



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-354

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Type: PH-Rezoning

Status: Draft

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Agenda Section:

In Control: City Council

File Created: 11/27/2019

Subject:

Final Action:

Title: Consider a request from Peale Properties LLC with representative John Sallah to rezone 129 West Wolfe Street

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Surrounding property owners notice, Public Hearing notice, PC Memorandum RZ (129 W Wolfe St), PC Site Maps, PC Application and Supporting Documents

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

| Ver- sion: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---------------------|---------------------|---|--------------------------|--------------|------------|-----------------|---------|
| 1 | Planning Commission | 12/11/2019 | recommended for approval | City Council | 01/14/2020 | | |
| Action Text: | | This PH-Rezoning was recommended for approval.to the City Council due back on 1/14/2020 | | | | | |
| Notes: | | Chair Way read the request and asked staff to review. | | | | | |

Ms. Banks said that the Comprehensive Plan designates this site as Mixed Use. The Mixed-Use designation includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed-use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important consideration when developing in Mixed Use areas.

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.

Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses. The downtown Mixed-Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

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

- Site: Commercial building, zoned M-1
North: Non-conforming dwelling, zoned M-1 and commercial building, zoned B-1C
East: Commercial building, zoned B-1
South: Commercial building, zoned B-1
West: Parking lot, zoned R-3

This is a request to rezone a +/- 10,000 square feet parcel from M-1, General Industrial District to B-1C, Central Business District Conditional. The property is located on the southern side of West Wolfe Street, approximately 150-feet west of the intersection with North Liberty Street and is improved with a two-story masonry building with +/- 5,984 square feet of gross floor area. Currently, there is not a use operating from the property; however, in the past, it has been used as a small appliance repair business, a house of worship, business offices, and financial offices.

With this request the applicant has proffered the following (written verbatim):

In connection with the rezoning request for the property located at 129 West Wolfe Street and identified as tax map parcels 35-S-5 the following permitted uses are hereby proffered:

1. Retail stores, personal service establishments, restaurants (except fast food restaurants and shops that primarily serve coffee/donuts/bagels/bread), food and drug stores (except marijuana dispensaries).
2. Governmental, business and professional offices and financial institutions excluding banks with drive-through service.
3. Hotels, motels and buildings used for dwelling unit(s), CBD, as defined under section 10-3-24. Dwelling unit(s), CBD, may be occupied by a family or not more than four (4) persons, except that

such occupancy may be superseded by building regulations.

4. 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.
5. Religious, educational, charitable and benevolent institutional uses.
6. General service or repair shops, when not employing more than fifteen (15) persons on the premises in a single shift (not including persons whose principal duties are off the premises) and providing that all storage and activities are conducted within a building. Examples: Cleaning and laundry establishments, printing and tailoring shops, appliance repairs, upholstery and furniture repairs.
7. Accessory buildings and uses customarily incidental to any permitted uses.
8. Small cell facilities, concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by Article CC.
9. Public libraries.
10. Public uses.
11. Research and development activities which do not cause any more smoke, dust, odor, noise, vibration or danger of explosion other than uses permitted in this district and which involve no more than 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.
12. Home occupations.
13. Radio and television stations and studios or recording studios. All antennas and satellites and associated equipment shall be screened.
Special use permits shall be permitted as approved by City Council.
Additionally, I proffer that 10 parking spaces shall be located on the property. I also proffer that should the lot ever be redeveloped in the future, no parking lot (including travel lanes and drive aisles) shall be located between W Wolfe St. and the closest building to W Wolfe St.

With regard to the use proffers, the applicant would retain all the uses permitted by right in the B-1, Central Business District except for convenience shops, drive-through banks, fast food restaurants, shops that primarily serve coffee, donuts, bread or bagels, and marijuana dispensaries. The applicant has

removed these uses from the list of by right uses in order to address staff's concerns about traffic generation and to stay below the threshold for the City to be able to require a traffic impact analysis (TIA). The Institute of Traffic Engineer's (ITE) Trip Generation Manual (a tool used nationally by transportation engineers) assigns a trip generation rate to these five uses that would have put the peak hour trip generation for this site over 100 vehicles in both AM and PM peak hours, thus triggering the requirement for the applicant to complete a TIA study for staff review. Staff acknowledges that the excluded uses could serve residents and visitors of this area well. While the TIA Determination Form, which is required as part of the rezoning application, uses the ITE Trip Generation Manual to calculate the number of peak hour trips, this is only a starting point. If the applicant was interested in having any of the excluded uses on the property associated with this rezoning request, a TIA study could have been performed to assess the impact of the proposed uses to the traffic network. During this time, assumptions could have been made about a higher level of pedestrian activity and a lower rate of vehicular traffic generation for sites located in the downtown area. The applicant chose to instead proffer the exclusion of these uses from the list of permitted uses.

