# City of Harrisonburg, Virginia

## Planning Commission Meeting

**March 11, 2015**

**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 February 11, 2015 regular meeting.**

2) **New Business**

*Special Use Permit – 15 Southgate Court (10-3-91 (8) Reduction in Required Parking)*
Public hearing to consider a request from Fred and Carol Showker for a special use permit per Section 10-3-91 (8) of the Zoning Ordinance to allow for the reduction in required parking spaces within the B-2, General Business District. Areas that would have been used for parking must remain as open space and shall not be used to meet any conflicting requirements of the Zoning Ordinance. The 14,810 +/- square foot property is located at 15 Southgate Court and is identified by tax map parcels 1-B-7 & 8.

*Rezoning – Westport Village Proffer Amendment (811 Port Republic Road)*
Public hearing to consider a request from K&K, LLC to rezone a 0.915-acre parcel zoned R-3C, Multiple Dwelling Residential District Conditional by amending one of the six existing proffers that were approved when the property was rezoned in 1999. The proposed amendment would require the property owner to install and maintain a fence or shrubs to provide both a visual and physical barrier to discourage pedestrian access across the eastern property line rather than the existing proffered requirement of only providing trees or shrubs to accomplish the same purpose. The property is located at 811 and 821 Port Republic Road and is identified as tax map parcel 92-H-0.

*Zoning Ordinance Amendment – Parking Lot Landscaping Modifications 10-3-30.1 (2) and (16)*
Public hearing to consider a request to modify Parking Lot Landscaping regulations Section 10-3-30.1 of the Zoning Ordinance. The first amendment includes modifying the opening paragraph of Section 10-3-30.1 to clarify that all parking lot landscaping regulations shall apply to redeveloping properties. The next modification is to subsection (2) to exempt property owners from the requirement of erecting a wall or fence of at least 3 feet in height where their parking lot is less than 10 feet from side or rear property lines where the adjoining parcel has an existing building located on the shared property line. The last amendment is to subsection (16), which requires, among other things, when enlarging an existing parking lot that may be non-conforming to the parking lot landscaping regulations to provide landscaping that is at least proportionate to any enlargement. The amendment includes adding a note to clarify that repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.

3) **Unfinished Business**
*None.*

4) **Public Input**

5) **Report of secretary and committees**
*Proactive Zoning*

6) **Other Matters**
*None.*

7) **Adjournment**

Staff will be available Tuesday April 7, 2015 at 4:30 p.m. for those interested in going on a field trip to view the sites for the April 8, 2015 agenda.

# MINUTES OF HARRISONBURG PLANNING COMMISSION
# FEBRUARY 11, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, February 11, 2015 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, Gil Colman, MuAwia Da'Mes, Judith Dilts, Deb Fitzgerald, and Henry Way.

Members absent: Jefferson Heatwole.

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

Chair Fitzgerald called the meeting to order and determined there was a quorum with six members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the January 14, 2015 Planning Commission meeting.

Mr. Da'Mes moved to approve the minutes as presented.

Dr. Dilts seconded the motion.

All members voted in favor of approving the January 2015 minutes as presented (6-0).

## New Business

None.

## Unfinished Business

None.

## Public Input

None.

## Report of secretary and committees

Mrs. Banks said proactive enforcement visited the Bluestone Hills-Valley Mall area and the Preston Heights area. There were a total of 27 violations in the Bluestone Hills-Valley Mall area; 25 of those violations were signs. Within the Preston Heights area there were seven violations consisting of discarded materials and inoperable vehicles. Next month inspectors hope to pick up two more areas – Northfield Estates and Wyndham Woods.

The completion of the two sectors this month brings proactive zoning to the close of the fourth cycle. Each cycle takes three years; therefore, we have completed twelve years of proactive zoning. Staff felt this would be a good opportunity to share with you some of the ebbs, flows and quirks of proactive zoning throughout the twelve years. As you can see by the chart provided on the screen, there were 338 total violations, an average of 9.39 per sector, for the first cycle which began in the fall of 2002. The second and third cycles show slight increases in total violations, before dropping to 323 violations in the fourth cycle.

The next chart lists the top five repeat offenders by sections. The Northeast Neighborhood has consistently been elevated in violations; however, as you can see they are making improvement. The same can be said for the Jefferson Street area. Then there are those sectors that appear to be going slightly up from the first cycle until now – I will discuss some reasons for that in a moment.

DRAFT

The last chart is a graph of each cycle through the years. The first cycle is the blue line and the fourth cycle is the purple line. Some things you need to take into consideration with violations in proactive zoning are that when it began we were looking only at discarded materials and inoperable vehicles. Over the years we have started to look at other things such as indoor furniture on porches, tall grass and weeds, signs, and so forth, which is why you notice some increase in particular sections. Also, there are new developments that have come on board, for instance along Reservoir Street in the Avalon Woods area has a lot of new development.

Mr. Way asked if staff had considered mapping this into the GIS to look at it differently and see if there were any spatial patterns.

Mr. Fletcher said we do enter it into GIS, but in a different capacity. Every violation, not just proactive, is noted in the GIS.

Mr. Way said I was thinking it might be a good project for my students to map the quadrants to see the patterns throughout the City.

Mr. Fletcher said I do not know if you would get much out of it; there are violations on so many properties within the City.

**Other Matters**

Chair Fitzgerald said the proposed draft for Wireless Telecommunications Facilities is on the table for our discussion. She then asked staff to review.

Mr. Fletcher said this should be considered an informal worksession regarding wireless telecommunications facilities. Feel free to ask any questions throughout the brief presentation.

Before you is a 17-page document, which includes all of the Zoning Ordinance amendments that would be needed to implement the new regulations associated with "wireless telecommunications facilities." (As you will soon read, "wireless telecommunications facility" is a new term that is defined.) The document is organized chronologically by code section, where the first eight pages include the changes necessary in the existing code, beginning with those needed in the Definitions section and then proceeding through the code sections of most of the zoning districts and specifying the different types of wireless telecommunications facilities that will be permitted and whether they would be allowed by-right or by special use permit. There is an underlying tone of what we are attempting to achieve here, which is trying to accommodate all of the new technology while at the same time not taking away by right permissions that are in place today. No one is losing any permitted use or right within this proposal; it is providing more opportunities.

Beginning on page 9 are the nuts and bolts of the wireless telecommunications facilities regulations, which are proposed within a new article titled Article CC. Wireless Telecommunications Facilities. The new article includes the specifics of how wireless telecommunications facilities would be permitted within all residential districts and the MX-U district, the B-1 and B-2 districts, and the M-1 district. There are submittal and application requirements, rules for submitting annual reports for each facility, maintenance and enforcement regulations, stipulations regarding the removal of defective and abandoned facilities, and finally specifics regarding how property owners can take advantage of Section 6409 Wireless Facilities Deployment of the Middle Class Tax Relief and Job Creation Act of 2012.

Mr. Way said the tower along Reservoir Street that Planning Commission reviewed as a special use permit, would still be allowed only by special use?

DRAFT

Mr. Fletcher said yes, a new tower in B-2 would still require a SUP. Also, keep in mind that every single macro cell that we have in the City is an eligible facility, which can take advantage of Section 6409; therefore, you will not have to deal with the existing sites much anymore. On all of the existing sites, if someone wants to co-locate on them they can do so by administrative approval. Unless they are doing something like exceeding the permitted height, Planning Commission will likely not have to deal with these existing sites.

That is a simple summary of the ordinance. I thought perhaps we would look at it section by section and pick it apart. Staff envisions that once Planning Commission is satisfied with the proposed amendments, we will have other City departments review the proposed text and have the ordinance reviewed by our contacts within the wireless telecommunications industry. Once we receive feedback from those groups, we can report back to Planning Commission with any suggested changes prior to moving forward with official public hearings and recommendations for adoption.

Mr. Way said I have a small correction. On page 9, next to number 1, should there be a hyphen within the "by right". This is the only place where a hyphen is present.

Mr. Fletcher said it will be removed.

Mr. Way said on page 12, the correction regarding things being screened; you said you are going to remove letter "v" regarding screening. My only concern is there are some M-1 districts that are quite close to residential districts; so perhaps if we said something more like – "unless they are adjacent to a residential district."

Mr. Baugh said this is also true in the downtown area where you have some spots zoned M-1 that are adjacent to the B-1 district.

Mr. Fletcher said the only argument that we had in not putting it in was we were thinking that all of the uses within M-1 can put lots of "ugly" things there by right, and not having to screen. A telecommunications facility would be the only thing that had these compounds where you have to screen around such items. So we went back to the original intent to not place a burden on existing by right permissions that already exist. But we can change this.

Mr. Colman said I like the idea of screening. Perhaps it could be adjacent or a certain distance from a residential area.

Mr. Way said with accessory structures it is a certain number of feet that you must have.

Mr. Fletcher said in the commercial and industrial districts the accessory structure set back is the same as the principal building.

Chair Fitzgerald said we went from the 110 percent setback requirement in the recommendation for consideration in the ordinance to the requirement that is in the existing zoning ordinance. What made staff give up on the 110 percent?

Mr. Fletcher said it seemed unacceptable from a matter of: "Will it work anywhere?" Again, properties already have this permission by right; it is zoned M-1, it is the industrial district, should they not be allowed to do this by right. There was no real science behind our position other than it seemed over burdensome.

But do not forget we are talking about two different things. You are talking about the tower and we were discussing the equipment cabinets and screening.

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Mr. Colman asked if there are any industrial areas within the City that we would say we would rather have it screened; compared to an industrial district where everything is industrial.

Mr. Fletcher said in a perfect world I believe we would all say we wanted it to be screened. However, there are a lot of M-1 uses that do not require screening today, that we may wish to change. If that is the case, we should be having a different conversation; which is should we be screening these other things that are adjacent to residential or downtown property?

Mr. Colman said perhaps this is a good start.

Mr. Way said I believe if we nudge things in the direction of where we want things to be; not just throwing our hands up and say that is not what we are trying to achieve right now. When we come to review future ordinances and we see this language we may be more apt to use it.

Mr. Colman asked is it a prohibited burden on these facilities.

Mr. Fletcher said it sounds to me that perhaps we should just leave it as "it shall be screened," for the M-1 district.

Mrs. Turner said I do not mind leaving it as it. What came to my mind when staff was discussing it was that right now all of those places could have their mechanical equipment sitting out right next to the property line, whether it is B-2 or M-1. But like you said in your point, just because we do it now does not necessarily mean we should keep doing it. We have the opportunity to change it slightly.

Mr. Fletcher said we will leave it as shown.

Chair Fitzgerald said in the original draft from September there was a list of elements that regulation ordinances should include. There are a couple of those elements that I was wondering about that I do not see within this ordinance – provisions that maximize the use of co-location and addressing how public property may be used.

Mr. Fletcher said that is captured in the ordinance already. If you recall several months back we were saying that public uses did not have to meet zoning regulations and now we are saying they do. If it is a parcel of property that is publicly owned we must comply with this ordinance; unless for some reason we do not want to comply, then the SUP to deviate from the requirements of the ordinance may be applied for. That provision is in here.

Dr. Dilts said that would hold true for JMU and EMU.

Mr. Fletcher said no, EMU would have to comply. JMU is outside of the requirement of these regulations.

Chair Fitzgerald said other elements were safety and aesthetics, which are clearly addressed. What about maintenance and parking requirements?

Mr. Fletcher said parking did not come up as a requirement; there is really no necessary means for a parking requirement. The maintenance is within the draft ordinance.

Dr. Dilts said on these sections where you are talking about artificial lighting, page 9, Section 2.4; "unless otherwise required or is part of the intent of the facility, artificial lighting is prohibited." If you were to allow it, are there regulations that keep the light towards the ground, rather into the night skies?

DRAFT

Mr. Fletcher said there are no regulations that we have that say it cannot be creating light pollution. Everything in the draft says, unless it is required, like by the FAA, the only time it would be allowed is when it is part of a concealed wireless telecommunications facility, perhaps like an art piece. A flag pole would be one. Again these would only be by special use permit within the residential areas; in the commercial areas it is by right, but there is already a lot of lighting there.

