



# City of Harrisonburg

City Hall  
409 South Main Street  
Harrisonburg, VA 22801

## Master

**File Number: ID 20-207**

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**Type:** PH-Rezoning

**Status:** Agenda Ready

**Version:** 1

**Agenda Section:**

**In Control:** City Council

**File Created:** 08/03/2020

**Subject:**

**Final Action:**

**Title:** Consider a request from C-Side LC to rezone 225 and 245 Old South High Street

### Internal Notes:

**Sponsors:**

**Enactment Date:**

**Attachments:** CC Memorandum RZ 225, 245 Old South High St (M-1 to B-1C), Site maps, Application, applicant letter, and supporting documents, Conceptual site layout, PC Memorandum

**Enactment Number:**

**Contact:**

**Hearing Date:**

**Drafter:** thanh.dang@harrisonburgva.gov

**Effective Date:**

**Related Files:**

### History of Legislative File

Version:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning Commission	08/12/2020	recommended for approval	City Council	09/08/2020		Pass
<b>Action Text:</b>		This PH-Rezoning was recommended for approval.to the City Council due back on 9/8/2020					
<b>Notes:</b>		Vice Chair Finnegan read the request and asked staff to review.					

There were technical issues with the staff presentation. Staff was unable to include the slideshow in their presentation.

Ms. Dang said that 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: Vacant storage warehouse and offices, zoned M-1

North: Single-family detached dwelling, zoned R-3

East: Across Old South High Street, properties owned by C&W Railroad, other properties used for warehousing, zoned M-1, and a single-family detached dwelling, zoned R-2

South: Single-family detached dwelling, zoned R-2

West: Across South High Street, Veterans Memorial Park (JMU), zoned R-2, and a single-family detached dwelling, zoned R-3

The applicant is requesting to rezone a +/-33,287 square foot property from M-1, General Industrial District to B-1C, Central Business District Conditional. The parcel has street frontages on Old South High Street and South High Street (Route 42) and is located approximately 250-feet south from the intersection of Old South High Street and West Bruce Street. The property is known as being the location of Howard A. Spangler Co., a wholesaler of plastic, paper, and custodial supplies, which operated for decades in this location and closed in 2017.

If the rezoning request is approved, the applicant plans to renovate the buildings to create approximately 19 multi-family dwelling (apartment) units. Attached is a conceptual site layout for the property, as well as, conceptual layouts for the multi-family dwelling units within the buildings. Among other details, off-street parking and landscaping requirements, emergency access, will be reviewed during the engineered comprehensive site plan and building permit process to ensure that all regulations are met.

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

1. The maximum building height is forty feet.
2. There shall be no less than fifteen parking spaces located on the property.

Regarding the first proffer, rezoning to the B-1 district without proffers would allow buildings to reach a maximum height of 75-feet and have no minimum setbacks. The property is surrounded by parcels in different zoning districts including R-2, R-3, and M-1. The R-2, Residential District allows a maximum building height of 35-feet while the R-3, Medium Density Residential District allows a maximum height of 35-feet or 40-feet depending on the building's use. The M-1, General Industrial District allows a maximum height of 75-feet, however, any structure greater than 35-feet when the parcel abuts a residential district must add one additional foot of side and rear yard setback for each foot above 35-feet in addition to the minimum side and rear yard setbacks of 10-feet. The applicant has proffered a maximum building height of 40-feet to address staff's concerns that redevelopment to a B-1 zoned property could include buildings that are 35 to 40-feet taller than the maximum height of buildings allowed on neighboring properties.

Regarding the second proffer, since there are no minimum off-street parking requirements in the B-1 district, the existing parking areas could be reduced or eliminated, which could add parking demand onto city streets, namely Old South High Street. The Department of Public Works and Harrisonburg Police Department have noted that there have been on-going challenges and complaints received about the lack of on-street parking available along Old South High Street. The applicant understood staff's concern and has proffered a minimum of 15 on-site parking spaces. Note that nine fewer parking spaces are proffered than the 24 spaces shown on the conceptual layout. The applicant explained to staff that it is their desire to construct all 24 parking spaces and to close the entrance onto South High Street as illustrated on the conceptual layout. However, in order for fire apparatus to maneuver onto and around the property to access the buildings, the entrance to South High Street might need to remain open which would preclude the ability to have parking spaces in that area and the parking spaces closest to Old South High Street might also need to be removed from the plans. Conversations with the Fire Department and the Engineering Division of the Department of Community Development will continue through the engineered comprehensive site plan phase of development.

