



City of Harrisonburg, Virginia

Planning Commission Meeting

June 8, 2011

7:00 p.m.

Regular Meeting
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the May 11, 2011 regular meeting.**
- 2) **New Business**
Rezoning/Master Plan Amendment – VMRC Woodland Greenhouses 2011 Amendment
Public hearing to consider a request from Virginia Mennonite Home, Inc. to amend an approximate 6.39 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The request is to make amendments for planned development on property known as the Woodland facility and the adjacent open space and single family homes located at 1301 Virginia Avenue and 1301, 1304, 1305, 1307, 1308, 1309, 1311, & 1321 Woodland Drive. The property is zoned R-3, Medium Density Residential District along with an Institutional Overlay District and can be found on tax map 52-A-1.
- 3) **Unfinished Business**
- 4) **Public Input**
- 5) **Report of secretary and committees**
Proactive Zoning
- 6) **Other Matters**
- 7) **Adjournment**

Staff will be available Monday July 11, 2011 at 4:30 p.m. for those interested in going on a field trip to view the sites for the July 13, 2011 agenda.

MINUTES OF HARRISONBURG PLANNING COMMISSION

May 11, 2011

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 11, 2011, at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Charles Chenault, MuAwia Da'Mes, Judith Dilts, Alan Finks, Deb Fitzgerald, Bill Jones, and Henry Way.

Members absent: None.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; Alison Banks, Planner and Secretary.

Chairman Jones called the meeting to order and determined there was a quorum with all seven members in attendance. He then asked if there were any corrections, comments or a motion regarding the minutes from the April 13th Planning Commission meeting.

Mr. Chenault moved to approve the minutes from the April 13, 2011 Planning Commission meeting.

Mrs. Fitzgerald seconded the motion.

All voted in favor of approving the minutes (5-0). Mr. Finks and Mr. Way abstained because they were not in attendance at the meeting.

New Business

Preliminary Plat – Lady Slipper Court (2011 Submission)

Chairman Jones read the request and asked staff to review.

Mrs. Banks said the Comprehensive Plan designates this area as Medium-Density Mixed Residential. This designation is intended for small-lot single family detached and single-family attached neighborhoods where green spaces are integral design features. Apartments could also be permitted under special circumstances. The gross density of development in these areas should be in the range of 4-12 dwelling units per acre.

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

Site: Partially developed townhouse development, zoned R-3

North: Dwelling unit, zoned R-3

East: Undeveloped property, zoned R-3

South: Dwelling units, zoned R-3

West: Across Reservoir Street, single-family home, zoned R-3

In September 2005, City Council approved a request to plat 10 townhouse lots on .77 acres of land along Reservoir Street near the City limits. The request, called Lady Slipper Court, included approval of a variance to section 10-2-42(d) of the Subdivision Ordinance, requiring that all lots front on a public street and the dedication of five feet of right-of-way to the City for necessary improvements to Reservoir Street. That preliminary plat expired in September 2006.

City Council approved a revised preliminary plat request for the same project in January 2007. The new plan reduced the number of units from 10 down to nine, included the approval of a variance to

allow lots to not front on a public street and a condition that garages could not be converted into living space. It was also determined that more right-of-way would be needed along this area of Reservoir Street because of proposed changes in the Master Transportation Plan. A total of 90 feet of right-of-way would be necessary for improvements to Reservoir Street to allow for a center turn lane, along with pedestrian and bicycle facilities. Therefore, the applicant proposed a possible future right-of-way dedication of 20 feet and the Public Works Department said the revised preliminary plat provided a sufficient amount of right-of-way for the future widening of Reservoir Street.

On October 2, 2007 a comprehensive site plan for Lady Slipper Court was approved and site work begun. Building permits for the group of first three units were issued in March 2009, these units are completed, however they are not subdivided yet. The approved 2007 preliminary plat for Lady Slipper Court expired in January 2008.

The applicant is requesting approval of a preliminary plat to subdivide .77 acres into nine townhouse lots with a variance to section 10-2-42(d) of the Subdivision Ordinance, requiring that all lots front on a public street. The site is located along Reservoir Street, at 676 – 694 Lady Slipper Court, near the southern City limits. The applicant proposes a group of three townhouse units close to Reservoir Street and the remaining cluster of six units to the rear of the property.

This request is a resubmission of an expired preliminary plat and it is the exact same, except for one item. Previously, the preliminary plat referred to a possible future 20 foot wide right-of-way dedication. The current plat request indicates that a 20 foot right-of-way dedication is proposed. In August 2010 City Council endorsed the Reservoir Street improvements as part of the Master Street Improvement Plan; thus, affirming that at least 20 feet of right-of-way would be necessary in this area of Reservoir Street. Therefore, if this request is approved, the 20 feet of right-of-way would be dedicated to the City as part of the final plat approval for Lady Slipper Court.

The lot is zoned R-3, Multiple Family Residential District and each unit by right could be occupied by four unrelated individuals. The townhouse units are designed as two and three bedroom units, and each townhome has a single car garage. The approved comprehensive site plan for Lady Slipper Court shows 25 parking spaces, plus the nine garages for a total of 34 parking spaces; eleven more than required. Staff has some concern with the high density, the number of vehicles that could occupy the development, and the fact that no parking is allowed along Reservoir Street; the applicant's willingness to provide the extra parking spaces within the development is appreciated. Staff suggests the applicant provide a restriction within the restrictive covenants for Lady Slipper Court that prevents the conversion of garages into living space.

As mentioned earlier, Lady Slipper Court has an approved site plan and several approved building permits. Currently, most of the infrastructure is in place and three of the nine townhouse units are complete. Staff has a concern with the location of a new fire hydrant along Reservoir Street; within the area to be dedicated as right-of-way. The placement of the hydrant at this location was approved in October 2007 as part of the comprehensive site plan; however, it appears the location may not be suitable when the widening of Reservoir Street occurs. Therefore, the applicant should be made aware that a future easement may be necessary to relocate the hydrant once the Reservoir Street Improvement plans are finalized and approved.

Staff supports the preliminary plat with the variance request.

Chairman Jones asked if there were any questions for staff. Hearing none, he said this is not a public hearing; however, if the applicant or the applicant's representative would like to speak they may do so.

Mr. Daniel Neher, attorney for the applicants, stated he did not have anything to add except that the developer, Mr. Bodkin, is here tonight, and they would be happy to answer any questions.

Chairman Jones asked if there were any questions. Hearing none, he asked for comments, discussion, or a motion on the request.

Mr. Finks said I voted for this the last time; therefore, I am going to move to approve this with the variance, as planning staff recommended.

Dr. Dilts seconded the motion.

Chairman Jones called for a voice vote on the matter.

All voted in favor of the motion to recommend approval of the preliminary plat with the variance request (7-0).

Chairman Jones said this item will move forward to City Council on June 14th.

Special Use Permit – Fence Height 231 Sunrise Avenue 10-3-34 (9)

Chairman Jones read the request and asked staff to comment.

Mrs. Banks said the Comprehensive Plan designates this area as Low Density Residential. This designation states that these areas consist of single family detached dwellings with a maximum density of 1 to 4 units per acre. Low density sections are found mainly in and around well established neighborhoods and are designed to maintain the existing character of neighborhoods and to provide traditional areas for home ownership.