Chair Fitzgerald said I thought that the inventory requirement section was good. Another jurisdiction requires applicants, in order to regulate aesthetics, to provide an inventory of its existing facilities in the City as well as within five miles of the City limits. I guess that is because they want to make sure that we are not putting up more of this stuff than needed. Is this something we want to consider within our ordinance?

Mr. Way asked what is Rockingham County doing with telecommunications? Are they requesting information from the City?

Mr. Fletcher said not that I am aware of. When I reviewed their ordinance it was still relatively older, more of the tower and macro sites. Whether or not they are proposing any updates, I do not know.

Mr. Da'Mes asked if Rockingham County's height limit was 125-feet, similar to the City.

Mr. Fletcher said no, they have a higher limit.

Mr. Da'Mes said we could have something right outside the City at a much higher elevation.

Dr. Dilts said I have a question on page 14, Section 2B; which discusses how the proposed facility fits into the applicant's telecommunications network. I really like this section; however, on the previous page, where it can be done by right, we require that they provide all this other information as well, yet we do not include the information on how it would fit. Would it be helpful to have something like that in there as well?

Mr. Fletcher said I believe the thinking here was that we were looking for the additional information, since they are applying for a special use permit and they are doing something so clearly outside of our perfect scenario. If we feel we need to add it to the submittal requirements for all, I do not feel it is a huge burden.

Dr. Dilts said I am always interested in someone having to think about why they are doing it and maybe this little extra nudge is not a bad thing.

Mr. Way said it does somewhat relate to Chair Fitzgerald's suggesting of mapping their current facilities within a perimeter area.

Mr. Fletcher said as somewhat of an argument against it I ask – is there a good argument, other than making people think harder, that we have to have this. Is it a requirement just to have a requirement? What does it do? It is a by right use; why are we making them tell us how it fits into their network?

Mrs. Turner said there is nothing about the information that they could provide us that would cause us to say no, it is not allowed. It is going to be allowed by right.

Mr. Way said from a private industry perspective they would not do it unless it was a needed thing, they are not, on a whim, going to put up a tower.

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Mr. Da'Mes said on page 14 it states that a listing of property owners within 1,000 feet of the subject property. What applicant's are proposing to do could potentially affect people beyond 1,000 feet. Does that cover enough area? I do not want to over impose or become more burdensome, but is that enough?

Mr. Fletcher said we actually kicked around the idea of one-half mile, but we backed off of that because when we applied the rule we were jumping outside of neighborhoods. Because these things are so visual, the point here was to capture people who are not immediately adjacent to the subject property. This was to help the residential districts so that when someone applies to put something up, you are notifying more than just the four or five adjacent properties, you are notifying the neighborhood.

Mr. Da'Mes said my question is does 1,000 feet cover a neighborhood.

Mr. Fletcher said 1,000 feet was not entirely arbitrary, we do use that number when applying for sexually oriented business; these businesses must be 1,000 feet from residential uses, churches, schools, etc. We felt it was a distance that seems to be satisfactory and already exists within our zoning ordinance.

Mr. Da'Mes said the other number that caught my attention was on page 15, regarding the abandonment of wireless devices. Why do we allow a facility to be abandoned for 24 consecutive months before we take action? It seems like a long time to me. If something is not in use for six or twelve months, it is not going to be in use.

Chair Fitzgerald asked if 24 months was a typical number.

Mr. Fletcher replied yes, 24 months is the State's non-conforming time period. Therefore, we thought we would go with the standard.

Mr. Way said going back to the 1,000 feet issue, in urban theory a quarter mile radius is typically the ideal size for a residential neighborhood; so if your intent is to try and capture the neighborhood, we may want to require a quarter mile instead.

Mr. Fletcher said we can change the item to request a listing of all property owners within one quarter mile of the subject project.

Mrs. Turner said something we may want to add to these special use permit requests is that people need to be paying more for these requests if we are going to be notifying within a quarter mile radius.

Dr. Dilts asked if the City pays for the notification.

Mr. Fletcher said it is part of the fee for the SUP. The City actually does not break even now with any of our public hearing application fees. The cost of the advertisement and the property owner notifications are generally more than the fee for the application. If you want the City to break even, then we need to increase the fees.

Mr. Way said I do not see that this will be a hugely common sort of thing. I do not think there will be outrageous costs to the City to bear.

Mr. Fletcher said I want to talk about the changes to the very last section of the draft. In Section 10-3-203, regarding Section 6409, number 4, which is the letter describing that they are not doing any of the four things listed – this was revised somewhat on January 8, 2015 when the FCC put out their true test to this rule. What was being interpreted was that the four items listed were being utilized

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as a guide; however in January the FCC provide six items that we must be putting to the test. What we are proposing is to add those six things to our list as shown in letters (a) – (f). This will just make the FCC requirements part of our code.

Chair Fitzgerald asked what the next steps are.

Mr. Fletcher said we will make these changes and put this draft out for comments from our other City departments and then to our telecommunication industry contacts for review. We will give the review period a month or month and a half, if not more. Staff will keep you updated. If there are any significant changes, we would of course bring those back to you for review before public hearing. If not, we will just let you know when we are ready to go to public hearing.

Mr. Colman asked if there are any current requests for facilities.

Mr. Fletcher said there are no current requests because it is not permitted; however, there have been many inquiries.

There is one item in here that is not related to telecommunication facilities, in Section 10-3-84, page 6, permitted by right within the B-1, Central Business District; number 13 is new. It is to be added, because right now WHSV is arguably not a permitted use. It is a permitted use within B-2 and we are putting it in B-1 with all antennae, satellite dishes, and associated equipment shall be screened; because it is not currently screened. So this section is somewhat unrelated to wireless telecommunications.

Chair Fitzgerald asked Councilmember Baugh if there was a report from last night's City Council meeting.

Mr. Baugh said there were two items on the agenda from Planning Commission. The special use permit for the Harbor Freight issue and the variance to the Chand Development property; both were approved.

Chair Fitzgerald said before you are the 2014 Annual Reports. Planning Commission needs to review each; however, only the Planning Commission Annual Report will be forwarded to City Council.

Mr. Fletcher added that Commissioner Dilts suggested we use "not applicable" (or N/A) in place of a solid line, for those items within the report which do not move forward to Council.

It was a consensus among the Planning Commissioners to make that change.

Mr. Way moved to forward the 2014 Planning Commission Annual Report forward to City Council with the proposed change.

All voted in favor (6-0).

**Adjournment**

Planning Commission adjourned at 8:10 p.m.

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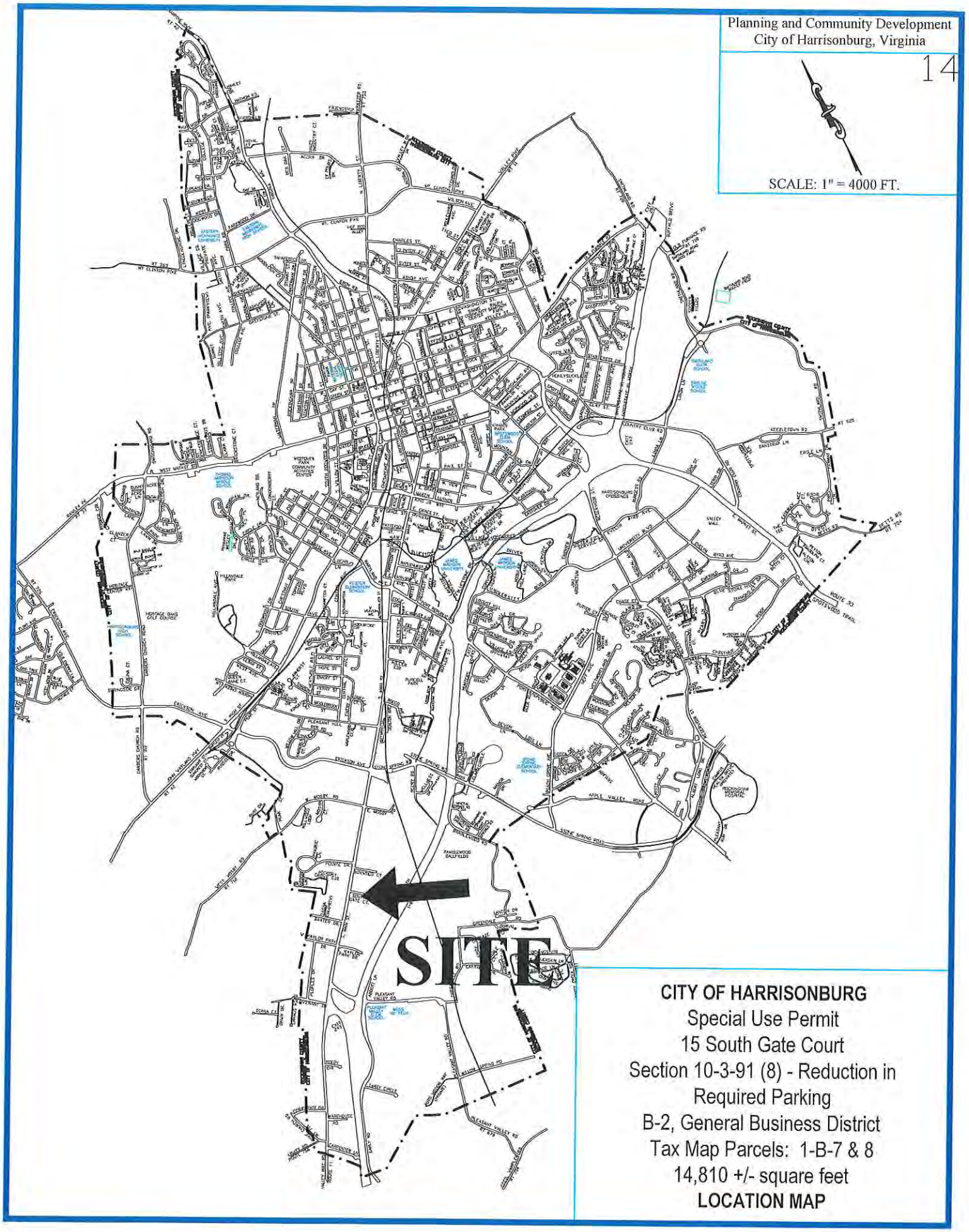
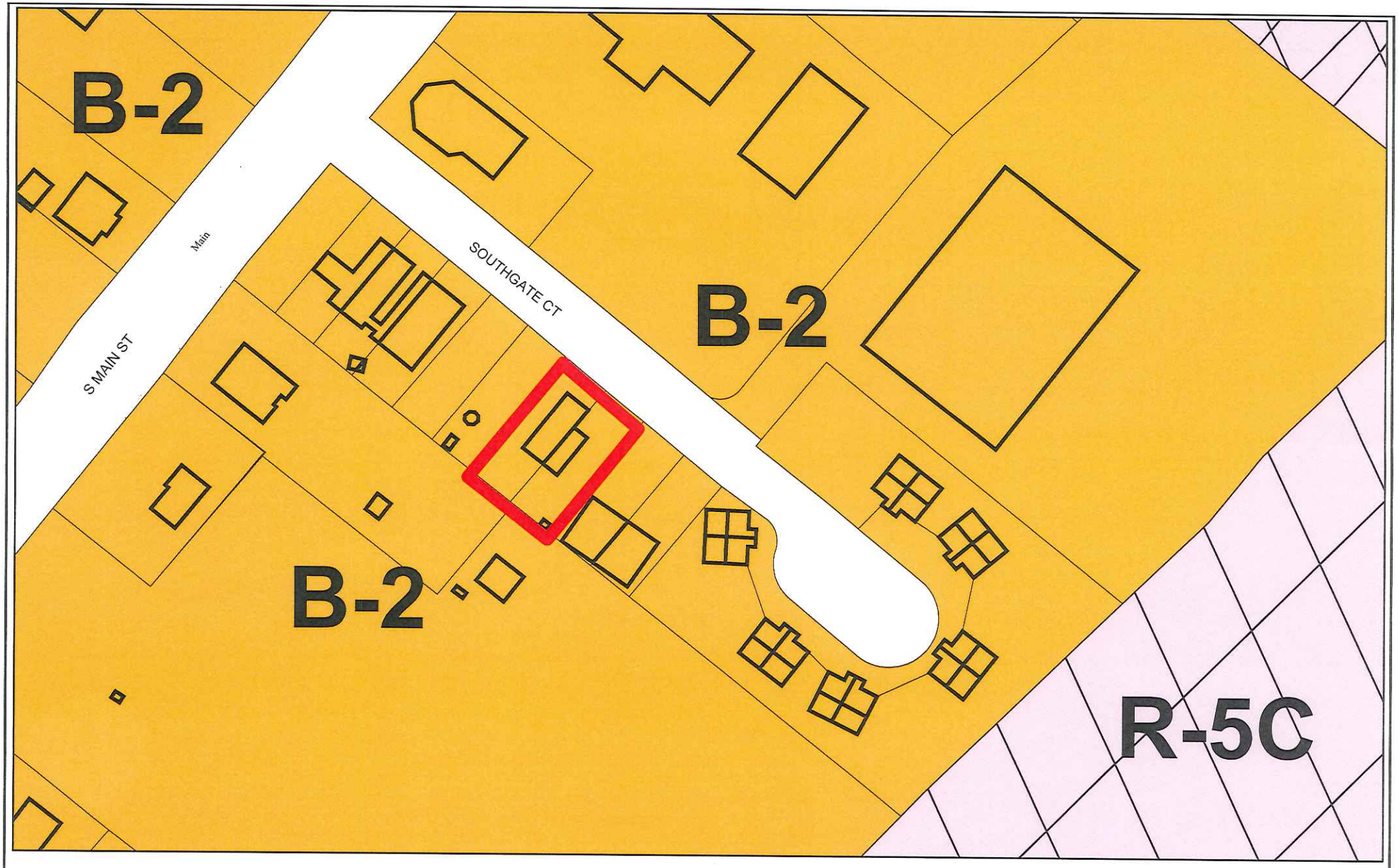

