



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 20-150

File ID: ID 20-150

Type: PH-Rezoning

Status: Draft

Version: 2

**Agenda
Section:**

In Control: City Council

File Created: 05/30/2020

Subject:

Final Action:

Title: Consider a request from Robert D. and Gretchen M. Maust and representative Matchbox Realty to rezone 151 West Wolfe Street.

Internal Notes:

Sponsors:

Enactment Date:

Attachments: CC Memorandum RZ & SUP (151 West Wolfe St), CC Site maps, CC Applications, applicant letter, and supporting documents, CC Conceptual Site Layout for 151 West Wolfe Street Parking Lot, CC Excerpt from Site Plan for Renovation at 136 W Elizabeth St, PC Memorandum, PC Site maps, PC Applications, applicant letter, and supporting documents, PC Conceptual Site Layout for 151 West Wolfe Street Parking Lot, PC Excerpt from Site Plan for Renovation at 136 W Elizabeth St

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

Related Files:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
2	Planning Commission	06/10/2020	recommended for approval	City Council	07/14/2020		Pass
Action Text: A motion was made by Finks, seconded by Whitten, that this PH-Rezoning be recommended for approval to the City Council, due back by 7/14/2020. The motion carried by a voice vote.							
Notes: Chair Colman said the Virginia State and Local Government Conflict of Interests Act requires that I make disclosure, to be recorded in the City records, in any matter in which I choose not to participate. Therefore, I make the following disclosure I choose not to participate on this matter due to my professional involvement with the project. Chair Colman then logged off the meeting.							

Vice Chair Finnegan said that the next two items would be considered together. He read

the request and asked staff to review.

Ms. Dang 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: Illegal parking lot, zoned R-3

North: Across West Wolfe Street, single-family detached and multiple-family dwellings, zoned R-3

East: Building under renovations for office use, zoned B-1C

South: Office building and parking lot, zoned B-1 and B-1C

West: Single-family detached dwellings, zoned R-3

The applicant is requesting to rezone a +/- 9,685 sq. ft. parcel from R-3, Medium Density Residential District to B-1C, Central Business District Conditional while also seeking a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. The parcel is located downtown at 151 West Wolfe Street between South Liberty Street and South High Street. Currently, there is an illegally established parking lot with about eight parking spaces.

If the requests are approved, the applicant plans to legally establish and construct a parking lot to be used as additional parking for new offices within the existing building at 136 West

Elizabeth Street, which is adjacent to the subject property. The applicant has described that the building at 136 West Elizabeth Street will be used by Sentara RMH for counseling and behavioral health services.

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

- “1. The applicant would retain all uses permitted by right except for convenience shops, drive-through banks, fast food restaurants, shops that primarily serve coffee, donuts, bread or bagels, and marijuana dispensaries;
2. There shall be no less than 10 parking spaces located on the property; and
3. Should the lot be redeveloped in the future, no parking lot (including travel lanes and drive aisles) shall be located between W. Wolfe Street and the closest building to W. Wolfe Street.

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

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. Had the applicant wanted to allow the uses that they excluded in the submitted proffers, 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 instead chose to proffer the exclusion of these uses from the list of permitted uses.

Regarding proffer #2, while the applicant intends for this parcel to be used as on-site parking for the office building at 136 West Elizabeth Street, it is important to acknowledge that this site could redevelop into a different use in the future. Since there are no minimum off-street parking requirements in the B-1 district, the parking spaces could be eliminated, which could push the responsibility of the parking demand onto adjacent properties or for the City to accommodate the demand. The applicant understood staff’s concern and has

proffered a minimum of ten on-site parking spaces to ensure that any future development of this property will have on-site parking available.

If rezoned to B-1, the site could redevelop with new buildings placed away from the public street to allow parking and travelways between any buildings and the public street. Proffer #3 is intended to promote pedestrian friendly design by not allowing parking lots between buildings and public streets, which creates barriers for people wanting to walk to uses/buildings. By placing buildings 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.

As described above, along with the rezoning request, the applicant is also applying for a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. While parking lots are allowed in the B-1 district, they are only allowed as accessory to a principal use. For the foreseeable future, the applicant believes the subject parcel will not be used for anything except as parking for adjacent uses, thus approval of the special use permit is required.

Attached is a conceptual site layout for the subject property, as well as an excerpt of the engineered comprehensive site plan currently in review for 136 and 152 West Elizabeth Street and the subject parcel. Off-street parking and landscaping requirements, among other details, are being reviewed through the engineered comprehensive site plan process to ensure that all regulations are met. (Note that the owner of 136 and 152 West Elizabeth Street are different from the owner of the subject property.)

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.

Additionally, staff believes that the proposed parking lot is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area, and would therefore recommend approval of the SUP as submitted.

Vice Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to call and speak to the rezoning and SUP requests.

Michael Jaffee, 631 Ott Street, Matchbox Realty, called in support of the request. I look forward to continuing the development of 136 West Elizabeth Street. The rezoning is meant to bring the lot into a conforming use and provide additional on-site parking for the new project. We are happy to do it and look forward to completing the project. The project will

bring mental health facilities to the downtown community. These offices are being relocated from University Boulevard and this location will bring them closer to public transit and other options.

Vice Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there were any other callers. There were no more callers.

Vice Chair Finnegan closed the public hearing and opened the matter for discussion.

Commissioner Finks said that the rezoning and SUP make sense. They fall within the Comprehensive Plan. He moved to recommend approval of the rezoning request, as presented.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval of the rezoning request, as presented (6-0). The recommendation will move forward to City Council on July 14, 2020.

Vice-Chair Finnegan said that he usually does not want more parking lots, especially when it uses space that could be residential. There are three parking lots in this area. As staff mentioned, the parking that this will be used for, mental health services, is positive. In addition, it is not running parallel to the street. It is narrow running away from the street.

Commissioner Finks asked when was the last time that the property was used for residential purposes.

Ms. Dang said that she does not know, but probably never.

Commissioner Finks moved to recommend approval of the SUP, as presented.

Commissioner Ford-Byrd seconded the motion.

All members voted in favor of recommending approval of the SUP, as presented (6-0). The recommendation will move forward to City Council on July 14, 2020.

Upon conclusion of this item, Chair Colman logged back on to the meeting.
