



City of Harrisonburg, Virginia

Planning Commission Meeting

December 9, 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 November 11, 2015 regular meeting.

2) New Business

Public Utility Application – 1380 Blackberry Lane (Rockingham County)

Consider a request from Walter W. Carr III and Cindy H. Carr per Section 7-2-4 of the City Code for the City to provide water and sewer service to a commercial use within Rockingham County. The property is located at 1380 Blackberry Lane, Harrisonburg, Virginia, 22802 and is identified by Rockingham County's tax maps as parcel 93-(3)-L2B.

Comprehensive Plan Amendment – Spotswood Country Club 8 Acres (Land Use Guide Change: Conservation Recreation to Commercial)

Public hearing to consider a request from Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Dick Blackwell to amend the Comprehensive Plan's Land Use Guide map within Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for 8 acres of land along Country Club Road and East Market Street from Conservation Recreation to Commercial. The subject site includes a 7.25-acre portion of tax map parcel 73-B-1 and the entirety of tax map parcel 73-B-3 (0.75 +/- acres). The property is addressed at 1980 Country Club Road, where the two identified parcels together contain 78.93 +/- acres.

Rezoning – Spotswood Country Club 8 Acres (R-1 to B-2C)

Public hearing to consider a request from Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Dick Blackwell to rezone a total of 8 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional. The subject site includes a 7.25-acre portion of tax map parcel 73-B-1 and the entirety of tax map parcel 73-B-3 (0.75 +/- acres). The property is addressed at 1980 Country Club Road, where the two identified parcels together contain 78.93 +/- acres.

Zoning Ordinance Amendment – Section 10-3-57.5 (b) Maximum Density in R-7

Public hearing to consider a request from Dean Weaver to amend the Zoning Ordinance Section 10-3-57.5 Area, density and dimensional regulations of the R-7, Medium Density Mixed Residential Planned Community District. The amendment would modify subsection (b) by increasing the maximum density allowed in the R-7 district from 12 dwelling units per acre to 15 dwelling units per acre.

3) Unfinished Business

None.

4) Public Input

5) Report of secretary and committees

6) Other Matters

Discussion with Dr. Scott Kizner, Superintendent of Harrisonburg City Public Schools, regarding growth issues at Harrisonburg High School

7) Adjournment

Staff will be available Tuesday January 12, 2016 at 4:30 p.m. for those interested in going on a field trip to view the sites for the January 13, 2016 agenda.

MINUTES OF HARRISONBURG PLANNING COMMISSION
November 11, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, November 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, Deb Fitzgerald, and Henry Way.

Members absent: Judith Dilts and Jefferson Heatwole.

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

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

Mr. Colman made a motion to approve the minutes as presented.

Mr. Da'Mes seconded the motion.

All members voted in favor of approving the October 2015 minutes as presented (5-0).

New Business

Special Use Permit – 685 East Wolfe Street (Section 10-3-91 (9) Zero Side Yard Setback)

Chair Fitzgerald read the request and asked staff to review.

Mr. Fletcher said the Comprehensive Plan designates this area as Professional. This designations states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas.

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

Site: Car wash, zoned B-2

North: Across East Wolfe Street, Beth El Cemetery, zoned R-2

East: Across Old Furnace Road, vehicle repair shop, zoned B-2

South: Vehicle repair shop, zoned B-2

West: Residential dwelling, zoned R-2

The applicants are requesting a special use permit (SUP) per Section 10-3-91 (9) of the Zoning Ordinance, which allows B-2 property owners the ability to request a zero side yard setback along adjoining properties zoned B-2 or M-1. The applicants hope to utilize the SUP to renovate the existing principle buildings, which are non-conforming to setback regulations, and to change the property's use to a vehicle repair shop, which is a use permitted by right.

The standard side yard setback in the B-2 district is 10 feet, unless the adjoining property is zoned residentially and then the setback increases to 30 feet. The subject property is located at the southwestern corner of the East Wolfe Street/Old Furnace Road intersection, where a car wash has operated for many years. In this particular case, the southern parcel boundary is the property line they are requesting the ability for a zero lot line setback, and in fact is the only internal line the

applied for SUP can be utilized because the western property line is considered the rear line and the adjacent western property is zoned R-2.

The site is improved with two principle structures and an accessory building, all three of which are non-conforming to setback regulations. With regard to the two principle buildings, the easternmost building does not meet the required 30-foot setback along East Wolfe Street nor does it meet the side yard setback along the southern boundary as the structure is about 20-feet from the front line along East Wolfe Street and one-foot from the southern side line. The westernmost building also does not meet the required setback along East Wolfe Street nor the southern side boundary as this building is just over 10 feet from the front line along East Wolfe Street and 0.7 feet from the southern lot line. The structures do, however, meet the required minimum setbacks from the front line along Old Furnace Road and the western rear boundary.

Improving the property by either renovating the existing principle buildings or demolishing all structures and constructing on a vacant lot would be challenging for anyone owning the subject property. This is because the property is a corner parcel, where 30-foot setbacks are required along both street frontages; it adjoins a residentially zoned property, which requires increased setbacks; the structures are non-conforming to setback regulations, where Section 10-3-20 (2) of the Zoning Ordinance prohibits the existing buildings from being extended, enlarged, reconstructed or structurally altered except in conformity with the Zoning Ordinance; and lastly, because the parcel is relatively narrow at just over 60-feet wide.

With regard to setback regulations, the Zoning Ordinance has existing, accommodating provisions that affords some relief to the required setbacks for corner parcels. Section 10-3-112 (2) states that “[c]orner lots shall provide a setback equal to the required front setback for all yards adjoining a public street; provided, however, that the setback regulations shall not reduce the buildable width of a lot to less than fifty (50) percent of lot width and measured at the point of required setback line.” In applying this code section, at the required 30-foot setback from Old Furnace Road, the subject parcel is 60.38 feet wide and thus the parcel shall have a buildable width of 30.19 feet. After subtracting the required 10-foot setback along the side line, at first glance one would compute the setback off of East Wolfe Street to be 20.19 feet. However, because the front lot line along Old Furnace Road is a non-perpendicular line, when the setback line is extended the length of the lot and measured at a right angle, staff computes the setback distance at 19.92 feet, which happens to be more accommodating for the property owner. Once all setback regulations are applied, the 9,350-square foot parcel is limited to a buildable area of 2,864 square feet.

As described above, the applicants plan to change the use of the site from an operating car wash to an automotive repair shop. Their plan is to renovate the existing principle structures and to connect the two buildings by constructing an addition between the two buildings, where the end result would be one structure. However, because the buildings are non-conforming to setback regulations, renovations to the buildings can only occur on the portions of the structures that fall within the buildable area. After discussing different options over several months with the applicants, the option of applying for the requested SUP appeared to be the most useful for their plans because if approved, larger portions of the buildings could be improved.

If the SUP is approved, improvements to the principle buildings could be made entirely to the southern side of the buildings, and as is planned by the applicants, they could connect the buildings with an addition between the structures in line with the existing southern walls. The northern side of both existing buildings, however, would still be in question as to where and how much of the

buildings can be renovated. As noted above, staff believes the required setback along East Wolfe Street is 19.92 feet; it is clear that the existing westernmost building will not be able to be completely renovated as this building is located just over 10 feet from the front property line along East Wolfe Street. This means any portion of the building that encroaches the minimum required setback cannot be extended, enlarged, reconstructed or structurally altered. The current location of the easternmost building might however fit just within the buildable area of the site. The physical survey of the property scales this structure at 20 feet or just less than 20 feet from the front lot line. If approved, when the applicants submit their building permit application, their submission must include an exact surveyed measurement of the easternmost building from the front property line along East Wolfe Street. The surveyor should also confirm what staff believes would be the required setback along East Wolfe Street. In addition, the building permit application must demonstrate where the setback is located within the westernmost building so staff and the property owners understand where improvements are permitted to occur.

During this application's review, the Fire Department noted that generally speaking they are opposed to zero yard setbacks due to the associated fire spread danger when buildings are constructed so close together and the difficulty that occurs in fighting the fire. However, in understanding the applicants' plan to renovate the existing principle buildings and to add an addition to connect the two buildings, they consented to the idea, but only if the permit was granted to the stated plan of development.

As noted by the Zoning Ordinance's review standards for SUPs, Section 10-3-125 states, among other things, that "[t]he proposed use shall be consistent with good zoning practice and will have no more adverse effect on the health, safety or comfort of persons living or working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area than would any use generally permitted in the district." In this particular case, staff does not believe the proposed use would have an adverse effect on the health, safety or comfort of persons living or working in the area nor be injurious to property or improvements in the surrounding area. The subject site's principle buildings have been established for several years at one foot and less than a foot from the adjacent property; approving the SUP does not change the general characteristics of how the site has been improved. Furthermore, the adjacent property—the property most impacted by the SUP—is also improved with a principle building that is non-conforming to setback regulations and at its closest point is likely less than one foot from the shared property boundary.

Staff is recommending approval of the SUP, but only with the following condition:

- The special use permit shall only be applicable for the renovation of the existing principle buildings, where the zero side yard setback shall be applied along the location of those buildings and in the space between the buildings so that the two buildings may be connected to create one structure.

The above condition means that a zero side yard setback shall not be applied for any new building to the west of the westernmost principle building or the east of the easternmost principle building. Further, if the existing principle buildings are substantially demolished, where for all intents and purposes the site is being redeveloped, the standard side yard setback must be applied.

If the SUP is approved, at the time of building permit review, the applicants must still ensure the site can accommodate the required minimum off-street parking spaces. Given that the site is paved to the northeastern corner at the intersection of the public streets, staff is concerned that parked

vehicles at this corner could block sight distance for vehicles stopped on East Wolfe Street. Staff recommends the property owner devise a parking layout to prevent this situation. Furthermore, it would be advantageous to the public if parking spaces were located at least five feet off of the back of curb along East Wolfe Street to provide a clear pedestrian pathway along the public street.

As noted above, vehicle repair shops are permitted by right in the B-2 district per Section 10-3-90 (7). Specifically within this section it states that “all activities and storage of inoperable vehicles must be completely enclosed within a permitted structure.” These provisions are stricter than those specifying how vehicle repair shops shall operate in the M-1, General Industrial District, where the Zoning Ordinance states that “[a]ny outside storage or repair shall be located within a designated area and screened.” Since the planned use of the site is to convert the car wash, which has pipes draining to the sanitary sewer system, to a vehicle repair shop, the site must comply with all applicable City Codes and Building Codes pertaining to grit chambers and oil/water separators. Lastly, the applicant must understand that building in close proximity to property lines triggers restrictive Building Code requirements that can lead to significant construction costs.

Staff recommends approving the SUP to allow a zero side yard setback along the southern property line with the condition as noted above that it shall only be applicable for the renovation of the existing principle buildings, where the zero side yard setback shall be applied along the location of those buildings and in the space between the buildings so that the two buildings may be connected to create one structure.

Chair Fitzgerald asked if there were any questions for staff at this point.

Mr. Way asked staff to review the allowable setbacks on the subject parcel again.

Mr. Fletcher said that is one of the most difficult things to understand when looking at this layout. It is a corner parcel and must have 30-foot setbacks from both streets. In this particular case the required 30-foot setback goes way deep into the parcel. Corner parcels are also guaranteed to have a 50 percent buildable width. The way we find out what the 50 percent would be is to determine what the width of the property is; in this case the width of the property is 60.38 feet wide. Fifty percent of that is 30.19 feet. The southern setback for this property is required to be ten feet – subtract that from 30.19 feet and that leaves you a 20.19 feet setback from Wolfe Street. But because these lines are not perpendicular, when you extend the line the length of the lot it works to the applicants favor; they get additional tenths of inches of buildable area. We are fairly comfortable with those numbers, but it is ultimately the responsibility of the applicant to prove these distances.

Mr. Way asked can you get closer with the western building.

Mr. Fletcher replied renovations can occur, but it cannot be structurally altered. Most of the improvements they were planning to do were structural alterations; they basically want to raise the roof so that they can get a lift system in the building for automotive repair. We have been talking with the applicants for several months now and they have actually had a meeting with some of the City’s building inspectors at the site.

Mr. Da’Mes said I have a concern about the sight distance at the corner when vehicles are on East Wolfe Street. Are we asking the applicants voluntarily to ensure that the parking is not blocking the sight distance?

Mr. Fletcher said you cannot impede sight distance. We are just giving them a “heads-up” that they should be devising a layout such that sight distance is not impeded.

Mr. Da’Mes questioned who would approve something like that.

Mr. Fletcher said they will confirm it through us. When they apply for their building permits, they will have to verify that they have met the parking requirements. If we see a space that is in an area we feel impedes the sight distance, we will have it checked with our City Engineer or City Surveyor.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked if the applicant or the applicant’s representative would like to come forward and speak.

The applicant’s son, Ray, spoke on behalf of the applicant who had a prior meeting to attend and could not be here tonight. I would like to thank you for hearing this request. We do not have any issue with the setback regulations from Wolfe Street and Old Furnace Road; however, we would like to be able to construct closer to the southern property boundary. If we cannot be closer, then we will not be able to go in at this location. We appreciate being here this evening.

Chair Fitzgerald asked if there was anyone else wanting to speak in favor of this request. Hearing none, she asked if there was anyone who would like to speak against this special use permit request.

Mr. Roger Hansbrough, 684 East Wolfe Street said he has been employed at Hilltop Car Wash (the adjacent property to the south) for the last five years as a caretaker and maintenance person. My question is in regards to my property across the street, and is this going to affect my property value when I go to sell my property.

Chair Fitzgerald said I do not know if any of us here tonight could answer whether it would affect your property value or not.

Mr. Baugh said it does not jump out as an entirely different thing from what you have there now. If anything, they are making an investment in and improving the property. There is no way to really answer your question; but, there is nothing that necessarily jumps out as a red flag. It is not like it is a vacant lot now. Generally speaking when people make investments in your adjoining property that tends to help your property value rather than hurt it.

Mr. Bob Jefferson said I have leased the property to the south for the last twenty years or so. I am here speaking for Dave and Jeannie Coiner, the adjacent property owners, and they would really like to have this meeting postponed.

At this time I am going to speak on their behalf as well as for myself. I was there when the property was surveyed and the carwash property is actually about six inches in on the Hillcrest property; not the other way around. A main concern is that the electric service lines for Hillcrest go across this property right where they want to put a building. What happens if we need to get to the back of the building for maintenance, or if there is a fire, it will be almost impossible to get to? All the utilities to Hillcrest come in through the back of the building across this lot. Also, in order to build a wall and dig footer, you would have to actually impede over onto the Hillcrest property. These are the concerns that we have.

Mr. Colman asked is there an easement in place for those utilities to come across this property onto the Hillcrest property.

Mr. Jefferson said the utility comes off of a transformer that is on the HEC pole along East Wolfe Street.

Mr. Colman asked whether it is an aerial line.

Mr. Jefferson said yes. You can see in the photo from the presentation that the line comes into the rear of the Hillcrest building.

Mr. Colman said anyone who purchases this property could ask that the line not come across the lot.

Mr. Jefferson said I have spoken to some of the other neighbors in the general area and they have a concern regarding traffic. If you are putting a high volume commercial building in at this location, I do not think East Wolfe Street could handle the traffic. The car wash has been somewhat of a moderate buffer between heavy commercial and neighborhood. The building is not going to have any parking area at all. I do not know if they can meet the amount of parking for the square footage of the building.

Mr. Colman said these are things that will be reviewed through the building permit process when the applicant gets to that point. They will have to comply with all regulations. There are many more steps that must be taken before it becomes a reality.

Mr. Jefferson said the owners just wanted me to come and voice concerns. Will they have the opportunity to come and speak at a later date?

Chair Fitzgerald said this will move forward to City Council on December 8th for a public hearing and will be decided if it is approved or not.

Mr. Way said this brings up questions I have for the owners. Do you have an idea if this is going to lead to more traffic than the current car wash?

Saber Khoshnaw, the applicant, said I feel the car wash probably has more traffic daily than a mechanic shop. A shop may have only five to ten customers a day, where a car wash could have much more.

I am planning to do a lot of changes to the building to make it a better building. The existing buildings are ugly and I plan to make a nice building that looks good.

Mr. Da'Mes asked how many garages will there be.

Mr. Khoshnaw said there will be two in the front and one in the side, for three garage bays. But often you have a vehicle that stays in the bay for multiple days. There is not heavy traffic, nothing like a carwash.

Mr. Way asked do you understand what we are hearing here tonight – the concerns about the immediate neighboring property and the structure as far as access to the existing building for maintenance. Can you work things out with the neighbor to the south as far as access?

Mr. Khoshnaw said yes of course.

Chair Fitzgerald asked if there were any further questions. Hearing none, she asked if there was anyone else wishing to speak regarding the request. Hearing none, she closed the public hearing and asked for a motion or further discussion.

Mr. Colman asked if there were any comments from HEC regarding the service line.

Mr. Fletcher replied no, they receive a packet every month just like all the other departments, and they had no comments regarding this request.

Chair Fitzgerald said there does sound like there is some concern regarding the exact location of the property line.

Mr. Fletcher replied a surveyor is always the final say and they can always be challenged in court. The survey we have was done this summer and it is what we have to go on at this time. All of the other issues, such as parking, will be worked out at the time of building permit application. If parking cannot be met on the site, they may have to make a smaller building. The electrical issue will have to be figured out at that time as well.

Mr. Da'Mes said in the B-1 zoning district, where there is a zero set back, these type issues are routinely addressed.

Chair Fitzgerald said again, these are issues that are taken care of in the next phase after the special use permit.

Mr. Colman made a motion to recommend approval of the request as presented by staff with the condition.

Mr. Way seconded the motion.

Hearing no further discussion, Chair Fitzgerald called for a voice vote on the request.

All voted in favor of the motion (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Special Use Permit – 73 Rex Road (Section 10-3-40 (6) MFDH)

Chair Fitzgerald read the request and asked staff for a review.

Mrs. Banks said the Comprehensive Plan designates this area as Medium Density Residential. This designation states that these areas are designated in areas near major thoroughfares or commercial areas. Most of these areas have been developed or are approved for development of a variety of housing types such as single-family, duplex, and in special circumstances, apartments. Depending on the specific site characteristics, densities in these areas may range from 1 to 15 units per acre.

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

Site: Duplex dwelling, zoned R-2

North: Across Rex Road, single-family dwellings and duplex dwellings, zoned R-2

East: Duplex dwellings, zoned R-2

South: Duplex dwellings and single-family dwellings, zoned R-2

West: Across Lynne Place, single-family dwellings, zoned R-2

The applicant is requesting a special use permit per Section 10-3-40 (6) of the Zoning Ordinance to allow a “major family day home” (MFDH) within the R-2, Residential District. MFDHs are defined in the Zoning Ordinance as: *A child day care program offered in the residence of the provider or the home of any of the children in care for five (5) through twelve (12) children under the age of*

thirteen (13), exclusive of any children who reside in the home, when at least one (1) child receives care for compensation. The property is located on the southeast corner of Rex Road and Lynne Place, within the Willow Hills Subdivision.

The applicant currently provides care for four (4) full time children in the home, and is working with the Virginia Department of Social Services (VDSS) to become licensed as a MFDH provider in order to expand the enrollment. The VDSS application is for the maximum number of children, which is twelve (12); however, the applicant states it is likely only five to eight children would be provided care at any one time.

The facility is described as a clean, organized environment for children with an indoor activity area, large outdoor activity area, and a designated sleeping area. Off-street parking is available for drop-off and pick-up of children within the sizeable driveway on site. Hours of operation are 7:00 am until 5:00 pm with a staggered drop-off/pick-up schedule provided between 7:00 – 9:00 am and 4:30 – 5:00 pm, respectively. The size of the facility and the hours of operation are not conditions of the SUP and may change at times.

As previously detailed, the property is on the corner of Rex Road and Lynne Place, where there is a “STOP” sign for traffic entering Rex Road from Lynne Place. City Code Section 13-1-72 states “on street parking is not permitted within 30-feet of a “STOP” sign. Consequently, as discussed with the applicant, vehicles would not be allowed to park in front of the subject property, along Lynne Place between the “STOP” sign and the driveway entrance.

Staff does not foresee any negative impact in approving this application. Staff supports approval of the requested special use permit.

Chair Fitzgerald said on our tour yesterday we were able to see picking up of some of the children. Are there any questions for staff?

Mr. Way asked how busy are the streets in the neighborhood?

Mrs. Banks replied currently Rex Road is not a through street; it is a cul-de-sac neighborhood street. The traffic yesterday at five o'clock was basically a busy time.

Mr. Fletcher said Lynne Place is an internal neighborhood street; you have to enter a separate neighborhood street in order to get to any type of a collector street.

Mr. Baugh added there is a potential for development at the end of Rex Road. There is the idea of Central Avenue coming across Pleasant Hill Road into the neighborhood. If that was ever to develop, there would be two access points for Rex Road; probably would not increase traffic into the neighborhood. But historically, this is a quiet neighborhood.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant, or the applicant's representative to speak.

Donna Budzius, 73 Rex Road, said she is the applicant and thanked everyone for taking this into consideration tonight. There is one little correction I would like to make – the day actually begins at 7:30 a.m. Sometimes a parent will ask me to start a little early, which is not a problem; but, generally the day is 7:30 a.m. to 5:00 p.m.

Chair Fitzgerald asked if there were any questions for the applicant. Hearing none, she asked if there was anyone wishing to speak in favor of the request. Hearing none, she asked if there was anyone wishing to speak in general to the request.

Mrs. Banks said she received a letter this evening and would like to read it into the minutes.

To Whom It May Concern:

We are writing in regards to the public hearing for Donna Budzius regarding a special use permit to allow for a Major Family Day Home at her residence, 73 Rex Road. Unfortunately, we are not able to attend the hearing, so we are writing this letter in support of her request.

We have lived across the street from Donna for over 10 years. For the majority of the time we have been neighbors, she has cared for children out of her home. This has in no way been a disturbance to our neighborhood. She is a kind and thoughtful neighbor. Several years ago, Donna cared for the children of one our friends, and our friend's family had a very positive child care experience with Donna and highly recommended her.

We strongly support Donna Budzius and her request to obtain a special use permit for a Major Family Day Home. She provides a much needed service in our community, and we think that by allowing her to have the permit, and continue to provide child care, it would only positively affect our neighborhood.

Please feel free to contact us regarding this matter if you have any questions or concerns.

Sincerely,

*Ry and Jeanine Wilson
82 Rex Road
Harrisonburg, VA 22801
540-214-8237
jeaninemwilson@gmail.com*

Chair Fitzgerald asked if there was anything else. Hearing nothing, she closed the public hearing and asked for discussion or a motion on the request.

Mr. Way made a motion to recommend approval of the request.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote.

All voted in favor of the motion to recommend approval (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Rezoning – 707 North Main Street (R-2 to M-1)

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said 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: Non-conforming residential dwelling, zoned M-1

- North: Rooming/Boarding house, commercial uses, and non-conforming residential dwellings, zoned M-1
- East: Across North Main Street, commercial uses and non-conforming residential dwellings, zoned M-1
- South: Vehicle sales lot, zoned M-1
- West: Non-conforming residential dwellings, zoned M-1

The applicant is requesting to rezone a 7,461 +/- square foot parcel from R-2, Residential District to M-1, General Industrial District. If approved, the applicant desires to expand his existing vehicle sales use, which is located on the adjacent property to the south at 705 North Main Street, by constructing an automotive repair garage and office on a portion of the rezoned parcel. The non-conforming dwelling that is currently on the property would remain; however, it would no longer be occupied residentially and would be used as storage for the vehicle sales/repair use.

The parcel is located along the western side of North Main Street, approximately 60-feet north of the intersection of Washington and North Main Streets. Interestingly, the parcel was once zoned M-1. In April 2002, the subject property, along with the adjacent parcel to the north at 715 North Main Street were rezoned from M-1 to R-2, in order to alleviate non-conforming issues and allow the existing single-family homes to be renovated. Staff and Planning Commission recommended against the 2002 rezoning, citing possible conflicts with the existing adjacent commercial uses and the fact that it was not supported by the Comprehensive Plan. City Council unanimously approved the rezoning request.

Subsequently, the adjacent parcel (715 North Main Street) was purchased by Harrisonburg Redevelopment and Housing Authority and rezoned back to M-1 with proffers, so as to apply for special use permits to allow religious, educational, charitable, and benevolent institutional uses, a rooming/boarding house, and a reduction in parking. Staff and Planning Commission supported this request citing the rezoning was more in-line with the future plans for this section of North Main Street.

The parcel under review is a small, narrow lot, approximately 30' X 250' and lies completely within the flood plain, with a portion of it in the floodway; thus placing constraints on the redevelopment of the site. If successfully rezoned, the applicant plans to vacate the property line between the subject parcel and his adjacent property at 705 North Main Street, in order to construct a two or three bay automotive repair garage with associated offices.

At the time of subdivision, to meet the requirements of the Subdivision Ordinance, the property owner would need to dedicate right-of-way (ROW) along the frontage of both the subject parcel requested for rezoning, as well as along the adjacent parcel to the south. As identified within the Master Transportation Plan, North Main Street, from Noll Drive to Charles Street, is planned to be improved by removing on-street parking, creating a center turn lane, and providing better pedestrian and bicycle improvements. The applicant has been informed he would need to hire a surveyor to work with City staff in order to establish the exact amount of required property dedication to provide the needed street improvements as stated above. The ROW dedication can be shown on the same subdivision plat that illustrates the property line vacation. It should be further understood that once the dedication of ROW occurs, the existing structure on the subject parcel could become non-conforming to front yard setback requirements.

The Comprehensive Plan designates this property as Commercial. This designation means that the property is planned for uses such as retail, office, wholesale, or service functions. These areas are generally found along the City's major travel corridors and in the Central Business District. The applicant's intended use of automotive sales and repair is a use that is permitted within both, the B-2, General Business and the M-1, General Industrial Districts; however, in the B-2 district, all vehicle repair and storage must be located within a permitted structure, whereas the M-1 district allows vehicle repair and storage to be located outside of buildings, but shall be within a designated area and screened. The applicant's existing automotive sales lot is directly adjacent to the subject parcel and is already zoned M-1, as well, all the surrounding properties along North Main Street are zoned M-1; thus the logical request for the applicant was to rezone back to the M-1 zoning.

In addition, the subject parcel lies within one of the Comprehensive Plan's designated Corridor Enhancement Areas; therefore, items such as land use; vehicle, pedestrian, and bicycle circulation; access management; development, redevelopment, and reuse opportunities; conservation of special features; and signage should be considered. Staff has discussed with the applicant the need to be mindful of items such as signage, street access, and storage of materials for the subject property as well as his larger operation.

As previously noted the parcel lies completely within the floodplain. City staff has had numerous conversations with the applicant regarding the requirements of constructing within the floodplain and the applicant is aware that all floodplain regulations must be complied with.