Planning and Community Development
City of Harrisonburg, Virginia
14
SCALE: 1" = 4000 FT.
SITE
CITY OF HARRISONBURG
Special Use Permit
15 South Gate Court
Section 10-3-91 (8) - Reduction in
Required Parking
B-2, General Business District
Tax Map Parcels: 1-B-7 & 8
14,810 +/- square feet
LOCATION MAP

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# 15 South Gate Court - Montessori School
# SUP - Reduction in Parking 10-3-91 (8)

# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**
**March 11, 2015**

## SPECIAL USE PERMIT – 15 SOUTHGATE COURT (REDUCTION IN REQUIRED PARKING)

### GENERAL INFORMATION

**Applicant:** Fred and Carol Showker with representatives Dave and Danielle Jahne

**Tax Map:** 1-B-7 & 8

**Acreage:** .34 +/- acres

**Location:** 15 Southgate Court

**Request:** Public hearing to consider a request for a special use permit per Section 10-3-91 (8) to allow a reduction in the required parking within the B-2, General Business District.

### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Commercial. This designation states that these areas include uses for retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District of the City.

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

Site: Office building, zoned B-2

North: Across Southgate Court, car dealership, zoned B-2

East: Office building, zoned B-2

South: Commercial uses, zoned B-2

West: Photography studio, zoned B-2

### EVALUATION

The applicants are requesting a special use permit (SUP) per section 10-3-91 (8) to allow fewer than the required number of parking spaces. A requirement of the SUP obligates the property owner to provide open space equal to the area that would have been used for the required number of parking spaces in the event that more parking spaces are needed in the future. If approved, the applicant must record this requirement of the permit as part of the deed to the property.

The subject property was annexed into the City in 1983 as a single-family home and given a B-2, General Business District zoning classification. In 1985, a building permit was approved converting the single-family dwelling to a business; however, the only parking provided was the one space within the driveway.

If approved, Bridgewater Montessori School desires to relocate their facility to the 14,810 square foot parcel located at 15 Southgate Court. The facility currently operates from the Bridgewater Brethren Church and has an enrollment of ten students. The applicants state that moving the school to the Southgate Court location would provide a more convenient location for their students and would allow the program to increase their enrollment total to 25 or 30. Enrolled children would range in age between 2½ years to kindergarten age – all being served by a total of three employees.

Pre-school services offered to children ages 2½ to 4 years are generally considered child day care centers rather than a school; thus, required off-street parking is calculated at one parking space for every 200 square feet of gross floor area, which is the same as for a retail business and similar mercantile establishments. A total of eleven parking spaces would be required for the 2,200 square foot building.

As shown on the submitted layouts, they are requesting a reduction in the required eleven spaces to a total of five. They have provided two scenarios of parking arrangements for the property; each reflecting a total of five parking spaces. One illustration includes an off-street drop-off area for children, while the second illustrates a sidewalk leading to the public street. Also, as required, a site plan showing the total eleven spaces and how they could fit on the property is provided.

The applicants state that students arrive at the facility via parent drop off and a staff member meets them at "curb side". Drop-off is scheduled between 7:30 am and 8:30 am with three different pick-up times: 1:00 pm, 3:30 pm, and 5:30 pm. Potential traffic congestion is reduced due to the varied drop-off/pick-up times, and the applicants note there are several sibling groups and carpool arrangements, which may help to reduce vehicular traffic.

Additionally, in addition to the five on-site spaces, the applicants have stated they have an agreement with Steven Toyota, a business located directly across Southgate Court, to utilize five of the car dealership's parking spaces. At this time, the applicants state their three employees would utilize three of the five spaces. Staff is not comfortable with such an arrangement and would rather they try to utilize the flexibility offered by Section 10-3-26, which allows shared parking agreements or reductions in required parking for two or more uses based upon hours of operation. Staff understands, however, the applicants have been unsuccessful in trying to utilize the accommodations offered by this section.

As noted above, the parking requirement is calculated the same as a retail business; because there is not a separate parking regulation within the Zoning Ordinance for child day care facilities. The applicants have researched and provided information on pre-school and day care facilities from neighboring towns and cities and believe their proposal of five on-site parking spaces is adequate given other localities' regulations.

Generally at such facilities, parents park and come in to the school—whether it is to drop-off or pick-up children, to volunteer for the day or to attend a school program—and therefore, staff believes the proposed reduction is inadequate.

Staff has had conversations in the past regarding parking for child day care centers and whether the retail calculation is too strict. The concept of perhaps changing the requirement to a percentage of the allowed occupancy of the building, plus one space per employee, rather than the square footage of the overall building has been considered. However, in most cases, staff

finds that with such a scenario the required parking still falls within one or two spaces of what a retail parking calculation requires.

As noted, staff is uncomfortable with the arrangement with Steven Toyota and believes that five on-site parking spaces are insufficient to cover the needs of the child day care facility. Staff appreciates the work the applicants have put into the application; however, we recommend denial of the special use permit request.

If desired for approval however, staff recommends the following condition:

- The SUP shall be applicable only for child day care centers, which operate substantially the same as the proposed use.

Date Application Received: 2-10-15

# Application for Special Use Permit
## City of Harrisonburg, Virginia

Fee: $375.00 plus $30.00 per acre

Total Paid: $ 405.00 ✓CB

Property Owner's Name: Fred N. Showker

Street Address: 15 South Gate Ct Email:

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 540-234-8836 Fax N/A Mobile 540-433-8402

Owner's Representative: Mike Pugh

Street Address: 2340 S Main St Email: MikePugh@OdrVa.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 540-433-2454 Fax 540-433-5946 Mobile 540-383-5116

**Description of Property and Request**

Location (Street Address): 15 South Gate Court

Tax Map Number Sheet: 1 Block: B Lot: 7 & 8 Lot Area:

Existing Zoning Classification: B-2

Special Use being requested: Reduced regional parking, Section 10-3-91- Section 8 for a Montessori School.

Please provide a detailed description of the proposed (use additional pages may be attached):

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

North:
South:
East:
West:

**Certification:** *I certify that the information contained herein is true and accurate.*

Signature: FRED SHOWKER dotloop verified 02/05/15 5:12PM EST TGNR-PWL7-JQUR-CSUT

CAROL SHOWKER dotloop verified 02/05/15 4:57PM EST X9Z4-SKUI-BLHP-AMER

*Property Owner*

**ITEMS REQUIRED FOR SUBMISSION**

- [ ] Completed Application
- [ ] Site Plan
- [ ] Description of Proposed Use
- [ ] Adjacent Property Owners
- [ ] Fees Paid
- [ ] Property Located on Tax Map
- [ ]
- [ ]

Last Updated: 07/01/2011

February 5, 2015

Mrs. Alison Banks, Senior Planner
409 South Main St
Harrisonburg, VA 22801

Re: Request for reduced parking special use permit.

Dear Mrs. Banks,

My wife Danielle and I would like to formally request that a reduced parking special use permit be approved for the operation of our Montessori School at 15 South Gate Court in the City of Harrisonburg, Virginia.

We would like to relocate our school from the Bridgewater Brethren Church to South Gate Court in order to provide a more convenient location for our students, and increase our program offerings to the community. Additionally, the South Gate location is ideal due to the streets limited traffic, cul-de-sac design, and available green space, which is vital to the program.

**About the School**

- Our program will consist of a single classroom and we anticipate being licensed for ~30 students, ages 2.5 years old to kindergarten.
- Our initial enrollment goal is 25, an increase of 15 students from our current location.
- We estimate out staff will consist of three individuals.
- Drop-off is between 7:30a and 8:30a.
- There are three pick-up times; 1p, 3:30p, & 5:30p.
- Students are transported to the proposed location by family members where "curb side" drop-off and pick-up is performed by our staff. (This is our current process done in Bridgewater.)

**Our application proposes**

- Eight (8) parking spaces available to staff, families and visitors.
- A designated drop-off/pick-up area.
- Three (3) parking spaces, including a designated handicap space, on the property.
- Five (5) parking spaces at Steven Toyota in their lot directly across the street from the school, made available by an agreement with them.
- Staff will utilize the Steven Toyota spaces first, leaving free the on-site parking for families or visitors.
- Potential traffic congestion is reduced due to the one hour drop-off window and varying pickup times. Additionally we expect several sibling groups and carpools, which will further reduce vehicle traffic.

In researching neighboring towns/cities parking ordinances we constructed the following table to show the number of spaces required to meet their code, assuming the location in question was within their limits. (Supporting code excerpts attached)

| Location | Required Parking Spaces to Meet Code |
|---|---|
| Bridgewater | 4 |
| Broadway | 3 |
| Charlottesville | 1 |
| Dayton | 4 |
| Elkton | 3 |
| Luray | 3 |
| Rockingham County | 5 |
| Staunton | 2 + 4 off street loading spaces |
| Timberville | 3 |
| Waynesboro | 3 |
| Woodstock | 3 |
| Harrisonburg | 11 |

We understand that there is currently no classification in the Harrisonburg parking code for preschool/daycare/ kindergartens, therefore it is classified as 'General Retail'. After considering neighboring communities' parking requirements for a program like our, we believe our proposal is viable and reasonable given our operational model and size.

We greatly appreciate the city's consideration concerning this request.

Sincerely,

Dave Jahne

Danielle Jahne

**Code Excerpts for Neighboring Areas**

Bridgewater: § 6-180.1. Parking Classification; Spaces Required.

(j) Primary School Classification. The Primary School Classification is comprised of day care facilities (except Limited Day Care Facilities), preschools, elementary schools, and middle schools. (1) If the Lot has a Main Street Entrance Point, uses within this classification must have three parking spaces, plus 1.5 parking spaces per classroom. (2) If the Lot has no Main Street Entrance Point, uses within this classification must have two spaces, plus 1.1 parking spaces per classroom.

Broadway: 703.04-2 Public Assembly:

(d) Schools, including kindergartens, playschools, and day care centers One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high schools and colleges, whichever is greater.

Charlottesville: Division 2, Off Street Parking

Sec. 34-984. - Off-street parking requirements—Specific uses. Preschool, playschool, nursery school, kindergarten - 1 space/classroom

Dayton: § 9-184.2. Parking Classification; Spaces Required.