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.

Vice Chair Finnegan asked if there were any questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to call in.

Seth Lind, 580 Red Oak Street, called in representing C-Side LC. I have no additional

comments.

Commissioner Whitten asked if the buildings are going to be preserved.

Mr. Lind said that, at this point, they are.

Commissioner Whitten asked if there would be any retail space.

Mr. Lind said that as it is drawn, it is all residential.

Vice Mayor Romero said that we talk a lot about affordable housing and have availability for families who need housing at a lower cost. Will this address the lack of inventory in the City or will these be higher scale apartments?

Mr. Lind said that they are slated to be market rate property, although they have smaller square footage. That may work for some people because of the smaller square footage.

Vice Chair Finnegan asked how many are planned to be one-bedroom or two-bedroom?

Mr. Lind said that a handful of the units are a living area with a loft for a bedroom. The two buildings that are separated will all be single one-bedroom units. There will be six there. In the rest of the building, we have lofts.

Vice Chair Finnegan asked if there were any more questions for the applicant. Hearing none, he asked for the next caller. As there were no more callers, he closed the public hearing and opened the matter for discussion.

Vice Chair Finnegan said that he is glad that these buildings are not being demolished. They are landmark buildings. Old South High is a landmark. There is a cultural aspect to Old South High. There was a website of local news and culture that was called Old South High, named after this street. I think they are interesting buildings and I am glad to hear that they are not slated to be knocked down, but to be renovated. I also like the fact that a lot of them are one-bedroom units. There is a need for one-bedroom apartments in Harrisonburg.

Commissioner Whitten said that she remembers parking issues on Old South High Street and that parking has always been an issue. We talked a lot about the change in that neighborhood and understood that it is a transition neighborhood between downtown and the residential district. How bad has the parking gotten recently? Are there persistent problems that wax and wane? Or has there been a trend toward a significant increase in parking problems?

Ms. Dang said that she did not ask the Police Department that specific question. They shared that over the years there has been concern with parking on Old South High Street.

Vice Chair Finnegan said that there are parking permits for certain streets in Old Town. How do they get designated in the City which streets get parking permits and which do not?

Ms. Dang said that she does not know specifics, but that it is a petition process by the neighbors. They have to get a percentage of signatures from the households and present the petition to the Police Chief. The Police survey the vehicles on the street to determine what percent are registered to those addresses. Staff would make a recommendation to City Council whether permit parking should be placed on Old South High Street. I am not aware of any petitions for Old South High Street.

Commissioner Whitten said that whatever motion we make needs to have strong wording that we would like to see the parking on the higher side and not the 15 spaces. That is the only part of this that I am uncomfortable with. They are going to need all the parking they can get.

Vice Chair Finnegan said that this is very close to downtown. I know several people who live in Harrisonburg who do not have cars. Discussions about parking requirements come up a lot. That is why I asked about parking permits. I think that is something more neighborhoods should pursue - the on street parking permits. We have precious little land and a lot of it is being used for parking.

Commissioner Whitten said that this has the look of student housing. JMU has not slowed down building parking decks. Most of the students that are coming into our city have cars. I am sure that there are a lot who ride their bike, but in a neighborhood, we need to know that parking is available. We are not just talking about the people who live there, but also people who visit. We need to err on the side of more. I am happy to see that this is a B-1 request that obviously would not have to have any parking if it were to be passed as B-1 without this proffer. I am happy that there is this nod to, yes, this needs to be considered.

Commissioner Fitzgerald asked Commissioner Whitten if she would be okay with the 15 parking spaces that were proffered.

Commissioner Whitten said yes, with reservation. If this can fit more parking spaces into this piece of property, I would like to see that.

Commissioner Fitzgerald made a motion to recommend approval of the request, as presented.

Commissioner Whitten seconded the motion.

All members voted in favor of recommending approval of the rezoning request (6-0). The recommendation will move forward to City Council on September 8, 2020.

At the conclusion of these items, Chair Colman returned to the meeting.

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