Although staff would much rather the area along this portion of North Main Street be rezoned to the B-2 district, we understand the constraints of rezoning this one narrow parcel to fit with the existing uses. Staff believes returning the property to the M-1 zoning district is better than maintaining the existing R-2 residential zoning for the long term goals of this section of the City. Staff recommends in favor of the requested rezoning.

Chair Fitzgerald asked if there were questions for staff.

Mr. Way asked if there has been any interest from property owners in the area to rezone from M-1 to B-2.

Mrs. Banks said she has not spoken with anyone in the immediate area, other than the applicant.

Mr. Fletcher said the applicant has had this plan in mind for several years now. We had discussed with him the idea of considering B-2. For him it did not make sense; he could do what he desires in M-1 and only have to rezone one parcel.

Mr. Way said I am more interested in properties within the general area.

Mr. Fletcher replied just casual conversation, but nothing serious.

Mr. Way asked if there were any proffers with the request.

Mrs. Banks replied that there were no proffers with this request. This is a very constricted lot; it is narrow and covered by flood plain. Also, may I add that the applicant is aware that if the property is rezoned to M-1, the use of the property as residential is no longer permitted; he would use the structure for storage of materials associated with his business.

Mr. Baugh said the nature of this area is older and it is somewhat of a hodge-podge of uses. A lot of the actual uses in the area are probably more of an industrial nature, than commercial. It has not

really been a hot spot for a lot of proactively rezoning as long as the owners can continue using the property as they are. I think it will eventually get there, but for now I think it makes sense.

Chair Fitzgerald asked if there was anything else before we open the public hearing. Hearing none, she opened the public hearing and asked the applicant, or the applicant's representative to speak.

Mr. Edwin Joya, 707 North Main Street, said he has nothing further to add, but would be happy to answer any questions.

Hearing none, Chair Fitzgerald asked if there was anyone else wishing to speak regarding the rezoning request in general. Hearing none, she closed the public hearing and asked for discussion or a motion on the request.

Mr. Da'Mes made a motion to recommend approval of the request as presented.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the request to rezone (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Rezoning – 137 West Water Street (M-1 to B-1C)

Chair Fitzgerald read the request and asked staff for a review.

Mr. Fletcher said the Comprehensive Plan designates this area as Mixed Use Development. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for "live-work" and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way.

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

Site: Non-conforming single family structure, zoned M-1

North: Across West Water Street, Rosetta Stone offices, zoned B-1

East: Across Norfolk Southern Railroad tracks, retail uses and other Rosetta Stone offices, zoned B-1

South: Ice House parking lot, zoned B-1C

West: Ice House parking lot, zoned B-1C

The applicant is requesting to rezone a small parcel containing 2,460 +/- square feet from M-1, General Industrial District to B-1C, Central Business District Conditional. The property is located at 137 West Water Street, which is adjacent to the southwest of the wooden bridge over the Norfolk Southern Railroad tracks. The property has been used residentially for many years and includes a non-conforming single family structure. The building also is non-conforming to setback regulations as the structure does not meet minimum setback requirements. Per staff's research, the building appears to have been built sometime between 1907 and 1912 as the structure is not shown on the 1907 Sanborn map but then appears on the 1912 Sanborn map, where it is described as a cigar factory.

The applicant acquired the property in April 2015 and believes the prior owners had used the building as a duplex. There are only a few building permits on record for this property; a 1972 permit was issued to convert the basement to an apartment for the property owner's in-laws. Aside from that building permit, there is no documentation to confirm the property was used continuously since 1972 as a two unit dwelling to maintain its non-conformity. Although not always an indication of two units, the site does not have two addresses nor does it have two water meters or two electrical meters.

The applicant would like to rezone the property to B-1 because the Central Business District allows residential uses by right and has no minimum setback regulations; therefore, successfully rezoning the lot to B-1 would bring the use and the structure into zoning compliance. The applicant plans to renovate the existing residential structure by creating two, one-bedroom units—one on the first floor and one on the bottom/basement floor. At the end of October, the applicant was issued a building permit to begin renovating the structure. The work on that permit includes improvements that are permitted, whether the rezoning is approved or not.

Although the property is quite small, and the applicant has already been issued a building permit to begin renovations to use the property residentially, if the property is rezoned to the B-1 district, there are no guarantees about future uses or residential occupancies of the property. By right, any residential unit could have up to 4 occupants in the B-1 zoning district. As is always emphasized by staff, because there are no minimum parking requirements in the B-1 district, if the City approves any B-1 rezoning request, the City is also accepting the responsibility of the parking demand such properties place on the City's downtown area. In this particular case, the property's uses could change over time from the current intended use to something more parking intensive.

Staff understands that historically this site has been occupied by individuals that often times did not have a vehicle or may have only had one vehicle. Prior to the adjacent property developing into a large parking lot, there was a small parking area to the rear of the subject property's residential structure, and there was access to the public street. Since the construction of the parking lot, there no longer remains vehicular access to the rear of the property to provide off-street on-site parking.

In understanding staff's concerns, the applicant submitted the following proffer:

- The subject property shall be permitted to utilize all abilities granted by the B-1 zoning district, except that residential use of the existing single family structure shall be limited to two, one-bedroom units, where occupancy shall be restricted to a family or not more than two (2) persons.

The submitted proffer resolves staff's typical concerns regarding off-street parking for B-1 properties. Although parking details were not proffered, limiting the residential use of the existing

structure essentially maintains its likely historical use while limiting the occupancy of each unit. Also, in this particular case, the adjoining parking lot is owned by the applicant and he has explained that any tenant of either unit would have the ability, if necessary, to lease parking spaces within the Ice House parking lot. Furthermore, given the small size of the property, redeveloping the subject property would likely mean redeveloping the larger block, which includes the Ice House parking lot. The Ice House parking lot parcel is zoned B-1C, where the only regulating proffer states that “all uses shall comply with requirements of Article G Off-Street Parking except that residential dwelling units shall provide one parking space per dwelling unit.”

The West Water Street wooden bridge over the railroad, which is adjacent to the northeast of the subject property, is planned for reconstruction, which would likely necessitate some type of improvements across the subject properties street frontage. At this time, staff is uncertain of the exact timeline of when the improvements would be made. Rezoning the property does not require public street right-of-way dedication. However, the applicant should understand if the subject property is redeveloped (i.e. the existing structure is demolished, the use of the property is substantially changed, etc.), prior to improvements being made to the bridge, the property owner would be required to dedicate a portion of the property’s street frontage to the City for the bridge and street’s reconstruction and improvements.

Although unrelated to the rezoning request, the Department of Public Utilities noted that the existing residential structure utilizes a private sanitary sewer lateral connection across the adjoining property to the west (the Ice House parking lot parcel). During the development of the adjoining property in 2014, the City requested that a private sewer easement be provided to the parcel at 137 West Water Street. Staff is unaware if the private easement was established. Without the private easement, there is no legal sewer service connection to 137 West Water Street. If the easement does not exist, staff recommends the required private sewer lateral easement be recorded as soon as possible.

With regard to the Comprehensive Plan, rezoning the property to B-1C conforms with the Land Use Guide as the property is designated Mixed-Use Development Areas. The property falls within a quarter-mile radius of Court Square proving the property’s ability to being walkable to the many services offered downtown. Furthermore, the property is identified within the Plan’s Downtown Revitalization Area and although there is no specified strategy or guideline for development for having such a designation, the Plan recognizes that developments and redevelopments in this area are highly desirable for continued efforts for reviving downtown.

With the submitted proffer, staff supports rezoning the property from M-1 to B-1C.

Chair Fitzgerald asked if there were any questions for staff.

Mr. Colman said the proffer applies with the existing structure. If they were to modify the structure would it no longer apply?

Mr. Fletcher said it applies to the existing structure.

Mr. Colman said if they were to expand the existing structure would it apply.

Mr. Fletcher said if the applicant redevelops this site it triggers things that are not covered within this staff report. Right-of-way dedication would be required, which would restrict the lot even more. There are issues that would potentially make this lot a little harder to be redeveloped as it is.

Mr. Baugh said when I read through this I feel we have the residential uses covered by the proffer. It is the theory that there could be some type of commercial use on that tiny little spot that is very intensive and therefore generate a lot of traffic. But again, it is right next to a big parking lot and the applicant owns both.

Chair Fitzgerald asked if there were any further questions. Hearing none, she opened the public hearing and asked the applicant, or the applicant's representative to speak. Hearing none, she asked if there was anyone desiring to speak regarding this rezoning request. Hearing none, she closed the public hearing and asked for a motion.

Mr. Colman made a motion to recommend approval of the rezoning as presented with the proffer.

Mr. Way seconded the motion. I think this is a very good rezoning within the downtown area.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor of the request to rezone (5-0).

Chair Fitzgerald said this request will go forward to City Council on December 8th with a favorable recommendation.

Unfinished Business

None.

Public Input

None.

Report of secretary and committees

Mr. Fletcher said proactive zoning is still on hiatus because we are still one person down within our division. We have another interview this week and hopefully, we are coming to the end and will have a new employee before the end of the year.

Mr. Baugh said City Council took up two matters from this body last night and approved both unanimously. The off street parking ordinance amendment generated a lot of positive comments from City Council in terms of the proactive approach from staff and Planning Commission. The SUP amendment for the MFDH on Windsor Drive was approved. When it came up at Council last year it passed on a 3-2 vote; this time it was 5-0.

Mr. Way said Plan Our Park met two weeks ago and the main discussion was centered more on the fundraising aspects.

Other Matters

Mr. Baugh said he wanted to point out some of the things that have come up recently regarding the Harrison House Project. Within the Comprehensive Plan, Strategy 7.4.2, talks about adopting a policy for City owned historic properties; which is not a policy at this time and is not something that has been acted upon. It has, however, been something that has been brought to Council's attention of late. In talking with Mr. Fletcher about this, the sentiment has been that we will probably get action more quickly if we just understand that this is a discussion we would move to the front of the line for the Comprehensive Plan review process as opposed to officially trying to get it in line now for a conversation.

I am just mentioning this, I am not asking for any action at this point, other than maybe to just point it out to you. If I am around during the next Comprehensive Plan review, I will probably be advocating to try and do something along those lines or at least flush out what we mean by that strategy.

Similarly, and I have not discussed this with anyone, is a somewhat broader topic within the Comprehensive Plan. We have a number of things about Environmental type matters under Goal 8, which is somewhat a similar category. We have strategies that talk about policies or monitoring, but we have not made these things priorities. I think it is safe to say that if we are not proactive about it that is fine, but we will probably begin to hear more about these goals when we get to the public input portion of the Comprehensive Plan review. Perhaps these should be things that are moved to the front of the line as far as working on these issues.

Chair Fitzgerald said I can also mention that I forwarded an email around regarding a possible 2232 hearing for Harrison Hall, if and when a plan went forward with it. I had a conversation with the City Attorney and he agreed that it would be appropriate when the time came and the plan was put in place. But right now, all of that is on hold.

Chair Fitzgerald asked what the December agenda was looking like.

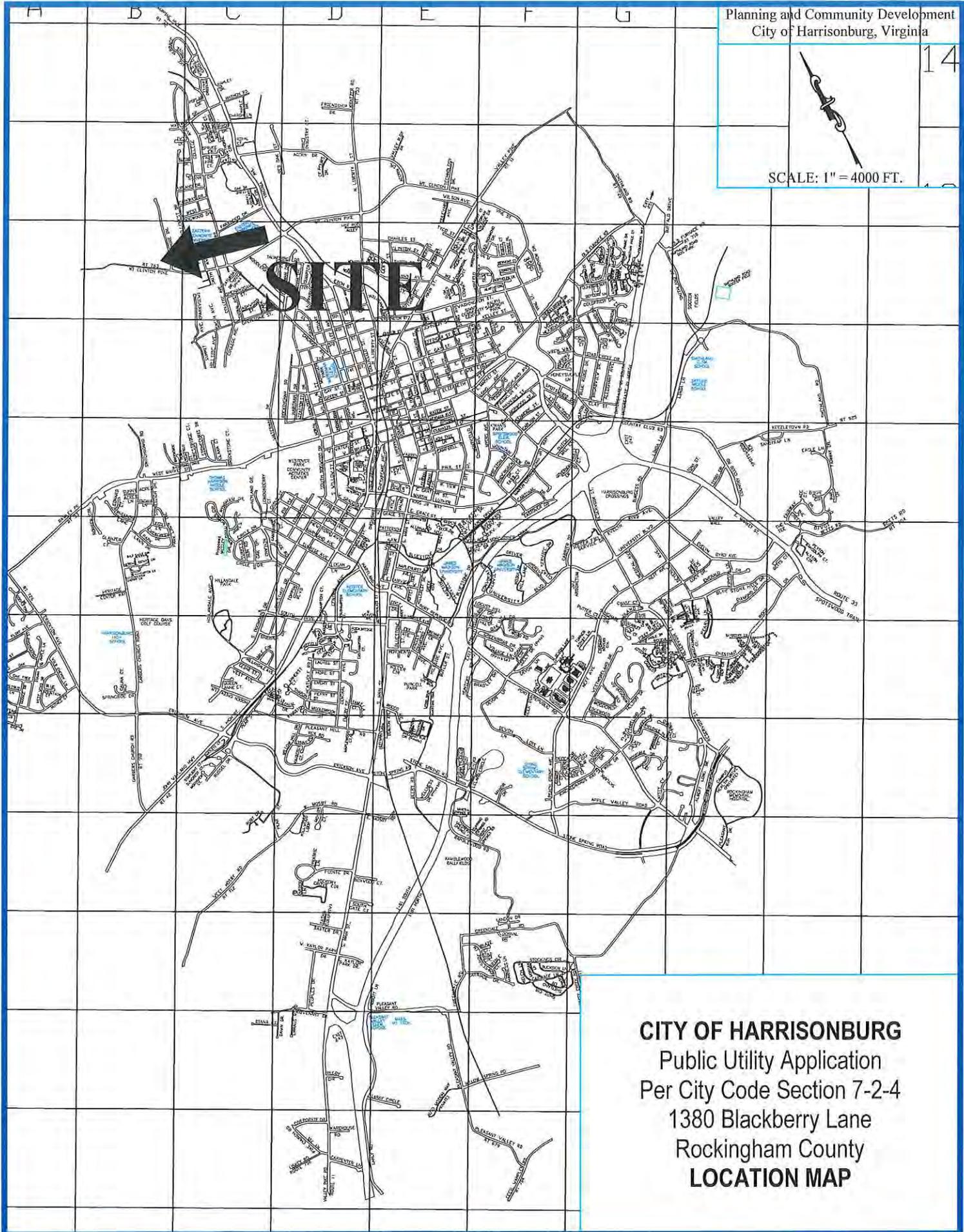
Mr. Fletcher said there is a public utilities request for a property on Blackberry Lane, off of Mt. Clinton Pike; an ordinance amendment for the R-7 district to increase the density from 12 to 15 units per acre; lastly there could be the proposed Spotswood Country Club Comprehensive Plan Amendment and Rezoning, which we have given them an extension to submit. Also, there is the Wireless Telecommunications Facilities request that was tabled on tonight's agenda. I have marked further discussion on the chicken ordinance as well as a discussion with the school board on the overcrowding at the High School. We will have a busy month, and we continue to be down folks within our Department, but we will move forward.