(i) Primary & Middle School Classification. The Primary & Middle School Classification includes day care facilities (except Home Care Facilities), preschools, elementary schools, and middle schools. Uses within this classification must have two spaces, plus 1.1 parking spaces per classroom.

Elkton: 110-703 Off Street Parking

Schools, including kindergartens, play schools, and day-care centers: 1 for each employee, including teachers and administrators, plus 10 spaces per classroom for high schools and colleges

Luray: 506. - Minimum off-street parking.

506.9. For public or private nursery, day care, kindergarten, elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee, or administrator, whether full or part time, whose activities are conducted between the hours of 8:00 a.m. and 4:00 p.m. in addition to the requirements of the auditoriums. In addition, high school shall provide one parking space for every 20 students for the maximum rated capacity of the school, as determined by the school board.

Rockingham County: 17-702.04. Use requirements table.

Education: Daycare center, child - One (1) space per employee, one visitor space shall be provided for each 20 spaces.

Staunton City: 18.125.010 Off-street parking requirements – General.

Kindergartens, day schools, and the equivalent private or parochial schools: Two parking spaces per three teachers and employees normally engaged in or about the building or grounds plus one off-street loading space per eight pupils.

Timberville: 703.03-2 Public Assembly

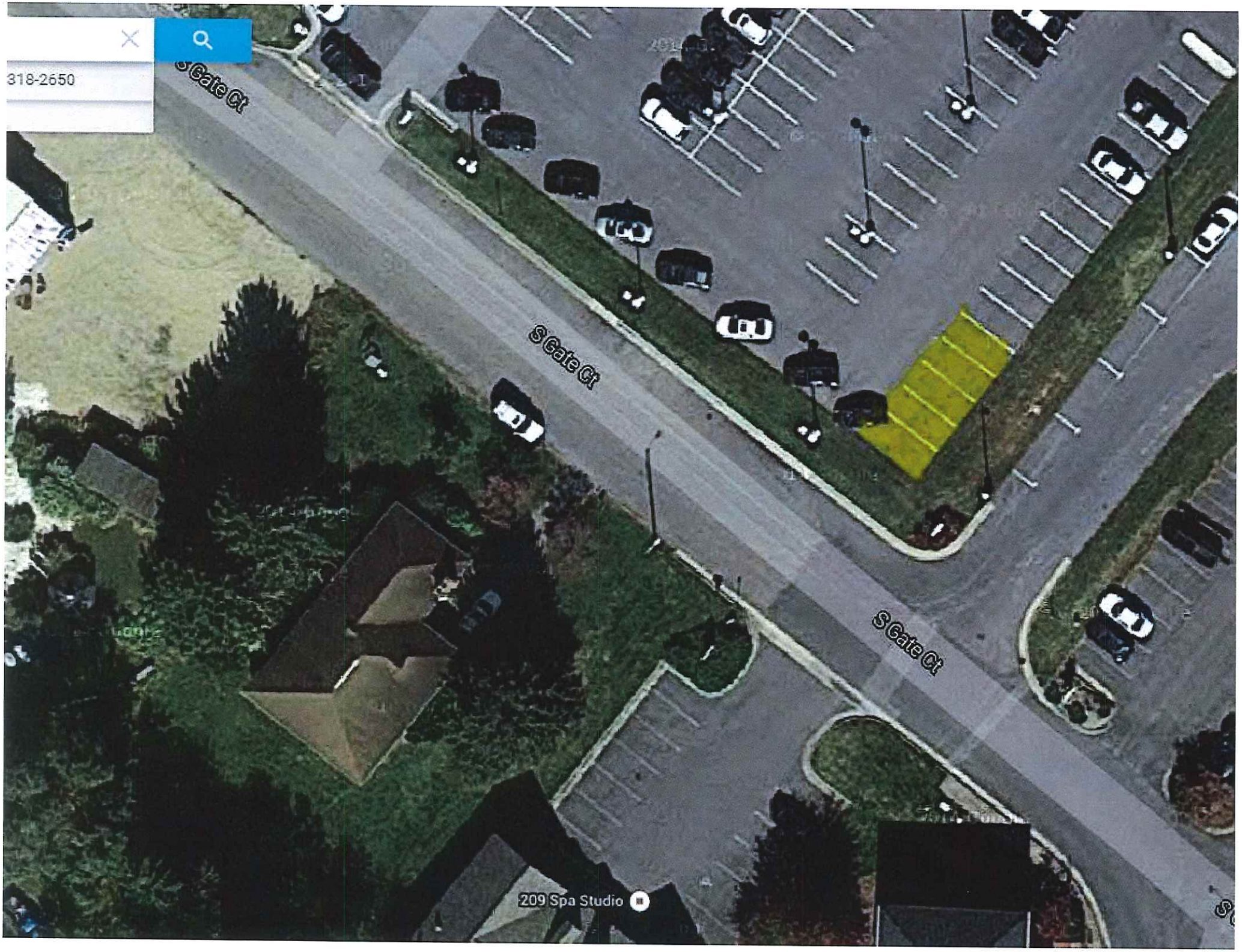
D. Schools, including kindergartens, playschools, and day care centers One (1) space for each four (4) seats in assembly hall, or one (1) space for each employee, including teachers and administrators, plus five (5) spaces per classroom for high school and colleges, whichever is greater

Waynesboro: §5.1. PARKING AND LOADING

Day care (See §10.2.8.B Includes nursery school and preschools): 1 space per employee

Woodstock: Sec. 90-387. - Offstreet parking—Generally.

(i) *Nurseries, schools, etc.* For public or private nurseries, day care facilities, kindergartens or elementary, intermediate or high schools, there shall be provided one parking space for each teacher, employee or administrator, whether full- or part-time, whose activities are conducted between the hours of 8:00 a.m. and 4:00 p.m., in addition to the requirements of the auditoriums. In addition, high schools shall provide one parking space for every 20 students for the maximum rated capacity of the school, as determined by the school board.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S Gate Ct
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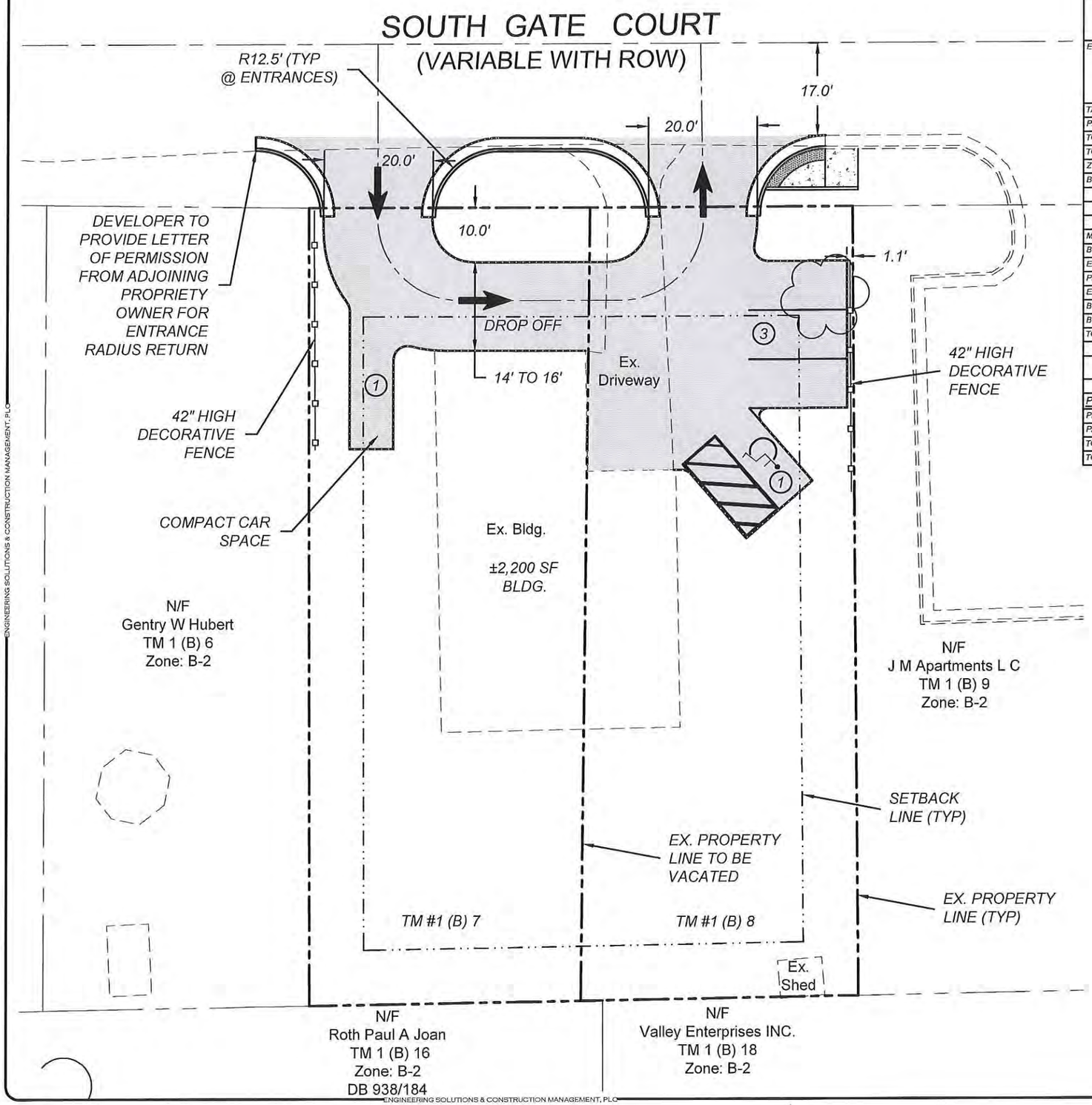
S Gate Ct
209 Spa Studio




| BRIDGEWATER MONTESSORI SCHOOL SITE DATA | |
|---|---|
| PROPERTY OWNER: | FRED & CAROL SHOWKER<br>363 DICES SPRINGS ROAD<br>WEYERS CAVE, VA 22846 |
| DEVELOPER: | BRIDGEWATER MONTESSORI<br>c/o DAVE JAHNE<br>420 COLLEGE VIEW AVE.<br>BRIDGEWATER, VA 22812<br>(540) 300-1304 |
| ENGINEER: | ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC<br>1010 NORTH MAIN STREET<br>HARRISONBURG, VA 22802<br>CONTACT: SCOTT SELLERS, PE<br>(W) (540) 442-8787<br>(F) (540) 442-9090 |
| TAX MAP # | 1 (B) 7 & 8 |
| PARCEL (DB/PG) | 0 / 0 |
| TOTAL LOT ACREAGE: | 0.17 & 0.17~ TOTAL = 0.34 |
| TOTAL LAND DISTURBED: | 10,000 SF (1.56 AC) |
| ZONING: | B-2 |
| BUILDING SETBACKS: | |
| FRONT: | 30 FEET |
| SIDE: | 10 FEET |
| REAR: | 10 FEET |
| MAXIMUM BUILDING HEIGHT ALLOWED: | 75 FEET |
| BUILDING HEIGHT: | 28 FEET |
| EXISTING USE: | COMMERCIAL - OFFICE |
| PROPOSED USE: | PRE-SCHOOL |
| EXISTING FLOOR AREA: | 2,200 SF (APROXIMATE) |
| BUILDING USE GROUP: | E |
| BUILDING CONSTRUCTION TYPE: | V-B |
| TOPOGRAPHIC / BOUNDARY SURVEY: | |
| DATUM: | |
| FLOOD PLAIN INFORMATION: | THIS PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FIRM MAP NUMBER 51165C0392B EFFECTIVE FEBRUARY 6, 2008. |
| HYDROLOGIC UNIT CODE: | PS22 - BLACKS RUN |
| PARKING | |
| PROPOSED USE: | PRE-SCHOOL |
| PARKING BASED ON: | ONE SPACE FOR EVERY 200 SF |
| TOTAL PARKING REQUIRED: | 11 |
| TOTAL PARKING PROVIDED ON-SITE: | 5 (1 ADA VAN ACCESSIBLE) |

ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC
1010 NORTH MAIN STREET
HARRISONBURG, VIRGINIA 22802
(540) 442-8787 (O) (540) 442-9090
CIVIL DESIGN & CONSULTING WITH A PLAN!