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

- Site: Single-family dwelling, zoned R-1
- North: Across Sunrise Avenue, single-family dwellings, zoned R-1
- East: Single-family dwelling, zoned R-1
- South: Oriental Food Market, zoned B-2 and B-2C
- West: Undeveloped building lot and single-family dwelling, zoned R-1

The applicants are requesting a special use permit per Section 10-3-34 (9) of the Zoning Ordinance to allow a fence to exceed the six-foot maximum height requirement. More precise, they would like to construct a fence that reaches twelve-feet in height along the rear of their property, before tapering to a height of five-feet. The site is located at 231 Sunrise Avenue, just west of the intersection of South High Street and Sunrise Avenue.

Located directly behind the subject property is the Oriental Food Market and its associated parking lot. This site was the subject of a 2002 rezoning from R-1, Single Family Residential District to B-2C, General Business District Conditional. As part of the rezoning approval, the owners proffered that a privacy fence would be constructed at a height of six-feet along the northeastern property line to provide screening between the R-1 zoned homes along Sunrise Avenue and the market. However, after the site grading for the new construction was completed, the topography change was

such that the properties along Sunrise Avenue were much lower than the new building and parking facility. Once installed, the proffered six-foot fence now sits lower than the Oriental Food Market development; not providing the intended visual screening for the adjoining residential neighborhood.

The applicants state that persons visiting the market are able to stand in the parking lot and look directly over the fence. Items are thrown into their yard and their pets are often teased and provoked by persons on the commercial lot. The business is usually open until 11:00 p.m., making it difficult to enjoy and entertain within the rear yard of their home.

Because of this, the applicants would like to install a twelve-foot privacy fence along the back portion of their property. The fence would taper along the side property lines from twelve-feet to a height of five-feet, before connecting into the rear of the dwelling. The fence is described as a heavy duty, vinyl fence; solid from ground to top. Prior to installation of the fence, the applicants would need to obtain a building permit. The applicants also propose to install some trees for landscaping around the property.

Staff does not foresee any negative impact in approving this special use permit request. The applicants have discussed the matter with their neighbors and have several letters of support. Staff recognizes the rationale behind this request and believes it would help make a difficult situation more tolerable. Approval of the special use permit is recommended with the following conditions:

1. The special use shall only be applicable to the proposed fence in this application.
2. There shall be no advertising placed on the fence.
3. If in the opinion of Planning Commission or City Council, the fence becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or the revocation of the permit.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicant or applicant's representative to speak.

Brandon and Gerry Howdyshell, 231 Sunrise Avenue, said they are the owners of the property and are available to answer any questions.

Chairman Jones asked if there were any questions. Hearing none, he asked if there was anyone else wishing to speak in favor of this proposal. Hearing none, he asked if there was anyone wishing to speak in opposition to this proposal. Hearing none, he closed the public hearing and asked for comments or a motion.

Mr. Chenault made a motion to recommend approval of the special use permit request with the three conditions.

Mr. Finks seconded.

Chairman Jones called for a voice vote on the motion.

All voted in favor of recommending approval with conditions of the special use permit (7-0).

Chairman Jones said this will also go to Council on June 14th.

Special Use Permit – 862 North Liberty Street 10-3-97 (10) Rec. Activity

Chairman Jones read the agenda item and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development, and related activities.

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

- Site: Former Pilgrim's Pride processing facility, where part of the building is used by Finders Keepers as warehousing space and other portions are vacant, zoned M-1
- North: Across Norfolk Southern rail lines and North Liberty Street, industrial uses, zoned M-1
- East: Across Norfolk Southern rail lines, property owned by the City and utilized by HEC, zoned M-1
- South: Dwelling units, zoned R-2, Minnick Education Center (with approved SUP for educational use), and G&W Ambulance Services, zoned M-1
- West: Across North Liberty Street, non-conforming dwelling units, zoned M-1, and dwelling units, zoned R-2

The applicants are requesting a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow recreational and leisure time activities within the M-1, General Industrial District. Specifically, the applicants would like to utilize approximately 7,000 square feet of vacant space within the former Pilgrim's Pride processing facility at 862 North Liberty Street for an exercise/training facility related to mixed martial arts (MMA).

The individuals interested in utilizing this space would like to relocate the existing business, currently known as Rival Fitness Club and MMA Institute, from 1000 South High Street to the subject property. In April 2008, a special use permit was approved by City Council to allow the exercise/training facility to be located in a warehouse portion of the building at the South High Street address. Upon recommendation by staff and Planning Commission, City Council approved the application with the condition that the permit be granted only for a training/exercise facility.

For the current request, staff met with the individuals interested in operating this facility and explained that if the special use permit were approved, they would be required to obtain a change of use permit and other building permits as necessary. During the building permitting process, staff would ensure that all parking requirements have been met for all uses on site. As part of this special use permit application, a parking layout was submitted and is provided within your packet that demonstrates parking spaces could be provided for the proposed and current uses onsite.

Staff has no concerns regarding the proposed use at this location. The property is located within a transitional area of the City, where residential, business, and small-scale industrial uses have co-existed for some time. Staff also believes this a good re-use of this space. Furthermore, although the existing Land Use designation per the 2004 Comprehensive Plan is General Industrial, this property is one of several properties that staff and Planning Commission has recommended for a Land Use designation change within the Draft 2011 Comprehensive Plan. Arguably, the proposed use would already be in conformance with the existing Comprehensive Plan, but if the draft Comprehensive

Plan is approved as was recommended, this property's designation would change from General Industrial to Planned Business and the proposed use would be more in keeping with the desired uses for this area.

Approving the application as presented would open up the possibility for other recreational and leisure time activities to operate on this site without a public hearing and without further review by staff. Thus, staff recommends the same condition be attached to this application as was placed on the permit at the businesses current facility, which is that the permit be granted only for a training/exercise facility that operates similarly to the proposed use.

Staff recommends in favor of the special use permit with the above stated condition.

Chairman Jones asked if there were any questions for staff. Hearing none, he opened the public hearing and asked the applicants or their representative to speak.

Mr. Steve Hill, a commercial property realtor and the owner's representative, said he is here along with the MMA group, Lee Swecker and Chad Brown, and we would be happy to answer any questions.

Mr. Swecker said we are just looking to move the existing business. This location is a good fit for us; the building is wide open, which we need.

Mr. Da'Mes asked if it was a monthly membership once you signed up.

Mr. Swecker replied yes.

Mr. Da'Mes asked do outside organizations come and compete against this group.

Mr. Swecker replied we do not have actual competitions at our gym. Occasionally other gyms will come and train with us. We are actually affiliated with three other schools and train with them regularly; however, it is not a public competition and it is not advertised to the public.

Mr. Da'Mes asked if there were open invitations to the public to come and view or to be a spectator.

Mr. Swecker said we do not compete in our gym. We travel to other locations such as Expoland, Virginia Beach, the DC area, and so on, for the competition portion. We do not have competitions at our gym, it is just for training.

Chairman Jones asked if there were any further questions for the applicants. Hearing none, he asked if there was anyone else wishing to speak in favor of this proposal. Hearing none, he asked if there was anyone wishing to speak in opposition to this proposal. Hearing none, he closed the public hearing and asked for comments or a motion.