Adjournment

Planning Commission adjourned at 8:20 p.m.



SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG
Public Utility Application
Per City Code Section 7-2-4
1380 Blackberry Lane
Rockingham County
LOCATION MAP



Public Utilities Application 1380 Blackberry Lane



City of Harrisonburg

Department of Planning and Community Development

409 South Main Street
Harrisonburg, Virginia 22801
540-432-7700

www.harrisonburgva.gov/community-development

MEMORANDUM

TO: Harrisonburg Planning Commission
FROM: Alison Banks, Senior Planner
RE: **Public Utilities Request for Walter & Cindy Carr, 1380 Blackberry Lane**
DATE: Friday, December 4, 2015

Walter W. Carr III and Cindy H. Carr have requested approval to allow for the extension of City water and sewer services onto property in Rockingham County. The five +/- acre parcel is located at 1380 Blackberry Lane, which is approximately one quarter mile west of the City limits, off of Mt. Clinton Pike. Currently, the applicants operate River of Life Ministries Church on the property and are pursuing a special use permit with Rockingham County in order to use the site as a venue for weddings and special events.

Per Section 7-2-4 (b) of the City Code, all uses, other than residential uses involving fewer than ten units, requesting to be connected to the City's water and sewer infrastructure, shall be reviewed by Planning Commission and then forwarded to City Council for final approval or rejection.

City water and sewer infrastructure extends beyond the City limits in this area to serve Lincolnshire Drive, a County neighborhood. If approved, a private utility easement would be required to extend the utilities from Lincolnshire Drive, across private property, and onto the requested site.

The proper application has been completed and submitted by the owners. The Public Utilities Department has completed the preliminary review of the request and is offering a recommendation for approval with the understanding that specific conditions must be met by the owners. Those conditions are listed in the letter provided to the applicant by the Public Utilities Department and included with this report. If approved, the applicants would need to work closely with the City to ensure that all conditions are met as described within the letter.

Staff has no concerns and the Public Utilities Department supports this application for the extension of water and sewer service with the specified provisions.

49B

APPLICATION FOR PUBLIC UTILITIES
FROM CITY OF HARRISONBURG, VIRGINIA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY



I. GENERAL INFORMATION

(By Applicant)

Name of Applicant: Walter W Carr III + Cindy H. Carr
 Address of Applicant: 1380 Blackberry Lane ccarr@ttmol.com
 Telephone of Applicant: 540-271-5111
 Service Location ID: _____ TM _____ LOT 93(3)-L2B Parcel
 Service Location Address: 1380 Blackberry Lane, Harrisonburg VA 22802
 Type of Utility Requested: Water Sewer
 Type of Utility Use: Residential Commercial Industrial Institutional
 Agriculture Other: _____
 Rockingham County Approval: Attachment _____

II. UTILITY INFORMATION

(By Applicant)

A. Average Daily Usage:
 _____ Equivalent Residential Connections * 260 gpd / E.R.C. = _____ gpd
 Other Calculations: _____

 Specific Data (describe): _____

B. Peak Daily Usage
 AWWA Fixture Units is Equivalent to _____ gpm
 Average Daily Demand * Peak Factor of _____ = _____ gpm
 Specific Data describe): _____

C. Fire Flow Demand
 Requirement _____ gpm
 Describe needs assessment: _____

III. UTILITY ASSESSMENT COMMENTS

(By Director)

A. System Zone for Water

Zone ID: PARK VIEW

Zone Transfer & Storage Issues for Daily Demand: _____

Site Specific Delivery and Pressure Issues for

Peak Demand: _____

Fire Flow Demand: _____

Other Issues: _____

Don't

B. System for Sanitary Sewer

Collection System Comments: _____

Interceptor System Comments: _____

Treatment System Comments: _____

Note: Comments may include the need for engineering evaluations that shall be completed prior to final evaluation of this application.

IV. RECOMMENDATION

Recommendation for Approval

Recommendation for Approval Subject to the Applicant Completing the following:

Forward to Planning Commission

Forward to City Council

* Craig H. Co

Signature of Applicant

9/2/15

Date

Benny D. Smith

Signature of Director of Public Utilities

9/2/2015

Date

APPLICATION FOR PUBLIC UTILITIES FROM CITY OF HARRISONBURG, VA
TO FACILITIES LOCATED IN ROCKINGHAM COUNTY
AUTHORIZATION OF REVIEW

City Code of Ordinance Section 7-2-4(e) states, "The Director may charge a reasonable fee to cover time and expenses of processing the application". The following policy shall be used to distribute the expenses incurred by the Department of Public Utilities.

1. **Initial Review:** There shall be no charge to execute the "Application and Acknowledgement" form used to initiate the review process by City and County officials. There shall be no charge to provide the first response to the "Application for Public Utilities From City of Harrisonburg, Virginia to Facilities Located in Rockingham County: Code of Ordinance 7-2-4". It should be recognized that the first response may be a letter of recommendation for approval or disapproval, or, it may provide stipulations for additional information or engineering evaluation.
2. **Continued Review:** Under circumstances progressing beyond the initial review, the Department shall invoice the applicant for specific cost as incurred. Upon request, the Department may provide a non-binding estimate for the applicant to consider. The costs shall include, but are not limited to: processing, consulting and support as applied directly to the management of the application.

"Processing costs" - shall only include the time of the "application officer" to handle, coordinate, evaluate, review and manage the process until the application has been closed; unit billing rate shall be \$28.55/hour.

"Consulting costs" - shall refer to contracted, or in-house, hydraulic modeling performed to evaluate the water or sewer system impact. Contracted cost shall be forwarded at invoice costs. In house engineering rate shall be at \$34.55/hour.

"Support costs" - shall refer to the collection of information by field technicians billed at the rate accepted to # person crew used.

I hereby acknowledge that I may be charged according to the above policy.

Cindy H. Carr

Name

9/2/15

Date

1380 Blackberry Lane

P.O. Box; Street #

Harrisonburg, VA 22802

City, State, Zip

**ORDINANCE AMENDING AND RE-ENACTING SECTION 7-2-4
OF THE CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:

That Section 7-2-4 be repealed and replaced by the following provisions:

(a) The owner or his agent (the Applicant of a parcel of land located outside the corporate limits or the City of Harrisonburg may apply to the Director of Public Utilities of Harrisonburg (the Director) for permission to connect to the City's potable water or sanitary sewer systems. Prior to applying for approval from the City, the Applicant shall obtain acknowledgement from the County of Rockingham of his request for City utility services. Such acknowledgement may take whatever form is acceptable to both the County and the Director, and need not commit the County to final approval. Such acknowledgement by the County shall be submitted with the application to the City. For new water connections, the application shall include (i) the estimated average daily demand, (ii) peak instantaneous demand, and (iii) fire flow demands.

(b) Where the intended use of the Applicant's land is residential involving fewer than ten units, the Director shall either approve or reject the application. Where there is any other intended use the Director shall forward the application to the Planning Commission for its recommendation. After consideration by the Commission, the application shall be forwarded to City Council, with the recommendations of both the Commission and Director for final approval or rejection.

(c) Prior to acting on the application, the Director may require that the Applicant submit appropriate engineering reports or studies that demonstrate the anticipated impact on the City's water or sanitary sewer system along with any recommendations for changes or additions to the City's infrastructure indicated because of the proposed new connections. All engineering studies and reports shall be paid for by the Applicant.

(d) All infrastructure, whether it be an extension to a main, or a new service line or lateral, shall be installed in accordance with the City's Design and Construction Standards Manual at the Applicant's expense. Once installed by the Applicant and accepted by the Director, water lines up to the meter and sanitary sewer lines up to the laterals shall be the property of the City. The Applicant shall provide all reasonably required easements, at the Applicant's expense.

(e) The Director may charge a reasonable fee to cover time and expenses of processing the application.

(f) The "main" is a water or sanitary sewer line that serves more than one customer. A "service line" is a water line proceeding from a main that serves one customer. A "lateral" is a sanitary sewer line proceeding from a main that serves one customer.



City of Harrisonburg, Virginia

Water and Sewer Operations Center

2155 Beery Road

Harrisonburg, Virginia 22801

(540) 434-9959 / Fax (540) 434-9769



October 23, 2015

Ms. Cindy Carr
Blackberry Lane Wedding Venue
1380 Blackberry Lane
Harrisonburg, VA 22820

**Re: Request for Water and Sewer Services Rockingham County
1380 Blackberry Lane**

Dear Ms. Carr:

I have received your "Application for Public Utilities from the City of Harrisonburg, Virginia to Facilities Located in Rockingham County". We have completed our preliminary review and per City Code of Ordinance 7-2-4 (b), your application will now be forwarded to the Planning Commission for review and then on to City Council. Your application will be forwarded to the Planning Commission with a recommendation for approval based on the following conditions:

- A. The particular conditions of your situation will require you to obtain a 10-foot permanent, private utility easement centered over the water service and sewer lateral on the property located at 1181 Lincolnshire Drive. The City understands that you have worked with the property owner and are preparing to record the documents with Rockingham County Circuit Court.
- B. Please be advised that the City plans to install a 1" service line from the main to the meter and you will be required to work with your designer to determine the service line size from the meter to your facility. Per calculations provided by your design engineer, we will install a city standard 1" meter.
- C. The City will construct a 4" gravity sewer lateral to the right-of-way at 1181 Lincolnshire Drive in alignment with the plat you provided and install a cleanout at this location. The cleanout is the connection point for your proposed forcemain. At this time, Public Utilities recommends approval of your sewer connection based on a discharge of no more than 10 GPM as proposed by your designer. We have concerns with your proposed discharge schedule of the sewer. However, we are willing to

The City With The Planned Future

move forward with the understanding that if sewer odor becomes a problem we will be in touch to revise the sewer operation conditions.

- D. You will be required to obtain a certified plumbing inspector to inspect the water and sewer services from the water meter and sewer cleanout to your facility. The inspection report shall be submitted to the Public Utilities Department prior to setting the water meter. You may use the example third party inspection form that is attached with this letter.

The Department of Community Development will be in contact with you regarding the Planning Commission and City Council reviews of your application. Once your application have been reviewed and approved per City Code, our department will be back in contact regarding details of your final approval and construction of your services.

Sincerely,

A handwritten signature in black ink that reads "David H. Gray". The signature is written in a cursive style with a large initial "D" and a stylized "H".

