



City of Harrisonburg, Virginia

Department of Planning & Community Development
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To: Kurt Hodgen, City Manager
From: Department of Planning and Community Development
Planning Commission
Date: May 2, 2016
Re: Rezoning – 245 East Water Street, B-2 to B-1C

Summary:

Public hearing to consider a request from Wharton Aldhizer & Weaver, PLC to rezone a 2,316 +/- square foot portion of property comprised of two parcels from B-2, General Business District to B-1C, Central Business District Conditional. The property is addressed as 245 East Water Street and is identified as tax map parcels 26-E-5 & 6.

Background:

Wharton Aldhizer & Weaver, PLC (WAW) is requesting to rezone 2,316 +/- square feet of their property from B-2, General Business District to B-1C, Central Business District Conditional. 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:** Vacant two story, structure, zoned B-2
- North:** Across East Water Street, Urban Exchange mixed use building, zoned B-1
- East:** Office building, zoned B-2
- South:** Across Newman Avenue, office buildings, and non-conforming residential uses, zoned B-2
- West:** Office building and parking lot, zoned B-2

Key Issues:

Currently, the WAW structure that they refer to as the “carriage house” is situated across two of the rear parcels within the six parcels that comprise the WAW property. The applicant desires to subdivide the structure onto an individual parcel, separate from the main property. After meeting with staff to discuss the proposed subdivision, two concerns were identified: setbacks and parking.

The carriage house currently is non-conforming to the B-2 setback regulations as a property line straddles the building and it does not meet the 30-foot minimum front setback requirement for the B-2 zoning district as it encroaches into City public street right-of-way as much as 0.8 feet. In September 1987 a

The City With The Planned Future

Boundary Line Agreement was made between WAW and the City of Harrisonburg and is included as part of this packet. Regardless of the existing setback non-conformities, when the applicant met with staff and described their desired lot configuration, which was to closely surround the carriage house, staff explained that such a configuration could not be done under the B-2 zoning regulations. Staff further explained that if subdivided, the structure must meet the minimum off-street parking requirements for any use.

There is an existing 20 X 27 foot parking area adjacent to the carriage house, which is adequate for three parking spaces. WAW described this area would remain on the property when it is subdivided. Staff explained, however, that depending on the use that occupies the structure, three spaces might not be enough to meet minimum requirements. Previous tenants of the carriage house could utilize the adjacent parking area as well as use the WAW parking lot to meet parking requirements; this non-conforming parking scenario changes once the subdivision occurs unless a shared parking agreement is created between the two properties. WAW was not interested in creating a shared parking agreement.

Because of these concerns, staff suggested the applicants might consider rezoning the proposed carriage house area/parcel to the B-1 district, where no setback or parking requirements exist. As is always emphasized by staff, 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. In this particular case, the building could be enlarged, or the property redeveloped, eliminating any parking area on site, and operate a use more parking intensive. The applicant understood staff's concern and submitted an application for a rezoning to B-1 with a proffer stating 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."

At this time WAW intends to maintain the existing paved area, which, as described, is essentially three parking spaces. However, depending upon the uses that might utilize the property and coupled with improvements that might be made to the structure, due to handicapped accessibility issues, the existing three spaces could end up being converted to two spaces.

The Comprehensive Plan designation of Mixed Use Development supports the idea for the B-1 zoning classification for this parcel. On-street parking is available along East Water Street and Newman Avenue within this area and with the submitted proffer, staff's typical concern regarding off-street parking for B-1 properties is resolved.

During the review of this application, the applicant was informed that there is an issue regarding easements for the existing water and sewer services to the carriage house that would need to be worked out prior to the approval of a subdivision for the parcel. This however, does not affect the rezoning request. The applicant was also informed that depending upon where the new property line is placed, there may be building code issues regarding future openings for any proposed doors or windows.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

N/A

Community Engagement:

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

“Public hearing to consider a request from Wharton Aldhizer & Weaver, PLC to rezone a 2,316 +/- square foot portion of property comprised of two parcels from B-2, General Business District to B-1C, Central Business District Conditional. The property is addressed as 245 East Water Street and is identified as tax map parcels 26-E-5 & 6. The Comprehensive Plan designates this area as Mixed Use Development. 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 Zoning Ordinance states that 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 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.”

In addition, adjoining property owners were notified of Planning Commission's public hearing and the property was also posted with signage advertising the request.

Recommendation:

Staff recommends approval of the rezoning from B-2 to B-1C with the proffer, which states “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.”

Attachments:

1. Extract (4 pages)
2. Site maps (2 pages)
3. Application (1 page)
4. Applicant's letters (3 pages)
5. Boundary line agreement between WAW and City (6 pages)
6. Plat of proposed subdivision (1 page)

Review:

Planning Commission unanimously (7-0) recommended approval of the rezoning request as presented.