Mr. Da'Mes said obviously my concern would be that this could be open to the public and it would be hard to limit occupancy. Is there any way that we could condition this to limit occupancy, or to not allow spectators?

Mr. Chenault said I understand your concerns; however, I am not too worried about it myself. I am somewhat familiar with their history, and have even visited the current location. I have never seen large crowds. I believe their history is to have competitions at other locations. I feel comfortable that they would adhere to what they proposed in the special use permit request and not have large group competitions.

Chairman Jones asked staff when the special use permit for the South High Street location was approved.

Mr. Fletcher replied April 2008.

Chairman Jones said it has been there three years and we have not had any complaints.

Mr. Fletcher said correct, we have not had any concerns. You also need to remember that maximum occupancy is set by the building official based upon the type of use that is occupying the building. For this particular case the occupancy is 70, which is how we derived the parking requirements. There is always a concern for any building to be over occupied; but, it is up to Planning Commission if you wish to recommend a condition regarding parking.

Mrs. Turner said staff is recommending the condition that this special use is only for a facility that operates similarly to the proposed use. The applicants have provided us with a lengthy description and explanation of what the proposed use is and it does not include doing exhibitions or having competitions. I think if they did so, it would be a zoning violation because it is not part of the approved special use permit.

Mr. Da'Mes said could we just say no spectators would be allowed.

Mr. Fletcher said it would be something very difficult to enforce.

Mr. Chenault said what if you said no paying spectators.

Mrs. Turner said then you are opening it up to un-paying spectators; which is not something they have described in their use.

Mr. Finks said we do not want to hamper them from having potential members coming in to see what it is about.

Mrs. Fitzgerald said that is the way new members would probably join; by coming in and viewing what goes on.

Mrs. Turner said I do not believe it would be interpreted that if two or three people stopped by and watched their friend, or if they were interested in a class being offered, we would consider that a violation of the special use permit. If they had 40 plus persons sitting along the side watching a competition we would consider that a violation, regardless if they are paying to watch or not.

Mr. Chenault said in light of that I make a motion to recommend approval of the special use permit request with the conditions as suggested by staff.

Dr. Dilts seconded the motion.

Chairman Jones called for a voice vote on the matter.

All voted in favor of the motion to recommend approval of the request with conditions (7-0).

Chairman Jones said this will move on to City Council on June 14th.

Master Plan Amendment – 2011 Forest Hills Manor

Chairman Jones read the agenda item and asked staff to comment.

Mr. Fletcher said the Comprehensive Plan designates this area as High-Density Residential. This designation states that these areas are intended for high-density development, mostly apartment buildings with densities ranging from 12 to 15 dwelling units per acre.

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

- Site: Forest Hills Manor apartments, zoned R-4
- North: Single family homes within Forest Hills Subdivision, zoned R-1
- East: University Fields apartments (previously known as Ashby Crossing), zoned R-4
- South: Sections of University Fields apartments, zoned R-4 and the Campus Corner retail center, zoned B-2C
- West: Townhomes along Village Lane, zoned R-4 and Single family homes along Greenbriar Drive and Oak Hill Drive, zoned R-1

The owner of Forest Hills Manor apartments, a student housing complex located off of Devon Lane, has submitted a request to amend a 2008 approved 68-unit master plan. In brief, approving the amendment would allow the owner to have two additional units for a total of 70 apartments. The property is served by two, private streets: Sully Drive and Usman Circle. The existing units were developed under the Glenside Master Plan, which was approved in 2003. Although 60 units currently exist, the approved 2008 plan permits a total of 68 units. The master plan process is not a public hearing and requires approval by Planning Commission only.

Last summer, the owner submitted the same amendment request, which was originally reviewed by Planning Commission in July 2010 when the applicant submitted a plan that illustrated 10 units to be built in the same area that had originally been designed to accommodate eight units. They realized that by utilizing a different design they could build two additional units, thus they submitted the master plan amendment to move ahead with that design. During that review period, the property had non-compliance issues with their existing master plan with unsuitable dumpster screening and other violations including the accumulation of junk, rubbish, and/or garbage and for having tall grass and weeds. The applicant tabled the request for one month to rectify the violations and added detail to their master plan by submitting additional information including landscaping specifics and particulars regarding general property maintenance. During the August review, the application continued to receive negative comments—mostly regarding property upkeep. Ultimately, the applicant withdrew the request.

For the current master plan amendment request, the proposed site layout has not changed from last year's review. The applicant continues proposing to build 10 units on the northwestern side of the property, adjacent to the single family homes fronting Greenbriar Drive. As stated above, the property is currently improved with 60 units and the existing master plan allows the owner to build eight more apartments. Despite the property owner's desire to build the two additional units, they have continued to move forward with the development of the site because they have an approved comprehensive site plan for the construction of their remaining eight units under their approved master plan. The development of that site plan can be seen today as the property is currently under construction. Since the two additional units would be built in the same location, if the master plan is approved as presented, they would be required to submit an amendment to their comprehensive site plan and make the appropriate adjustments to continue moving forward.

The development already exceeds the parking requirements and they would continue to exceed those requirements even if they receive approval to build the two additional units; however, the applicant is proposing to add an additional 13 parking spaces. The request continues provisions of the existing master plan, which includes a six foot solid fence along the northern and northwestern

property line and evergreen trees planted adjacent to the fence. No decks or patios will be installed on any of the units that would be adjacent to the single family home neighborhood—a specification that is included on the existing master plan.

Additions to the master plan, specifics that were also included in last year's request, include a bicycle path connecting the subject property to Village Lane townhomes and details concerning property landscaping consisting of additional trees and shrubbery. The additional landscaping should enhance the overall aesthetics of the site. As shown on the site layout, numerous deciduous trees, evergreen trees, and shrubs would be planted. If this request is approved, these improvements would become governing aspects of the master plan, thus the property owner must maintain and/or replace all of the landscaping as illustrated and described; otherwise it would be a violation of the plan and thus, a violation of the Zoning Ordinance.

As briefly mentioned above, even though they have an approved comprehensive site plan for a very similar layout, if this request is approved, they will have to go back through the comprehensive site plan review process for the changes to the site. During this resubmission, the applicant's engineer should make the appropriate grade changes near the rear of units 65-70 for emergency response access as they have already discussed with the Fire Chief. The applicant shall receive approval to make these changes from the adjoining property owners group, of which he is a member.

The proposed master plan change is ultimately increasing its density by only two units, arguably negligible due to the location and because of the existing units in this area of the City. Furthermore, the proposed and existing use is in conformance with the Comprehensive Plan's High Density Residential land use designation and in compliance with the existing zoning density. Since the original submission of this application last year, not only does the property look significantly better but the details of the master plan have improved with the property owner's self-imposed responsibilities. Staff believes the property owner has made noteworthy efforts to improve their site and believes this master plan has more teeth for enforcement to ensure the property is kept in good condition. Staff recommends in favor of the master plan amendment.

Chairman Jones asked if there were any questions for staff.

Mr. Finks asked about emergency access to the new building.

