



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission
From: Department of Community Development
Date: April 14, 2021 (Regular Meeting)
Re: Rezoning (B-2 to R-5C) and Special Use Permit (Section 10-3-55.4 (4) to Allow Retail Stores, Convenience Shops, Personal Service Establishments, and Business and Professional Offices) – 907 North Main Street

Summary:

Public hearings to consider two requests from Farhad Koyee, Bahar Mikael, and Akarr Koyee:

- To rezone a parcel from the B-2, General Business District to the R-5C, High Density Residential District Conditional, and
- For a special use permit to allow retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices in the R-5, High Density Residential District per Section 10-3-55.4 (4).

The +/- 17,206 square foot parcel is addressed as 907 North Main Street and is identified as tax map parcel 41-C-43.

Background:

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: Vacant parcel, zoned B-2

North: Parcel containing mixed use building of commercial space and three nonconforming multi-family dwellings, zoned B-2 and B-2C

East: Across North Main Street, vacant parcel and convenience store, zoned B-2

South: Across Ashby Avenue, residential dwelling, zoned B-2C

West: Automotive repair business, zoned B-2 and B-2C

Key Issues:

The applicant is requesting to rezone a +/- 17,206 square foot property from B-2, General Business District to R-5C, High Density Residential District Conditional. Simultaneously, the applicant is requesting a special use permit (SUP) per Section 10-3-55.4(4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices. The property is located on the northwest corner of the intersection of North Main Street with Ashby Avenue. If both requests are approved, the applicant desires to construct a mixed use development containing non-residential and residential uses.

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

1. Dwelling units may be occupied by a single family or no more than three (3) unrelated persons.
2. Townhouse and multi-family dwelling units shall provide 1.5 parking spaces per unit.
3. All traffic generating uses from the site will be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour based on the gross square footage, number of dwellings, or other unit of measure as calculated using the latest edition of the Institute of Transportation Engineers' Trip Generation Manual.

The R-5 district allows by right dwellings to be occupied by a family or not more than four persons. Proffer #1 reduces the allowable occupancy of dwelling units to either a family or not more than three persons. With this proffer, because the minimum off-street parking requirements of Section 10-3-25 (7) allows for reduced parking when occupancy is restricted, the development does not require as much parking as would have been required under the standard R-5 district. Although the applicant could have been allowed the flexibility of providing only one parking space per unit, they have conditioned in proffer #2 that a minimum of 1.5 parking spaces per dwelling unit will be provided. The applicant understands that parking and parking lot landscaping requirements, among other elements, would be reviewed during the engineered comprehensive site plan phase of development to ensure that all regulations are met.

Given that the applicant is uncertain about the details of future nonresidential uses on the site and that the applicant desired to not complete a traffic impact analysis (TIA) at this time, proffer #3 addresses staff's concerns about traffic generation to and from the development. This proffer limits future uses on the site to no more than 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 Engineers' Trip Generation Manual. This is the threshold the City uses to require a traffic impact analysis (TIA) for planned developments

associated with rezonings, special use permits, preliminary plats, and engineered comprehensive site plans. Should the property owner ever desire to put a combination of uses on the site that increases the calculated vehicle trips in the peak hour above 100 vehicle trips, then the property owner must amend or remove proffer #3 through the rezoning process and a TIA may need to be provided at that time.

As noted above, the Comprehensive Plan's Future Land Use Guide designates this property as Mixed Use. The Comprehensive Plan describes that these areas 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. The conceptual site layout for the subject property illustrates one mixed use building massed close to the public street, with off-street parking to the rear of the building and an entrance to the site provided along Ashby Avenue. However, the submitted conceptual site layout is not proffered and the applicant could construct the residential units within one building with a separate non-residential building or could subdivide and create townhome parcels with a separate parcel for a non-residential building. The relatively small size of this parcel, parking requirements, and proffer #3 will dictate the number of residential units and non-residential uses that can ultimately be constructed on the site.

From a design and site layout perspective, staff believes massing buildings closer to the public street with off-street parking relegated behind buildings, as provided in the conceptual layout, promotes a more pedestrian friendly development. By placing building(s) 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. Staff discussed with the applicant the idea of prohibiting parking between any buildings on the site and North Main Street, which could be done with an additional proffer. The applicant states that the relatively small size of the parcel and where the City would allow entrances limits and controls the location of parking for the site and therefore, they do not wish to proffer building or parking locations for the site. It should be acknowledged that this development proposal could change or that additional land could be purchased to increase the size of a development and possibly change the limits or controls described by the applicant.

Currently there is sidewalk along this section of North Main Street in front of the subject property and, if developed, the applicant will be required to construct sidewalk along Ashby Avenue to tie into the existing sidewalk. This will provide pedestrian access for residents and visitors to the development.

The requested rezoning to R-5C and the SUP for retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities), and business and professional offices is supported by the Comprehensive Plan's Mixed Use designation for this area. Additionally, the property is currently zoned B-2 which allows for the uses in the SUP request. Staff believes that the SUP requested 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.

Staff recommends approval of both the rezoning and SUP request.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning and special use permit as submitted;
- (b) Recommend approval of the rezoning and special use permit with conditions;
- (c) Recommend approval of the rezoning and recommend denial of the special use permit;
- (d) Recommend denial of the rezoning request, but if the rezoning is approved by City Council, recommend approval of the special use permit; or,
- (e) Recommend denial of both requests.

Community Engagement:

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

Rezoning – 907 North Main Street (B-2 to R-5C)

Public hearing to consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee to rezone a +/- 17,206 sq. ft. parcel from the B-2, General Business District to the R-5C, High Density Residential District Conditional. The Zoning Ordinance states 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 R-5, High Density Residential District is intended for medium to high density residential development, including townhouses and multiple family dwelling units, together with certain governmental, educational, religious, recreational, and utility uses. The residential density ranges for the R-5 district are multifamily, 1,800 sq. ft. minimum/unit; multifamily quadraplex, 3,000 sq. ft. minimum/unit; and townhouse, 2,000 sq. ft. minimum/unit. The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings. The property is addressed as 907 North Main Street and is identified as tax map parcel 41-C-43.

Special Use Permit – 907 North Main Street (To Allow Retail, Convenience Shops, Personal Service Establishments, Restaurants, and Business and Professional Offices in the R-5 District)

Public hearing to consider a request from Farhad Koyee, Bahar Mikael, and Akarr Koyee for a special use permit per Section 10-3-55.4(4) of the Zoning Ordinance to allow retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices. The +/- 17,206 sq. ft. property is addressed as 907 North Main Street and is identified as tax map parcel 41-C-43.

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 and special use permit as submitted.

Attachments:

1. Site maps
2. Application, applicant letter, and supporting documents
3. Conceptual site development layout

Review:

N/A