COMMONWEALTH OF VIRGINIA
RAYMOND S. SELLERS
Lic. No. 040040
PROFESSIONAL ENGINEER

CONCEPTUAL LAYOUT
5 PARKING SPACES
w/DROP-OFF

BRIDGEWATER MONTESSORI SCHOOL
15 SOUTH GATE COURT
HARRISONBURG, VIRGINIA 22801

| Revision | Date | Revision Requested By |
|---|---|---|
| 1 | 03/03/15 | Added Compact Parking Space |

100 0 100
SCALE: 1" = 100'

| | |
|---|---|
| PROJECT NUMBER: | 15-2001-1 |
| DATE: | 02/05/2015 |
| SCALE: | 1" = 20' |
| DRAWN BY: | ss / jl |
| CHECK BY: | — |

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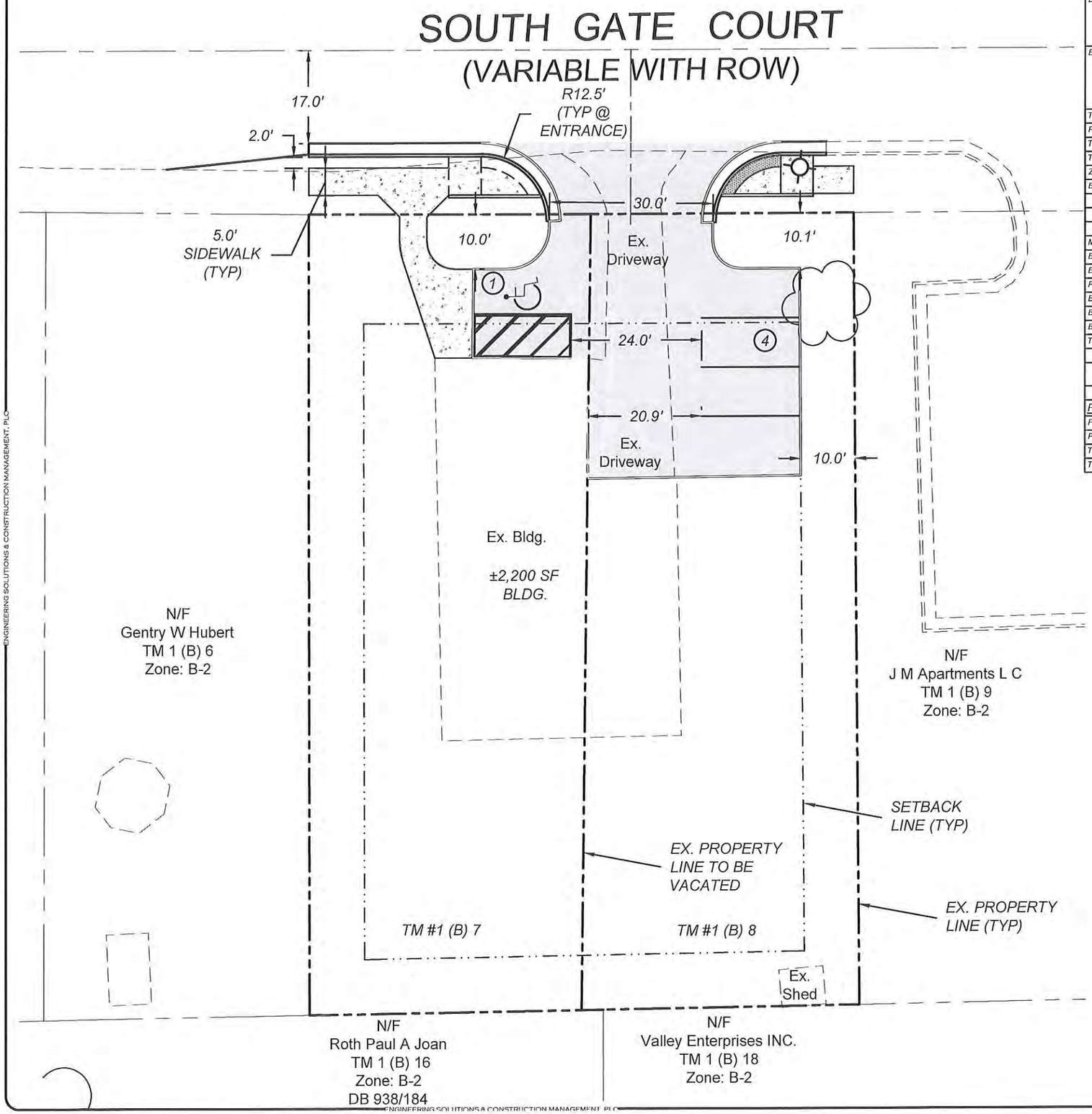
ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC

ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC

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| TAX MAP # | 1 (B) 7 & 8 |
| PARCEL (DB/PG) | 0 / 0 |
| TOTAL LOT ACREAGE: | 0.17 & 0.17~ TOTAL = 0.34 |
| TOTAL LAND DISTURBED: | 10,000 SF (1.56 AC) |
| ZONING: | B-2 |
| BUILDING SETBACKS: | |
| FRONT: | 30 FEET |
| SIDE: | 10 FEET |
| REAR: | 10 FEET |
| MAXIMUM BUILDING HEIGHT ALLOWED: | 75 FEET |
| BUILDING HEIGHT: | 28 FEET |
| EXISTING USE: | COMMERCIAL - OFFICE |
| PROPOSED USE: | PRE-SCHOOL |
| EXISTING FLOOR AREA: | 2,200 SF (APROXIMATE) |
| BUILDING USE GROUP: | E |
| BUILDING CONSTRUCTION TYPE: | V-B |
| TOPOGRAPHIC / BOUNDARY SURVEY: | |
| DATUM: | |
| FLOOD PLAIN INFORMATION: | THIS PROPERTY IS LOCATED IN ZONE X AS SHOWN ON FIRM MAP NUMBER 51165C0392B EFFECTIVE FEBRUARY 6, 2008. |
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## PARKING

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COMMONWEALTH OF VIRGINIA
RAYMOND S. SELLERS
Lic. No. 040940
PROFESSIONAL ENGINEER

CONCEPTUAL
LAYOUT
5 PARKING SPACES

BRIDGEWATER MONTESSORI
SCHOOL
15 SOUTH GATE COURT
HARRISONBURG, VIRGINIA 22801

| Revision | Date | Revision Requested By |
|---|---|---|

100 0 100
SCALE: 1" = 100'

| | |
|---|---|
| PROJECT NUMBER: | 15-2001-1 |
| DATE: | 02/05/2015 |
| SCALE: | 1" = 20' |
| DRAWN BY: | ss / jl |
| CHECK BY: | — |

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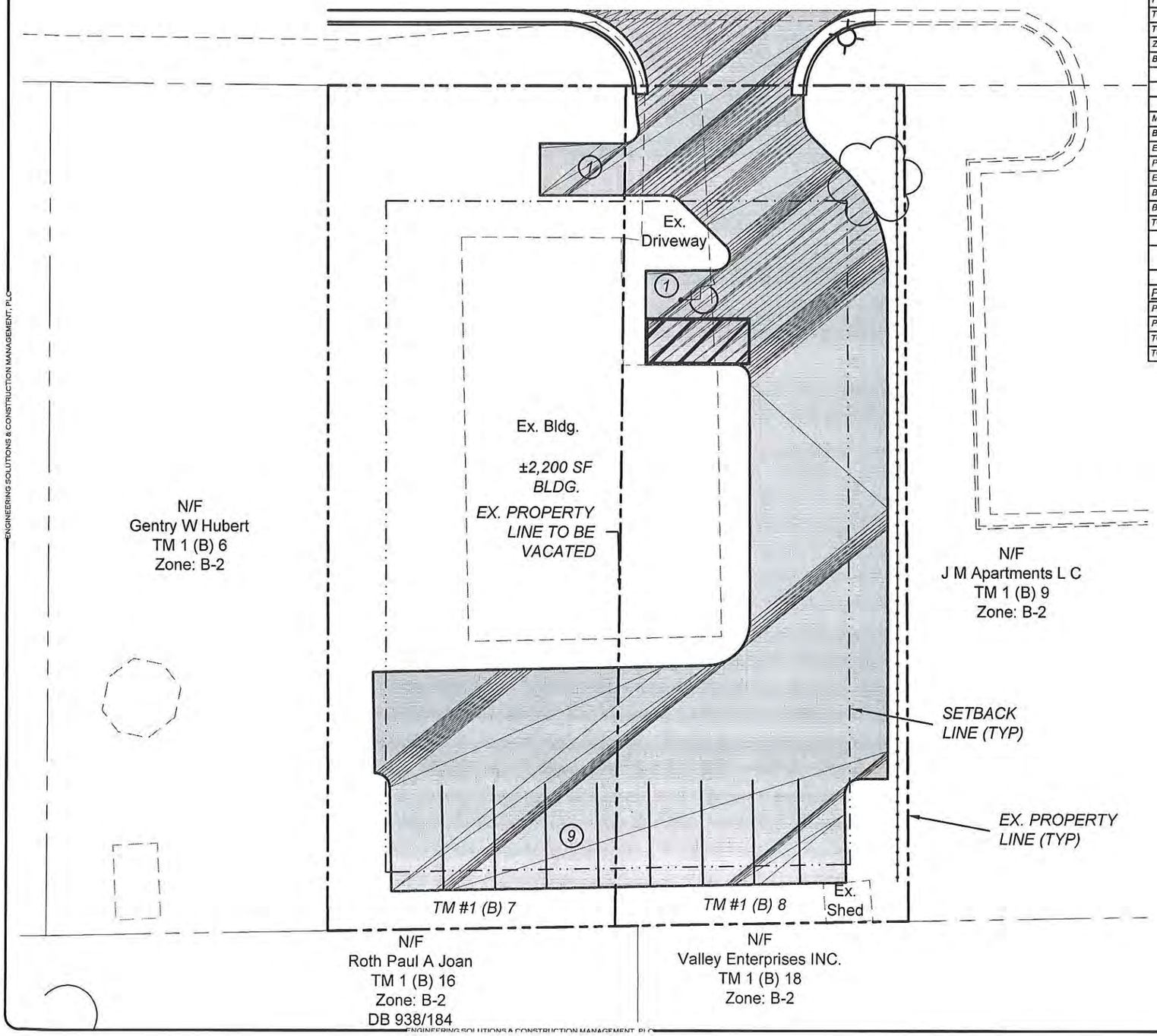
ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC

ENGINEERING SOLUTIONS & CONSTRUCTION MANAGEMENT, PLC

# SOUTH GATE COURT
## (VARIABLE WITH ROW)

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COMMONWEALTH OF VIRGINIA
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Lic. No. 040040
PROFESSIONAL ENGINEER

CONCEPTUAL LAYOUT

BRIDGEWATER MONTESSORI SCHOOL
15 SOUTH GATE COURT
HARRISONBURG, VIRGINIA 22801

| Revision | Date | Revision Requested By |
|---|---|---|

100 0 100
SCALE: 1" = 100'

| | |
|---|---|
| PROJECT NUMBER: | 15-2001-1 |
| DATE: | 02/05/2015 |
| SCALE: | 1" = 20' |
| DRAWN BY: | ss / jl |
| CHECK BY: | --- |