Mr. Fletcher said the Fire Department did not have any concerns about the actual access to the location. However, I am glad you asked the question because during site work there will be some grading done in the area between Village Lane and the proposed new building to allow for the fire truck to access the new site from this area. The Fire Department and the applicant's engineer have already had discussions regarding this issue.

Dr. Dilts asked what was the height of the building in the previous approved plan.

Mr. Fletcher said I do not know the exact height of the building, perhaps the applicant's representative may know. Regardless, it will be confirmed that the building height meets the zoning requirements.

Dr. Dilts asked how do you enter into the section of the building housing the three stacked units.

Mr. Fletcher said it is difficult to describe. These are not three separate units, they are attached with a breezeway, making this an entire building complex of ten units. To enter you would come into the breezeway area and then up or down steps to the units.

Dr. Dilts said essentially the west side is the back of the units.

Mr. Fletcher replied yes, that would be the rear.

Mr. Way asked if the bike/foot path had been endorsed by the Village Lane developers.

Mr. Fletcher replied before you is a letter that the owners are acknowledging that the multiuse path could be built on the Village Lane site. This letter also includes the permission to do site grading on the adjoining property for the proposed Forest Hills project.

Mr. Da'Mes said a year ago I recused myself from this particular request because of a relationship with one of the partners in this development; that relationship no longer exists. Therefore, I am not recusing myself from this request.

Chairman Jones asked if there were any further questions for staff. Hearing none, he said this is not a public hearing; however, if the applicant or the applicant's representative would like to speak they may do so at this time.

Mr. Ed Blackwell of Blackwell Engineering said he is representing the developers of this site. A year ago there was some concern about the upkeep of the property and so the owner withdrew the request, and spent the past year really pushing the landscaping and upkeep of the site. They are proffering some of the landscaping that you see on the drawings; but the owner has actually already been installing it with, or without, this approval. This development actually has a line item in their budget towards landscaping now.

Mrs. Fitzgerald agreed that there was a big difference when they viewed the site this time as compared to last year.

Mr. Blackwell said this is the same plan as before. There will be an architect that would design the new ten unit building. I believe one of the questions dealt with building height – the section that is towards the left is like two stacked units. There will be a basement and three levels. Everything along the breezeway side has three levels. Also, there is a height restriction that would have to be met.

Mr. Fletcher said the height restriction is 40 feet.

Dr. Dilts asked if the current units were 40 feet high.

Mr. Blackwell said that varies on topography and unit style.

Dr. Dilts said are the new ones going to be larger than the existing ones, the drawing makes them look larger.

Mr. Blackwell said the foot print is a little larger. The existing units are three stories for one unit and the new units would be two stories per unit. I have not seen the final architectural plans. This is a very uniquely shaped building and the architect said he can get it in this space.

Chairman Jones asked if there were any further questions for the applicant's representative. Hearing none, he asked for discussion or a motion.

Mr. Finks said the fact that the owners are doing something on the site to make it look better is something that strikes me. I move to favorably recommend for this request to add two units.

Mrs. Fitzgerald seconded the motion.

Chairman Jones called for a voice vote on the motion.

All voted in favor of the motion to recommend approval of the Master Plan Amendment (7-0).

Chairman Jones said this ends here at Planning Commission and does not move forward to City Council.

Mr. Fletcher reminded the applicant that a revised comprehensive site plan would need to be submitted.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Chenault said last night at City Council the Comprehensive Plan was approved. Everybody expressed their gratitude to each and every one of you for all your hard work. Also, to staff for their time spent on the plan.

Mrs. Banks said proactive zoning inspectors visited Pleasant Hill Acres where they found 17 violations consisting of inoperable vehicles and discarded materials. Next month, they will be targeting the Avalon Woods area.

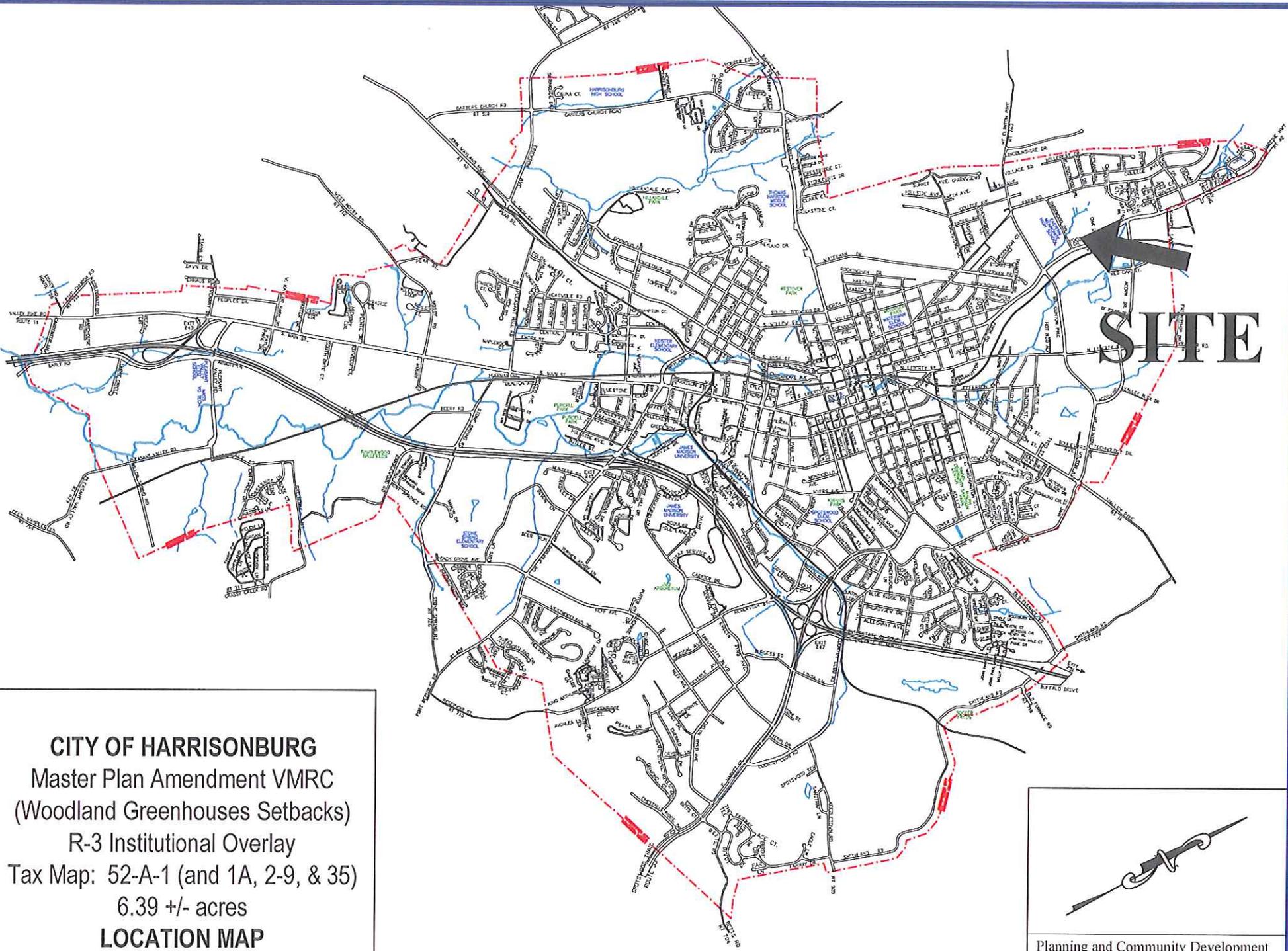
Other Matters

None.

