



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

OFFICE (540) 432-7700 • FAX (540) 432-7777

To: Ande Banks, City Manager  
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission  
Date: May 14, 2024 (Regular Meeting)  
Re: Rezoning - 162 West Elizabeth Street (M-1 to B-1C)

### **Summary:**

Project name	N/A
Address/Location	162 West Elizabeth Street
Tax Map Parcels	35-S-18
Total Land Area	+/- 10,353 square feet
Property Owner	Liberty Street Investments LLC
Owner's Representative	Todd Rhea
Present Zoning	M-1, General Industrial District
Proposed Zoning	B-1C, Central Business District Conditional
Staff Recommendation	Approval
Planning Commission Recommendation	April 10, 2024 (Public Hearing) Approval (5-0)
City Council	May 14, 2024 (First Reading/Public Hearing) Anticipated May 28, 2024 (Second Reading)

### **Background:**

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

**Site:** Parking lot, zoned M-1

**North:** Residential uses, zoned R-3

**East:** Parking lot and Sentra Behavioral Health Offices, Zoned B-1 and B-1C

**South:** Across West Elizabeth Street, parking lot, zoned M-1

**West:** Across an alley, residential uses, zoned R-3

### **Key Issues:**

The applicant is requesting to rezone a +/- 10,353 –square foot property from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel is addressed as 162 West Elizabeth

Street and is identified as tax map parcel 35-S-18. If the request is approved, the applicant plans to construct a three-story multifamily building with 15 to 20 dwelling units.

*Proffers*

The applicant has offered the following proffers (written verbatim):

1. No drive-through facilities shall be permitted on the Property
2. All traffic generating uses shall be limited to a combined total of 100 vehicle trips in either the AM or PM peak hour as calculated using the latest edition of the Institute of Transportation Engineer's Trip Generation Manual unless the property owner first, at their cost: (1) completes a Traffic Impact Analysis approved by the City Department of Public Works and (2) implements all identified mitigation measures or improvements. The City Department of Public Works may, in its sole discretion, waive, in whole or in part, completion of a Traffic Impact Analysis or any identified mitigation measures or improvements.
3. Prior to issuance of any building permit, the property owner shall dedicate public street right-of-way or public sidewalk easement to at least 0.5-feet behind the back of sidewalk along the West Elizabeth Street frontage.
4. Ground floor interior, controlled access tenant bike storage spaces with a minimum of 1.0 spaces per residential dwelling unit shall be installed prior to issuance of any certificate of occupancy and maintained.

The conceptual site layout is not proffered.

The applicant is planning to construct a pull off/drop off area that necessitates the rebuilding of the existing sidewalk. With proffer #3 the applicant would be required to dedicate up to at least 0.5 feet behind the back of the sidewalk as public right-of-way or in a public sidewalk easement. The applicant is not planning to provide surface parking at this time. The B-1 district does not require off-street parking spaces.

*Land Use*

The Comprehensive Plan designates this site as Mixed Use and states:

The Mixed Use category includes both existing and proposed areas for mixed use. Mixed Use areas shown on the Land Use Guide map are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. Mixed Use can take the form of a single building, a single parcel, a city block, or entire neighborhoods. Quality architectural design features and strategic placement of green spaces for large scale developments will ensure development compatibility of a mixed use neighborhood with the surrounding area. These areas are prime candidates for “live-work” and traditional neighborhood developments (TND). Live-work developments combine residential and commercial uses allowing people to both live and work in the same area. The scale and massing of buildings is an important

consideration when developing in Mixed Use areas. 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. Downtown is an existing area that exhibits and is planned to continue to contain a mix of land uses.

The downtown Mixed Use area often has no maximum residential density, however, development should take into consideration the services and resources that are available (such as off-street parking) and plan accordingly. Residential density in Mixed Use areas outside of downtown should be around 24 dwelling units per acre, and all types of residential units are permitted: single-family detached, single-family attached (duplexes and townhomes), and multi-family buildings. Large scale developments, which include multi-family buildings are encouraged to include single-family detached and/or attached dwellings.