David H. Gray, PE
Engineering Superintendent

cc: Barry Hertzler
Ed Roach
Adam Fletcher

SUP15-207: Walter W. Carr, III & Cindy H. Carr

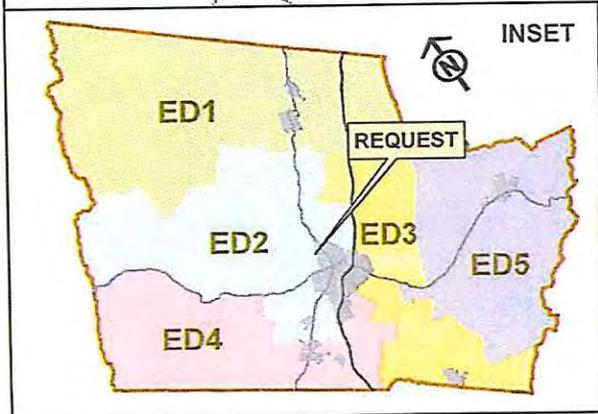
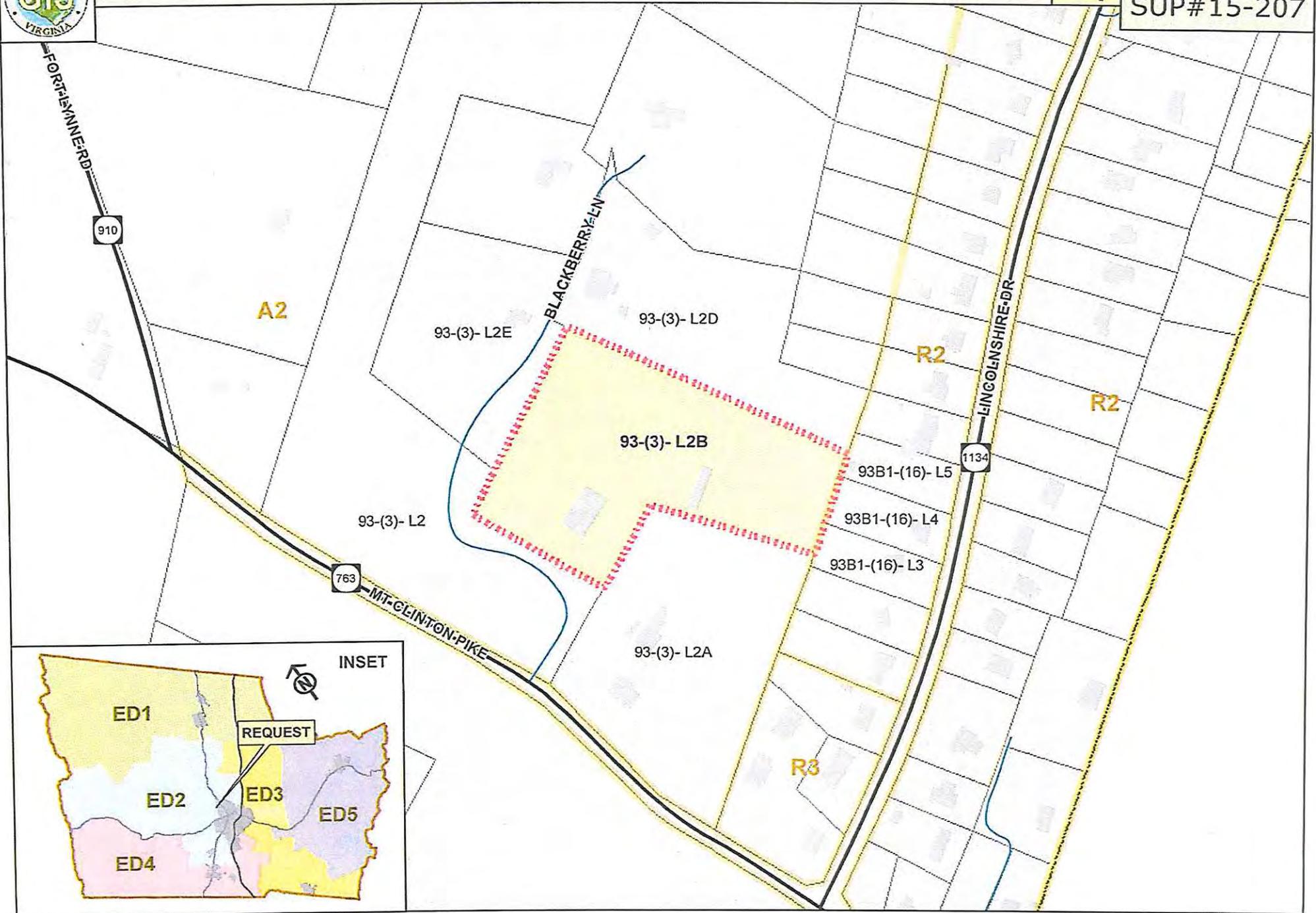




Walter Carr III & Cindy Carr Special Use Permit Request

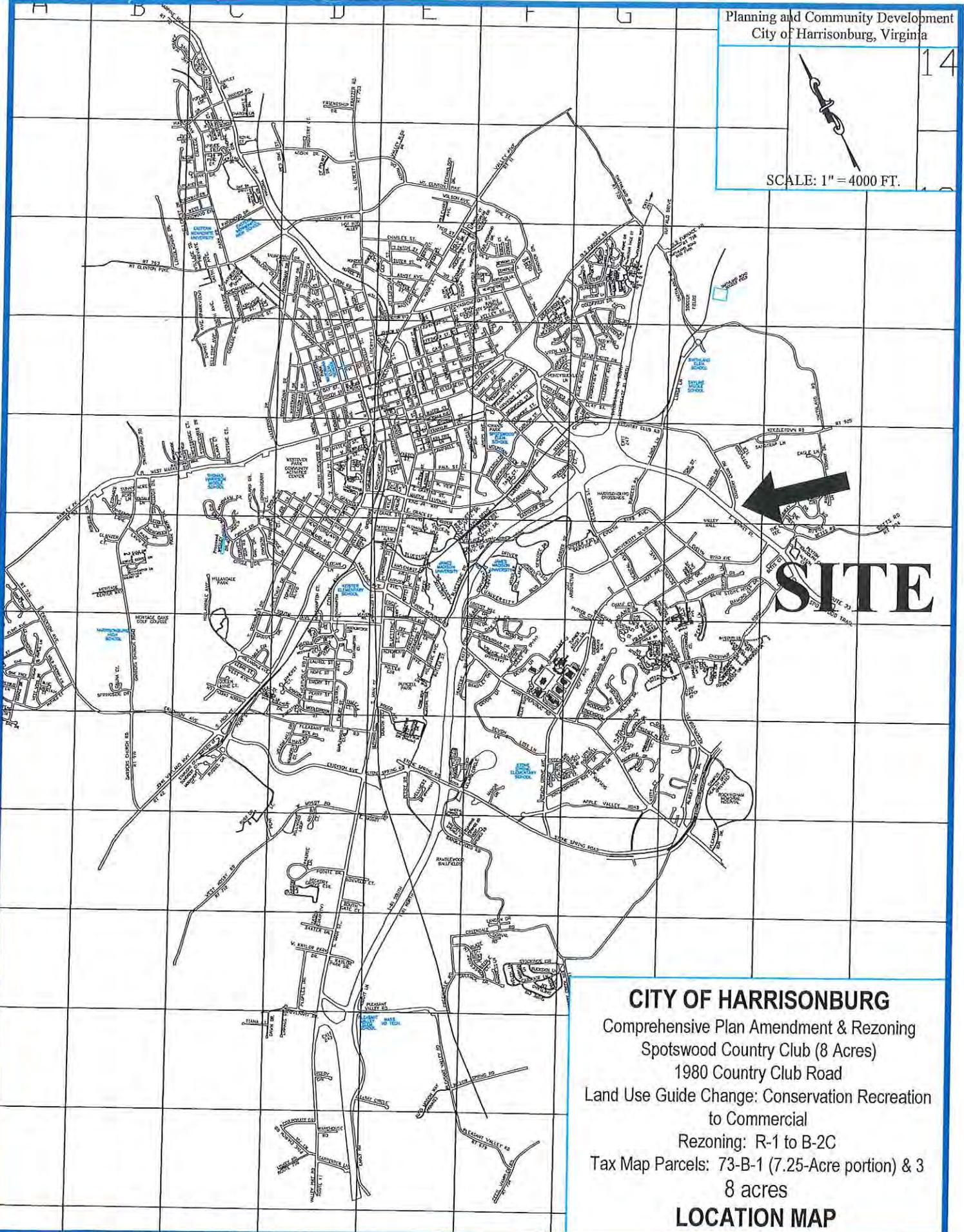
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SUP#15-207





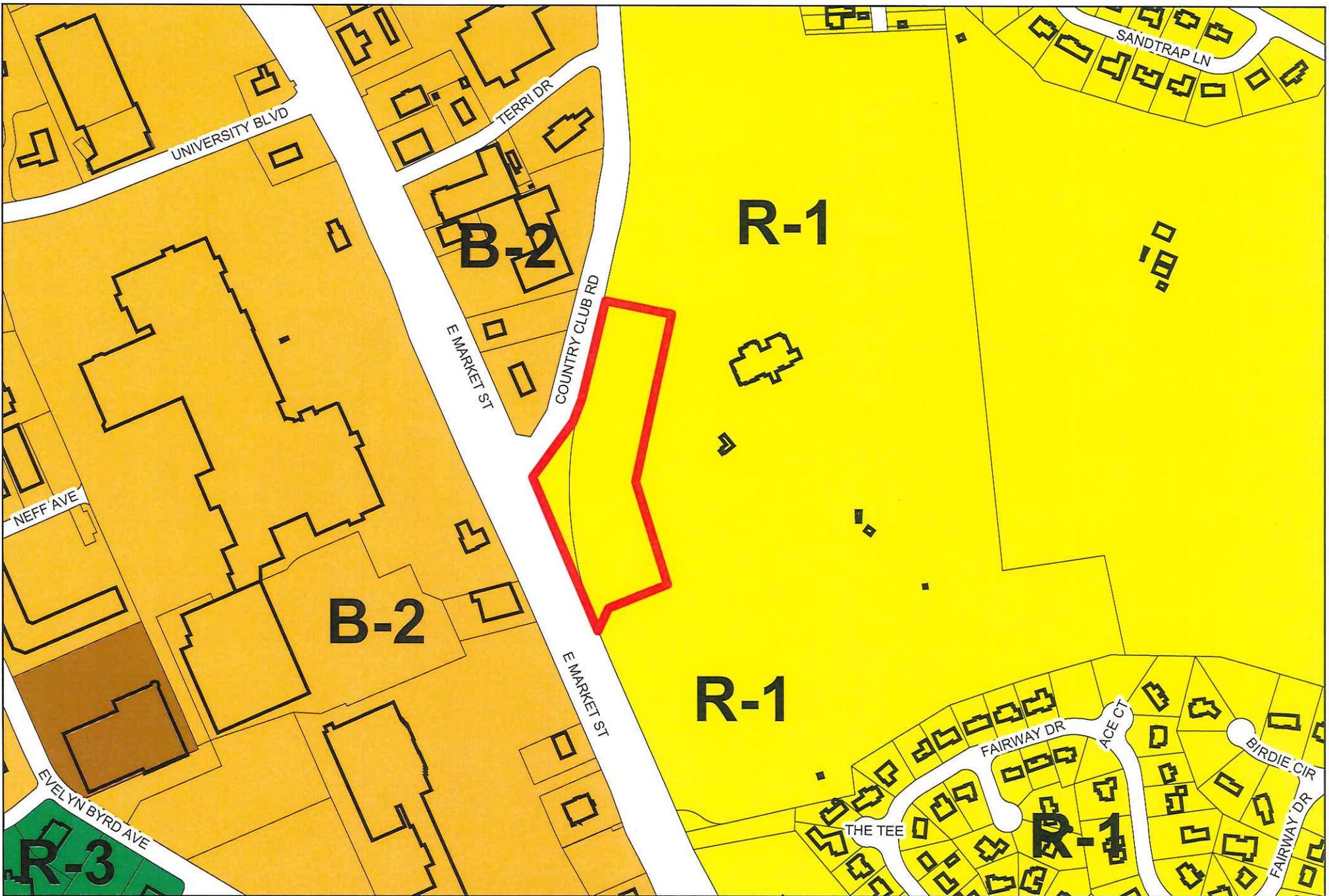
SCALE: 1" = 4000 FT.



CITY OF HARRISONBURG

Comprehensive Plan Amendment & Rezoning
Spotswood Country Club (8 Acres)
1980 Country Club Road
Land Use Guide Change: Conservation Recreation
to Commercial
Rezoning: R-1 to B-2C
Tax Map Parcels: 73-B-1 (7.25-Acre portion) & 3
8 acres

LOCATION MAP



**Comprehensive Plan Amendment & Rezoning
Spotswood Country Club - 1980 Country Club Road (8 Acres)**





City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

December 9, 2015

COMPREHENSIVE PLAN AMENDMENT AND REZONING SPOTSWOOD COUNTRY CLUB (8 ACRES)

GENERAL INFORMATION

- Applicant:** Spotswood Country Club Inc. with club representatives Aki Heydarian and Ben Amoss and application representative Blackwell Engineering
- Tax Map:** 73-B-1 & 3
- Acreage:** 8.0 +/- acres
- Location:** 1980 Country Club Road – 8 acres along Country Club Road and East Market Street
- Requests:** (1) Public hearing to consider a request to amend the Comprehensive Plan by modifying the Land Use Guide map within Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for 8 acres of land from the Conservation, Recreation, and Open Space designation to the Commercial designation.
- (2) Public hearing to consider a request to rezone 8 acres from R-1, Single Family Residential District to B-2C, General Business District Conditional.

LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Conservation, Recreation and Open Space. This designation includes the City's parks and golf course, as well as private open space recreation uses, such as country clubs.

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

- Site:** Forested, undeveloped acreage of the Spotswood Country Club, zoned R-1
- North:** Spotswood Country Club, zoned R-1
- East:** Spotswood Country Club, zoned R-1
- South:** Spotswood Country Club, zoned R-1
- West:** Across Country Club Road and East Market Street, commercial uses, zoned B-2

EVALUATION

Spotswood Country Club (the Club) is requesting to amend the Comprehensive Plan (the Plan) by changing the Land Use Guide designation for 8.0 +/- acres of their property along Country Club Road and East Market Street while at the same time requesting to rezone the same acreage. The subject site

involves two parcels. The first includes a 7.25-acre portion of tax map parcel 73-B-1 (this parcel in its entirety totals 78.18 +/- acres). The second parcel is a 0.75-acre lot identified as tax map parcel 73-B-3. The subject area is undeveloped and is almost entirely forested. It stretches about 638 feet along Country Club Road and about 558 feet along East Market Street.

Proposed amendments to the Plan that occur between official City-led updates are rare. While considering the current request, it is best to understand the requests that occurred in the past. They are often times associated with significant developments and for projects that might be substantially different than the planned land use.