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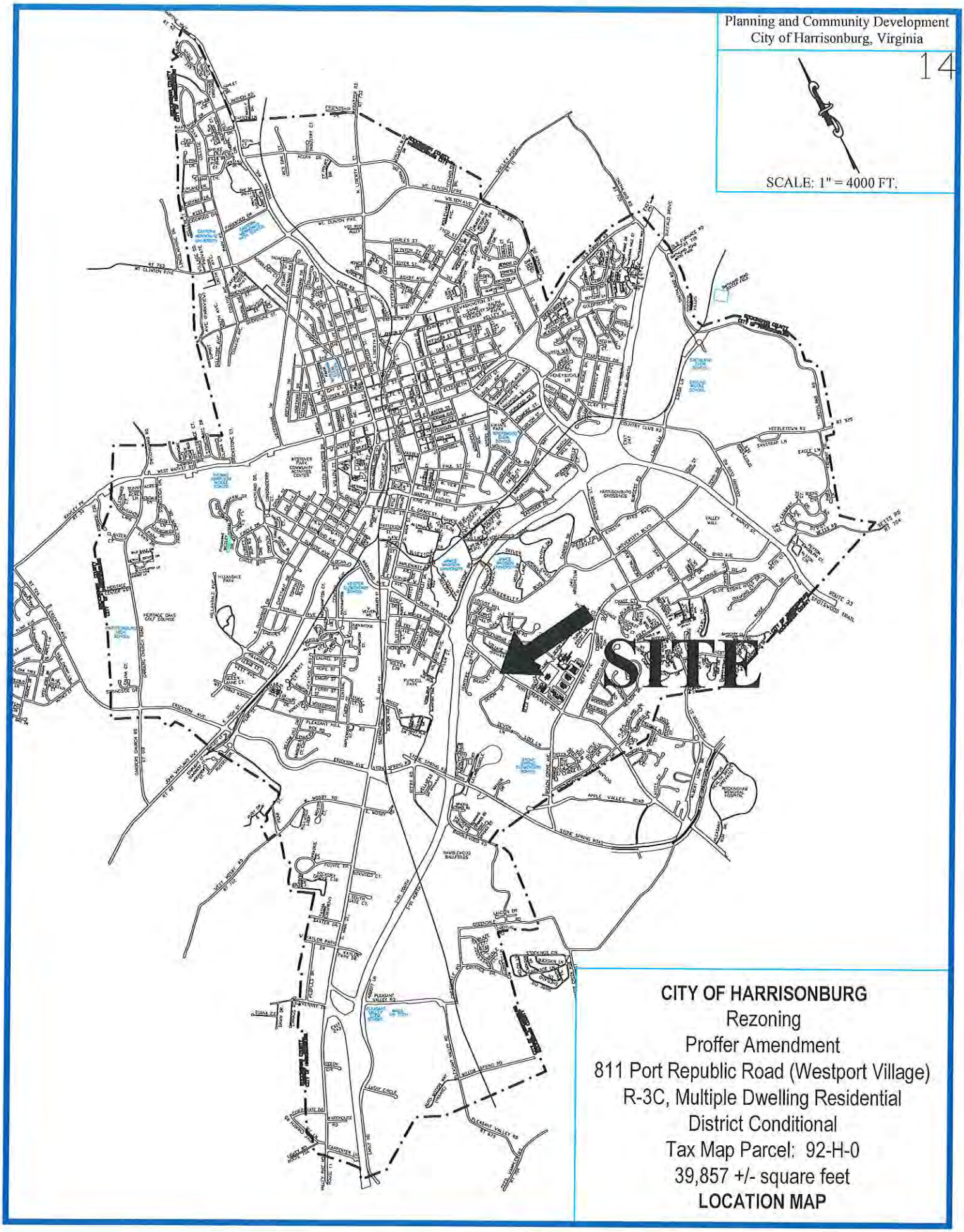
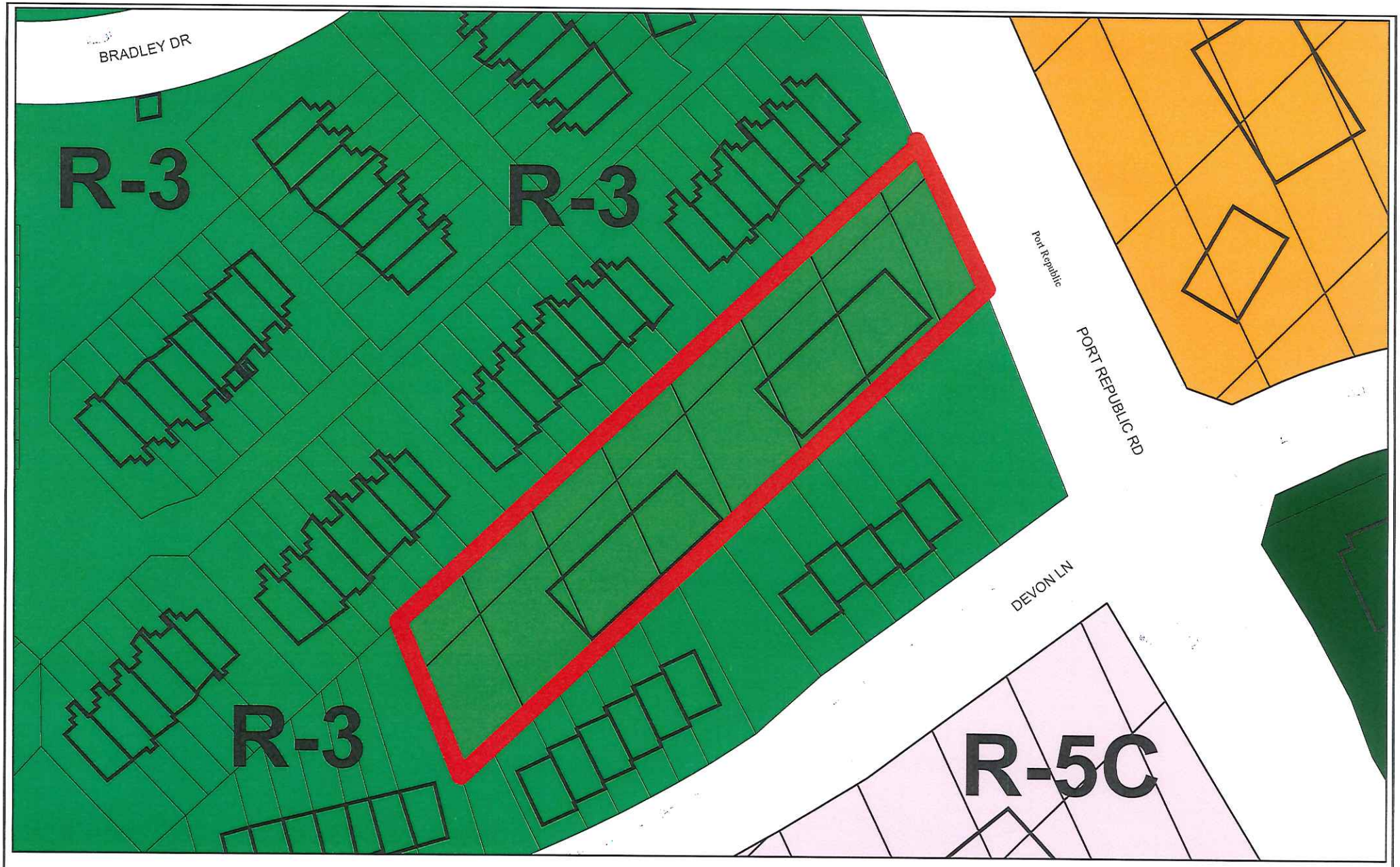



**CITY OF HARRISONBURG**
Rezoning
Proffer Amendment
811 Port Republic Road (Westport Village)
R-3C, Multiple Dwelling Residential
District Conditional
Tax Map Parcel: 92-H-0
39,857 +/- square feet
**LOCATION MAP**

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# Westport Village Proffer Amendment 2015
# 811 Port Republic Road - K&K LLC

# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**
**March 11, 2015**

## REZONING – PROFFER AMENDMENT 811 PORT REPUBLIC ROAD (WESTPORT VILLAGE)

### GENERAL INFORMATION

**Applicant:** K&K, LLC (represented by Riner Rentals)

**Tax Map:** 92-H-0

**Acreage:** 0.915 acres

**Location:** 811 and 821 Port Republic Road

**Request:** Public hearing to consider a request to rezone an R-3C, Multiple Dwelling Residential District Conditional property by amending one of six existing proffers.

### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as High Density Residential. This designation states that these areas are intended for high density residential use, mostly apartment buildings at densities ranging from 12 to 24 dwelling units per acre.

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

Site: Westport Village student housing development, zoned R-3C

North: Hunters Ridge Townhomes, zoned R-3

East: Across Port Republic Road, Campus Corner commercial center, B-2C

South: Devonshire Village townhomes, R-3

West: Devonshire Village townhomes and Hunters Ridge townhomes, R-3

### EVALUATION

The property owner is requesting to rezone their R-3C, Multiple Dwelling Residential District Conditional property by amending one of the six proffers approved in 1999. If approved, the property owner would be required to install and maintain a fence or shrubs along the eastern property line to provide both a visual and physical barrier to discourage pedestrian access across the same parcel line rather than the existing proffered requirement of only providing trees or shrubs to accomplish the same purpose. The property is known as Westport Village and is located along the southwestern side of Port Republic Road near the intersection of Devon Lane.

In 1999 the subject property was rezoned from R-1, Single Family Residential District to R-3C, Multiple Dwelling Residential District Conditional to allow for a 12-unit student housing complex. The approved and existing proffers include the following:

1. A strip of land along the northeast boundary (the Port Republic Road frontage), up to 25 feet average width shall be reserved for dedication as additional right-of-way for the improvement of Port Republic Road. All building setbacks and development of the property shall be established in conformance with the proposed new right-of-way line as defined by the City Engineering Department.
2. In conjunction with development of the property, the existing structures and other unsightly conditions shall be removed. The property is intended to be developed in an attractive, comprehensive manner.
3. Any building(s) containing residential units shall be constructed on the eastern one-half of the subject property.
4. There shall be no parking areas constructed between residential buildings and the eastern property line.
5. There shall be no entrances or decks situated on the eastern side of residential building(s).
6. Holly or evergreen trees and/or shrubs shall be planted along the eastern property line to provide a visual buffer and to discourage pedestrian access across the eastern property line, to the extent that will not affect the overhead power lines. Existing trees and plants will be left in place wherever possible and practical to accomplish the intent of the buffer. Maximum spacing between new or existing plants comprising the buffer shall be 12 feet.

In December 2014, staff received a complaint regarding a dilapidated fence between the units of Westport Village and the townhouse development to the east known as Devonshire Village. While investigating the issue, staff discovered the subject property was not complying with the sixth proffer as described above. (Staff also learned that the fence was positioned on the Westport Village property and the townhome parcels of Devonshire Village as the fence crisscrossed the dividing line between the two developments). Staff provided notice to the Westport Village property owner to bring their property into zoning compliance by fulfilling their proffered obligation. (All other proffers have been fulfilled or are being maintained.)

Once notified, the applicant's representative informed staff of the difficulty they have had with citizens destroying parts of the existing fence, which they did not wholly own. To rectify the issue, rather than trying to reestablish holly or evergreen trees and/or shrubs across the eastern property line as the proffer requires, the property owner decided to amend the sixth proffer to give them the ability to install *only* a privacy fence.

The following is to replace the existing sixth proffer:

- A privacy fence and/or evergreen shrubs or trees shall be provided along the eastern property line to provide a visual and physical barrier to discourage pedestrian access across the property line. Installed fences shall be six feet in height and maintained. Installed vegetation intended to achieve the purposes as described herein shall, at the time of planting, be at least six feet in height and planted a minimum of five feet on center so as to form a dense screen. Such vegetation shall be maintained and replaced when necessary.

If approved, to fulfill the proffer as written, the property owner intends to install only a privacy fence at this time.

Staff recommends in favor of approving the proposed amendment. Whether the property owner decides to install only a fence or chooses to establish an evergreen buffer or a combination of both, the amended proffer would satisfy the original intent of trying to provide a visual buffer and to discourage pedestrian access across the property line. Furthermore, if the property owner chooses to establish an evergreen visual and physical barrier, the amended proffer is stricter with five-foot on center plantings and six-foot in height minimum requirements as opposed to the existing proffer that only requires plantings every 12 feet and no minimum height stipulations.