The Mixed Use area is a designation that promotes “live-work” environments and traditional neighborhood development (TND). The Mixed Use designation description refers to TND, which is explained further in the Comprehensive Plan on page 6-9, and includes promoting walking, biking, and taking public transit. Proffer #1 promotes pedestrian friendly design by prohibiting drive-throughs. Staff suggested that the applicant consider proffering the prohibition of parking lots (including travel lanes and drive aisles) from being located between any building and West Elizabeth Street to further promote pedestrian friendly design. However, the applicant has not finished the final layout of the site and would like to have the opportunity to provide parking under the building, if necessary, and which may necessitate a driveway in front of the building.

As noted, the submitted layout of the site is not proffered, but one design element that staff is concerned with is where a refuse facility serving the site might be located. Refuse facilities and how refuse is collected is not often a concern of staff’s during a rezoning process, but given an early conceptual draft layout of the site that was evaluated, the small size of the site, and the parcel’s shape, staff is concerned with having a refuse facility positioned in front of the building, adjacent to the public street. When new developments are built downtown, staff recommends that refuse storage and collection be thoughtfully considered early in the design process. In general, staff recommends locating refuse facilities within buildings. However, if refuse is stored outside, then staff recommends for refuse facilities to be located behind the building or at least behind the front façade of a building so that the refuse facilities are out of view of and not easily accessed by the general public. The City Code will require that private refuse service be provided for the planned development. The applicant can choose to use a dumpster or another form of private collection on the site.

#### *Transportation and Traffic*

The Determination of Need for a Traffic Impact Analysis (TIA) form (“TIA determination form”) for the proposed rezoning is attached. The TIA determination form indicated that the project would not generate 100 or more new peak hour trips, which is the threshold for staff to require a TIA. Therefore, a TIA was not required for the rezoning request.

#### *Public Water and Sanitary Sewer*

Staff has no concerns regarding water and sanitary sewer service availability for the proposed development.

*Housing Study*

The City’s Comprehensive Housing Assessment and Market Study (Housing Study) places the subject site within Market Type A. Among other things, this Market Type is characterized by high population growth. The study notes that Market Type A has “above median overall access to amenities such as public transit within walking distance, full-service grocery stores, and multiple parks and recreation facilities.” The study also notes that “policies that are appropriate to Market type A areas include an emphasis on increasing density through zoning changes, infill development and housing rehabilitation to maintain the quality of housing.”

*Public Schools*

The student generation attributed to the proposed 15 to 20 residential units is estimated to be 2 to 3 students. Based on the School Board’s current adopted attendance boundaries, Waterman Elementary School, Thomas Harrison Middle School, and Harrisonburg High School would serve the students residing in this development. Harrisonburg City Public Schools (HCPS) staff noted that schools are over capacity in three of the six elementary schools. Note that the City has been planning for the purchase of land for a 7<sup>th</sup> elementary school for a number of years as such a project continues to be listed in the City’s Capital Improvement Program.

*Recommendation*

While staff has concerns with details of the final design of the site, those concerns do not outweigh the advantages of rezoning the property to create the opportunity for more housing in the downtown area. Given the Comprehensive Plan’s Land Use Guide designation for this property and the submitted proffers, staff believes that the request is in conformance with the Comprehensive Plan and recommends approval of the rezoning request.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the rezoning request; or
- (b) Deny the rezoning request.

**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 – 162 West Elizabeth Street (M-1 to B-1C)***

Public hearing to consider a request from Liberty Street Investments LLC to rezone a +/- 10,353-square-foot property from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel is addressed as 162 West Elizabeth Street and is identified as tax map parcel 35-S-18.

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 and supporting documents

**Review:**

Planning Commission recommended approval (5-0) of the rezoning request. (Commissioner Alsindi was absent and there was one vacancy on the Planning Commission.)