



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

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Building Inspections  
Engineering  
Planning & Zoning

To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission  
Date: July 10, 2018  
Re: Rezoning – 412 South Main Street Proffer Amendment 2018

### **Summary:**

Public hearing to consider a request from Campbell and Main, LLC, with representative Rodney L. Eagle, to rezone 18,425 square feet by amending existing regulating proffers on property zoned B-1C, Central Business District Conditional. The property is located at 412 South Main Street and is identified as tax map 26-O-3.

### **Background:**

The Comprehensive Plan designates this area as Professional. This designations states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas in the same manner as described for Planned Business areas.

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

- Site:** The Joshua Wilton House Inn and Restaurant, zoned B-1C
- North:** Across Campbell Street, St. Stephens United Church of Christ, zoned B-2
- East:** A parcel containing the private drive to Campbell Court (a multi-family complex zoned R-3, further east—on a separate parcel—a single family dwelling, zoned R-3
- South:** Campbell Court, zoned R-3; and Union bank (fronting South Main Street), zoned B-2
- West:** Across South Main Street, City Hall and parking lot, zoned B-1

### **Key Issues:**

The applicant desires to rezone the property at 412 South Main Street by amending the existing proffers. The property, known as the Joshua Wilton House Inn and Restaurant, is located on the southeastern corner of the South Main Street/Campbell Street intersection and is currently zoned B-1C, Central Business District Conditional.

The subject property was originally rezoned in 1987 from R-3, Multiple Dwelling Residential to B-2C, General Business District Conditional, the existing dwelling was renovated, and The Joshua Wilton House Inn and Restaurant opened in 1988. The proffers approved at that time were as follows (written verbatim):

1. Dwelling (Joshua Wilton House) will be converted into an inn and restaurant.
2. Restaurant will not be open to the public on Sundays prior to 12:00 o'clock noon.
3. The use of the property will be restricted to an inn and restaurant, and no other use otherwise permitted under the current B-2 zoning district will be permitted.

The current owners purchased the property in 2015 and requested to rezone the property to B-1C in order to rectify setback violations that were discovered during the property transfer. The rezoning was unanimously approved by both Planning Commission and City Council. The following are the existing regulating proffers (written verbatim):

1. The subject property shall only be used for inn (transient lodging), restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted.
2. The restaurant operation shall not be open to the public between the hours of 1:00 am to 11:00 a.m. on Sundays. Limited food service to in-house inn guests from the kitchen may be provided during these hours.
3. The property shall maintain the existing off-street parking area enclosed by the existing vinyl fencing on the north side of the property adjacent to Campbell Street. Portions of the property (not restricting the Campbell Street entrance), may also be used for non-permanent outdoor storage of landscaping, construction or similar materials (with outdoor storage at no time to take up more than 20% of the fenced-in area).
4. The property shall maintain a thirty-foot (30') setback along South Main Street and a twenty foot (20') setback along Campbell Street for permanent structures. Fences, patios or other non-enclosed and uncovered structures shall not be subject to this restriction.

As previously noted, the applicant is requesting to amend the existing proffers; specifically, by adding language to proffer one, to allow for an on-site innkeeper, and by eliminating proffer two.

Earlier this year, staff received a concern that the Joshua Wilton House had an occupied, non-transient dwelling unit. Upon meeting with the owners of the property, it was confirmed that the third floor was, and had been for many years, an apartment, occupied by the on-site innkeeper. Staff informed the property owners that having a non-transient dwelling unit was a violation of proffer one, which specifically states that the property shall only be used for transient lodging and suggested amending the proffer. The applicant has offered the following amendment to proffer one:

- The subject property shall only be used for inn (transient lodging), restaurant and related activities such as weddings, meetings, civic and other special events. Catering activities for off-premises purposes shall also be permitted. Furthermore, the property may have one non-transient dwelling unit. The one, non-transient dwelling unit shall be limited to occupancy by a family or two unrelated persons.

Staff is comfortable with the idea of a non-transient dwelling unit on the B-1C zoned site, whether it is occupied by an on-site innkeeper or other individuals. Typically, the B-1 district allows non-transient housing by-right with the ability to have up to four unrelated individuals by-right in each dwelling unit. As explained, occupancy will be restricted in the only permissible non-transient unit to a family or two unrelated persons.

During a conversation with the property owners, it was mentioned that the hours of operation on Sunday had changed; the restaurant has been opening at 10:00 a.m. to accommodate a new Sunday Brunch offered by the restaurant. The proffer limiting the hours of operation originated with the 1987 rezoning request, where Council minutes reflect that the proffer to not operate before 12:00 noon was to “accommodate the activities of St. Stephens United Church of Christ.” Much has changed in Harrisonburg’s downtown over the past 30 years – more activities occurring every day, more restaurants open on Sundays, and more

public parking available in the general vicinity of the Joshua Wilton House with the City Hall parking lot as well as on street parking. Staff does not believe that eliminating the proffer that limits hours of operation on Sundays will create noise or parking issues.

Staff recommends approving the rezoning request by amending the proffers as submitted by the applicant.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the rezoning request as submitted by the applicant; or
- (b) Recommend denial of 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 for the rezoning as shown below:

*Rezoning – 412 South Main Street Proffer Amendment 2018*

Public hearing to consider a request from Campbell and Main, LLC, with representative Rodney L. Eagle, to rezone 18,425 square feet by amending existing regulating proffers on property zoned B-1C, Central Business District Conditional. The Zoning Ordinance states that 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 area as Professional. This designation states that these areas are for professional service oriented uses with consideration to the character of the area. These uses are found in the residential areas along major thoroughfares and adjacent to the Central Business District. Conversion of houses in these areas to office and professional service uses is permitted with appropriate attention to maintaining compatibility with adjacent residential areas and land uses. The property is located at 412 South Main Street and is identified as tax map 26-O-3.

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) to approve the rezoning request as submitted by the applicant.

**Attachments:**

- 1. Extract (3 pages)
- 2. Site maps (2 pages)
- 3. Application, applicant letter, and supporting documents (5 pages)

**Review:**

Planning Commission recommended (7-0) alternative (a) to approve the rezoning request as submitted by the applicant.