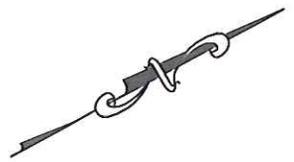
Adjournment

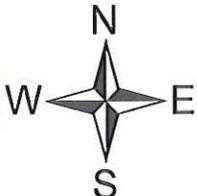
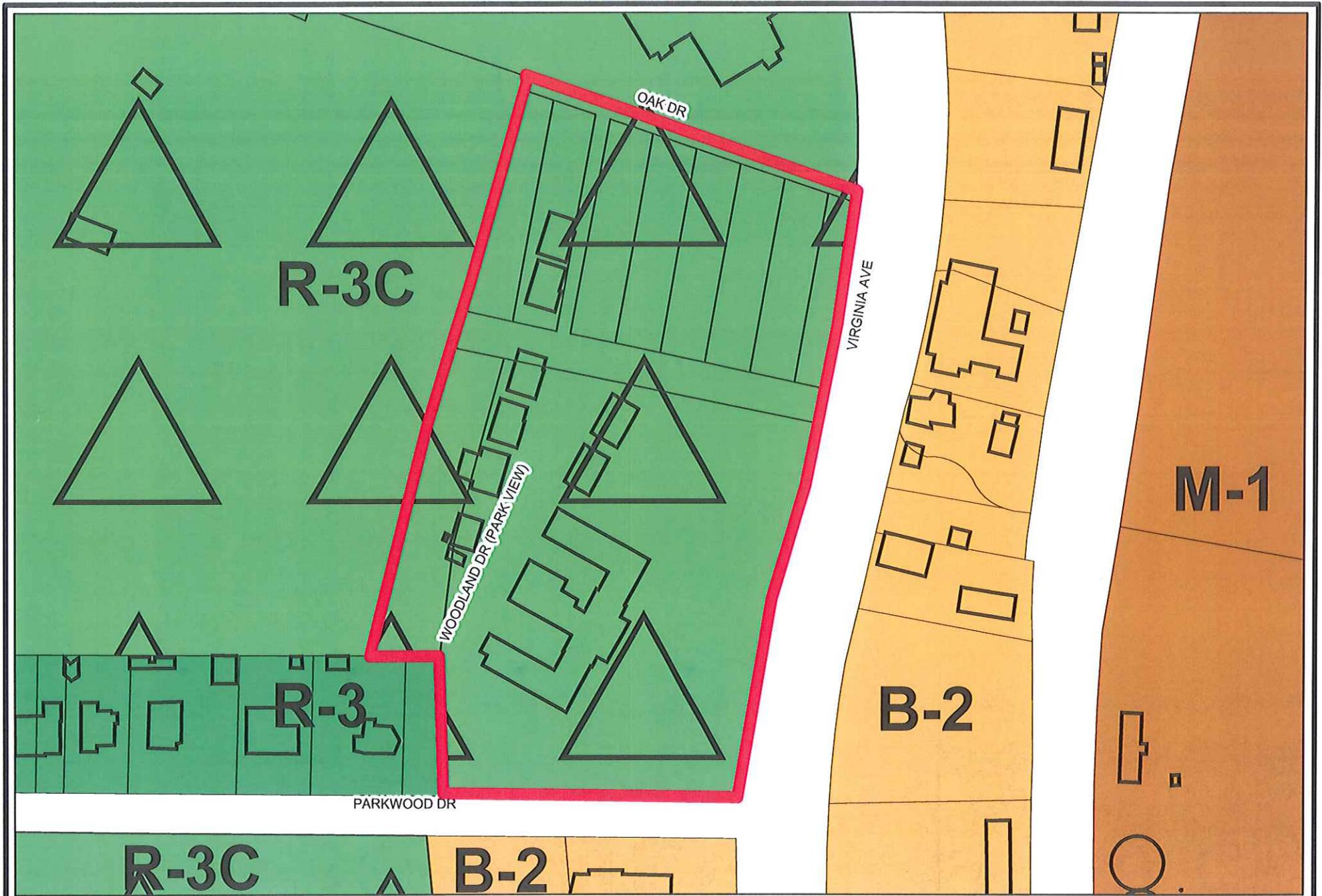
The meeting was adjourned at 8:00 p.m.

DRAFT



CITY OF HARRISONBURG
 Master Plan Amendment VMRC
 (Woodland Greenhouses Setbacks)
 R-3 Institutional Overlay
 Tax Map: 52-A-1 (and 1A, 2-9, & 35)
 6.39 +/- acres
LOCATION MAP


 Planning and Community Development
 City of Harrisonburg, Virginia



VMRC Master Plan Amendment Woodland Greenhouses



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT
June 8, 2011

VMRC MASTER PLAN AMENDMENT 2011 (WOODLAND GREEN HOUSE HOMES)

GENERAL INFORMATION

Applicant: Virginia Mennonite Home, Inc. with representative Marvin Nisley
Tax Map: 52-A-1
Acreage: 6.9 +/- acres
Location: 1301 Virginia Avenue
Request: Public hearing to consider a request to amend an approximate 6.9 +/- acre portion of the Virginia Mennonite Retirement Community master planned complex. The property is zoned R-3, Multiple Dwelling Residential district with an I-1, Institutional Overlay.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Institutional. These lands are designated for development by certain nonprofit and public institutional uses such as colleges and universities, hospitals, offices of nonprofit organizations, community assembly uses and institutions which provide for the shelter and care of people.

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

Site: Woodland facility (under demolition) and single-family homes, zoned R-3/I-1
North: Crestwood assisted living facility and Oak Lea nursing facility, zoned R-3/I-1
East: Across Virginia Avenue, undeveloped parcel, non-conforming dwellings and commercial properties, zoned B-2
South: Across Parkwood Drive, VA Mennonite Conference Center and undeveloped parcel, zoned B-2
West: Single-family dwellings, zoned R-3 and Eastern Mennonite University, zoned R-3/I-1

HISTORY

The original master plan for Virginia Mennonite Retirement Community (VMRC) was approved in March 1997 and has been amended on several occasions. The most recent amendment was approved in December 2009, which allowed for the construction of ten Green House Homes in the Woodland area of the VMRC property. As described by VMRC, Green House Homes are residential homes for up to ten occupants requiring skilled nursing care. Each home has ten private rooms and bathrooms, a central kitchen, dining and living area, and around-the-clock nursing care. The December 2009 master plan illustrated the Green House Homes as a micro-community, clustered around gardens and a community park. Both Planning Commission and City Council voted unanimously in favor of the Green House Homes concept, which necessitates the demolition of the original Woodland facility building and the nearby single-family homes.

Following the 2009 approval, the applicants began working on the design and layout of the homes and the associated private street. As the project progressed, it became obvious that the placement of the stormwater detention area would require shifting some of the homes and redesigning the private loop road. This change made the community park smaller and created difficulty for all of the homes to meet building separation and setback requirements. After discussions with staff, it was determined the best option would be to request a master plan amendment with the redesigned Green House Home layout utilizing the relief mechanisms and flexibility allowed within the Institutional Overlay District.

