



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: July 14, 2020
Re: Rezoning – 151 West Wolfe Street (R-3 to B-1C) and Special Use Permit – 151 West Wolfe Street (To Allow Parking Lots and Parking Garages as Principal Uses)

Summary:

Public hearings to consider requests from Robert D. and Gretchen M. Maust and representative Matchbox Realty to rezone a +/- 9,685 sq. ft. parcel from R-3, Medium Density Residential District to B-1C, Central Business District Conditional and for a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. The parcel is addressed as 151 West Wolfe Street and is identified as tax map parcel 35-S-7.

Staff recommended approval and Planning Commission recommended approval (6-0, Chair Colman recused) of the rezoning request and the special use permit request.

Background:

The Comprehensive Plan designates this site as Mixed Use. The Mixed Use designation 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 following land uses are located on and adjacent to the property:

- Site: Illegal parking lot, zoned R-3
- North: Across West Wolfe Street, single-family detached and multiple-family dwellings, zoned R-3
- East: Building under renovations for office use, zoned B-1C
- South: Office building and parking lot, zoned B-1 and B-1C
- West: Single-family detached dwellings, zoned R-3

Key Issues:

The applicant is requesting to rezone a +/- 9,685 sq. ft. parcel from R-3, Medium Density Residential District to B-1C, Central Business District Conditional while also seeking a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. The parcel is located downtown at 151 West Wolfe Street between South Liberty Street and South High Street. Currently, there is an illegally established parking lot with about eight parking spaces.

If the requests are approved, the applicant plans to legally establish and construct a parking lot to be used as additional parking for new offices within the existing building at 136 West Elizabeth Street, which is adjacent to the subject property. The applicant has described that the building at 136 West Elizabeth Street will be used by Sentara RMH for counseling and behavioral health services.

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

- “1. The applicant would retain all uses permitted by right except for convenience shops, drive-through banks, fast food restaurants, shops that primarily serve coffee, donuts, bread or bagels, and marijuana dispensaries;
2. There shall be no less than 10 parking spaces located on the property; and
3. Should the lot be redeveloped in the future, no parking lot (including travel lanes and drive aisles) shall be located between W. Wolfe Street and the closest building to W. Wolfe Street.

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

With regard to the use proffers, the applicant would retain all the uses permitted by right in the B-1, Central Business District except for convenience shops, drive-through banks, fast food restaurants, shops that primarily serve coffee, donuts, bread or bagels, and marijuana dispensaries. The applicant has removed these uses from the list of by right uses in order to address staff’s concerns about traffic generation and to stay below the threshold for the City to be able to require a traffic impact analysis (TIA). The Institute of Traffic Engineer’s (ITE) Trip Generation Manual (a tool used nationally by transportation engineers) assigns a trip generation rate to these five uses that would have put the peak hour trip generation for this site over 100 vehicles in both AM and PM peak hours, thus triggering the requirement for the applicant to complete a TIA study for staff review. Staff acknowledges that the excluded uses could serve residents and visitors of this area well. While the TIA Determination Form,

which is required as part of the rezoning application, uses the ITE Trip Generation Manual to calculate the number of peak hour trips, this is only a starting point. Had the applicant wanted to allow the uses that they excluded in the submitted proffers, a TIA study could have been performed to assess the impact of the proposed uses to the traffic network. During this time, assumptions could have been made about a higher level of pedestrian activity and a lower rate of vehicular traffic generation for sites located in the downtown area. The applicant instead chose to proffer the exclusion of these uses from the list of permitted uses.

Regarding proffer #2, while the applicant intends for this parcel to be used as on-site parking for the office building at 136 West Elizabeth Street, it is important to acknowledge that this site could redevelop into a different use in the future. Since there are no minimum off-street parking requirements in the B-1 district, the parking spaces could be eliminated, which could push the responsibility of the parking demand onto adjacent properties or for the City to accommodate the demand. The applicant understood staff's concern and has proffered a minimum of ten on-site parking spaces to ensure that any future development of this property will have on-site parking available.

