



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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April 17, 2023

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

**SUBJECT:** *Consider a request from Way Way Back LLC for a special use permit to allow business and professional offices at 909 and 919 Virginia Avenue*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION  
MEETING HELD ON: March 8, 2023**

Mr. Baugh 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 am prohibited by law from participating. Therefore, I make the following disclosures:

1. The transaction involved is the item taken up on the March 8, 2023 Planning Commission Agenda as Item 5(b), a request for a SUP to professional office.
2. My personal interest in this transaction relates to the ethical requirements to which I must adhere as a licensed member of the Virginia Bar.
3. I affirmatively state that I will not vote or in any manner act on behalf of the Planning Commission in this matter.

Chair Finnegan read the request and asked staff to review.

Ms. Dang said the applicant is requesting a special use permit (SUP) per Section 10-3-97 (3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District at a site addressed as 909 and 919 Virginia Avenue. If approved, Huber Architects intends to locate their office to the site. The building on the property is currently undergoing renovations for Red Root & Company, a small-scale herbal goods manufacturer, which is allowed to operate by right within the M-1 district. The intent is for both businesses to occupy the property.

The applicant has submitted a site layout illustrating how they can accommodate minimum off-street parking requirements. The applicant is aware that if the business and professional office use expands on the property, then more off-street parking spaces would be required by the Zoning Ordinance.

The applicant has been informed that if the SUP is approved, that a change of use for the structure shall be obtained from the Building Inspections Division.

#### *Land Use*

The Comprehensive Plan designates this site as Neighborhood Residential and states:

“These areas are typically older residential neighborhoods, which contain a mixture of densities and a mixture of housing types, but should have more single-family detached homes than other types of housing. This type of land use highlights those neighborhoods in which existing conditions dictate the need for careful consideration of the types and densities of future residential development. Infill development and redevelopment must be designed so as to be compatible with the desired character of the neighborhood.”

With the Neighborhood Residential designation, one could contend that approval of the SUP to allow business and professional offices would promote uses on the property that do not conform with the LUG’s recommendation. However, given the circumstances, where at least one by right use of the M-1 district would operate on the property, staff believes allowing certain business and professional offices should not have any more adverse impact on the surrounding neighborhood.

#### *Recommendation*

Staff recommends approval of the special use permit with the following conditions:

1. Medical offices are prohibited.
2. If in the opinion of Planning Commission or City Council, the use becomes a nuisance, the special use permit can be recalled for further review, which could lead to the need for additional conditions, restrictions, or revocation of the permit.

Approval of a special use permit per Section 10-3-97 (3) would allow business and professional offices. Staff recommends condition #1 to prohibit medical offices due to the higher volume of clients and vehicular traffic typically experienced with medical offices in the City compared to other types of business and professional offices.

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 speak to their request.

Ivan Huber, co-owner of Way Way Back, LLC and owner of Huber Architects, and Corey MacDonald, owner of Red Rood & Company and member of the LLC, came forward in support of the request. We are happy to answer any questions.

Chair Finnegan asked you are not required, with this use, to build the parking that you are building. Is that correct?

Ms. Dang said they had already submitted a plan for the renovations of Red Root & Company showing the parking that they would accommodate. It is the same number of parking spaces that are shown on the site layout. It took into account both businesses operating at that location. If, hypothetically, the SUP did not get approved, they could reduce the number of spaces that they

construct on the site because the offices require more parking spaces than the what the Red Rood & Company would require.

Chair Finnegan asked is the intention to allow this to be other office space? It sounds like what you are doing would not necessarily need a lot of parking at this time.

Mr. Huber it is about 400 square feet of business use. The rest would be M-1. Ms. Dang, in your notes you said 300 square feet per parking space?

Ms. Dang said for every 300 square feet of gross floor area of the office space would require one parking space.

Mr. Huber said technically we would need two spaces for that. Red Root & Company would need another two spaces. We are providing six spaces. That gives us a little wiggle room for growth.

Chair Finnegan asked do you think that is fair? I am curious about parking minimums in general across the City. Does that seem reasonable to you?

Mr. Huber said 300 square feet for a business use sounds reasonable. I thought it was 150 and I thought that was very restrictive. It would be a lot of unnecessary pavement. If it is 300, I feel better about that.

Vice Mayor Dent said I see that there is a disabled parking space and apparently a ramp at the front entrance. Given the two-story building, is there a requirement for an elevator or is it up to the owner to decide which levels should be accessible?

Mr. Huber said it is split-level. There is rear access on the lower level. We are providing a second ADA spot below and access to that level. There are two ADA spots. We are providing accessibility to both levels.

Vice Mayor Dent said both levels have accessibility because they are on different terrain levels.

Chair Finnegan asked if there were any questions for the applicant's representative. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Chair Finnegan said I ride past this site about four times a day. This is on my bike route to work. I am not in favor of a whole lot more car traffic, but I do not believe this will generate a whole lot of extra traffic in the neighborhood, given its design. I have no concerns and would support this.

Vice Mayor Dent said I think it is a wonderful reuse of a historic building. It is good to see that refreshing of existing buildings into new businesses.

Vice-Chair Byrd moved to recommend approval of the SUP request, with the recommended conditions.

Commissioner Armstrong seconded the motion.

Chair Finnegan called for a roll call vote.

|                         |         |
|-------------------------|---------|
| Commissioner Armstrong  | Aye     |
| Commissioner Baugh      | Abstain |
| Vice-Chair Byrd         | Aye     |
| Vice Mayor Dent         | Aye     |
| Commissioner Orndoff    | Aye     |
| Commissioner Washington | Aye     |
| Chair Finnegan          | Aye     |

The motion to recommend approval of the SUP request passed (6-0). The recommendation will move forward to City Council on April 11, 2023.

Commissioner Baugh returned to the meeting.