



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Ande Banks, Interim City Manager  
From: Adam Fletcher, Director - Department of Community Development and Harrisonburg Planning Commission  
Date: June 14, 2022 (Regular Meeting)  
Re: Rezoning – 1064 South High Street (M-1 to B-2C)

### **Summary:**

Public hearing to consider a request from Nikolay and Augusta Bondaruk to rezone a +/- 19,211 square foot parcel from M-1, General Industrial District to B-2C, General Business District. The site is addressed as 1064 South High Street and is identified as tax map parcels 19-D-17.

Staff and Planning Commission (7-0) recommended approval of the rezoning request.

### **Background:**

The Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

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

**Site:** Automotive repair and vacant space, zoned M-1

**North:** Blue Ridge Engraving, zoned M-1

**East:** Rockingham Cooperative, zoned M-1

**South:** CVS Pharmacy, zoned B-2C

**West:** Across South High Street, commercial uses, zoned B-2, B-2C, and residential use, zoned M-1

### **Key Issues:**

The applicant is requesting to rezone a +/- 19,211 square foot parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The property is located at the northeast corner of the intersections of South High Street (Route 42) and South Avenue. The property has one building in which an automotive repair business operates in the lower level of the building. The upper level of the building is currently vacant. If this request is approved, the applicant plans to continue leasing the lower level of the building for automotive repair and plans to lease the upper level of the building to another

unknown tenant. The applicant believes that rezoning to B-2C would make the space marketable to more potential tenants and uses that want to locate in this area.

Staff has discussed with the applicant that while automotive repair is allowed in both the M-1 and B-2 zoning districts, a rezoning from M-1 to B-2 could impact the automotive repair business' operations. The M-1 district states the following by right ability within Section 10-3-96 (19):

“Vehicles, recreation equipment, trailers, over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment repair or storage served by a permanent building facility unless already incidental to an existing building. Any outside storage or repair shall be located within a designated area and screened.”

The B-2 district, while allowing automotive repair by right, does so differently and states within Section 10-3-90 (7):

“Repair of vehicles, recreation equipment, or trailers with all activities and storage of inoperable vehicles completely enclosed within a permitted structure. Vehicle excludes over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment.”

In other words, in the M-1 district, operators can repair and store vehicles outside of a building within a screened area. In the B-2 district though, all activities must be completely enclosed within a permitted structure. Therefore, if the current operation performs outside repair and storage, then if the property is rezoned to B-2, all activities must take place inside of a building. Additionally, the following types of vehicles/equipment can be repaired and stored on a property zoned M-1 but cannot be repaired or stored on a property zoned B-2 without a special use permit approved by City Council: over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment. The applicant did not believe this would cause issues for their automotive repair tenant.

Currently, there are no parking spaces delineated on the property and the property is in violation of off-street parking requirements. The 2001 engineered comprehensive site plan showed that a total of 13 off-street parking spaces were required. Whether the request to rezone is approved or not, the applicant is aware that they are required to delineate required off-street parking spaces and will work with staff on plans to address this. Additionally, the applicant is aware that any change of use(s) on the property will be evaluated to ensure that off-street parking requirements are met for the new uses.

Staff expressed concern to the applicant that rezoning the property to B-2 could allow future uses by right, that could generate a significant amount of vehicular traffic that could negatively affect the safety of adjacent public streets. An example of a by right use in B-2 that generates a significant amount of traffic is a fast-food restaurant with a drive through. To address staff's concern, the applicant has proffered the following (written verbatim):

All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at its cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may,

in its sole discretion, waive completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The intention is that it allows the property owner some flexibility to put uses in here that could generate more than 100 vehicle trips while at the same time protecting the City, the public infrastructure and the safety of the travelling public in the streets by requiring that the property owner install or construct or do whatever is identified within that TIA that would be in the future approved by the Department of Public Works. The final sentence gives Public Works the discretion that if there is some circumstance where it is either not ready or the mitigation does not need to be installed for whatever reason, they could waive that requirement. We felt that this protected the City while granting the applicant or property owner a little bit of flexibility. It also retains the ability to come back and rezone the property again if they wanted to remove or amend the proffer.

The Comprehensive Plan's Land Use Guide designation for this stretch of the South High Street corridor is Limited Commercial on the northwest side and Commercial on the southeast side. The subject property is designated as Commercial, which typically means a rezoning to B-2 would be more conforming with the City's long-term goals, rather than having properties used for industrial purposes. This area of South High Street between Hillandale Avenue to Sunrise Avenue has also had a number of requests approved for properties to be rezoned to B-2 and B-2C during the last 17 years as illustrated in Exhibit A.

Staff believes the requested rezoning is consistent with the Comprehensive Plan and the proffer addresses potential concerns with future redevelopment of the site. Staff recommends approval of the rezoning request as submitted.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning request; or
- (b) Deny the rezoning request.

**Community Engagement:**

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

***Rezoning – 1064 South High Street (M-1 to B-2)***

Public hearing to consider a request from Nikolay Augusta Bondaruk to rezone a +/- 14,232 square foot parcel from M-1, General Industrial District to B-2, General Business District. The Zoning Ordinance

states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. The B-2, General Business District is intended to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, miscellaneous recreational, and service activities. The Comprehensive Plan designates this site as Commercial. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. The site is addressed as 1064 South High Street and is identified as tax map parcels 19-D-17.

In addition, adjoining property owners were notified of the public hearing; the property was posted with signage advertising the request; and a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends alternative (a) approval of the rezoning request.

**Attachments:**

1. Extract from Planning Commission
2. Site maps
3. Updated Application and supporting documents
4. Exhibit A

**Review:**

Between the date the Planning Commission agenda was published and the Planning Commission public hearing, the applicant modified their proffer statement. The original proffer statement appears in the Extract from Planning Commission.

Planning Commission (7-0) recommended approval of the rezoning request.