



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Kurt Hodgen, City Manager  
Ande Banks, Deputy City Manager  
From: Adam Fletcher – Director of Planning and Community Development and  
Harrisonburg Planning Commission  
Date: September 12, 2017  
Re: Rezoning – 1164 South High Street, M-1 to B-2C

### **Summary:**

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.

### **Background:**

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

### **Key Issues:**

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 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.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the conditional rezoning as requested by the applicant; or
- (b) Deny the conditional rezoning request.

**Community Engagement:**

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

*Rezoning – 1164 South High Street (M-1 to B-2)*

Public hearing to consider a request from Benjamin Ray Landes to rezone one parcel zoned M-1, General Industrial District to B-2, General Business District. The Zoning Ordinance states that the M-1, General Industrial District is intended primarily for manufacturing, processing, storage, and distribution activities, which are not properly associated with, nor compatible with, residential and institutional development. No minimum lot size restrictions exist in the M-1, General Industrial District. 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. No minimum lot size restrictions exist in the B-2, General Business District. 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 1.18 +/- acre property is located at 1164 South High Street and is identified as tax map parcel 20-A-5.

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 by the applicant.

**Attachments**

1. Site maps (2 pages)
2. Application, applicant letter, and supporting documents (9 pages)

**Review:**

Planning Commission recommended approval of the rezoning request at 1164 South High Street from M-1 to B-2C as presented by staff. (6-0 vote, Chair Way was absent)