



City of Harrisonburg

City Hall
409 South Main Street
Harrisonburg, VA 22801

Master

File Number: ID 19-357

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Type: PH-Rezoning

Status: Draft

Version: 1

Agenda Section:

In Control: City Council

File Created: 11/27/2019

Subject:

Final Action:

Title: Consider a request from The Norton Group, LLC to rezone five parcels at 1043, 1045, 1059, 1061, 1063 South High Street

Internal Notes:

Sponsors:

Enactment Date:

Attachments: Surrounding property owners notice, Public Hearing notice, PC Site maps, PC Memorandum, PC Application, applicant letter, and supporting documents

Enactment Number:

Contact:

Hearing Date:

Drafter: thanh.dang@harrisonburgva.gov

Effective Date:

History of Legislative File

| Version: | Acting Body: | Date: | Action: | Sent To: | Due Date: | Return Date: | Result: |
|---|---------------------|------------|--------------------------|--------------|------------|--------------|---------|
| 1 | Planning Commission | 12/11/2019 | recommended for approval | City Council | 01/14/2020 | | Pass |
| Action Text: A motion was made by Finnegan, seconded by Whitten, that this PH-Rezoning be recommended for approval to the City Council, due back by 1/14/2020. The motion carried by a voice vote. | | | | | | | |
| Notes: Chair Way read the request and asked staff to review. | | | | | | | |

Ms. Dang said that the Comprehensive Plan designates this site as Limited Commercial. These areas are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses. The maintenance of functional and aesthetic integrity should be emphasized in review of applications for development and redevelopment and should address such matters as: control of access; landscaping and buffering; parking; setback; signage; and building mass, height, and orientation. It is important that development within Limited Commercial areas does not incrementally increase in intensity to become similar to the Commercial designation. Efforts should be made to maintain the intent as described.

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

- Site: Commercial and industrial uses including a restaurant, a grocery store, a carpet and upholstery cleaning service, an HVAC contractor, and electrical and plumbing equipment suppliers; zoned M-1
- North: Offices and retail uses; zoned M-1 and B-2
- East: Rocking R Ace Hardware and Rockingham Co-Operative Farm Bureau; zoned M-1
- South: Office, nonconforming multi-family dwellings, and a nonconforming single-family detached dwelling; zoned M-1
- West: House of worship and single-family detached dwellings; zoned R-1

The applicant is requesting to rezone five parcels, totaling +/- 3.3 acres, from M-1, General Industrial District to B-2C, General Business District Conditional. The site is located along the western side of South High Street approximately 200 feet north of the intersection with South Avenue. The site has five buildings with commercial and industrial uses including a restaurant, a grocery store, a carpet and upholstery cleaning service, an HVAC contractor, and electrical and plumbing equipment suppliers. Restaurants and grocery stores are not permitted by right within the M-1 district. Staff believes that the restaurant is nonconforming, however, it is unknown whether the grocery store is nonconforming or an illegal use. If the rezoning request is approved, the applicant desires to continue operating the site similarly to how it currently operates, and the restaurant and grocery store would conform with the Zoning Ordinance (ZO). Rezoning to B-2 would also allow one of their current tenants, Green Solutions LLC, to expand to include retail.

In addition to this rezoning request, the applicant is requesting two special use permits for the parcel identified as tax map number 19-A-8 and addressed as 1043 and 1061 South High Street. The requests are described in a separate staff report being reviewed concurrently. If approved, the first SUP would allow manufacturing, processing and assembly operations, and the second would allow warehousing and other storage facilities.

The Comprehensive Plan's Land Use Guide designation for this stretch of the South High Street corridor is Limited Commercial - meaning a rezoning to B-2 would be more conforming with the City's long-term goals, rather than having properties used for industrial purposes. As stated in the Comprehensive Plan, areas designated as Limited Commercial are suitable for commercial and professional office development but in a less intensive approach than the Commercial designation. These areas need careful controls to ensure compatibility with adjacent land uses.

The applicant has proffered the following uses (written verbatim):

Uses permitted by right.

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

The applicant's proffers remove the more intensive B-2 uses, such as vehicle sales, vehicle repair businesses, and gas stations. In addition, standalone parking lots would not be permitted. All special use permits are still included as they would require further evaluation, public hearings, and approval by City Council.

While the adjacent property to the west of this site (identified as tax map 20-G-1) is zoned R-1 and is designated Low Density Residential in the Land Use Guide, at this time, staff is not concerned that the proposed uses on the subject site will adversely impact the adjacent property. Other than deliveries to and from the site, the proposed SUP's to allow a bakery and convenience delivery service operation will be conducted within a building. Additionally, the current M-1 zoning designation allows more intense uses that have a greater potential to cause adverse impacts, compared to the requested B-2C zoning. Furthermore, approximately half of the adjacent +/- 2.6-acre parcel is undeveloped, and future development or use of that parcel could accommodate any desired screening or buffering between future uses permitted in the R-1 district and the proposed commercial uses on the subject site.

The applicant understands that as uses change on each parcel, these changes will trigger minimum vehicle off-street parking requirements to be met. Staff believes that the applicant would be able to accommodate minimum vehicle off-street parking requirements on the site by marking new parking spaces, modifying the arrangement of parking on the site, or creating a shared parking arrangement.

This block of South High Street has had several conditional rezoning requests to B-2C approved in the last 15 years. The properties addressed as 1178 and 1171 South High Street were rezoned in July and November 2005, respectively. In February 2010, 1118 South High Street was rezoned to B-2C to allow for a CVS store, in September 2017, 1164 South High Street was rezoned to allow for offices and a personal service establishment, and most recently in January 2019, 1123 South High Street was rezoned to allow for a professional office.

Staff believes the requested rezoning with the listed proffers is consistent with the Land Use Guide and addresses potential concerns with future redevelopment of the site by eliminating the more intense uses allowed in the B-2 district. Staff recommends approval of the rezoning request as submitted.

Chair Way asked if there are any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to the request.

Brian Diener, The Norton Group, LLC, came forward to speak to the request. I am happy to answer any questions.

Commissioner Colman asked if Mr. Diener had recently bought the property.

Mr. Diener said that they bought the first property in July and the last one in September.

Commissioner Colman asked if they had any long-term plans to change the structure or the use.

Mr. Diener said that there is one vacant space left that they are trying to fill. We are in conversation with a church about purchasing one of the buildings. Other than that, we are not changing anything.

Commissioner Colman said that he is happy to see that there are more businesses coming in there.

Chair Way asked if there was anyone else wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Finnegan said that this is the right location for this kind of activity, this type of business.

Commissioner Finnegan moved to recommend approval of the rezoning request.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval (7-0) of the rezoning request, as presented. The recommendation will move forward to City Council on January 14, 2020.
