



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission
Date: August 25, 2020
Re: Rezoning – 143, 145, 149, and 153 Charles Street (M-1 to B-2C)

Summary:

Public hearing to consider a request from Richard L. and Betty L. Sampson with representatives Edilza M. Alfaro Diaz and Carlos Madrid to rezone +/- 2.0-acre site from M-1, General Industrial District to B-2C, General Business District Conditional. The 12 parcels are addressed as 143, 145, 149, and 153 Charles Street and are identified as tax map parcels 41-F-17, 18, 19, 20, 21, 22, 48, 49, 50, 51, 52, and 53.

Planning Commission tabled the above referenced rezoning request during the June 10, 2020 regular meeting. Planning Commissioners recommended that the applicant reach out to the neighbors along Clinton Street and Charles Street to inform them of the request and to solicit feedback. Additionally, Planning Commissioners suggested that the applicant consider concerns raised by Planning Commission during the June 10, 2020 meeting. The applicant delivered notices to all homes on Charles and Clinton Streets inviting neighbors to an informal gathering on the property on June 21st to discuss the requested rezoning and to answer questions and concerns. As well, the applicant went door-to-door talking with those residents that were home. However, no additional proffers were offered regarding concerns raised by Planning Commissioners.

At the July 8, 2020 Planning Commission meeting, Planning Commission recommended to approve the rezoning request (5-0) with a consensus that there continued to be concerns regarding hours of operation and noise levels for a proposed event center use on the subject property.

On July 22, 2020 the applicant's provided a new proffer letter which addresses hours of operation for the proposed event center. Additionally, a fence height proffer was changed from six-feet in height to eight-feet in height and a landscaping proffer was changed from the planting of seven large deciduous trees along Clinton Street to twelve evergreen trees planted along Clinton Street. Throughout the entire process, staff maintained a recommendation for approval.

Background:

The Comprehensive Plan designates this area as Commercial (tax map parcels 41-F-48 through 53) and Neighborhood Residential (tax map parcels 41-F-17 through 22).

Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings.

Neighborhood Residential 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.

The following land uses are located on and adjacent to the property:

Site: Antique furniture store and non-conforming salvage business, zoned M-1

North: Across Charles Street, storage and warehousing, vehicle repair and sales, zoned M-1

East: Conforming and non-conforming single-family detached dwellings, zoned R-2 and M-1

South: Across Clinton Street, single-family detached dwellings, zoned R-2

West: Vacant industrial site and conforming and non-conforming single-family detached dwellings, zoned M-1 and R-2

Key Issues:

The applicant is requesting to rezone 12 parcels, totaling +/- 2-acres from M-1, General Industrial District to B-2C, General Business District Conditional. The parcels are located along the southern side of Charles Street and the northern side of Clinton Street, between Jefferson Street and undeveloped Albert Street. Located on the site is a +/- 8,680 square foot principal structure, which currently serves as a warehouse and showroom for an antique and salvage business; this building fronts along Charles Street. Directly behind the principal structure, is a +/- 2,300 square foot accessory building, which is situated closer to Clinton Street; however, this building has no direct entrance, or doorways facing, to Clinton Street and must be accessed from Charles Street.

If approved, the applicant plans to utilize the principal structure as an event space for weddings, baby showers, family reunions, baptisms, birthdays, quinceaneras, and other events to serve the community. The applicant has described to staff that events will take place within the building, while the area around the building will be used for parking. In conversations with staff, the applicant has also indicated allowing additional B-2 uses, such as auto repair, to occur in the accessory building to the rear of the property. The B-2 zoning district allows vehicle repair as long as all activities and storage of inoperable vehicles are completely enclosed within a permitted structure. The B-2 district does not allow repair of over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment as a by right use, but would allow it with an approved special use permit.

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

1. There will be no entrances or exits from the subject property onto Clinton Street.
2. At the time of redevelopment, or when any new use occupies the property, an eight-foot tall opaque fence will be constructed and maintained by the property owner, along the Clinton Street side of the property and along the undeveloped Albert Street side of the property. The fence will be placed at least 10-ft from the Clinton Street property line and will connect to the existing structure situated entirely on tax map parcels 41-F-17 & 18. If the structure on tax map parcels 41-F-17 & 18 is ever removed, the fence must be extended to the western property line of the subject property. (Reference “Exhibit A”, attached with this rezoning letter.)
3. Twelve (12) evergreen trees will be planted and maintained by the property owner, along the Clinton Street side of the 8-ft tall, opaque fence. One tree will be planted every twenty-five (25) linear feet of frontage.

At the time of planting, trees shall meet the following:

- a. Evergreen tree: does not shed its foliage annually. When planted, the evergreen trees shall be at least six (6) feet in height.
4. There will be no advertising signs, freestanding or wall, placed within 150-ft of the property line with Clinton Street. (Reference “Exhibit A”, attached with this rezoning letter.)
 5. At the time of redevelopment, or when any new use occupies the property, the subject property will be limited to two vehicular openings (entrances) along the Charles Street frontage. The vehicular openings shall meet the following:
 - a. Be separated by 150-ft or more.
 - b. Be 30-ft wide for two-way (entrance/exit) vehicular traffic or 14-ft for one-way vehicular traffic.
 - c. Be delineated with material or structures, such as a permanent post and chain or other permanent fencing, along the remainder of the Charles Street frontage as approved by the Department of Public Works. The material or structures will be installed maintained by the property owner. (If and when curb and gutter is installed along Charles Street and serves to delineate the vehicular opening, the property owner will not be required to maintain the aforementioned materials or structures along the Charles Street frontage.)
 6. Event center hours of operation: Sunday through Thursday from 8 am to 9 pm. Friday and Saturday from 8 am to 11 pm. Any events held outside of the event center facility would occur between 9 am until 8 pm.