EVALUATION

VMRC is requesting a change to their December 2009 approved Institutional Overlay Master Plan. The I-1, Institutional Overlay District is a special overlay district, placed over a base district, and is intended to provide for orderly development of certain nonprofit institutional uses and institutions providing for the shelter and care of persons. It allows for flexibility with setbacks, building height, and parking requirements through the master plan process.

With the current request, VMRC would like to maintain their existing master plan, which includes the skilled nursing care provided in the ten Green House Homes. As mentioned above the major change in the master plan is to allow for flexibility in building separation and setback requirements. Thus, the master plan specifies that building separation between some of the homes could be as close as 20-feet, as opposed to the required 30-feet. In addition, setbacks are shown as 20-feet from both Parkwood Drive and Virginia Avenue, and 10-feet from interior property lines. The applicant has stated that it is not their intention to build each home to these setbacks; but, it would offer the flexibility should buildings need to be shifted. The setbacks as presented deviate from the required 30-feet from public streets and the ten and 25-foot setbacks for the interior lines.

The Public Works Department is requesting right-of-way along Parkwood Drive in order to bring the current right-of-way to a point 30-feet from the existing street centerline on their side of the road. As well, they are asking for an additional four feet of right-of-way along Virginia Avenue. This is indicated on the master plan site drawing. Both would be dedicated during the comprehensive site plan review. The requested relief for the front setbacks from 30-feet to 20-feet would allow the applicant to construct the ten homes after the right-of-way dedication and still have the ability to shift the buildings, should it be necessary.

The Green House Homes would front along an internal private loop road, which enters from Oak Drive, a separate, existing private road within the VMRC community. The existing Parkwood Drive entrance would be phased out, becoming a service entrance and fire lane. Each home would have a driveway to accommodate one vehicle and 22 additional spaces would be provided along the loop road. The applicant has noted that the total number of parking spaces for the VMRC campus is 644. This is a slight increase from the previously approved master plan and is more than sufficient for their needs.

As stated in 2009, this is an innovative and unique approach to nursing home living. The relief and flexibility in building setbacks and separation allows for the clustering of homes and the preservation of open space, concepts supported by the Comprehensive Plan. Staff supports the request to amend this portion of the VMRC Master Plan.

Virginia Mennonite Retirement Community
Harrisonburg, Virginia

May 31, 2011

Master Plan Narrative

The attached Master Plan of the Virginia Mennonite Retirement Community is being submitted for review and approval under Section 10-3-106, "Master Plan Requirements". This Narrative follows the guidelines of Section 10-3-106, items 1 - 4. Note:

Item 1:

The total property consists of 46.242 acres under the umbrella of Virginia Mennonite Retirement Community, Inc. (VMRC). Within this umbrella are three organizations that bear legal title to their respective properties:

Park Village Inc.	24.617 Acres
Heritage Haven Inc.	7.560
<u>Virginia Mennonite Home, Inc.</u>	<u>14.065</u>
TOTAL	46.242 Acres

The entire site is roughly bounded to the east by Virginia Avenue, to the south by Parkwood Drive, to the west by Park Road, and to the north by Harmony Heights. Within the property (Park Village Inc.), Shank Drive, Hawthorne Circle, Villa Drive, Pine Court, and Spruce Court are dedicated public streets. Refer to the attached "Master Plan" drawing.

The existing building, commonly referred to as Woodland, is included in the property that bears legal title under Virginia Mennonite Home, Inc. Until November, 1999, VMRC used Woodland as a home for adults. Since that time it has been partially used by Pleasant View for a day program, by Woodland Montessori School, as well as offices for several non profit organizations, and student housing.

VMRC would like to maintain the existing designation of the Master Plan that was approved in December, 2009 but are requesting an amendment to the Master Plan that would revise some of the terms in that Master Plan. These include relief from some dimensional area and setback requirements. In addition, doctors' offices/medical clinic and day care use may be relocated to the Oak Lea building. Long term nursing care is still planned to be provided on this site in group homes called Green House® Homes.

Construction of the first phase of the Green House® Homes could begin in the fourth quarter of 2011 or the first quarter of 2012.

Item 2:

The locations of the existing buildings are illustrated on the attached "Master Plan." Their respective uses and other data:

- I. Within **Park Village Inc.**, all of the buildings are existing, and house independent residents (minimum age is 60 years). In the Village, there are 88 units in duplexes, fourplexes, and sixplexes. These are mostly single story; some with a lower level walk out. Village Hall, a one story structure, serves this resident community as a place for meetings and social events.
 - o Park Place is a three story, 88 unit, independent residential building.
 - o Park Gables is a five story independent housing building with a partial basement. The main floor houses a collection of campus common functions, while the upper floors contain 88 apartments.
 - o The Maintenance Barn, a two story structure for campus maintenance functions.
- II. Within **Heritage Haven, Inc.** all of the buildings are existing. Heritage Haven is a three story, 150 unit independent housing project. Attached to this structure is a two story facility that houses the VMRC Corporate offices and Detwiler Auditorium which is used for meetings and social events.
- III. Within **Virginia Mennonite Home, Inc.** existing facilities include:
 - o Woodland, a two story building with a partial basement that is currently vacant. The building will be removed with the full implementation of this Master Plan.
 - o Woodland Cottages, seven one story independent housing units. Buildings will be removed with the full implementation of this Master Plan.
 - o Oak Lea, a 120 bed nursing facility in a two story configuration
 - o Wellness Center, a two story structure, housing a pool for water therapy, exercise rooms, therapy rooms, space for Wellness education, as well as support rooms (administrative offices, lockers, etc.)
 - o Crestwood, a three story assisted living building with 9 two room suites and 77 single rooms.
- IV. Within **Virginia Mennonite Home, Inc.** proposed facilities include:
 - o No more than ten Green House® homes to be built in phases on 6.39 acres. Each home is a single story building (approximately 6462 SF each) designed to be a home for up to ten elders.

- Setback distances for this parcel are shown on the attached Green House® project drawing. In addition, a minimum distance between the structures is shown.

A recap of the total campus (proposed) is as follows:

FACILITY	BEDS/UNITS	SERVICE
Oak Lea Nursing Home	120	Nursing Care
Woodland Green House® Homes	100	Nursing Care
Crestwood	86	Asst. Living
Heritage Haven	150	Ind. Living
Park Village	88	Ind. Living
Park Place	88	Ind. Living
Park Gables	88	Ind. Living
Wellness Center	-	Wellness Programs
TOTAL	720	

Item 3:

Proposed parking is illustrated in the attached Master Site Plan. The existing location for the children’s day care center (Woodland building) includes 25 parking spaces (one handicap) in front of the building with an additional 27 parking available to the north of the building on Woodland Drive; these 52 spaces would be eliminated. The proposed Woodland Green Houses® include 22 parking spaces; which would decrease the total campus parking from 674 to 644. 644 parking places are more than sufficient for the needs of the VMRC campus. The elders that these homes serve typically do not drive and transportation within the VMRC campus is provided via large vans or small buses (for elders and staff). Parking would be primarily for visitors and deliveries.