If rezoned to B-1, the site could redevelop with new buildings placed away from the public street to allow parking and travelways between any buildings and the public street. Proffer #3 is intended to promote pedestrian friendly design by not allowing parking lots between buildings and public streets, which creates barriers for people wanting to walk to uses/buildings. By placing buildings closer to the street it concentrates people and places along the public street and creates an environment that is more accessible, interesting, and safer for pedestrians, which are designs and environments that staff promotes, especially for areas designated Mixed Use by the Comprehensive Plan's Land Use Guide.

As described above, along with the rezoning request, the applicant is also applying for a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. While parking lots are allowed in the B-1 district, they are only allowed as accessory to a principal use. For the foreseeable future, the applicant believes the subject parcel will not be used for anything except as parking for adjacent uses, thus approval of the special use permit is required.

Attached is a conceptual site layout for the subject property, as well as an excerpt of the engineered comprehensive site plan currently in review for 136 and 152 West Elizabeth Street and the subject parcel. Off-street parking and landscaping requirements, among other details, are being reviewed through the engineered comprehensive site plan process to ensure that all regulations are met. (Note that the owner of 136 and 152 West Elizabeth Street are different from the owner of the subject property.)

The Comprehensive Plan Land Use designation of Mixed Use supports the rezoning request to B-1C for this parcel and the listed proffers address future redevelopment concerns. Staff recommends approval of the rezoning request as submitted.

Additionally, staff believes that the proposed parking lot is consistent with good zoning practice and will have no more adverse effect on the health, safety, or comfort of persons living and working in the area and will be no more injurious, economically or otherwise, to property or improvements in the surrounding area, and would therefore recommend approval of the SUP as submitted.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the rezoning and special use permit request as submitted;
- (b) Approve the rezoning and special use permit with conditions;
- (c) Approve the rezoning and deny the special use permit; or
- (d) Deny the rezoning. (Note: If the rezoning is denied, the special use permit would not be heard as that application could not occur because the property would still be zoned R-3.)

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising City Council’s public hearing. The advertisement was published as shown below:

Rezoning – 151 West Wolfe Street (R-3 to B-1C)

Public hearing to consider a request from Robert D. and Gretchen M. Maust and representative Matchbox Realty to rezone a +/- 9,685 sq. ft. parcel from R-3, Medium Density Residential District to B-1, Central Business District Conditional. The Zoning Ordinance states the R-3, Medium Density Residential District is intended for medium density residential development and other uses intended to respect the residential character, which are aesthetically compatible within the district by means of architectural expression, landscaping, and restrained traffic flow. The B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District. The Comprehensive Plan designates this site as Mixed Use. Mixed Use areas are intended to combine residential and non-residential uses in neighborhoods, where the different uses are finely mixed instead of separated. 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. The parcel is addressed as 151 West Wolfe Street and is identified as tax map parcel 35-S-7.

Special Use Permit – 151 West Wolfe Street (To Allow Parking Lots and Parking Garages as Principal Uses)

Public hearing to consider a request from Robert D. and Gretchen M. Maust and representative Matchbox Realty for a special use permit per Section 10-3-85(8) to allow parking lots and parking garages as principal uses within the B-1, Central Business District. The +/- 9,685 sq. ft. parcel is addressed as 151 West Wolfe Street and is identified as tax map parcel 35-S-7.

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 and special use permit request as submitted.

Attachments:

1. Planning Commission Extract
2. Site maps
3. Applications, applicant letter, and supporting documents
4. Conceptual Site Layout for 151 West Wolfe Street Parking Lot
5. Excerpt of Site Plan for Renovations at 135 West Elizabeth Street

Review:

Planning Commission recommended (6-0, Chair Colman recused) alternative (a) approval of the rezoning and special use permit request as submitted.