As described above, the subject parcels fronting along Charles Street are designated as Commercial within the Comprehensive Plan’s Land Use Guide. The Commercial designation aligns with the requested rezoning to the B-2 zoning district. However, the subject parcels fronting along Clinton Street

are designated as Neighborhood Residential within the Land Use Guide. The entire site, all twelve parcels, have been zoned industrially since annexation into the City in 1962.

In being conscientious with the residential neighborhood to the rear of the subject property along Clinton Street, the applicant offered proffers numbered 1-4 as written above. By not allowing entrances/exits along Clinton Street, there will be no additional vehicular traffic traveling through the neighborhood to access the subject property. Prior to redeveloping, or occupying the subject property with any new use, an 8-foot tall opaque fence must be constructed, at least 10 feet from the property line along Clinton Street. Within the 10 or more feet distance between the Clinton Street property line and the 8-foot tall fence, twelve evergreen trees will be planted, with one planted every 25 feet along Clinton Street. This ratio is the same as the current landscape border for parking lots, but differs from the parking lot landscaping regulations in that tree locations are not at the discretion of the property owner, but must be planted every 25 feet. The intent is to form a screen to provide separation between commercial uses and the neighboring residential district. The minimum 10-foot landscape area with evergreen trees, and 8-foot fence would provide noise reduction as well as visual screening from lights and activities associated with commercial uses. If rezoned to B-2, the site could redevelop with new buildings or uses other than what the applicant is proposing. Proffer #4 is intended to restrict signage, freestanding or wall, within 150 feet of Clinton Street, which is the approximate depth of the existing parcels that front along Clinton Street. Attached as "Exhibit A" is an aerial photo illustrating the approximate proffered fence and sign setback locations.

Proffer #5 addresses the large, wide open entrances along Charles Street onto the subject property. Charles Street does not have curb and gutter and most of the properties along the street were developed with entrances across the entire frontage. This creates an unsafe situation for maneuvering vehicles into and out of properties because customers can pull in and back out onto the street from any location on the site. Typically, staff would suggest curb and gutter be installed to creating smaller entrances and a landscape border across the remaining frontage of the subject property; however, staff believes that doing so could make stormwater issues worse for this area. Staff believes street improvements along Charles Street will require a more comprehensive design for street and stormwater improvements, which would be more appropriate to do with either a future road improvement project by the City or with redevelopment of the sites along Charles Street with an engineered comprehensive site plan. Therefore, proffer #5 addresses staff's concern regarding the entrances along Charles Street, while not compounding any stormwater concerns. It should be understood that the materials or structures delineating the entrances can be landscaping, fencing, or other as approved by the Department of Public Works.

Proffer #6 addresses concerns raised by Planning Commission and neighbors regarding hours of operation should an event center locate on the subject parcel.

The Comprehensive Plan Land Use designation of Commercial, along the Charles Street frontage, supports the rezoning request to B-2C and the proffers offered by the applicant address concerns regarding the use and redevelopment of the site along the Clinton Street frontage. Staff recommends approval of the rezoning request as submitted.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the rezoning request; or
- (b) Recommend denial.

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. The advertisement was published as shown below:

Rezoning – 143, 145, 149, and 153 Charles Street (M-1 to B-2C)

Public hearing to consider a request from Richard L. and Betty L. Sampson with representatives Edilza M. Alfaro Diaz and Carlos Madrid to rezone a +/- 2.0-acre site comprised of 12 separate parcels from M-1, General Industrial District to B-2C, General Business District Conditional. The Zoning Ordinance states 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. 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. The Comprehensive Plan designates this site as Commercial and Neighborhood Residential. The properties designated Commercial have frontage along Charles Street. Commercial uses include retail, office, professional service functions, restaurants, and lodging uses. Commercial areas should offer connecting streets, biking and walking facilities, and public transit services. Interparcel access and connections are essential to maintaining traffic safety and flow along arterials. Parking should be located to the sides or rear of buildings. The properties designated Neighborhood Residential have frontage along Clinton Street. Neighborhood Residential 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. This site includes seven parcels addressed as 143, 145, 149, and 153 Charles Street and five parcels with no street address that have frontage along Clinton Street. The 12 parcels are identified as tax map parcels 41-F-17, 18, 19, 20, 21, 22, 48, 49, 50, 51, 52, and 53.

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) approval of the rezoning request.

Attachments:

1. Extract from Planning Commission
2. Site maps
3. Application, applicant letter, and supporting documents
4. Exhibit A

Review:

Planning Commission recommended approval of the rezoning request (5-0, Jim Orndoff absent and Zanetta Ford-Byrd has resigned).