There are only six files documenting requested Plan amendments. Two of the six amendments were text changes put forth by City staff in 1998 and 2008 and were ultimately approved. The other four amendments were Land Use Guide changes, all proposed by private developers. The first was in 2003 when Dunham Bush Holdings, Inc. proposed changing their Land Use Guide designation from General Industrial to Commercial while also proposing to rezone the same property from M-1 to B-2C. Both requests were supported by staff and Planning Commission (PC) and were approved by City Council (CC). The site was then redeveloped to what is now known as Harrisonburg Crossing. The other three requested changes all occurred in 2006. In April of that year, the property now known as Chatham Square—located at the intersection of East Market Street and Betts Road—was reviewed for a designation change from Low Density Residential to Low Density Mixed Residential. Staff and PC recommended approval of the request, but City Council denied the application. However, several months later the property was successfully rezoned from R-1 to R-6 and then developed. Also in April of 2006, a separate developer proposed designation changes for over 150 acres of property now commonly known as “the Quarry” development. The proposed changes were from Commercial and Mixed-Use Development Areas to Medium Density residential, Medium Density Mixed Residential, and Commercial. Staff supported the changes in part, PC recommended approval as submitted, and CC ultimately approved the requests. Portions of the Quarry property were later rezoned to R-7; however, neither the planned commercial or residential components of that planned development have materialized. Lastly, in May 2006, over 60 acres of land in the southern section of the City, adjacent to Interstate 81, was reviewed for designation changes from Commercial to Medium Density Mixed Residential while simultaneously reviewed to rezone the property from B-2 and M-1 to R-7 to make way for a large multi-family residential development. Staff and PC recommended denial of both applications; CC, however, approved both. The planned development never occurred and the property is now owned by James Madison University.

Specifically, with regard to the current requested Plan amendment, the proposed change would occur on the Land Use Guide map, which is part of the Plan’s Chapter 5 Land Use & Development Quality. The proposal is to amend the Land Use Guide designation for the subject property from the Conservation, Recreation, and Open Space designation to the Commercial designation. Concurrently, the applicant is requesting to rezone the subject area from R-1, Single Family Residential District to B-2C, General Business District Conditional.

The Land Use Guide map is a key component of the Plan and illustrates the recommended future land uses for parcels in the City. As explained within Chapter 5 of the Plan, “[i]t is the official land use policy map of the Comprehensive Plan and is to be used as a guide in decisions on such matters as rezoning and special use permit proposals and the location of public facilities.” The Plan describes the Conservation, Recreation and Open Space designation by stating “[t]he City’s parks and golf course are included in this category, as well as private open space recreation uses, such as country clubs.” The Plan describes the Commercial designation by explaining that “[c]ommercial uses include retail, office,

wholesale, or service functions. Restaurant and lodging uses are also included. These areas are generally found along the City's major travel corridors. The largest concentration of commercial land use is located between E. Market Street and Reservoir Street and includes the Valley Mall, a number of shopping centers, and significant office development."

Regarding the rezoning, the applicant has proffered the following details (written verbatim):

1. Only the following uses allowed in the B-2 General Business District will be allowed:
 - a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
 - b. Governmental, business and professional offices and financial institutions.
 - c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
 - d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
 - e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
 - f. General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees.
 - g. Pet shop or pet grooming establishment and animal hospitals however no outside space shall be permitted.
 - h. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
 - i. Public and privately owned parking lots and parking garages.
 - j. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.
 - k. Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened.
 - l. Public uses.
 - m. Vehicle fuel stations. Vehicles excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - n. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by

special use permit. Wireless telecommunications facilities are further regulated by article CC.

- o. Accessory buildings and uses customarily incidental to any of the above listed uses.
 2. Special use permits shall be permitted as approved by City Council.
 3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Ramey Kemp, RKA Project 15175 dated October 2015, shall be constructed and implemented as required by the City of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the City of Harrisonburg.

The above proffered list of permissible uses is very similar to the by right permitted uses listed in Section 10-3-90 in the B-2 district; however, there is some variation. The applicant specifically omitted subsections (6), (7), (10), (12), and (13), which include the sale of vehicles, recreation equipment, and trailers; the repair of vehicles, recreation equipment, and trailers; radio and television stations and studios or recording studios; warehousing and other storage facilities with floor area limited to 20,000 square feet, which are contiguous to permitted uses in the B-2 district; and funeral homes, respectively. Then, although proffer item "1 g" allows the same uses as those within Section 10-3-90 (9), the stated proffer specifically prohibits outdoor spaces associated with pet shops, pet grooming establishments, and animal hospitals. Lastly, within item "n," which is similar to Section 10-3-90 (19), the applicant excluded the ability for "bus terminals or other facilities designed for vehicular convenience."

As noted by proffer numbers 2 and 3, if approved, the property owners would be able to apply for any available SUP; and, they would be required to implement the approved recommendations of the already completed traffic impact analysis (TIA) or any revision to the TIA or other TIA that could be required depending upon the actual use that is to operate on site.

Importantly, note that the internal layout of the site as depicted on the engineered layout submitted by Blackwell Engineering is only a conceptual layout; it is not proffered.

It should be understood that although it is rarely required at the time of application submission, the Zoning Ordinance requires TIAs to be completed and then reviewed by the City prior to the acceptance of an application for a rezoning or Comprehensive Plan amendment. TIAs are described and implemented by the Design and Construction Standards Manual (DCSM). The DCSM explains that "[a] traffic impact analysis is a study that provides information on the impacts of vehicle trips generated from the proposed land uses on traffic safety and operation within a designated area and provides recommended solutions to mitigate the impacts. These standards and guidelines are to provide applicants the requirements for a comprehensive and acceptable traffic study for development proposals in the City of Harrisonburg." Within Section 3.2.1.2 of the DCSM is the stipulation that any planned development that is expected to generate 100 peak hour vehicle trips, could necessitate the review of a TIA. In this particular case, due to the recommended uses within the requested Commercial Land Use Guide designation and the unknown factors of potential size and operations of the uses that would be permitted, the threshold for necessitating a TIA was met, and thus the City required a TIA to be reviewed prior to application submission.

The results of the TIA concluded that no improvements were recommended at any of the following studied intersections: East Market Street/University Boulevard, East Market Street/Country Club Road, East Market Street/Evelyn Byrd Avenue, and Country Club Road/Keezletown Road. There

were, however, solutions offered to mitigate impacts at both ingress and egress locations studied for the site. With regard to the right-in right-out access, a westbound right turn lane on East Market Street with 150 feet of storage and appropriate taper shall be constructed as well as to construct one ingress lane and one egress lane on the proposed site driveway. With regard to the full access along Country Club Road, a northbound right turn lane and a southbound left turn lane both with 100 feet of storage and appropriate taper shall be constructed on Country Club Road. Lastly, one ingress lane and two egress lanes shall be provided on the proposed site driveway to Country Club Road.

Although not proffered or part of the necessary explanations in the TIA, as the site develops, all typical street frontage improvements associated with any required curb and gutter and pedestrian and bicycle improvements would be required. As depicted on the submitted layout, the applicant already understands that the City would require a shared use path in lieu of a sidewalk along both street frontages.

Concerning utilities, existing public sanitary sewer along Country Club Road will more than likely accommodate additional flows that commercial development on this property would generate. The existing water supply to this area is limited, but can be increased with upgrades or upsizing of existing public water mains at the expense of the developer. Harrisonburg Electric Commission (HEC) has significant power poles along this property and the applicant is aware that any development that impacts those poles or any HEC infrastructure shall be improved or relocated at the developer's expense. The applicant further understands that actual relocation of the large utility poles is limited.

After much consideration, staff is recommending approval of both applications.

First, regarding the Comprehensive Plan amendment, to the best of staff's knowledge this is likely the first time a private property owner has requested to develop something that is not permitted by right on property with the Conservation, Recreation and Open Space designation. As part of this application review, staff determined there are 123 parcels in the City with the Conservation, Recreation and Open Space designation, and of those parcels, only eight parcels are privately owned. Three of the eight are owned by the Spotswood Country Club and one is owned by the Daughters of the Confederacy Monument, which is the parcel where the Turner Ashby Monument stands. In taking a closer look at this issue, and in recognizing where these private properties are located, having all of these private properties or, as is the case for the subject request, all portions of these properties designated as Conservation, Recreation and Open space, is not necessarily the best practice. This is because several of these will likely not remain open space or be "conserved" due to the by right development permissions of the properties' zoning. Given the location of the subject area and the existing and planned uses in this area of the City, staff believes the Commercial designation is more appropriate.

As already described, properties designated Commercial are usually found along the City's major travel corridors; East Market Street meets this description and, not only is Country Club Road more and more becoming one, the Street Improvement Plan (within the Comprehensive Plan) recognizes this and identifies Country Club Road to be improved to a three lane facility including a center turn lane with bicycle and pedestrian facilities.

Staff is not only recommending for the subject site's Land Use Guide amendment to be approved, we are also suggesting that the City, during the upcoming Comprehensive Plan review, consider whether the other privately owned parcels with the Conservation, Recreation and Open Space designation should be changed to something that would be more practical for overall City planning.

With the belief that the subject site should be designated Commercial, and in considering the submitted proffers, staff is also recommending approval of the rezoning. As a reminder, the submitted layout is not proffered, but is a representation of what the site could look like. In general though, the location of the buildings, the number of parking spaces and the parking lot landscaping regulations appear to be represented accurately. Staff is drawing attention to this because, in particular, the number of trees shown on the parcel is likely what would be required if the site were to develop as shown. With regard to the illustrated evergreen trees shown on the perimeter of the subject site, staff understands this tree buffer is a required private arrangement by the Spotswood Country Club.

If the applications are approved and the site develops as is planned by the applicant, the most observable change that would occur is that the hillside would likely be deforested. Staff understands the importance of urban forests and would like the developer to try to conserve as many mature trees as possible. In knowing this, however, it should also be recognized that the existing zoning of the site does not prevent the property owner from already deforesting this area of their property. If the site is to be built with such an expansive parking lot, where there is significant parking lot street frontage, staff has faith in the minimum stipulations of the parking lot landscaping regulations to end up with a respectably landscaped commercial development.

Staff supports amending the Comprehensive Plan's Land Use Guide designation for the identified 8 acres of property from Conservation, Recreation and Open Space to Commercial, and recommends approving the rezoning from R-1 to B-2C.



December 3, 2015

Mr. Adam Fletcher
Sr. Planner
City of Harrisonburg
409 South Main Street
Harrisonburg, VA 22801

Reverence: Comprehensive Plan Amendment and Rezoning Application for a portion of Spotswood Country Club.

Dear Mr. Fletcher,

It is requested that approximately eight (8) acres on the corner of East Market Street and Country Club Road be rezoned from R-1 to B-2C. In addition, it is requested that the Comprehensive Plan be amended from "Conservation Recreation" to "Commercial" for the eight (8) acres (see attached proposed general boundary to be changed to Commercial).

At this time, all the actual uses are not finalized, however, a variety of uses were used to determine the likely maximum peak hour traffic volumes. The TIA has been submitted to the Public Works Department.

1. Only the following uses allowed in the B-2 General Business District will be allowed:

- a. Mercantile establishments which promote the show, sale and rental of goods, personal service establishments, restaurants and other shops and stores customary to shopping centers and convenience outlets.
- b. Governmental, business and professional offices and financial institutions.
- c. Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
- d. Theaters, community rooms, museums and galleries and other places of assembly for the purpose of entertainment or education. In addition, customary recreational and leisure-time activities which are compatible with surrounding uses are permitted.
- e. Religious, educational, charitable or benevolent institutional uses which do not provide housing facilities.
- f. General service or repair shops permitted by right in the B-1 Central Business district but without the limitation as to the number of employees.
- g. Pet shop or pet grooming establishment and animal hospitals however outdoor space shall not be permitted.
- h. Public utilities, public service or public transportation uses or buildings, generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange and transformer or substations.
- i. Public and privately owned parking lots and parking garages.
- j. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion than other uses permitted in this district and which involve no more than fifteen (15) percent of the gross floor area in the assembling or processing of products. Any assembling or



processing shall only involve products developed on the premises. All services and storage shall be conducted within the principal structure which is to be completely enclosed.

- k. Plant nurseries and greenhouses provided any outside storage of materials, other than plants, must be screened.
 - l. Public uses.
 - m. Vehicle fuel stations. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
 - n. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by article CC.
 - o. Accessory buildings and uses customarily incidental to any of the above listed uses.
2. Only the following uses are permitted by Special Use Permit:
3. Traffic and street improvements as recommended by the Traffic Impact Analysis completed by Ramey Kemp, RKA Project 15175 dated October 2015, shall be constructed and implemented as required by the City of Harrisonburg. In addition, any traffic and street improvements recommended by revisions to the identified TIA or by future TIAs completed for planned uses on the subject property shall be constructed and implemented as required by the City of Harrisonburg.

