



City of Harrisonburg, Virginia  
Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

August 3, 2018

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

**SUBJECT:** Public hearing to consider a request from Nancy Pinzon to rezone 17,500 +/- square feet from R-2, Residential District to B-2C, General Business District Conditional. The parcel is located at 1363 North Main Street and is identified as tax map 42-B-6.

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING  
HELD ON: July 11, 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: Single-family dwelling, zoned R-2

North: Vacant parcel and single-family dwellings, zoned R-2

East: Across North Main Street, contractor offices and non-conforming dwelling, zoned M-1

South: Single-family dwelling, zoned R-2 and Harrisonburg/Rockingham Community Services Board facility, zoned B-2/B-2C

West: Single-family dwelling and vacant parcels, zoned R-2

The applicant is requesting to rezone a 17,500 +/- square foot parcel from R-2, Residential District to B-2C, General Business District Conditional. The subject property is located along the western side of North Main Street, approximately 300-feet south of its intersection with Wilson Avenue. At present, the parcel contains the applicant's residence; however, a residence would not be permitted if rezoned to B-2.

The Comprehensive Plan's Land Use Guide designation for the western side of the North Main Street corridor is Commercial—meaning a rezoning to B-2 would be more conforming with the City's current long-term goals for this area. The eastern side of North Main Street is designated as Planned Business, which are areas suitable for commercial development but need careful controls to ensure compatibility with adjacent land uses. Currently, there are a variety of different zoning classifications and uses in the immediate area. Directly adjacent to the subject property are single-family dwellings and a large, vacant parcel, all zoned R-2; across North Main Street there are several dwellings, zoned R-2 or R-3. However, approximately 100 feet south of the subject property and on the same side of North Main Street are the offices and facilities of the Community Services Board (CSB), and on the other side of the CSB is a non-conforming dwelling and business offices, all zoned B-2. A building permit for a Dollar General Store, on property zoned B-2, has recently been approved just south of Tyco Street on North Main Street as well.

Across North Main Street is a landscaping business, zoned B-2C, a non-conforming dwelling, several contractor offices, and an automobile sales lot, all zoned M-1.

The applicant has operated from the subject property with a Home Occupation permit for four years; now that the business has grown, the applicant is prepared to move forward to rezone the property and convert the dwelling into an office building. Staff has met with the applicant and discussed that if the rezoning is approved, a building permit to change the structure from a residential use to a commercial use would be required. The applicant will need to provide the required number of parking spaces, maneuvering area (vehicles will not be allowed to back onto North Main Street), and all required landscaping for the new parking area. Staff has also informed the applicant that if rezoned as requested, the property could no longer be used residentially.

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

In connection with the rezoning request for the property located at 1363 North Main Street (TM 42-B-6) the following permitted uses are hereby proffered:

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. Public and privately owned parking lots and parking garages.
12. Accessory buildings and uses customarily incidental to any of the above listed uses.
13. 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.
14. Plant nurseries, greenhouses, landscaping businesses, and similar operations provided any outside storage of material, other than plants, must be screened.
15. Public uses.
16. 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.

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

Uses such as vehicle sales, vehicle repair businesses, and gas stations have been excluded. All special uses are still allowed as they would require further evaluation, public hearings, and approval by City Council.

Staff believes the requested rezoning, with the listed proffers, aligns with the Comprehensive Land Use Guide designation of Commercial, while the proffers eliminate some of the more intensive vehicular uses that may not be desirable for the North Main Street corridor.

Staff recommends approving the conditional rezoning as requested by the applicant.

Chair Way asked if there were any questions for staff.

Mr. Colman asked would the parking requirements also include handicap parking and accessibility.

Mrs. Banks said yes.

Mr. Fletcher said that includes paved hard surface to connect from the parking space to the structure.

Chair Way asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if the applicant would like to speak in regard to this request.

Nancy Pinzon, said I am a psychotherapist and owner of 1363 North Main Street. Mrs. Banks stated everything that needed to be stated and I will comply with everything. This is very special to me, because I work so much and do volunteer work in Harrisonburg. I have lived here for 14 years, I am a graduate of EMU and I thought Harrisonburg was so beautiful that I just stayed.

Four years ago, I got my license as a mental health counselor. My work has been building and building especially working with Hispanics, because they find it so difficult to have a translator. More veterans are coming, I work with insurance companies, with the government and so on. I am just one person and as Mrs. Banks always told me "you cannot have anybody else working with you." I have been doing everything and now I need help. I am ready to move forward and with your support, I think everybody is going to benefit.

Chair Way asked if anyone had questions for Ms. Pinzon.

Mr. Finnegan said thank you for your volunteer work that you have done in the City.

Chair Way asked if anyone else would like to speak in favor or against this request.

Melanie Schlabach, said I have had the privilege of working with Ms. Pinzon as her intern for the last two months. I am currently a student and I am getting my Masters in Education and In School Counseling concentration, so I needed those clinical hours with a counselor. I just wanted to vouch for Ms. Pinzon and say that she is a fantastic counselor. I have witnessed what she has done for our community and she has a full bill of people who need her help and that space is perfect for her to continue her therapeutic work, so she can expand and get the help she needs and help people with jobs as well.

Gus Nelson, said I purchased a home in Harrisonburg in 1988, I love it here. I was teaching Special Education in Green County and I took my kids to Massanutten as a reward. A 250-pound guy coming down a hill and a 90-pound 7<sup>th</sup> grader, I should have paid attention in science, but I did a nose dive into a rock. I know what counseling can do. I had two children in Waterman Elementary School, no money, no job and I had a minister that helped me. After that I got involved with People Helping People, I volunteered for 10 years, I was on the board of directors for three years. These people need help and every one of you all have somebody in your family that can use counseling.

I happen to be a patient of Ms. Pinzon also, but the City of Harrisonburg would really benefit from her. Having that available to our folks and to our folks that need it. It will be good for her, good for the City and for us.

Chair Way asked if anyone else would like to speak to this request. Hearing none, he closed the public hearing and he asked Planning Commission for a motion on the request for discussion.

Mrs. Whitten moved to approve the rezoning at 1363 North Main Street (R-2 to B-2C) as presented by staff.

Mr. Colman seconded the motion.

Chair Way said we have a motion and a second, any further discussion.

Mr. Finnegan said the fact that this is two doors down from CSB is a very good location, good fit, something we need.

Chair Way called for a voice vote on the motion.

All voted in favor (7-0) to approve the rezoning at 1363 North Main Street (R-2 to B-2C) as presented by staff.

Chair Way said this item will move forward to City Council on August 14, 2018.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner