



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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May 6, 2024

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from David L. Snyder to rezone tax map parcel 34-C-2 (415 North Liberty Street)*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: April 10, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is proposing to rezone a +/- 5,758 square foot parcel from M-1, General Industrial District to B-1C, Central Business District Conditional. The property is addressed as 415 North Liberty Street and is identified as tax map parcel 34-C-2. (Note: There is an adjacent parcel that shares the same address that is identified as tax map parcel 34-C-1. After the rezoning process for 34-C-2 has concluded, the parcel's address will be changed.) If the rezoning request is approved, the applicant plans to construct a mixed use building on the site to include ground floor retail or restaurant, and four one- or two-bedroom apartments above the first floor.

Proffers

The applicant has offered the following proffers (written verbatim):

1. Drive-through facilities are prohibited.
2. No parking lot (including travel lanes and drive aisles) shall be located between any building and North Liberty Street.
3. Vehicle fuel stations are prohibited.
4. Repair of vehicles, recreation equipment, or trailers are prohibited.
5. Refuse containers or refuse storage facilities shall not be located any closer to the public street than the front façade of the building closest to the public street.
6. 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 their 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, in whole or in part,

completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.

The conceptual site layout is not proffered.

While vehicle fuel stations and repair of vehicles, recreation equipment, or trailers are all uses only allowed in the B-1 district with approval of a special use permit, proffers #3 and 4 would prohibit the ability to request special use permits for these particular uses. Also, while the applicant intends to provide a mixed use building with non-residential uses on the first floor and residential units on the floor above, such an arrangement is not guaranteed. The property owner could construct a building with only residential units or provide only commercial uses.

Land Use

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed-Use category 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 Mixed Use area is a designation that promotes for “live-work” environments and traditional neighborhood development (TND). The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. Proffers #1 and #2 promote pedestrian friendly design by prohibiting drive-throughs and restricting vehicle parking areas from being located between buildings and the public street. Note that the B-1 district has no off-street parking requirements.

The Harrisonburg Downtown 2040 Plan also includes this property within the study area and includes the following recommended action items:

15. Build the market by attracting more residents and more visitors

The Downtown 2040 Plan identifies three areas for potential residential development, one of which is an area labeled in a map on page 59 as “North Downtown.” The North Downtown area includes properties with frontage along North Liberty Street between West Gay Street and West Wolfe Street. While the subject property is outside of the North Downtown area, the property is about 200-feet north of West Gay Street—essentially an extension of the area and adding to the positive development energy and revitalization that is occurring in this area.

Transportation and Traffic

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

Public Water and Sanitary Sewer

Staff has no concerns with the requested rezoning regarding water and sewer matters.

Housing Study

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

Public Schools

The student generation attributed to the proposed four residential units is estimated to be one student. Based on the School Board’s current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7th elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

Recommendation

Given the Comprehensive Plan’s Land Use Guide designation for this property and the submitted proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

Chair Finnegan said my only question was about that alley that runs alongside this one, that would remain open? It is not maintained by the City but it needs to remain a throughway.

Ms. Dang said right, because the adjacent property owners are using that alley.

Vice Mayor Dent said it looks like there is also an alley behind all of these buildings, if that is a throughway too.

Ms. Dang said that is correct. There is a public alley in the rear of the lot. There is a public street along the frontage and then an alley that goes between North Liberty Street to Collicello Street along the side and there is also an alley that goes in the rear.

Chair Finnegan said is the alley in the rear terminate a couple of parcels in?

Vice Mayor Dent said it looks like there is another alley that it adjoins to.

Ms. Dang said the alley does not go all the way through to West Market Street but it is on paper going all the way through up to the north there. Whether it is accessible or not, I cannot recall if there is vegetation or something out there, that can be driven through.

Chair Finnegan said it connects into a T intersection with that other alley.

Ms. Dang said I believe that it is right.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

David Snyder and Mike Martin, applicant and applicant's representative, came forward to speak to this request. Mr. Martin said I will say I assume I will be getting a bill from Mr. Rhea for all of the work that he did on our proposal as well, stating the case very eloquently.