The existing vehicular access to the campus will be changed. There are currently five entry points from adjacent public streets; two from Park Road, two (including the campus ‘Main Entry’) from Virginia Avenue, and one from Parkwood Drive.

The vehicular access from Parkwood Drive would be eliminated with the full Master Plan implementation. However, a fire lane that meets the City Fire Chief’s approval will be provided as shown on the accompanying plan. The Woodland Green Houses® would be accessed by a proposed new loop road with a single main entrance on Oak Drive that will provide safe pedestrian and vehicular circulation. It is not anticipated that the proposed change of the use of the site will add any burden to the adjacent vehicular system.

Item 4:

The general use of existing open space will be slightly modified with the proposed Green House® community. Proposed open spaces will be used for landscaping, a Community Park, gardens, pathways, and storm water detention.

Virginia Mennonite Retirement Community Green House® Homes Description

The Green House® project at VMRC will provide an innovational approach to skilled nursing. The Green House® homes vary greatly from traditional facilities, altering the design

and organization to create a social, friendly community that elders can call home. Its primary purpose is to de-institutionalize long-term care by eliminating large nursing homes and creating positive, social settings that thrive on relationships. Green House® homes serve as a place where elders can receive assistance and support with daily activities and clinical care, without the assistance and care becoming the focus of their existence. These homes are nurturing environments, and the elders are empowered, have choices, and can make their own decisions. They are assisted by those that honor and respect the elders in a place full of life.

This site will provide ten Green House® homes, each designed to be a home for up to ten elders. All of the sights and sounds of an institutional setting and institutional staff are removed and replaced with a more residential home environment. Each home is centered around a central Hearth and Kitchen where the elders and caregivers can gather and socialize; elders are often encouraged to assist with meal preparation. A dining area with a common table is near the kitchen for family-style meals where the caregivers will join the elders for meals. Surrounding the central living area are ten private rooms with bathrooms for the elders. The Green House® home will also contain areas for bathing, laundry and a den that can be used for visiting family members.

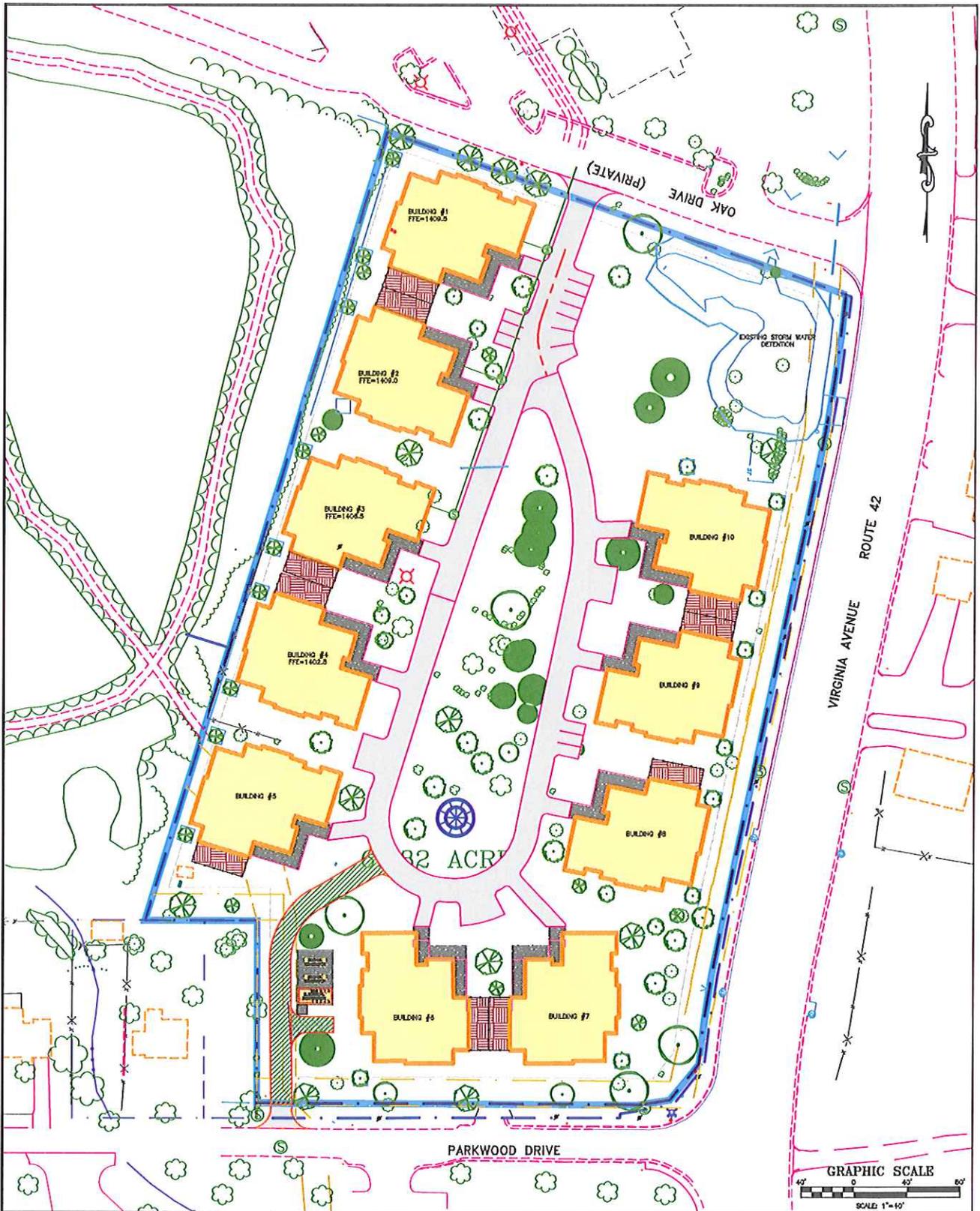
Adjacent to and visible from the Hearth is a natural outside environment filled with beauty and serenity – gardens filled with flowers and vegetables, birds, shade, walking paths, and comfortable seating, all to promote a flourishing life. By clustering the buildings, “micro-communities” can be formed around the gardens. These are great areas for residents to socialize and expand their opportunities for activities, fellowship, and fun. The driving design force in developing the site plan was functional use of space to provide a minimal impact to the surrounding environment. There are many beautiful mature trees on site that will be preserved, as much as possible. A large central green space is designed to utilize and protect some large oak trees, and give elders a place to congregate outdoors and enjoy nature together.

Providing pedestrian and vehicular circulation that is convenient, safe, and functional is vital to a well-designed site. There is a single main entrance to the site, and from that entrance a loop road is established for easy and safe vehicular circulation. Each Green House® home has a driveway that can hold at least one vehicle, and there are distributed parking sites along the loop drive that can be used for guest and additional parking.

Sustainable building techniques are also vital to the success of the site design. Some significant ones include: preservation of open space, orientation of buildings to maximize solar gain, views and topography, and minimizing irrigation by using native plantings, distributed storm water bio-retention landscaping features and rainwater harvesting.

Due to the architectural design of the Green Houses®, the associated site amenities, and the limitations of the site, the setbacks shown on the attached project drawing are needed for several of the houses. In addition, these same limitations may require the minimum distance between some houses to be twenty feet. All Virginia Construction Code requirements will be met.

