



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

December 3, 2018

### TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider a request from 1123 South High Street, LLC to rezone a 0.64 +/- acre property from M-1, General Industrial District to B-2C, General Business District Conditional. The property is located at 1123 South High Street and is identified as tax map parcel 20-B-6A.

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: November 14, 2018

Chair Way read the request and asked staff to review.

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: Nonconforming single family dwelling, zoned M-1

North: Nonconforming single family dwelling, zoned M-1

East: Across South High Street, alarm system contractor sales office and plumbing sales showroom and offices, zoned M-1

South: Nonconforming single family dwelling, zoned M-1

West: Single family dwellings, zoned R-1

The applicant is requesting to rezone a 27,878+/- square foot parcel from M-1, General Industrial District to B-2C, General Business District Conditional. The subject property is located along the western side of South High Street, approximately 375 feet south of its intersection with South Avenue. The site currently contains an unoccupied single family dwelling and a 900+/- square foot accessory building. The parcel is approximately 285-feet in depth and the single family structure is situated 50+/- feet from the South High Street right-of-way. If approved, the applicant desires to convert the dwelling into a professional office for his business.

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

In connection with the rezoning request for property located at 1123 South High Street (TM: 20-B-6A) the following permitted uses are hereby proffered:

A. Uses permitted by right.

- (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) Accessory buildings and uses customarily incidental to any of the above listed uses.
- (12) 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.
- (13) Plant nurseries, greenhouses, landscaping businesses, and similar operations provided any outside storage of material, other than plants, must be screened.
- (14) Public uses.
- (15) 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.

B. Uses permitted by special use permit.

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

The more intensive B-2 uses, such as vehicle sales, vehicle repair businesses, and gas stations have been excluded from being able to operate on site. In addition, stand alone parking lots would also not be permitted. All special uses are still included as they would require further evaluation, public hearings, and approval by City Council.

With regard to any future redevelopment of the site, the applicant proffers: (written verbatim)

- When redevelopment of the site triggers an engineered comprehensive site plan, the redeveloped site shall include a minimum 10-foot landscaping buffer with trees or other plants installed and maintained with the intent to form a dense screen. The installed vegetation shall be 6 feet in height at the time of planting, installed at a minimum of 5 feet on center, and located along the

rear of the property where it adjoins the R-1, Single-Family Residential zoned properties to the West.

The 2011 Comprehensive Plan's 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 or nonconforming residential uses.

Although the updated Comprehensive Plan has been reviewed and recommended for approval by Planning Commission, as of the date this staff report was completed, the draft Comprehensive Plan has not been reviewed or approved by City Council. (The Comprehensive Plan was adopted by City Council the day before this meeting.) The newly adopted 2018 Comprehensive Plan's Land Use Guide designates this area as Limited Commercial (rather than Commercial). As stated by the 2018 Comprehensive Plan, the Limited Commercial areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. With the adjacent R-1 properties to the west, concerns regarding compatibility should a larger, more intensive use redevelop on this site have been addressed through by the engineered comprehensive site plan-triggered buffering proffer.

Per Section 10-3-25 (16) of the Zoning Ordinance, a professional office use in this structure will require eight parking spaces. Included with this staff report is a proposed site development layout showing the existing structures and the proposed location of the required off-street parking. The applicant understands that all appropriate building permits and sub-trade permits will be required to convert the structure to a non-residential use. Vehicle parking, bicycle parking, and landscaping requirements must be met on site; as well, the applicant needs to work with staff to ensure that the appropriate standard commercial entrance is installed for the site. These particular matters will be worked out as part of the building permit change of use process.

This block of South High Street has had several conditional rezoning requests to B-2C approved in the last 13 years. The properties addressed as 1178 and 1171 South High Street were rezoned in July and November 2005, respectively. In February 2010, 1118 South High Street was rezoned to B-2C to allow for a CVS store, and most recently in September 2017, 1164 South High Street was rezoned to allow offices and a personal service establishment.

Staff believes the requested rezoning with the listed proffers is consistent with the Land Use Guide and addresses potential concerns with future redevelopment of the site. Staff recommends approval of the rezoning request as submitted.

Chair Way asked if there were any questions for staff.

Mr. Finks said as far as updating the driveway, do we have any idea how wide the driveway will have to be?

Mrs. Banks said I had a brief conversation with the City Engineer regarding the entrance and ideally, we would like to have it wide enough at the entrance for two cars. One car could be in the entrance waiting to exit onto South High Street and another car could be entering the property at the same time. Depending upon the grade and slope, this could be done by enlarging the entrance and then tapering the driveway back. I do not know what that exact width of the new entrance will have to be, that is why the applicant will need to work closely with Public Works and the City Engineer.

Chair Way asked if there were any further questions. Hearing none, he opened the public hearing and asked if there was anyone wanting to speak regarding the rezoning request.

Elizabeth Webb, 1130 Sharpes Drive, asked if there were any plans for the shed that is in the rear of the property.

Mrs. Banks said not that I am aware of.

Chair Way said it is pleasing to see that the applicant has thought of the vegetative buffer between that neighborhood to the west.

Mr. Finnegan said it does appear to be a lot of space behind that shed so currently there is somewhat of a buffer. Did staff hear from any of the surrounding neighbors?

Mrs. Banks replied no.

Julia Kramer, 1124 Sharpes Drive, said I just want to understand the intent. Currently, there are no plans to do anything to the property beyond that shed; is that correct?

Mrs. Banks said this drawing is not proffered. The intent is to use the house and provide parking; however, the applicant has not stated that nothing will be done behind that shed. If the applicant increases the size of the parking lot or impervious area, to a threshold over 10,000 square feet, and triggers an engineered comprehensive site plan, then, a ten-foot, vegetative buffer will have to be installed.

Mrs. Kramer said I have another question regarding the care of the property. I am assuming that the applicant will take over the role of caring for the site.

Mrs. Banks said it is my understanding that the property has been sold to the applicant.

Chair Way asked if there was any further discussion.

Mr. Finks said I think rezoning this to a B-2C, compared to what it currently is as an M-1, is an improvement. The uses that could be done in an industrial district could be a bigger detriment to that neighborhood.

Mr. Finnegan said I agree.

Mr. Finks moved to recommend approval of the rezoning request as submitted.

Mr. Finnegan seconded the motion.

Chair Way said we have a motion and a second to recommend approval of the rezoning request as submitted. He then called for a voice vote.

All voted in favor (4-0) of the motion.

Chair Way said this will move forward to City Council on December 11, 2018.

Respectfully Submitted,

*Alison Banks*

Alison Banks  
Senior Planner