Mr. Snyder said we also do not want parking for our four apartments. I think it fits in really well down there. The reason we want to get from M-1 to B-1 is for a bigger building footprint and no parking. Chair Finnegan said where do you expect the residents of that building would park or if there is going to be commercial on the bottom, where would those...

Mr. Snyder said there is street parking as well.

Mr. Martin said we had conversations with staff and we kind of addressed this with Erin Fisher a little bit too. To be honest, it is going to open up a big can of worms if we do have parking because Erin had an issue with ingress and egress out of the alley. It is actually a lot better to not have parking just in terms of how the Fire Department views that alley access and how Erin Fisher views cars going in and out of there in relation to what the City would want. There is parking at the Rockingham County administrative offices, and I know quite a few people park there to go to the Chop House and whatnot, and it is literally another block away to get here. There is a lot of on street parking on North Liberty and then North Main Street over there is the parking deck right near the Friendly City Co-Op. I think for four one-bedroom apartments and being very walkable, I do not believe that parking will be an issue there. In terms of the retail on the bottom, we are not 100 percent sure yet but again the mercantile, complete retail. Sage Bird draws a lot of people. Magpie, if you go by there, I use to run by there on Sunday mornings there are probably 30 people waiting for it to open up and they are able to get there. I do not think that will be a problem as long as we do a good job getting a business that people want to come to and residence that people want to live in.

Chair Finnegan said the Bird neighborhood is kind of up right up against the industrial [zone]. You have George's just up the hill. You have a feed mill across the street. Do you have any concerns about putting residential there? I know there are some residences along there already that were probably there predating when George's was built. I did not know if that is a concern for you.

Mr. Snyder said they just built five residences there.

Mr. Martin said where Sage Bird is and at the Chop House. Most of the stuff coming out of that feed mill then goes on up north to all the other poultry places out there, just from what I have seen in all the time I am down there. I do not really see much coming out and going left. All of those trucks and everything tend to just come load up or drop off and just pull right up and go right all the way out through. Right meaning north.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request.

Kristen Moore, owner of Magpie, the Perch, Liberty Street Mercantile, and the Loft at Liberty Street, came forward to speak to this request. She said we are a very busy restaurant, serving between 200 and 450 people a day. An additional coworking space, a retail center with 12 shops and an event space that can hold 300 people on the corner of Liberty and Gay Street right next to this parcel. Let me start off by saying that I am all in favor of anything that creates positive proximity in our corner of town. I am not speaking out against this project trying to squash it, quite the opposite, I very much welcome this, but I am here to challenge the no proffered parking. I am proud that Magpie has encouraged people to walk further from their parked cars to a destination than almost anything else in town. Parking on all of the surrounding streets and lots within several blocks is already at a premium. Mr. Martin was incorrect in that the trucks do go south and not north when they come out of there, so it is a congested highly complicated area with some of the jankiest street intersections I have ever seen. I also 100 percent support the idea that cities should be walkable and bikeable and I appreciate the Elizabeth Street proposal as well but to me, and likely most others in the City, that means I have the choice to walk or bike safely to a destination. It does not mean that I do not own a car and I think that is something that we are forgetting when we talk about these developments without parking for residents. We are also...I know the Keezell building has been a good example but they are very close to a parking deck and we are at an end of town where there is not anything really great and adjacent to us. Without proffered parking for those apartments, and with the potential for having two residents per apartment, that is about 8 cars per person plus the commercial space and the patrons of whoever is on the first floor, employees, etcetera. They will need to find a place to park and there just is not any. If the Planning Commission wants to lean away from requiring developers to proffer parking and continue to create safe bike and walkways around town, it also has to get very serious about the parking situation that is available. Flex parking, finding ways to...the County Administration Office is a great example of that. It has 300 spaces that are never all in use. Taking three of those rows along Gay Street will give us 100 public parking spaces and also be a great connector to the northeast neighborhood for that traffic. Getting serious about fixing the parking decks and using their vertical space. Finding long term parking solutions for residents who do choose to park their car for longer than 4 to 10 hours so they are able to bike and walk like the gentleman that spoke earlier around

downtown as a means of regular transportation. I just wanted to voice my concern for that I think our end of town is unique in that it was not set up for what it is now and it is getting tricky in the addition of something without parking proffered is tricky. We have 12 spots behind the Mercantile, there are 8 spots on the street that are always full and overflowing. People have made their own spots right there next to this property. There are 18 spots in front of Magpie between that and Sage Bird and there are 22 spots in our Magpie lot. That is to service all of those things plus employees, of which I have 62. Again, I support this project but just wanted to raise my concern about the no proffered parking.

said I just wanted to briefly note that a lot of what the previous speaker was saying is true with respect to how we use parking, particularly at the north end of Downtown and how that is allocated and how it can be used. I do want to also note though when we are talking about alternative transportation options, which should be the main transportation options in Downtown Harrisonburg, there is a large degree to which a lot of times in order to make those options more viable you also have to make it a little bit more inconvenient to be driving places. There is also a reason why in that corridor that the owner of Magpie put up more bike parking there and uses the space up front as quite a lot more space for outdoor dining area. There is a reason why last night City Council approved rezoning for using part of the parking lot at Sage Bird for a food truck, formalizing the situation that was already there. Everyone recognizes that to one degree or another that space that is currently being used for parking often times has better uses. A lot of folks, particularly in this corridor as the previous speaker suggested, are now walking and biking to that area. Every time I go to Sage Bird and every time I go to Magpie, I am walking because it is not convenient to drive there and that is not always a bad thing. Thank you.

Barry Kelley, Hillcrest Drive, Harrisonburg, said we have a property right behind that property, it is in a residential neighborhood on Collicello Street. I support the idea of building infill, and those types of things, and I do not want to get into the parking situation. I am more concerned for that Collicello Street neighborhood is a very well-established neighborhood is going to abutting a business area where a lot more night activity will be taking place. My concern I particularly I am a big fan of alleys but in this particular case where B-1 would abut a residential neighborhood and you have late night activity. You have people going up and down alleys, it can create a situation. I have seen it in other cities where you have bars and night life that mix into a residential neighborhood and where you have alleys they tend to create opportunities of mischief, that is my concern. I would be 100 percent in support of it if we had a way to address that drive through. I know they were saying “well we are not allow drive through” but unless you put up a barricade, you are going to have people going through. That is the only concern I have with this, how it affects the Collicello neighborhood and how that alley creates that opportunity.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan continued saying I would note that I personally have lived at three different locations in Downtown Harrisonburg in my tenure in Harrisonburg and none of those three had parking. I think there will be conflict. I agree. I live just on the other side of [Route] 42 and walk to the Mercantile and I do think there will be conflict. Whether this gets approved or not, the way the things are going with the Downtown 2040 plan, I think we are going to see more conflicts like

this. I think we are going to see more conflicts like this and we are going to have to get to a point where we as a City say parking has value, a nine by eighteen foot space piece of land is worth more than five dollars, which is what the residential zone permitting cost, that does not even cover the cost of processing the permit. I think it is going to come up now, it is going to come up next month, and a year from now. As we continue to increase density, I think we are going to see this conflict between land, is land downtown and other walkable spaces, is it for people or is it for automobiles and what are we prioritizing.

Vice Chair Byrd said considering that it is an empty lot right now I always feel like unless it is going to be a park, a building should be there at some point. I would be in favor of that for that purpose. Remembering that it was mentioned earlier about the parking issue, as a person who lives literally on the edge of the City, I always have to drive downtown somewhere and then park somewhere and then enjoy the amenities downtown. I am one of those people who do park in the County spots. Whether I am supposed to or not I am still unsure about. Especially when I want to take advantage of the businesses at this corner. Hearing what people were saying about that corner, if someone was able to live there, their only concern is when they have to move outside of that, they are there. Parking for them should not be an issue. I also have friends that have moved to places where it is hard to park and they are going “well I have all of these other ways to get around, I got rid of my car.” Then I have gone to visit them, and they were like “you need to park three blocks that way and come and visit me.” I went “if I ever moved here, I would sell my car as well. I understand the concept.” People have found ways to survive and live and prosper in an area. Providing every option I do not see as necessary, especially if someone is considering building a residence at a location. If they are considering a major commercial entity there I always feel like parking is commercial businesses concern not the City’s concern. If they want more customers that they feel come there by driving, then they will find a way to make sure more parking is built somewhere. I would be in favor of it because of those views.

