has two public street frontages, allowing for two freestanding signs, and has lineal site frontage of approximately 165-feet; thus, a freestanding sign up to 165 square feet, or two freestanding signs totaling 165-square feet, could be permitted. The proposed proffer #4, reduces the number of allowed freestanding signs to one, the allowable sign height to 12-feet, with a maximum freestanding sign area of 80 square feet.
- Proposed proffer #5 is a new proffer that addresses exterior lighting and any impact to the R-1 neighborhood along Wine Drive.
- Proposed proffer #6 is a new proffer that describes that access to the site will only be from Wine Drive through the shared entrance with tax map 88-I-7. No access into or from the property will be allowed on Port Republic Road.

As part of the 2018 Comprehensive Plan Update, this corridor was reviewed to great extent, and after reviewing comments and proper vetting with the community the Land Use Guide changed this area from a Professional designation to a Limited Commercial designation. As previously stated, areas designated Limited Commercial are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. Efforts should be made to maintain the intent as described.

The proposed rezoning is supported by the Comprehensive Plan. Staff believes that the submitted proffers limits the more intensive uses allowed within the B-2 zoning district; creates additional landscaping where not required by City ordinance; controls access to and from Port Republic Road; reduces allowable signs and signage; and limits building height, help to ensure compatibility with the adjacent land uses while meeting the intent of the Limited Commercial designation.

Staff recommends approving the 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:

- (a) Recommend approval of the rezoning request as submitted; or
- (b) Recommend denial.

Community Engagement:

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

Rezoning – 1385 Wine Drive (R-3C, Multiple Dwelling Residential District Conditional to B-2C, General Business District Conditional)

Public hearing to consider a request from Kathy Ulrich to rezone a +/- 36,000 sq. ft. area zoned R-3C, Multiple Dwelling Residential Conditional to B-2C, General Business District Conditional. The +/- 36,000 sq. ft. area is part of a +/- 41,944 sq. ft. parcel, where +/- 5,944 sq. ft. is located in Rockingham County. 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. minimum/unit; multifamily, 3,000 sq. ft. minimum/unit; townhouses, 2,000 sq. ft. minimum/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 Limited Commercial. These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described. The +/- 36,000 sq. ft. area located in the City is addressed as 1385 Wine Drive and is identified as tax map parcel 88-I-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 alternative (a) to recommend approval of the rezoning request as submitted

Attachments:

- 1. Extract (5 pages)

2. Site maps (2 pages)
3. Application, applicant letter, and supporting documents (8 pages)

Review:

Planning Commission recommended approval (7-0) of the rezoning request as submitted by the applicant.