



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

August 30, 2017

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from Benjamin Ray Landes to rezone one parcel zoned M-1, General Industrial District to B-2C, General Business District Conditional. The 1.18 +/- acre property is located at 1164 South High Street and is identified as tax map parcel 20-A-5.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: August 9, 2017

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.

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

- Site: Non-conforming professional office building, zoned M-1
- North: Wholesale plumbing supply business, zoned M-1
- East: Across C&W Railroad, duplex dwellings, zoned R-2 and electrical contractor business, zoned M-1
- South: Personal service establishment, zoned B-2C and single-family dwelling, zoned R-2
- West: Across South High Street, automotive repair business, zoned M-1

The applicant is requesting to rezone a 1.18 +/- acre parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The subject property is located along the eastern side of South High Street, midway between its intersections with South Avenue and Pear Street. The acreage is partially developed with a non-conforming professional office building and associated parking, while the remainder of the property is vacant.

The Comprehensive Plan Land Use Guide designation for this stretch of the South High Street corridor is Commercial—meaning a rezoning to B-2 would be more conforming with the City's long term goals, rather than having properties used for industrial purposes. Currently, there are a variety of different zoning classifications in the immediate area. The subject property is directly adjacent to a single-family residence zoned R-2, a personal service establishment zoned B-2C, and a plumbing contractor wholesale store zoned M-1. Across South High Street is a small retail shopping center zoned B-2C and other M-1 zoned properties, some containing non-conforming residential uses.

The property came to staff's attention when a new tenant at 1164 South High Street came into the Department of Planning and Community Development with questions regarding signage. The new tenant use was a "spa," which is considered a personal service establishment under current zoning regulations. The M-1, zoning designation does not allow for personal service establishments. After discussing the

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situation with staff, the property owners decided to request a rezoning to B-2 to bring the property into compliance with zoning regulations and to open the possibility of other uses.

This block of South High Street has had several conditional rezoning requests to B-2C approved in the last 12 years. 1178 and 1171 South High Street were rezoned in July and November 2005, respectively. Most recently, in February 2010, 1118 South High Street was rezoned to B-2C to allow for a CVS store.

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

In connection with the rezoning request for property located at 1164 South High Street (TM 20 A 5) the following permitted uses are hereby proffered:

- (1) 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.
- (2) Governmental, business and professional offices and financial institutions.
- (3) Hotels, motels and similar types of transient accommodations. Nontransient housing facilities are not permitted nor may existing housing facilities be expanded.
- (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 or benevolent institutional uses which do not provide housing facilities.
- (6) 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.
- (7) Pet shop or pet grooming establishment and animal hospitals.
- (8) Radio and television stations and studios or recording studios.
- (9) 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.
- (10) Warehousing and other storage facilities with floor area limited to twenty thousand (20,000) square feet, which are contiguous to permitted uses in this district.
- (11) Funeral homes.
- (12) Accessory buildings and uses customarily incidental to any of the above listed uses.
- (13) 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.
- (14) Plant nurseries, greenhouses, landscaping businesses, and similar operations provided any outside storage of material, other than plants, must be screened.
- (15) Public uses.

- (16) 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.

Special use permits shall be permitted as approved by City Council.

Uses such as vehicle sales, vehicle repair businesses, stand-alone parking lots, and gas stations have been excluded. All special uses are still allowed as they would require further evaluation and public hearings.

Staff believes the requested rezoning, with the listed proffers, is beneficial and positive for this area. As stated earlier, the 1.18-acre property is only partially developed; therefore, there is opportunity for a second use on the site or redevelopment of the site to occur. The proffers eliminate the more intensive vehicular and parking uses that may not be desirable for this location.

Staff recommends approving the conditional rezoning as requested by the applicant.

Vice Chair Fitzgerald asked if there were any questions for staff. Hearing none, she opened the public hearing and asked if anyone would like to speak regarding this request. Hearing none, she closed the public hearing and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Colman said the proposed rezoning is consistent with the 2011 Land Use Guide and as much as we are working on the revision of the future land use for the Comprehensive Plan update, this request still agrees with what we are looking at. I think it is consistent, so I move to approve the rezoning at 1164 South High Street (M-1 to B-2C) as presented by staff.

Mrs. Whitten seconded the motion

Vice Chair Fitzgerald asked if there was any other discussion. Hearing none, she called for a voice vote on the motion.

All voted in favor (6-0) to approve the rezoning at 1164 South High Street (M-1 to B-2C) as presented by staff.

Vice Chair Fitzgerald said this will go forward to City Council on September 12, 2017.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner