



City of Harrisonburg, Virginia
Department of Planning & Community Development

409 South Main Street
Harrisonburg, Virginia 22801
(540) 432-7700 / FAX (540) 432-7777
www.harrisonburgva.gov/community-development

Building Inspections
Engineering
Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission
Date: September 11, 2018
Re: Rezoning – 245 East Water Street (B-1C, proffer amendment)

Summary:

Public hearing to consider a request from TSU Holdings LLC with representative Steven Ugrlavitch to rezone a 2,376 +/- square foot parcel zoned B-1C, Central Business District Conditional by amending the existing regulating proffers. The property is located at 245 East Water Street and is identified as tax map parcel 26-E-6A.

Background:

In May 2016, the property at 245 East Water Street was rezoned from B-2, General Business District to B-1C, Central Business District Conditional. The one proffer with the rezoning was as follows:

- “[T]wo parking spaces shall be provided on site if the subject property (245 East Water Street) is used for commercial/business purposes, and if used residentially, one parking space per tenant will be provided on site.”

Staff supported the conditional rezoning request, noting that the submitted proffer helped to resolve concerns regarding increasing demands on the limited amount of public parking spaces in downtown when properties rezone to B-1. The Zoning Ordinance does not require properties zoned B-1 to provide off-street parking. Both Planning Commission and City Council unanimously approved the rezoning request to B-1C.

The Comprehensive Plan designates this area as Mixed Use Development. 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 following land uses are located on and adjacent to the property:

- Site: Urgie’s Cheesesteaks, zoned B-1C
North: Across East Water Street, Urban Exchange mixed use building, zoned B-1
East: Office building, zoned B-2
South: Parking lot for adjacent office building, zoned B-2
West: Parking lot for adjacent office building, zoned B-2

Key Issues:

The applicant desires to rezone the property at 245 East Water Street by removing the current proffer. The parcel is located along the southern side of East Water Street, midway between South Mason Street and

Ott Street. The subject area was rezoned in May 2016 to B-1C, Central Business District Conditional and a subdivision creating the 2,376+/- square foot parcel was approved in December 2016. Currently, the site is improved with a 1,140 +/-square foot, two-story building and a 20-ft. by 27-ft. parking area.

The applicant has operated Urgie's Cheesesteaks LLC from the site since January 2018, and describe the use as "a one-of-a-kind, pedestrian friendly, downtown-Harrisonburg eatery, reminiscent of the famous, Philadelphia Cheesesteak take-out restaurants..." The ultimate goal of the applicant is to upgrade and enlarge the existing building and provide indoor and outdoor components, which would include restaurant counter service and seating offered outdoors, and table service/seating offered indoors. Table service will also be available for outside depending on the volume of customers.

As previously noted, the property was rezoned in 2016 to B-1C with a condition that "two parking spaces shall be provided on site if the subject property (245 East Water Street) is used for commercial/business purposes, and if used residentially, one parking space per tenant will be provided on site." Therefore, since the property is presently being used as a commercial restaurant, the property owners are required to provide two parking spaces on the site. Currently, the existing 20-ft. by 27-ft. parking area, is being utilized to meet the parking requirement for the restaurant.

The applicants have expressed that using this area for parking creates a dangerous situation for customers and for traffic traveling on East Water Street. Customers must back out into a busy traffic lane that has on street parking. Additionally, the close physical proximity of the structure to the street and location of the neighboring electrical box makes it difficult for oncoming traffic and for the driver of the vehicle backing out of the parking spaces to see each other. The applicant would like to close off the parking area entirely to vehicular traffic and use it for outdoor seating. The applicant has proffered the following:

- "I(We) hereby proffer to install new curb, gutter, and sidewalk across the frontage of the existing parking lot at 245 East Water Street, to match and tie-in with the existing curb, gutter and sidewalk along the remaining frontage of the property. Such improvements shall be completed within twelve months of rezoning approval."

As stated in their submitted letter, the applicant has reached out to Wharton, Aldhizer, and Weaver Law Offices, the adjacent property to the south and west, regarding parking and they have an informal parking arrangement; however, this is not a recorded shared parking agreement and could be removed at any time.

The existing structure on the subject property encroaches into the East Water Street right-of-way by 0.8 feet (10 +/- inches) and this encroachment creates a sight distance issue when attempting to back out of the property. The existing parking is non-conforming and any new parking area created on the site must meet the requirements of Section 10-3-25 (5) of the Zoning Ordinance, which does not allow on-site parking to depend on the public right-of-way in order to maneuver into or out of parking spaces; therefore, backing out onto East Water Street would not be allowed with any new parking arrangement.

During the 2016 rezoning of this parcel, staff emphasized that since 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. However, the City does not want to place citizens or businesses in unsafe situations when maneuvering in and out of parking areas.

Given the size of this parcel and the location of the existing building on the site, creating a new parking area without redeveloping the entire site would be a challenge. On-street parking is available along East Water Street and Newman Avenue near the subject property. Staff has suggested to the applicant to continue working with neighboring property owners in an attempt to establish a shared parking agreement

as per Section 10-3-26 of the Zoning Ordinance. Staff recommends approval of the conditional rezoning as requested.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the conditional rezoning, as requested.
- (b) Deny the conditional rezoning.

Community Engagement:

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

Rezoning – 245 East Water Street (Proffer Removal, B-1C to B-1)

Public hearing to consider a request from TSU Holdings LLC with representative Steven Urglavitch to rezone a 2,376 +/- square foot parcel zoned B-1C, Central Business District Conditional to B-1, Central Business District by removing all existing regulating proffers. The Zoning Ordinance states that the B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District. The Comprehensive Plan designates this area as Mixed Use Development Areas. 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 property is located at 245 East Water Street and is identified as tax map parcel 26-E-6A.

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) to approve the conditional rezoning as requested.

Attachments:

1. Site maps (2 pages)
2. Application, applicant letter, and supporting documents (11 pages)
3. Proposed site development layout (1 pages)
4. Adjacent property owner letters (6 pages)

Review:

Planning Commission recommended (6-0) alternative (a) to approve the conditional rezoning, as requested.