Sincerely,

Aki Heydarian
General Manager

Date Application Received: 11-10-15

Total Paid: \$615⁰⁰ *Paid in Full AP*

Application for Comprehensive Plan Amendment City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Spotswood Country Club- Aki Heydarian-Gen. Manager; Ben Amoss-President
Street Address: 1980 Country Club Rd Email: aheydarian@spotswoodcc.com
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540.433.2659 (home or cellular): _____ (fax): 540.433.2619

Section 2: Owner's Representative Information

Name: Spotswood Country Club- Aki Heydarian-Gen. Manager; Ben Amoss-President
Street Address: 1980 Country Club Rd Email: aheydarian@spotswoodcc.com
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540.433.2659 (home or cellular): _____ (fax): 540.433.2619

Section 3: Description of Property

Location (street address): Northeast corner of E Market St and Country Club Rd
Tax Map Number: Sheet: 73 Block: B Lot: 1 Total Land Area (acres or square feet): 8+/-
Existing Comprehensive Plan Designation: conservation recreation Proposed Comprehensive Plan Designation: commercial
Existing Zoning Classification: conservation recreation

Section 4: Application Fee

\$375.00 plus \$30.00 per acre, and if applicable, Fees for a Traffic Impact Analysis (TIA) Review (see below)

375.00 + (8 x 30) = \$615

- (a). Would the development from this Comprehensive Plan Amendment 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 Comprehensive Plan Amendment require a Traffic Impact Analysis review by the City?
Yes X No _____

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

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: N/A
East: _____
South: _____
West: _____

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: *B.A. Amoss*
Property Owner

See Back for Items Required for Submission

Date Application Received: 11-10-15

Paid in Full AF

Total Paid: \$615 + \$1000 = \$1615 ^{CH}

Application for Change of Zoning District City of Harrisonburg, Virginia

Section 1: Property Owner's Information

Name: Spotswood Country Club- Aki Heydarian-Gen. Manager; Ben Amoss-President
Street Address: 1980 Country Club Rd Email: aheydarian@spotswoodcc.com
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540.433.2659 (home or cellular): _____ (fax): 540.433.2619

Section 2: Owner's Representative Information

Name: Richard Blackwell - Blackwell Engineering
Street Address: 566 E Market St Email: dick@blackwellengineering.com
City/State/Zip: Harrisonburg, VA 22801
Telephone (work): 540.432.9555 (home or cellular): 540.820.2664 (fax): 540.434.7604

Section 3: Description of Property

Location (street address): Northeast corner of E Market St and Country Club Rd
Tax Map Number: Sheet: 73 Block: B Lot: 1 Total Land Area (acres or square feet): 8
Existing Zoning District: R-1 Proposed Zoning District * : B-2C
Existing Comprehensive Plan Designation: Conservation Recreation

**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)
375 + (8 x 30) = 615

- (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 x No _____

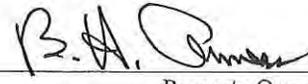
If yes, then an additional \$1,000.00 must be made payable to the City to cover costs associated with the TIA review.

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: Per conversation with Alison, not included with this application
East: _____
South: _____
West: _____

Section 6: Certification

I certify that the information contained herein is true and accurate. Signature: 
Property Owner

See Back for Items Required for Submission

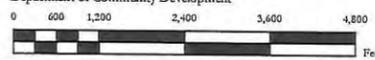
Land Use Guide COMPREHENSIVE PLAN

City of Harrisonburg, VA

May 2011

A Shared Vision for the Future

Map Data Provided by the City of Harrisonburg
Department of Community Development



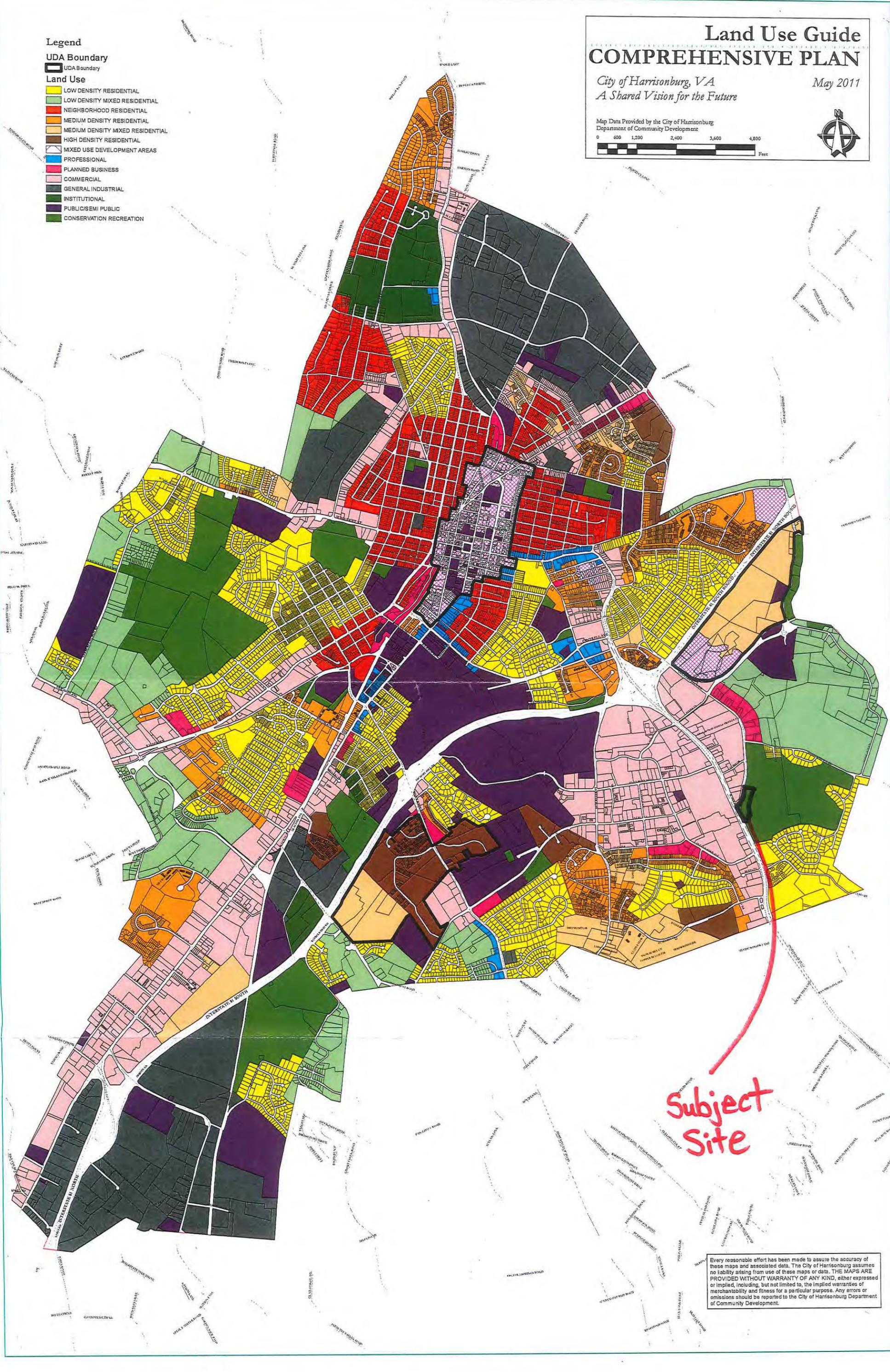
Legend

UDA Boundary

UDA Boundary

Land Use

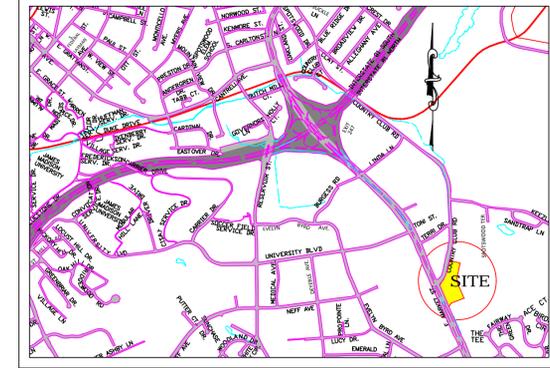
- LOW DENSITY RESIDENTIAL
- LOW DENSITY MIXED RESIDENTIAL
- NEIGHBORHOOD RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MEDIUM DENSITY MIXED RESIDENTIAL
- HIGH DENSITY RESIDENTIAL
- MIXED USE DEVELOPMENT AREAS
- PROFESSIONAL
- PLANNED BUSINESS
- COMMERCIAL
- GENERAL INDUSTRIAL
- INSTITUTIONAL
- PUBLIC/SEMI PUBLIC
- CONSERVATION RECREATION



Subject Site

Every reasonable effort has been made to assure the accuracy of these maps and associated data. The City of Harrisonburg assumes no liability arising from use of these maps or data. THE MAPS ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, either expressed or implied, including, but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Any errors or omissions should be reported to the City of Harrisonburg Department of Community Development.

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Date: DECEMBER 2015
Scale: 1"=40'
Designed by: RLB
Drawn by: MMS
Checked by: RLB

BLACKWELL ENGINEERING, PLC
566 East Market Street
Harrisonburg, Virginia 22801
PHONE: (540)432-9555 FAX: (540)434-7604
E-Mail: BE@BlackwellEngineering.com



Revision	Dates

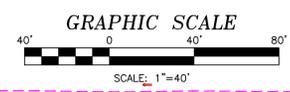
PROPOSED PLAN
SPOTSWOOD COUNTRY CLUB
SPOTSWOOD COUNTRY CLUB, INC.
COUNTRY CLUB ROAD
HARRISONBURG, VIRGINIA 22801

Drawing No.
1
of 1 Sheets

Job No. 2507



- LEGEND**
- CENTER LINE
 - SITE BOUNDARY
 - WATER LINES
 - SANITARY LINES
 - SANITARY SEWER CLEANOUT
 - STORM SYSTEM
 - SETBACK LINE
 - EASEMENT LINE
 - EXISTING BUILDING
 - PROPOSED BUILDING
 - PROPOSED PARKING
 - EXISTING ROAD
 - CO-6 CURBING
 - HANDICAP PARKING
 - DUMPSTER
 - EXISTING FIRE HYDRANT
 - PROPOSED FIRE HYDRANT
 - PROPOSED WATER MAIN BLOW OFF
 - WATER VALVE
 - WATER METER
 - EXISTING FENCE LINE
 - PROPOSED FENCE
 - PROPOSED SIDEWALK
 - CONCRETE PAVING
 - LIGHT PAVEMENT
 - GRAVEL AREA
 - GRASS AREA
 - LARGE DECIDUOUS TREE
 - SMALL DECIDUOUS TREE
 - EVERGREEN TREE
 - DECIDUOUS OR EVERGREEN SHRUB



NOT TO BE REZONED TO PROVIDE PROPER SETBACK

ORDINANCE AMENDMENT

**To Amend Section 10-3-57.5 in order to
increase the allowable density within the
R-7, Medium Density Mixed Residential
Planned Community**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

December 9, 2015

ZONING ORDINANCE AMENDMENT

Section 10-3-57.5

Kin Group, LLC, property owners for Collicello North, is requesting a Zoning Ordinance (ZO) amendment to the R-7, Medium Density Mixed Residential Planned Community District. The proposed amendment is to Section 10-3-57.5 (b) which regulates density within the R-7 district, and would increase the allowable density from twelve (12) to fifteen (15) dwelling units per acre.

In 2013, the applicants received City Council approval to rezone and master plan the 127,195 +/- square feet of property known as Collicello North. The applicants took on the spirit and intent of the R-7 zoning by master planning an infill site that had been passed over by traditional development. They maximized the permitted density of 12 units per acre with a proposed 35 dwelling units – a mix of single family, duplex, and townhouse units.

After site development of the Collicello North project began, the applicants felt that there was increased cost associated with infill development and that an adjustment to the maximum density, by adding additional units, would help offset the expense. Therefore, they are proposing an increase in the allowable density from twelve to fifteen units per acre.

When reviewing the proposed amendment, staff created the following chart to compare the existing maximum allowable residential density per unit type per zoning district.

Existing Maximum Allowable Residential Density Per Unit Type Per Zoning District

	Single Family Detached Lot Area/Units Per Acre	Duplex Lot Area#/Units Per Acre	Townhouse Lot Area#/Units Per Acre	Multi-Family Lot Area#/Units Per Acre
R-1	10,000 / 4			
R-2	7,000 / 6	5,500 # / 7		
R-3s	6,000 / 7	4,000 # / 10	2,000 # / 21	3,000 # / 14 (SUP Req'd)
R-4	6,000 / 7	3,000 # / 14	2,000 # / 21	3,000 # / 14
R-5			2,000 # / 21	1,800 # / 24
R-6*	Per Master Plan / 6			
R-7*	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12	Per Master Plan / 12
MX-U^	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20	Per Master Plan / 20
U-R	7,000 / 6	7,000 # / 6		
B-1	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.	No Min. / No Max.

* R-6 and R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing can exceed 70 percent of the master plan. In R-7, no more than 30 percent of the total dwellings may be multi-family units.

^ MX-U requires a specific mix of uses; residential uses shall make up no less than 50 percent nor more than 80 percent of the uses within the master plan.

Per unit

Utilizing the chart, one can determine, for instance, that a traditional R-1, Single Family Residential development would allow for four (4) single-family detached dwelling units per acre.

When one computes the possible density of an R-7 development today, utilizing the traditional lot area density, the minimum lot area per unit is 3,630 square feet per unit ($43,560/12 = 3,630$). The proposed density in the same approach equates to 2,904 square feet of lot area per unit ($43,560/15 = 2,904$). Thus, an increase in the R-7 density would be more within the range of R-3 and R-4 density for townhomes and multi-family units; which require lot area of 2,000 square feet per townhouse unit and 3,000 square feet per multi-family unit, respectively.

It should be understood that although the density is being proposed to increase by 3 units per acre, in actuality, the increase would be a minimum of 6 potential additional units because the R-7 master plan requires a minimum of 2 acres for such developments. Also remember that R-7 developments require at least two types of residential housing types (i.e. lot size variations and configurations, single family attached, etc.) and no one housing type can exceed 70 percent of the master plan. As well, no more than 30 percent of the total dwellings may be multi-family units.