Existing Proffers

May 18, 1999
REVISED May 24, 1999

Department of Community Development
City of Harrisonburg, Planning Commission,
City Council
409 South Main Street
Harrisonburg, VA 22801

**RE: PROFFER OF CONDITIONS -**
**RELATED TO THE REZOING REQUEST OF AB BUILDERS**
**LOCATED AT 811 PORT REPUBLIC ROAD**

In regard to the rezoning request referenced above, the following conditions are submitted to be considered as elements of the request.

1. A strip of land along the northeast boundary (the Port Republic Road frontage), up to 25 feet average width shall be reserved for dedication as additional right-of-way for the improvement of Port Republic Road. All building setbacks and development of the property shall be established in conformance with the proposed new right-of-way line as defined by the City Engineering Department.

2. In conjunction with development of the property, the existing structures and other unsightly conditions shall be removed. The property is intended to be developed in an attractive, comprehensive manner.

3. Any building(s) containing residential units shall be constructed on the Eastern one-half of the subject property.

4. There shall be no parking areas constructed between residential buildings and the Eastern property line.

5. There shall be no entrances or decks situated on the Eastern side of residential building(s).

6. Holly or evergreen trees and/or shrubs shall be planted along the Eastern property line to provide a visual buffer and to discourage pedestrian access across the Eastern property line, to the extent that will not affect the existing overhead power lines. Existing trees and plants will be left in place wherever possible and practical to accomplish the intent of the buffer. Maximum spacing between new or existing plants comprising the buffer shall be 12 feet.

It is understood that these conditions, if the rezoning request is approved, will become part of the zoning of the land.

5/25/09
Date

Ray Nicely, L.S., Agent for AB Builders

RN/pb
abproffer:ltr

Proposal to change PROFFER OF CONDITIONS Located at 811 Port Republic Road

PROFFER OF CONDITIONS- February 26, 2015

1. REMAIN IN EFFECT
2. REMAIN IN EFFECT
3. REMAIN IN EFFECT
4. REMAIN IN EFFECT
5. REMAIN IN EFFECT
6. Changed to the following:

   "A privacy fence and/or evergreen shrubs or trees shall be provided along the eastern property line to provide a visual and physical barrier to discourage pedestrian access across the property line. Installed fences shall be six feet in height and maintained. Installed vegetation intended to achieve the purposes as described herein shall, at the time of planting, be at least six feet in height and planted a minimum of five feet on center so as to form a dense screen. Such vegetation shall be maintained and replaced when necessary.

Date Application Received: 2-10-2015 Total Paid: 405.00 ✓ CB

# Application for Change of Zoning District
## City of Harrisonburg, Virginia

### Section 1: Property Owner's Information

Name: K & K LLC

Street Address: 4895 Walnut River Lane Email:

City/State/Zip: Bridgewater VA 22812

Telephone (work): (home or cellular): (fax):

### Section 2: Owner's Representative Information

Name: William C. Riner

Street Address: 3365 Mannheim Ct Email: William.C.Riner@gmail.com

City/State/Zip: Harrisonburg VA 22801

Telephone (work): 540-438-8800 (home or cellular): 540-487-3671 (fax): 540-433-1733

### Section 3: Description of Property

Location (street address): 811-821 Port Republic Rd Harrisonburg, VA 22801

Tax Map Number: Sheet: 92 Block: H Lot: 0 Total Land Area (acres or square feet): 0.915

Existing Zoning District: R-3C Proposed Zoning District * : R-3C

Existing Comprehensive Plan Designation: High Density Residential

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

### Section 4: Application Fee

$375.00 plus $30.00 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_____

***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_____

***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:

East:

South:

West:

### Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: K & K LLC by [signature]
Property Owner

***See Back for Items Required for Submission***

Last Updated: 7/1/2011

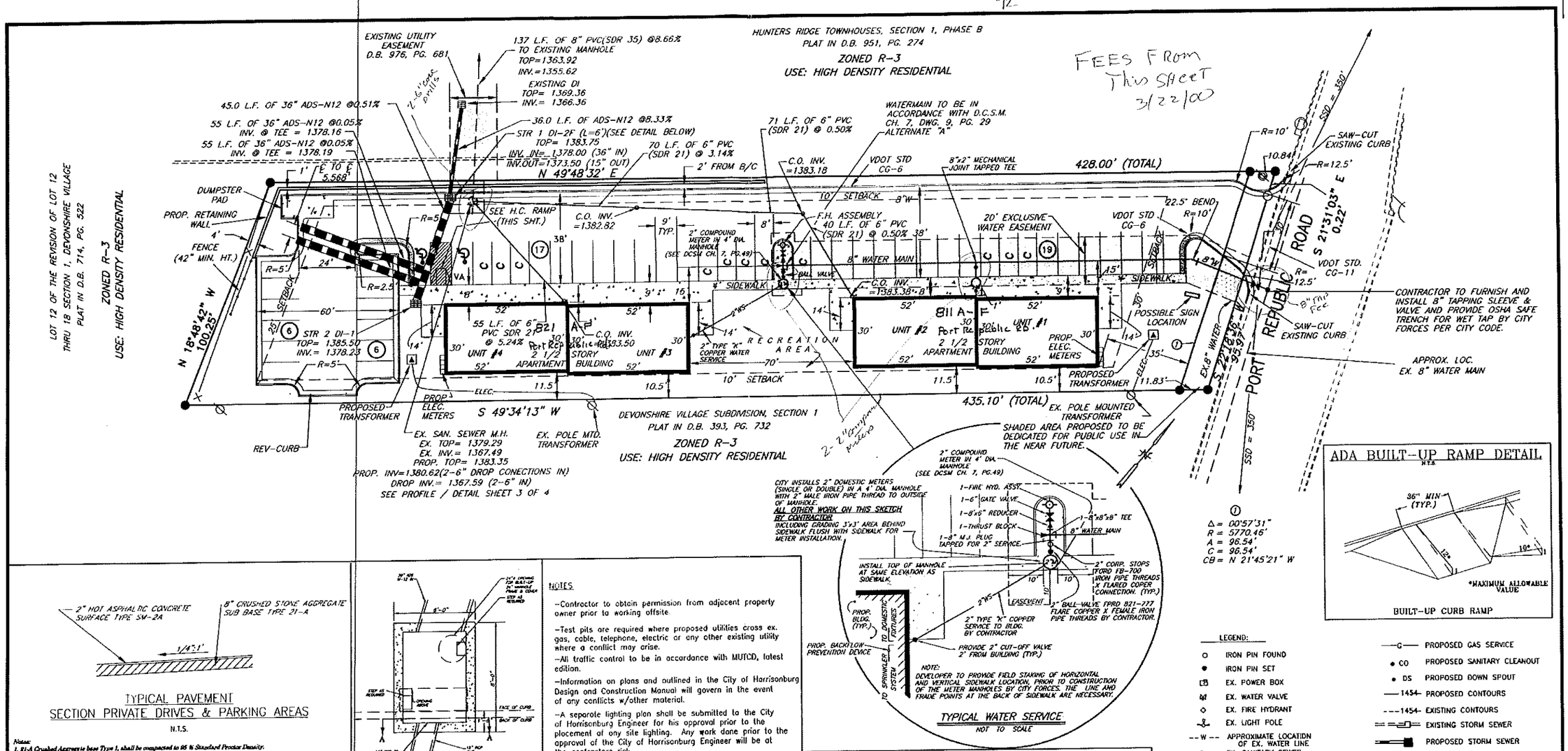
# Rezoning Addresses Adjacent to Westport Village:

Devon Lane

| | |
|---|---|
| 1301 Devon Lane : | Mallie, LLC 922 CHESTNUT DR, HARRISONBURG VA 22801 |
| 1303 Devon Lane : | Timothy M. and Rebecca J. Simmons 314 Mountain Run Road, Churchville, VA 24421 |
| 1305 Devon Lane : | Kittenger Properties LLC 10606 Birch St., Thornton, CO 80233-3959 |
| 1307 Devon Lane : | James Mahlon and Delores Kay Miller 2951 Rileyville Road, Rileyville, VA 22650 |
| 1309 Devon Lane : | Douglas A. Jones 1011 Greendale Road, Harriosnburg, VA 22801 |
| 1315 Devon Lane : | Mallie, LLC 922 CHESTNUT DR, HARRISONBURG VA 22801 |
| 1317 Devon Lane : | 1317 Devon Lane LLC 4247 Raleigh Road, Chesapeake, VA 23321 |
| 1319 Devon Lane : | Thomas H. and Martha S. Pack 6460 Showalter Road, Mt. Crawford, VA 22841 |
| 1321 Devon Lane : | William Huntley Voige 1321 Devon Lane, Harrisonburg, VA 22801 |
| 1323 Devon Lane : | Ronald H. and Peggy C. Powell c/o Riner Rentals P.O. Box 1391, Harrisonburg, VA 22803 |
| 1325 Devon Lane : | Brandon M. Feather 1206 Bishopsgate Way, Reston, VA 20194 |
| 1331 Devon Lane : | Bruce G. and Elizabeth I. Davis 1200 Hillcrest Drive, Harrisonburg, VA 22801 |
| 1333 Devon Lane : | Bruce G. and Elizabeth I. Davis 1200 Hillcrest Drive, Harrisonburg, VA 22801 |
| 1335 Devon Lane : | Margaret A. Alexander 1011 Greendale Drive, Harrisonburg, VA 22801 |
| 1337 Devon Lane : | Devon Lane LLC c/o Riner Rentals P.O. Box 1391, Harrisonburg, VA 22803 |
| 1339 Devon Lane : | Douglas A. Jones 1011 Greendale Road, Harrisonburg, VA 22801 |
| 1341 Devon Lane : | Ho Johnson 15622 Marathon Circle Apt. 303, Gaithersburg, MD 20878-5363 |
| 1343 Devon Lane : | Pamela L. Carter and Rebecca Anne Jones 314 Mountain Run Road, Churchville, VA 24421 |

92

FEES FROM THIS SHEET 3/22/00







TYPICAL WATER SERVICE
NOT TO SCALE

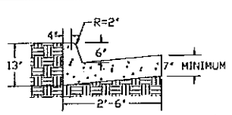






TYPICAL PAVEMENT
SECTION PRIVATE DRIVES & PARKING AREAS
N.T.S.

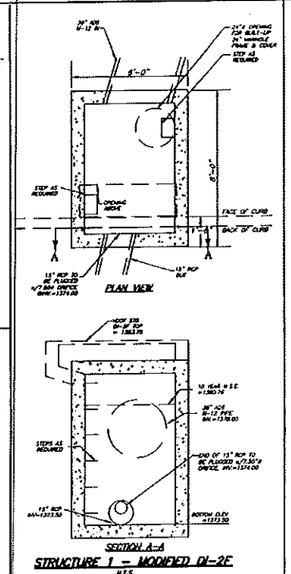
Notes:
1. 21-A Crushed Aggregate base Type I, shall be compacted to 95 % Standard Proctor Density.
2. Subgrade shall be compacted to 95 % of the Standard proctor Density.




Curb and Gutter may be cast in place Class A-3 Concrete. If it is precast, it shall have a minimum of 4000 psi concrete.

The bottom of the curb and gutter may be parallel to the earth on which it is placed as long as the minimum 7" depth is maintained.

COMBINATION CG-6
CURB AND GUTTER




STRUCTURE 1 - MODIFIED DI-2F
N.T.S.

NOTES

-Contractor to obtain permission from adjacent property owner prior to working offsite.

-Test pits are required where proposed utilities cross ex. gas, cable, telephone, electric or any other existing utility where a conflict may arise.

-All traffic control to be in accordance with MUTCD, latest edition.

-Information on plans and outlined in the City of Harrisonburg Design and Construction Manual will govern in the event of any conflicts w/other material.

-A separate lighting plan shall be submitted to the City of Harrisonburg Engineer for his approval prior to the placement of any site lighting. Any work done prior to the approval of the City of Harrisonburg Engineer will be at the contractors risk.

-Dumpster pad required. Screening required per city standards.

-Refer to architectural plans for exact building dimensions and exact point of entry for utilities into the building.