Currently, there are approximately 15 parking spaces located on the site, and on-street parking is not allowed within this block of West Wolfe Street. Since there are no minimum off-street 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 downtown area. In this particular case, the building could be enlarged, or the property redeveloped, eliminating any parking area on the site, and operate uses that are more parking intensive. The applicant understood staff's concern and has proffered ten on-site parking spaces to ensure that any uses within the building will have options for parking.

The existing building located on the site is situated directly along the front property line with West Wolfe Street and parking is located along the side and rear of the building. If rezoned to B-1, the site could redevelop with new buildings placed further away from the public street to allow parking between any new buildings and the public street. The last proffer is intended to promote pedestrian friendly design by not allowing parking lots and drive aisles between buildings and public streets, which creates barriers for people wanting to walk to uses/buildings. By placing building(s) closer to the street it concentrates people and places along the public street and creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes, especially for areas designated Mixed Use by the Comprehensive Plan's Land Use Guide. The Comprehensive Plan Land Use designation of Mixed Use supports the rezoning request to B-1C for this parcel and the listed proffers address future redevelopment concerns. Staff recommends approval of the rezoning request as submitted.

Commissioner Finnegan said that this is the first time that he has seen the prohibition of a marijuana dispensary come before the Planning Commission. Is that something that is common elsewhere in Virginia or is it in anticipation of a potential change of laws?

Ms. Banks said that there were changes recently made to update the Institute of Traffic Engineers Trip Generation Manual. This is not just a state manual.

Commissioner Finnegan said that, currently, in the Commonwealth, there are no marijuana dispensaries.

Ms. Banks said that this manual does not just address Virginia.

Commissioner Finnegan said that it is, therefore, in anticipation of potential changes of state law in the future.

Ms. Banks said that it applies to other states that do have dispensaries.

Commissioner Ford-Byrd asked if the proffers convey with the property if it were to exchange hands.

Ms. Banks said that is correct. The proffers become the property's zoning.

Ms. Dang said that with the Traffic Impact Analysis (TIA) determination form, the Department of Public Works looks at the square footage of the use and the rate of vehicular traffic that is generated during a peak hour for different types of uses. The list of uses that Ms. Banks provided are uses that, along with the square footage of the existing building, would have triggered a TIA study. The TIA study costs thousands of dollars to be done. The applicant was not interested in doing the study, so they removed the uses. Staff and the applicant agreed that the removal of those uses was appropriate.

Commissioner Romero asked if staff knew what the intended use of the facility was going to be.

Ms. Banks said no.

Chair Way opened the public hearing and invited the applicant or applicant's representative to speak to the request.

John Sallah, representing Peale Properties, LLC, came forward to speak to the request. This building was constructed in the early 1900s for Wilton Hardware. Joshua Wilton owned it. It has been in the Peale family since 1975 operating as the Appliance Hospital. It is a gorgeous building. It has post and beam construction. In the 1970s, all of the beautiful facets of the building were covered with the paneling that you buy at Lowe's for nine dollars a sheet. The list proffers

a number of things out, however, it is going to be office space. We believe office space is the highest and best use. We are going to remove everything that was put in in the 1970s and beyond, to get it back to the posts and beams, the concrete slab and the hardwood upstairs, and add some modern touches. It will be beautiful when it is done. The reason for the rezoning is to remove the burden from a potential lessee to get a SUP to operate as an office. I wanted to take that out of the equation by doing this myself. I am happy to answer any questions.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Way said that he liked the proffer regarding keeping the building to the street. That is the right initiative for street design practice.

Commissioner Finks said that the proffers make sense for the property. It makes sense for that neighborhood to see the property transition from M-1 to B-1.

Commissioner Whitten moved to approve the rezoning request, as submitted.

Commissioner Finks seconded the motion.

All members voted in favor of recommending approval (7-0) of the rezoning request, as presented. The recommendation will move forward to City Council on January 14, 2020.
