



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 9, 2023

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

SUBJECT: *Consider a request from Van Delay LLC & Michael L. Marston to rezone 178 and 188 South Mason Street*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** December 14, 2022

Chair Finnegan read the request and asked staff to review.

Ms. Rupkey said the Comprehensive Plan designates this area as Mixed Use. 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 following land uses are located on and adjacent to the property:

Site: Commercial uses, zoned B-2

North: Nonconforming multiple-family units, zoned B-2
East: Offices, zoned B-2
South: Across East Bruce Street, parking lot and single family residential, zoned UR
West: Across South Mason Street, parking lot, zoned B-1

The applicant is requesting to rezone a +/- 6,355 square foot property from B-2, General Business District to B-1C, Central Business District Conditional. The property is located at the northeast corner of the intersection of South Mason Street and East Bruce Street.

The property has been nonconforming to off-street parking requirements for some time. When there is a change of use, the Zoning Ordinance (ZO) requires that the number of off-street parking spaces be provided on the basis of the change. This can sometimes be problematic in the B-2 district especially for smaller parcels to be able to accommodate all of the allowable uses in B-2. The applicant has been trying to find tenants to fill the space previously occupied by a professional office but has not been able find a tenant with a use that can meet off-street parking requirements. While the applicant also owns the parking lot on the property across East Bruce Street, addressed as 202 South Mason Street, and currently uses the parking lot to support the uses on the subject property, the ZO does not allow those parking spaces to be counted towards off-street parking requirements for the subject property.

Currently, there are six painted angled parking spaces and two parallel spaces (one on the south side of the building, closest to East Bruce Street, and one on the east side of the building to the rear of the parcel). The property owners have proffered the following (written verbatim):

Within 90 days of rezoning approval, the property owner shall improve and maintain the existing paved area between the parking spaces and Bruce Street as generally illustrated in Exhibit A by painting, landscaping, or delineating in a way that is deemed acceptable to the Zoning Administrator to prevent this space from being used as parking. This proffer shall remain in place so long as the site remains substantially developed as exists at the time of the rezoning.

The purpose of this proffer is to improve the safety of this space by prohibiting vehicles from parking within that area and then backing into the public street.

Along with being nonconforming to off-street parking regulations, the property is also nonconforming to parking lot landscaping requirements and the B-2 district's setback regulations. By rezoning the property to B-1C, the site would at least become conforming to minimum off-street parking requirements as well as setback regulations because the B-1 district has no minimum requirements for either of those two requirements.

As noted above, the site is designated as Mixed Use, which often times when a property is located in the downtown area, it can be associated with the B-1 zoning district. Staff has no concerns with the request and recommends approving rezoning the property from B-2 to B-1C with the submitted proffer.

Chair Finnegan asked if there were any questions for staff.

Chair Finnegan asked to view the image of the overhead. That parking lot in the lower corner across the street belongs to this property but cannot be counted because it is bisected by a street. Is that correct?

Ms. Rupkey said correct.

Chair Finnegan said something that might be worth considering in the Zoning Ordinance rewrite is that rules like this where... It would make sense to not count the parking if it were across an arterial road like Port Republic Road. If it across a small street like that, that parking should count. There are different designations for different kinds of streets. There are collector streets, arterial streets, local streets. Would this be considered a local street?

Ms. Dang said yes, it is a local street. It is substandard, which is why it is as narrow as it is.

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

Tom Wilson, co-owner of 178 and 188 South Mason Street, came forward in support of the request. It was built in the 1920s. It is a unique property. It is an undivided duplex. It has the potential for two businesses there. On the southern side, there is a haircutting place. On my side, the northern side, was my CPA office for 22 years. The property lines up more with the Central Business District now more than it ever has. You can see what the issue with the parking is. It is so ironic that we have a parking lot, but that is not considered parking as far as what can go in there. Historically, it has been a lot of things. When I bought the building in the mid-1980s, there was Blue Ridge Records on one side and Blue Ridge Books on the other side. I spent a lot of time in there. I think it is conducive to smaller retail. It is a small property. My side is 1335 square feet. It is conducive to a small office but because of the rules for B-2, it would not be allowed. Also, going from B-2 to B-1 opens up the option of making one or both sides affordable housing. One townhouse-style apartment could be on either side. That is the reason we are applying for this.

Chair Finnegan asked if there were any questions for the applicant.

Chair Finnegan asked if the parking on the other side of the street used by...?

Mr. Wilson said it is used by both. The entire building on both sides are able to use that parking lot. There are 10 places in there.

Chair Finnegan asked, behind the building, is that a one-way loop?

Mr. Wilson said yes. The street is a two-way street, but you cannot enter it from Ott Street. There is not a lot of traffic on that section of Bruce Street.

Chair Finnegan asked if there were any questions for the applicant. Hearing none, he asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Commissioner Whitten said I think it is cool that the statement is in here that “[t]hese areas are prime candidates for ‘live-work’” because I think that you could literally live on one side and have your office on the other side. I do not see any problem with it.

Commissioner Whitten made a motion to recommend approval.

Commissioner Byrd seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong	Aye
Commissioner Byrd	Aye
Councilmember Dent	Aye
Commissioner Orndoff	Aye
Commissioner Washington	Aye
Commissioner Whitten	Aye
Chair Finnegan	Aye

The motion to recommend approval of the rezoning request passed (7-0). The recommendation will move forward to City Council on January 10, 2023.