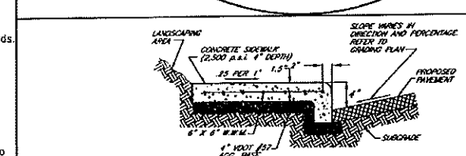
-Sanitary Connection to Ex. main to be in accordance with Chapter 7, Pg. 69, Drawing 49 of the City of Harrisonburg Design and Construction Standards Manual.

-9' spaces to be designed as handicapped accessible with a vertical sign displaying the universal symbol. Spaces denoted with VA shall also bear a sign indicating the space as van accessible.

-All spaces shown with C shall be designated for compact cars. Vertical signage shall be used with the wording-- "COMPACT CARS ONLY".

-The posted speed limit on Port Republic Road is 35 M.P.H.

-The Line of Sight for a driver exiting the site is clear and unobstructed to the North and South on Port Republic Road is in excess of 350'.




SIDEWALK DETAIL
NOT TO SCALE
C:\CAD\SWD.DWG

| SITE STATISTICS | PARKING ANALYSIS | LANDSCAPE ANALYSIS |
|---|---|---|
| PARCEL = D.B. 392, PG. 189 PRESENTLY IN THE NAME OF ROBERT F. & JOYCE S. JELLUM<br>AREA = .915 AC.<br>ZONED R-3<br>TAX MAP = 92-C-5 | USE = APARTMENTS (2) BUILDINGS<br>ZONING = R-3<br>AREA = FIRST FLOOR-3,098± SF<br>= SECOND FLOOR--3,493± SF<br>= LOFT-2,080± SF<br>TOTAL = 8,671± SF PER BUILDING<br>TOTAL PARKING SPACES REQUIRED = 42<br>NUMBER SPACES PROVIDED = 48 | AREA WITHIN PAVED PARKING LANDSCAPED AREA = 0.27 AC<br>DRIVING ZONES = 0.48 AC<br>PERCENT LANDSCAPED AREA TO PAVED PARKING/ DRIVING = 56.6%<br>NOTE: ALL AREAS NOT PAVED OR BUILT UPON SHALL BE LANDSCAPED. |

LEGEND:

| | |
|---|---|
| o | IRON PIN FOUND |
| • | IRON PIN SET |
| EB | EX. POWER BOX |
| | EX. WATER VALVE |
| ◇ | EX. FIRE HYDRANT |
| | EX. LIGHT POLE |
| --W-- | APPROXIMATE LOCATION OF EX. WATER LINE |
| --S-- | EX. SANITARY SEWER LINE |
| --G-- | APPROXIMATE LOCATION OF EX. GAS LINE FOR COMMONWEALTH GAS SERVICES |
| --GTE-- | APPROXIMATE LOCATION OF EX. UNDERGROUND UTILITIES FOR GTE & HEC |
| —UE— | PROPOSED ELECTRIC SERVICE |
| —W— | PROPOSED WATER SERVICE |
| —S— | PROPOSED SANITARY LATERAL |
| —G— | PROPOSED GAS SERVICE |
| • CO | PROPOSED SANITARY CLEANOUT |
| • DS | PROPOSED DOWN SPOUT |
| —1454— | PROPOSED CONTOURS |
| ---1454--- | EXISTING CONTOURS |
| | EXISTING STORM SEWER |
| | PROPOSED STORM SEWER |
| ⊠ | EX TELEPHONE PEDESTAL |
| ⊗ | EX WATER METER |
| T/C | TOP OF CURB |
| T/P | TOP OF PAVEMENT |
| T/W | TOP OF WALL |
| B/W | BOTTOM OF WALL |
| T/S | TOP OF SIDEWALK |
| —○— | EX UTILITY POLE |
| | REVERSE CURB AND GUTTER |
| TBM | TBM |
| | EX. OVERHEAD LINES |
| F/C | FACE OF CURB |

| | REV. No. | DATE | DESCRIPTION |
|---|---|---|---|
| CHECKED: D.K.M. | 1 | 01-10-00 | PER CITY COMMENTS |
| DRAWN: C.D.B. | | | |
| DESIGNED: D.K.M. | | | |

COMMONWEALTH OF VIRGINIA J. R. NICELY No. 1092 LAND SURVEYOR


COPPER, MARS, NICELY & ASSOCIATES
SURVEYORS • ENGINEERS • PLANNERS
1041 SOUTH HIGH STREET
HARRISONBURG, VIRGINIA 22801
TELEPHONE (540) 434-6365


COMMONWEALTH OF VIRGINIA DANIEL K. MICHEL LICENSE No. 028947 1-10-00 PROFESSIONAL ENGINEER


VALLEY ENGINEERING, PLC.
350 UNIVERSITY BOULEVARD
HARRISONBURG, VIRGINIA 22801
TELEPHONE (540) 438-9263 OR (800) 296-9593


WESTPORT
811 PORT ROAD
HARRISONBURG, VIRGINIA

SITE DIMENSION & COMPOSITE UTILITY PLAN

PROJECT No. 4334-7
SCALE: 1"= 20'
DATE: 11-30-99
SHEET 2 OF 4

C:\4334-7\SITEDIM.dwg Wed Jan 12 10:11:21 2000 CAD 6.4

# ORDINANCE AMENDMENT

**To amend the opening paragraph and subsections (2) and (16) of the Parking Lot Landscaping Regulations Section 10-3-30.1**

# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

**STAFF REPORT**
**March 11, 2015**

**ZONING ORDINANCE AMENDMENT**
**Section 10-3-30.1**

After almost two and half years of implementing the new Parking Lot Landscaping regulations Section 10-3-30.1 of the Zoning Ordinance, which were put into practice on September 1, 2012, staff is proposing minor modifications to improve and clarify its application and to provide flexibility for meeting side and rear lot line separation requirements for parking lots adjacent to existing buildings on adjoining lots having established zero lot line setbacks.

Perhaps the most questioned interpretation of applying the Parking Lot Landscaping regulations has been when parcels are being redeveloped or are making some kind of change to the existing use or parking lot. To help clarify the intent of the regulations, we are proposing to modify the opening paragraph of the section along with amending subsection (16) by adding the following text (additions are underlined):

> Opening paragraph:
>
> This section is applicable to all uses, and to all parking lots, both required and not required, except single family detached and duplex dwelling units. <u>All developing and redeveloping properties shall conform to all regulations of this section.</u> Reference the Design and Construction Standards manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B <u>for visual aids of the applied regulations</u>.
>
> Subsection (16):
>
> *Nonconforming Landscaping*: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, required landscaping shall be provided at least proportionate to any enlargement of the parking lot. Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1 (4). <u>(Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)</u>

In addition to the above described amendments, staff is proposing to alleviate separation requirements for parking lots adjacent to lots having existing buildings with zero setbacks. Currently, subsection (2) requires parking lots to be separated from all side and rear property lines by a landscaping border not less than 10 feet in width or by a wall or fence of at least three feet in height, except along adjoining lot lines which lie within a shared parking agreement. Staff continues to believe this is a sound regulation, but would like to offer flexibility for property

owners who wish to construct parking lots up to side or rear property lines and not have to erect a wall or fence when the parking lot is adjacent to existing buildings on adjoining lots having zero lot line setbacks. Although this situation has not yet been presented to staff as a hardship for property owners, staff believes applying this rule in such a scenario is unnecessary as property owners would simply be erecting a wall or fence adjacent to the wall of an existing building to satisfy the landscaping requirement. This situation is most likely to occur for properties in the B-1 district, adjacent to the B-1 district, adjacent to parcels which received a special use permit to allow zero lot line setbacks, or adjacent to parcels with existing buildings that are nonconforming to setback regulations because the building is located on the shared property line and next to the parking lot.

To offer this flexibility, staff is proposing to add the following text within subsection (2) (additions are underlined):

> (2) Parking lots shall be separated from all side and rear property lines by a landscaping border not less than ten (10) feet in width or by a wall or fence of at least three (3) feet in height, except along adjoining lot lines which lie within a shared parking arrangement~~.~~ <u>or where existing buildings on adjoining lots are located on shared property lines.</u>

Staff recommends approving the proposed amendments.

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-30.1

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

# Be it ordained by the Council of the City of Harrisonburg, Virginia:

**That Section 10-3-30.1 Parking Lot Landscaping shall be amended by modifying the opening paragraph of the section as well as subsections (2) and (16) as shown:**

This section is applicable to all uses, and to all parking lots, both required and not required, except single-family detached and duplex dwelling units. All developing and redeveloping properties shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

(2) Parking lots shall be separated from all side and rear property lines by a landscaping border not less than ten (10) feet in width or by a wall or fence of at least three (3) feet in height, except along adjoining lot lines which lie within a shared parking arrangement~~.~~ or where existing buildings on adjoining lots are located on shared property lines.

(16) *Nonconforming landscaping*: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, required landscaping shall be provided at least proportionate to any enlargement of the parking lot. Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1 (4). (Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

The remainder of Section 10-3-30.1 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2015. Adopted and approved this _____ day of _____, 2015.

_____

**MAYOR**

ATTESTE:

_____

CLERK PRO TEMPORE

# March 2015, Proactive-Zoning Report

For the month of March, 2015, the proactive-zoning program inspected the **Wyndham Woods** and **Northfield** sections of the city. The violations consisted of signage and inoperable vehicles. The proactive-zoning program for April, 2015, will be directed towards **Purcell Park** and **Parkview** sections of the City.

| MONTH | SECTOR | 5th CYCLE VIOLATIONS | CORRECTED | 2nd CYCLE | 3rd CYCLE | 4th CYCLE |
|---|---|---|---|---|---|---|
| March 2015 | Wyndham Woods | 0 | | 0 | 4 | 2 |
| March 2015 | Northfield | 19 | | 6 | 19 | 13 |
| April 2015 | Purcell Park | | | 6 | 5 | 8 |
| April 2015 | Parkview | | | 7 | 16 | 5 |
| May 2015 | Ind./Tech Park | | | 1 | 0 | 0 |
| May 2015 | Northeast | | | 45 | 63 | 29 |
| June 2015 | Exit 243 | | | 0 | 1 | 1 |
| July 2015 | Fairway Hills | | | 0 | 0 | 2 |
| August 2015 | Smithland Rd. | | | 4 | 0 | 2 |
| September 2015 | N. Main St. | | | 4 | 4 | 10 |
| October 2015 | Liberty St. | | | 4 | 18 | 11 |
| November 2015 | Westover | | | 8 | 17 | 13 |
| December 2015 | Garbers Church | | | 2 | 1 | 9 |
| January 2016 | Spotswood Acres | | | 4 | 1 | 8 |
| February 2016 | Jefferson St. | | | 22 | 35 | 21 |
| March 2016 | Forest Hills/JMU | | | 1 | 1 | 1 |
| April 2016 | S. Main St. | | | 0 | 2 | 5 |
| May 2016 | Hillandale | | | 5 | 17 | 11 |
| June 2016 | Maplehurst/JMU | | | 5 | 2 | 0 |
| July 2016 | Long Ave/Norwood | | | 28 | 17 | 11 |
| August 2016 | Greystone | | | 10 | 13 | 9 |
| September 2016 | Greendale/SE | | | 2 | 5 | 1 |
| October 2016 | Ramblewood | | | 8 | 1 | 11 |
| November 2016 | Stone Spring Village/JMU | | | 10 | 0 | 2 |
| December 2016 | Sunset Heights | | | 29 | 10 | 2 |
| January 2017 | Reherd Acres | | | 12 | 9 | 10 |
| February 2017 | RT 33 West | | | 16 | 6 | 13 |
| March 2017 | Chicago Ave | | | 22 | 29 | 4 |
| April 2017 | Pleasant Hill | | | 13 | 17 | 9 |
| May 2017 | Avalon Woods | | | 26 | 11 | 36 |
| June 2017 | Waterman Elementary | | | 61 | 18 | 15 |
| July 2017 | Keister Elem | | | 5 | 8 | 7 |
| August 2017 | 500-600 S. Main | | | 30 | 16 | 4 |
| September 2017 | Court Square | | | 3 | 2 | 5 |
| October 2017 | Bluestone Hills & Valley Mall | | | 33 | 31 | 27 |
| November 2017 | Preston Heights | | | 3 | 1 | 7 |