The relocation of some of the Houses as shown on the submitted Green House® project Master Plan may be required to optimize the development of the site. These could include shifting their location several feet or changing the angle to which they face the new loop road. Those minor changes will be addressed during the Detailed Site Plan development process.



Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Virginia Mennonite Home, Inc. (VMRC)
Street Address: 1501 Virginia Avenue Email: _____
City/State/Zip: Harrisonburg, VA 22802
Telephone (work): 540 564-3400 (home or cellular): _____ (fax): 540 564-3700

Section 2: Owner's Representative Information

Name: Marv Nisly
Street Address: 1501 Virginia Avenue Email: nislym@vmrc.org
City/State/Zip: Harrisonburg, VA 22802
Telephone (work): 540 564-3601 (home or cellular): 540 810-8272 (fax): 540 564-3700

Section 3: Description of Property

Location (street address): 1301 Virginia Avenue
Tax Map Number: Sheet: 52 Block: A Lot: 1 Total Land Area (acres or square feet): 6.390 Acres
Existing Zoning District: R-3 Institutional Overlay Proposed Zoning District * : _____
Existing Comprehensive Plan Designation: Children's Day Care, Student Housing

*If applying for conditional rezoning, provide a letter stating proffers on separate sheet of paper

Section 4: Application Fee

\$325.00 plus \$25.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

- (a) Would the development from this rezoning require a Traffic Impact Analysis by VDOT?
Yes _____ No X

If yes, then fees must be made payable to VDOT to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

- (b) Would the development from this rezoning require a Traffic Impact Analysis review by the City?
Yes _____ No X

If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

PLEASE NOTE – If a TIA is required, this application shall not be considered accepted until the TIA has been reviewed.

Section 5: Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: See attached.
East: _____
South: _____
West: _____

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: Marv Nisly
Virginia Mennonite Home, Inc. Property Owner

See Back for Items Required for Submission

ITEMS REQUIRED FOR SUBMISSION

- | | | | |
|-------------------------------------|-----------------------------|-------------------------------------|--------------------------|
| <input checked="" type="checkbox"/> | Completed Application | <input checked="" type="checkbox"/> | Fees Paid |
| <input checked="" type="checkbox"/> | Survey of Property | <input type="checkbox"/> | Source Deed |
| <input checked="" type="checkbox"/> | Description of Proposed Use | <input type="checkbox"/> | Proffers (if applicable) |
| <input checked="" type="checkbox"/> | Adjacent Property Owners | <input type="checkbox"/> | _____ |

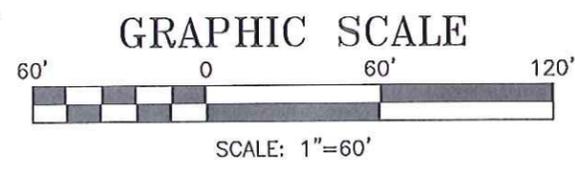
Adjacent Property Owners

Mary Elizabeth Ashe, Elizabeth A. Hollingsworth; Trustees	76 Washington St.	Warrenton	VA	20186
David W. Lee	950 Acom Dr	Harrisonburg	VA	22802
Wampler Foods c/o Joe Nears	P.O. Box 93	Pittsburg	TX	75686
Norman L. Bradburn Jr., Carolyn B. Arnette, Jetta Earhart	17858 Spotswood Tr.	Elkton	VA	22827
Roland M. & Rhonda D. Schrock	1420 Virginia Ave	Harrisonburg	VA	22802
Walter V. Marchuk	401 Sugar Maple Ln	Harrisonburg	VA	22801
Ted K. & Susan A. Swartz	650 Parkwood Dr	Harrisonburg	VA	22802
Virginia Mennonite Bd of Missions	901 Parkwood Dr	Harrisonburg	VA	22802
Eastern Mennonite College, Inc.	1200 Park Road	Harrisonburg	VA	22802
Boris R. & Nora C. Caballero	1877 Park Road	Harrisonburg	VA	22080
Park Heritage Development	1501 Virginia Ave	Harrisonburg	VA	22802

VIRGINIA MENNONITE RETIREMENT COMMUNITY
GREEN HOUSE® PROJECT



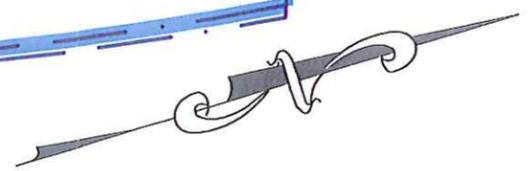
RELOCATED PROPERTY
LINE TO ALLOW 30' ROW
FROM CENTERLINE OF
PARKWOOD DRIVE



RELOCATED PROPERTY LINE TO
ALLOW 4' BICYCLE LANE

VIRGINIA AVENUE ROUTE 42

OAK DRIVE (PRIVATE)



May 2011 Proactive-Zoning Report

For the month of May 2011 the proactive-zoning program targeted the **Avalon Woods** section of the city. During the proactive inspections a total of **ten violations** were found. This was an increase in the number of violations from the first 3-year cycle and a decrease from the second 3-year cycles as noted in the chart below. The violations consisted of inoperable vehicles, discarded materials, and signs.

MONTH	SECTOR	VIOLATIONS	CORRECTED	1 st CYCLE	2 nd CYCLE
December 2008	Wyndham Woods	4	4	2	0
January 2009	Northfield	19	19	21	6
February 2009	Purcell Park	5	5	7	6
March 2009	Parkview	16	16	19	7
April 2009	Northeast	63	63	80	45
May 2009	Ind./Tech Park	0	0	0	1
June 2009	Exit 243	1	1	10	0
July 2009	Fairway Hills	0	0	1	0
August 2009	Smithland Rd.	0	0	0	4
September 2009	N. Main St.	4	4	13	4
October 2009	Liberty St.	18	18	6	4
November 2009	Westover	17	17	18	8
December 2009	Garber's Church	1	1	1	2
January 2010	Spotswood Acres	1	1	6	4
February 2010	Jefferson St.	35	35	26	22
March 2010	Forest Hills/JMU	1	1	6	1
April 2010	S. Main St.	2	2	1	0
May 2010	Hillandale	17	16	7	5
June 2010	Maplehurst/JMU	2	2	6	5
July 2010	Long Ave/Norwood	17	17	12	28
August 2010	Greystone	13	13	13	10
September 2010	Greendale/SE	5	5	3	2
October 2010	Ramblewood	1	1	4	8
November 2010	Stone Spring Village/JMU	0	0	2	10
December 2010	Sunset Heights	10	10	7	29
January 2011	Reherd Acres	9	9	10	12
February 2011	RT 33 West	6	6	0	16
March 2011	Chicago Ave	29	29	16	22
April 2011	Pleasant Hill	17	15	4	13
May 2011	Avalon Woods	11	n/a	7	26
June 2011	Waterman Elementary			6	61
July 2011	Bluestone Hills & Valley Mall			3	33
August 2011	Keister Elementary			6	5
September 2011	500-600 S. Main			7	30
October 2011	Court Square			0	3
November 2011	Preston Heights			8	3

The proactive-zoning program for June 2011 will be directed towards the enforcement of the Zoning Ordinance in the **Waterman Elementary** section of the City.

Proactive Zoning Map