Staff researched the records of when the R-7 district was being created and there is no documented reasoning for the maximum density of 12 units per acre within the R-7 district. The master plan process of an R-7 development requires much scrutiny from City staff, during the conception of the project, as well as review and approval from Planning Commission and City Council. Because of this, staff believes the request for the increase in density is within keeping with the intent of the R-7 district.

Staff has discussed that any new, or existing R-7 master plan development that would like to increase density, if this is approved, would need to go through the rezoning and master plan process. Therefore, staff is recommending approval of the requested ZO amendment.

ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-57.5
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-57.5 Area, density and dimensional regulations is amended by modifying subsection b. as shown:

- (a) Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley right-of-ways from one another.
- (b) Maximum density: ~~Twelve (12)~~ Fifteen (15) dwelling units per acre.
- (c) Maximum building height: Forty (40) feet (three (3) stories) for all uses except multiple-family dwellings, fifty (50) feet (four (4) stories) for multiple-family dwellings.
- (d) Minimum common open space or park: Fifteen (15) percent.
- (e) Lot area, lot width, lot depth and yards for all uses: requirements as set by the approved master development plan.
- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in article CC for wireless telecommunications facilities, shall apply to the R-7 zoning district.
 - (1) Proposed building projects as permitted in this district, which rely on private refuse collection, shall provide a designated point of collection with appropriate facilities. Said facilities shall be screened and shall meet the requirements for accessory buildings per section 10-3-114.

The remainder of Section 10-3-57.5 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:

CITY CLERK

November 10, 2015

Subject: Ordinance Amendment
From: Kin Group, LLC

To Whom It May Concern:

Kin Group, LLC. humbly submits an application to amend the R-7 City Zoning Code 10-3-57.5. Kin Group has identified the City R-7 zoning as being innovative, right-with-the-times, and responsible to the challenges and needs of our communities. Furthermore, we would like to build on the foresight shown back in 2005 when the City of Harrisonburg adopted the R-7 code by truly embracing the spirit and intent behind master planned communities with Traditional Neighborhood Design at the heart of this zoning. In doing so, we have overcome traditional development challenges but have also taken on new challenges that come with forging new ground. We have discovered that the R-7 code is valuable and with some adjustment could better advance the original intention of the ordinance.

We propose increasing slightly the density capability of the R-7 to better equip development in overcoming the additional costs associated with infill development of the sites that have been passed over by traditional development. This increase in density from 12 to 15 units per acre will help overcome the additional expense of said challenges. Even in doing so, the City will remain consistent with other zoning codes and densities. In fact, 15 units per acre within the R-7 medium density remains below the R-3 medium density allowing up to 21 townhomes per acre. This type of density is already deemed acceptable and by developing within the R-7 parameters you add additional insurances against over density and poor planning through master planning and enhanced review processes.

In conclusion, this amendment will go a long way in encouraging development of the difficult infill sites that are already supported by City infrastructure and where they will have a positive impact on the further development of surrounding transitional, difficult, and passed-by areas. I believe that this amendment will facilitate the type of development endorsed by the City back in 2005 but which has proven to be somewhat illusive to date.

Respectfully Submitted,



Dean Weaver
Manager

November 10, 2015

Subject: Ordinance Text To Be Amended
From: Kin Group, LLC

Ordinance Text as is:

Sec. 10-3-57.5. - Area, density and dimensional regulations. Modified
(b) Maximum density: Twelve (12) dwelling units per acre.

Recommended Edited Ordinance Text:

(b) Maximum density: Fifteen (15) dwelling units per acre.

Submitted,

A handwritten signature in black ink, appearing to read "D. M. U.", with a long horizontal flourish extending to the right.

Dean Weaver
Manager

Date Application Received: 11-10-15

**Application for Ordinance Amendment
City of Harrisonburg, Virginia**

Fee: \$375.00

Total Paid: \$ 375.00 ✓

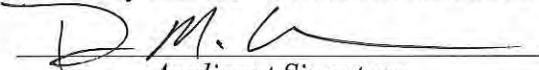
Applicant's Name: Kin Group, LLC.
Street Address: P.O. Box 1076 Email: dweaver@rdbuildingsystems.com
City: Harrisonburg State: VA Zip: 22803
Telephone: Work 540.810.7337 Fax N/A Mobile same

Applicant's Representative: Dean Weaver
Street Address: 632 Acker Lane Email: dweaver@blueridgearchitects.com
City: Linville State: VA Zip: 22834
Telephone: Work 540.810.7337 Fax N/A Mobile same

Description of Amendment

Zoning Ordinance Section: 10-3-57.5 - Area, density and dimensional regulations:
Proposed Text: (b) Maximum density: Fifteen (15) dwelling units per acre

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

Signature: 
Applicant Signature

ITEMS REQUIRED FOR SUBMISSION

- Completed Application
- Ordinance Text
- Letter of description

- Fees Paid
-
-

This document includes all existing R-7 regulations. The proposed amendment is to Section 10-3-57.5 (b) as shown on page 3 herein.

ARTICLE L.2. - R-7 MEDIUM DENSITY MIXED RESIDENTIAL PLANNED COMMUNITY

Sec. 10-3-57.1. - General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the "R-7" Medium Density Mixed Residential Planned Community District Regulations.

(Ord. of 10-25-05, § 1)

Sec. 10-3-57.2. - Purpose of the district.

This district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached and attached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses. Under special circumstances, limited multiple-family dwellings may also be included. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

- (1) A mix of housing types and residential lot sizes and configurations is provided so as to offer a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction.
- (2) Housing is clustered to preserve valuable environmental resources and provide usable recreational open space.
- (3) The open space system is as carefully designed as the housing area so as to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.
- (4) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route.
- (5) Traffic claiming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
- (6) Principal buildings address the street, presenting front facades on the publicly visible side of the building.
- (7) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.

- (8) Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes.

(Ord. of 10-25-05, § 1; Ord. of 3-13-12(19))

Sec. 10-3-57.3. - Uses permitted by right.

- (a) Single-family detached dwellings.
- (b) Single-family attached dwellings (townhouse dwellings of two (2) to eight (8) dwelling units).
- (c) Multiple-family dwellings with no more than sixteen (16) units per building under conditions set forth in subsections 10-3-57.6.(c) and (d).
- (d) Home occupations.
- (e) Community buildings.
- (f) Public and private schools.
- (g) Child day care centers.
- (h) Adult day care centers.
- (i) Retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities unless permitted by special use permit) food and drug stores.
- (j) Governmental, business and professional offices and financial institutions.
- (k) Churches.
- (l) Parks.
- (m) Common open space.
- (n) Public uses.
- (o) Accessory buildings and uses customarily incidental to any of the above-listed uses.
- (p) Dwelling units may be occupied by a single family or not more than two (2) persons, except that such occupancy may be superseded by building regulations.
- (q) Parking lots and parking garages.

(Ord. of 10-25-05, § 1; Ord. of 2-24-09(3); Ord. of 3-13-12(20); Ord. of 4-24-12(7))

Sec. 10-3-57.4. - Uses permitted only by special use permit.

- (a) Private clubs and golf courses.
- (b) Home for the aged in which three not more than three (3) persons not of the immediate family are provided with food, shelter and care for compensation.
- (c) Major family day home.
- (d) Bed and breakfast facilities in which (1) food service shall be limited to breakfast and light fare for room guests only and (2) having space available on premises for one (1) parking space per guest room.
- (e) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (f) Drive-through facility.

- (g) Reducing required parking areas to permit fewer than the required number of parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.
- (h) Public uses which deviate from the requirements of title 10, chapter 3.
- (i) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by article CC.

(Ord. of 10-25-05, § 1; Ord. of 4-26-11(8); Ord. of 3-13-12(21); Ord. of 5-8-12(1); Ord. of 1-8-13(10); Ord. of 9-23-14(8); [Ord. of 7-28-15\(17\)](#))

Sec. 10-3-57.5. - Area, density and dimensional regulations.

- (a) Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley right-of-ways from one another.
- (b) Maximum density: ~~Twelve (12)~~ Fifteen (15) dwelling units per acre.
- (c) Maximum building height: Forty (40) feet (three (3) stories) for all uses except multiple-family dwellings, fifty (50) feet (four (4) stories) for multiple-family dwellings.
- (d) Minimum common open space or park: Fifteen (15) percent.
- (e) Lot area, lot width, lot depth and yards for all uses: requirements as set by the approved master development plan.
- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in article CC for wireless telecommunications facilities, shall apply to the R-7 zoning district.
 - (1) Proposed building projects as permitted in this district, which rely on private refuse collection, shall provide a designated point of collection with appropriate facilities. Said facilities shall be screened and shall meet the requirements for accessory buildings per section 10-3-114.

(Ord. of 10-25-05, § 1; Ord. of 2-24-09(4); Ord. of 1-8-13(11); Ord. of 1-14-14(9); [Ord. of 7-28-15\(18\)](#))

Sec. 10-3-57.6. - Other regulations.

- (a) Attached or detached private radio and television antennas, including dish antennas, shall not exceed the maximum height otherwise permitted in this district and shall not be permitted in front yards.

Exception: Private amateur radio antennas intended for public service and emergency use may exceed the height otherwise established so long as the height is justified for proper radio communications.

- (b) Off-street parking regulations for all buildings and uses permitted in this district are governed by article G.
- (c) At least two (2) types of residential housing types (single-family detached of varying lot sizes/configurations, single-family attached, multiple-family) shall be provided and no one housing or lot size/configuration type may exceed a total of seventy (70) percent of all the residential units in the

community. Multiple-family units shall not exceed thirty (30) percent of all the residential units in the community.

- (d) Multiple-family development may be approved in an R-7 planned residential community as long as the location of such development is shown on the master development plan and as long as the following conditions are met:
 - (1) Adequate vehicular, transit, pedestrian and bicycle facilities currently serve or are planned to serve the site.
 - (2) The applicant has demonstrated that the proposed multifamily development's design is compatible with adjacent existing and proposed single-family detached and attached residential development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family detached and attached residential development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.
 - (3) The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.
- (e) Land area within the planned community shown on the master development plan as dedicated to uses permitted under subsection 10-3-57.3(i) and (j) shall not exceed ten (10) percent of the total land area of the planned community. The master development plan shall show how such retail, restaurant and office uses shall be integrated into the residential community so as to not adversely affect local traffic patterns and levels and views from surrounding residential areas and public streets. Such integration shall be achieved through effective site planning, compatible architectural design, and landscaping and screening of parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions. Buildings shall be residential in design and scale with floorplates not exceeding seven thousand five hundred (7,500) square feet.
- (f) Mixed use buildings comprised of retail, office and/or multiple-family dwellings are permitted. The land devoted to such mixed use buildings and the streets, parking and landscape areas serving such buildings, shall be counted toward the maximum area ten (10) percent permitted for uses listed in subsections 10-3-57.3(i) and (j) as regulated by subsection 10-3-57.6(e). The multiple-family dwelling units within mixed use buildings shall be included in the total number of dwelling units in the development and therefore in the calculation of the density for the development.
- (g) Applicants for the R-7 zoning district shall submit at rezoning a master development plan, showing and describing in map and text form:
 - (1) General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.
 - (2) General location and number of community building, school, day care, church and public use sites proposed.
 - (3) Description of housing types/lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined.
 - (4) Indication on the master development plan of the general location of housing types/lot configurations proposed.
 - (5) Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.
 - (6) Proposed active recreation areas and recreation facilities.
 - (7) Proposed general landscape plan (landscape areas, plant materials and general specifications).
 - (8) Description of how design principles of the district are to be met and proffers, if any, to implement the principles.
- (h) Ownership and maintenance of common open space and other common facilities.

- (1) General requirements:
 - a. Organization: A property owners' association shall be established to provide for the ownership, care and maintenance of all common open space areas and other common facilities and improvements.
 - b. Ownership: All common open space, facilities and improvements shall be dedicated to the property owners' association. No land within privately owned lots shall be considered common open space.
 - c. Covenants: All property owners' associations shall be created by covenants and restrictions recorded among the land records of the City of Harrisonburg. All such covenants shall include provisions for the maintenance of common open space, facilities and improvements.
- (i) Maintenance requirements:
 - (1) Responsibility: The property owners' association shall be responsible for the maintenance of all common open space, facilities and improvements in a reasonable condition.
 - (2) Condition: All open space areas shall be landscaped as shown on the adopted master development plan and shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to and available for use by the residents of the planned community.
- (j) The approved master development plan shall govern development on the site and shall be used as a basis for subdivision and site plan approval and zoning code enforcement.
- (k) The master development plan may be amended after the initial rezoning to R-7. Such amendment is considered an amendment to this article and shall be processed according the regulations under article U.
- (l) The master development plan may be amended solely for a parcel(s) upon application by that parcel's owner, through a zoning map amendment process, subject to determination by the city council that the proposed use and development plan meets all of the requirements of the original master development plan to an equivalent degree in terms of meeting the purposes of the district and protecting the public health, safety, and welfare.
- (m) For the purposes of provisions subsections 10-3-57.6(g) and (h), the ground dimension of any feature (length, width or area) shown on the master development plan, may vary up to five (5) percent of the scaled dimension provided that a written explanation of the variation, as well as a revised drawing of the master development plan reflecting and designating the refinement is submitted to the zoning administrator by the owner or applicant. Once the zoning administrator determines in writing that the variation conforms to this requirement, the variation becomes part of the approved master development plan. The zoning administrator must make a determination within twenty-one (21) calendar days of receiving the explanation from the applicant or owner.

(Ord. of 10-25-05, § 1; Ord. of 3-13-12(22))