



City of Harrisonburg, Virginia

Department of Planning & Community Development
409 South Main Street
Harrisonburg, Virginia 22801
www.harrisonburgva.gov/community-development

Building Inspections: (540) 432-7700
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700
Department Fax: (540) 432-7777

May 2, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT:

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.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: April 13, 2016

Chair Fitzgerald read the request and asked staff to review.

Mrs. Banks said 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

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.

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."

Chair Fitzgerald asked if there were questions for staff.

Mr. Way said I am having a bit of anxiety about "spot" zoning and does this fit into that category? How does this fit in with the other carriage houses around the Old Town neighborhood? Could they be carved out into some type of business or other use? Is this something we should be anxious about?

Mrs. Banks said this particular building has been used in the past for other business and commercial offices such as attorneys, a drafting and design office, and a church office. This property has also always

been zoned B-2, whereas the other carriage houses you are probably thinking of are within the residential area of the U-R and R-2 zoning districts. This particular property is also adjacent to existing B-1 property, Urban Exchange, and has the Mixed Use designation; those properties within Old Town have a Neighborhood Residential designation. As well, this property has direct public street frontage and off street parking.

Mr. Way said that makes sense, thank you.

Chair Fitzgerald asked if there were further questions. Hearing none, she opened the public hearing and asked if the applicant or the applicant's representative would like to speak.

Mr. Greg St. Ours, said he is a partner with Wharton, Aldhizer and Weaver, (WAW) the owner of the property. First let me say thank you to staff, they did a great job presenting our request. We have had office and commercial use of the entire property since WAW moved there in 1988 and since then we have had four tenants. I do not know that it was ever a carriage house, its history tells us differently; I believe it was used as a jail at one time.

We appreciate the fair evaluation of our application and we are here to answer any questions you may have for us.

Chair Fitzgerald asked if there were any questions for the applicant. Hearing none, she thanked Mr. St. Ours and asked if there was any one else desiring to speak on the request. Hearing none, she closed the public hearing and asked for comments or a motion from Planning Commission.

Mr. Way said if the applicant wanted to do a mixed use of retail on the bottom and residential on the top, that would not be allowed today.

Mr. Fletcher said right, that would not be allowed in B-2. However, because of the parking there would be complications if they get rezoned to B-1 and did a mixed use.

Mr. Way asked, is that because of the number of spaces required being one per tenant for residential and three for commercial.

Mr. Fletcher replied we cannot just look at what is there today. The owner could completely rebuild with parking on the bottom, a level of commercial and apartments above. There are multiple scenarios that could be done. Also, with building codes there will be multiple issues – the building may need to be sprinkled.

Mr. Way said if I remember correctly, if rezoned to B-1 and the owner demolished the building, it would require a SUP to make the property into a parking lot.

Mr. Fletcher said yes, that is correct.

Mr. Colman said there is a door in the back of the structure. Is the access to that door the reason the property line sits back somewhat?

Mrs. Banks said I do not know exactly what that door serves; however the property line is back about five feet.

Mr. Colman said technically they would have room to walk around the building without encroaching.

Mr. Way moved to recommend approval of the rezoning request as presented.

Mr. Colman seconded the motion.

Chair Fitzgerald called for a voice vote on the motion.

All voted in favor (7-0) of the motion to recommend approval.

Chair Fitzgerald said this will move forward to City Council on May 10th.

Respectfully Submitted,

Alison Banks

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