Vice Mayor Dent said in another sort of tangential reminiscence for me, I lived in San Francisco for five years after college without a car and never missed it. Would occasionally rent a car to go to the Wine Country. Now and then people would visit and spend the first fifteen minutes complaining about how hard it was to find parking because I lived on the top of Russian Hill with the cable cars. Now I think why did you bring a car here then? Another more pertinent, to here, comment is this is exactly where the shared used bike bath is going to be.

Chair Finnegan said it would be on Liberty [Street] not on Noll [Drive].

Vice Mayor Dent said on Liberty right here up to Noll. The shared use path goes on Liberty to Noll and from Noll down to the triangle.

Chair Finnegan said the shared use path will not be here.

Mr. Fletcher said it is not on this section of Liberty.

Chair Finnegan said it would be the next block down. Like in front of the City Exchange building.

Vice Mayor Dent said anyway, it is nearby and handy for anyone who wants to use that as their transportation.

Commissioner Washington said in the past I have asked for creativity. A lot of our applicants and applications for housing have been boring and very just not imaginative. No parking for this application and the previous is the most creative I have seen since I have been here, A plus for that. It is also kind of sad to say to say that no parking is creative especially in a downtown area where people want to live, work and play. I think this looks good for this particular parcel amongst the City. I know there were some concerns about parking from a public comment but it seems to me if this applicant is willing to work towards a more pedestrian bike friendly community, I think that fits in with the vision of the City and what we want to promote versus car centric spaces. I think if that is the type of housing that we want to promote folks in the City should be able to promote that as well.

Chair Finnegan said I will also say I live about two blocks away from Collicello Street and I did ask a couple of members of City staff to help me identify how many on street parking spaces there are in that single family neighborhood around Waterman Elementary and they did a block-by-block analysis. My question when we did the CIP was of the 2.4 million [dollars] or something like that per year to repave, what percent of that 2.4 million goes to personal property storage on the public street. To my point earlier about the renter's tax, I agree with Mr. Kelley I do think this will potentially cause conflicts with the neighbors on Collicello who are used to parking in front of their house. The question in my mind becomes who property is that? Is that public street property belongs to that house that it is closest to or is that public street? Is it for the private property storage of the residents of that street or is it for anyone to use? I think these are the questions that we are going to be getting more and more of as we get applications like the one that we saw on Elizabeth Street. When people ask where are people going to park, they are going to park where they are allowed to park. If we expand the on street residential parking permit program, I really hope that we right price it so that we are not charging five dollars one time. I do not think you can find a slice of real estate eighteen feet by six feet or whatever the on-street parking is for five dollars anywhere. It has more value than that and we are currently privileging people that live in single family neighborhoods with City provided on street parking. That at the core is an inequity [unintelligible]. I would support this request.

Commissioner Washington said as we talk about equity, I really hope to see that without parking things become less expensive because I would hope that while these places are going to be great locations, hopefully with cheaper cost to build that also means that a whole wide variety of folks who do not have cars can live here. I am kind of skeptical because it is cute now, it is a trend to want to bike places which is great, but hopefully spaces like this can attract more than the targeted audience.

Vice Chair Byrd said I would like to make a motion to approve the rezoning request.

Vice Mayor Dent seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Baugh	Aye
Vice Chair Byrd	Aye
Vice Mayor Dent	Aye
Commissioner Washington	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (5-0). The recommendation will move forward to City Council on May 14, 2024.